

RESOLUTION NO. 20-R-13322

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS OPPOSING THE LOS ANGELES COUNTY PUBLIC HEALTH OFFICER ORDER PROHIBITING OUTDOOR DINING OPERATIONS WITHIN THE COUNTY OF LOS ANGELES AND THE CITY OF BEVERLY HILLS

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency due to the spread of COVID-19 in California;

WHEREAS, following the March 4, 2020 declaration of a state of emergency, Governor Newsom and the Los Angeles County Health Officer have issued orders limiting social contact and activities; requiring persons to wear face coverings; and restricting the operation of services and businesses, including but not limited to restaurants;

WHEREAS, all businesses located in the County of Los Angeles Public Health Jurisdiction except cities which have their own Public Health Department, such as Long Beach and Pasadena, must follow the Los Angeles County Health Officer Order which may be stricter than the State's Public Health Order, and such businesses are required to comply with whichever Order is stricter;

WHEREAS, on November 17, 2020, the County of Los Angeles Public Health established thresholds for additional actions if the five-day average of new COVID-19 positive cases reached 4,000 or more or hospitalizations exceeded 1,750 per day. If either number was met then the Los County Health Officer would issue an Order to prohibit outdoor and indoor dining at restaurants, breweries, wineries and bars, and these businesses would only be able to offer takeout, pick-up and delivery;

WHEREAS, on November 22, 2020, the County of Los Angeles Public Health announced the five-day average of new cases had increased to more than 4,000 cases;

WHEREAS, in response to the five-day average of new cases exceeding the 4,000 new cases of COVID-19 the County of Los Angeles Public Health issued a new Health Officer Order to prohibit in-person dining (including outdoor dining) at restaurants, breweries, wineries and bars effective Wednesday, November 25 at 10:00 p.m., for a minimum of three weeks;

WHEREAS, the County of Los Angeles Public Health has stated the restaurant industry has achieved 95 percent compliance with all of the Los Angeles County Public Health

Officer guidelines and the restaurant industry has expended millions of dollars to comply safely with County Health orders by constructing outdoor patios and procuring Personal Protective Equipment;

WHEREAS, the Los Angeles Economic Development Corporation (LAEDC) predicts approximately 700,000 jobs in the food industry would be lost by the new Los Angeles County Public Health Officer Order and that 75 percent of these job losses would be those earning \$50,000 or less;

WHEREAS, the Los Angeles County Health Officer Order will negatively impact the economic viability of restaurants, bars, wineries and breweries and the loss of revenue generation for these businesses, could result in the closure of businesses in Beverly Hills and the loss of numerous jobs in the community

WHEREAS, the modified Los Angeles County Health Officer Order will negatively impact the vitality of employees, patrons, vendors, and others connected with the restaurants in the City of Beverly Hills and the imposition of the order will likely have a permanent negative effect on the restaurants in the City of Beverly Hills who will not have the ability to sustain their current levels of revenue to stay in business causing multiple vacant properties and other hardships in the City.

WHEREAS, there is no imminent federal relief on the horizon for small businesses or the unemployed which will mitigate the demise of an industry that employs among the largest segments of communities of color;

WHEREAS, the current rise in cases is cause for concern, and likely intervention, the County of Los Angeles Public Health should seek other options to tighten restrictions so as to focus on specific areas of the County rather than to seek a one size fits all approach;

WHEREAS, the County of Los Angeles Public Health should reserve the tightest restrictions for activities data proves are leading causes of outbreaks rather than assuming the current increase in COVID-19 cases are tied to outdoor dining;

WHEREAS, the County of Los Angeles Public Health Department has provided neither contact tracing data nor scientific evidence in support of its blanket outdoor dining prohibition;

WHEREAS, the County of Los Angeles Public Health Agency should examine the contact tracing data in order to localize where outbreaks are occurring and tailor Public Health Officer Orders to those areas rather than applying the Order to the entirety of Los Angeles County with little to no regard to the impacts on the community and the economy;

NOW, THEREFORE, the Council of the City of Beverly Hills resolves as follows:

Section 1. The Council of the City of Beverly Hills is united and unanimous in its opposition to the prohibition of outdoor dining operations in the City of Beverly Hills which is neither based on actual data nor science, and requests the Los Angeles County Board of Supervisors to immediately modify the Los Angeles County Public Health Order to focus on implementing restrictions based on data and localized to the area of the outbreak.

Section 2. The City of Beverly Hills demands a motion be placed on the December 8, 2020 agenda for the Los Angeles County Board of Supervisors to repeal the current Los Angeles County Public Health Order prohibiting outdoor dining.

Section 3. The City of Beverly Hills demands that all future Los Angeles County Public Health Officer Orders be based on actual data related to a particular industry, sector, or area and not be applied unilaterally to every jurisdiction in Los Angeles County.

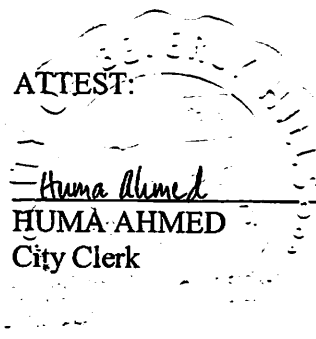
Section 4. The City of Beverly Hills is supportive of a motion by the Los Angeles County Board of Supervisors which would increase the distance between tables to eight feet; require outdoor dining to occur by reservation only, as appropriate; and to create a safer social distancing model for patrons waiting to either pick up their food order or for their table to become available.

Section 5. The City of Beverly Hills is supportive of increasing the usage of the public right of way in a safe manner to accommodate the greater social distancing of both the patrons and the tables.

Section 6. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Council of this City.

Adopted: December 1, 2020

Lester J. Friedman  
LESTER J. FRIEDMAN  
Mayor of the City of  
Beverly Hills, California

ATTEST:  
  
Huma Ahmed (SEAL)  
HUMA AHMED  
City Clerk

APPROVED AS TO FORM:

Laurence Wiener  
LAURENCE S. WIENER  
City Attorney

APPROVED AS CONTENT:

George Chavez CLO  
GEORGE CHAVEZ  
City Manager