

February 1, 2023

CITY OF AGOURA HILLS EXECUTIVE ORDER NO. 2023-01

**AN EXECUTIVE ORDER OF THE DIRECTOR OF
EMERGENCY SERVICES OF THE CITY OF AGOURA
HILLS EXTENDING EXECUTIVE ORDER NO 2021-02
REGARDING TEMPORARY CONTINUANCE OF THE
TEMPORARY OUTDOOR OPERATIONS PERMIT
PROGRAM FOR DESIGNATED ESTABLISHMENTS**

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in December 2019 and has spread globally, impacting more than 75 countries, including the United States; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for broader spread of COVID-19; and

WHEREAS, Agoura Hills Municipal Code ("Municipal Code") Section 3605 designates the City Manager to be the Director of Emergency Services; and

WHEREAS, on March 16, 2020, the Director of Emergency Services proclaimed the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City Council of the City of Agoura Hills ("City") ratified the emergency proclamation issued by the Director of Emergency Services; and

WHEREAS, in December 2020, both the California Department of Public Health and the Los Angeles County Health Officer issued Regional Stay-at-Home and Safer-at-Home Orders, temporarily prohibiting outdoor dining by restaurants;

WHEREAS, on January 24, 2021, Governor Newsom lifted the Regional Stay at Home Order statewide, thereby allowing restaurants and certain businesses to reopen outdoor dining and other services consistent with the framework in the appropriate tier under the Blueprint for a Safer Economy. Los Angeles County, along with the majority of the State, is in the most restrictive purple tier;

WHEREAS, in January 2021, Los Angeles County adopted a health order which allowed for the reopening of only specified outdoor activities for uses such as restaurants, museums, galleries, gymnasiums, fitness facilities, hair salons, barbershops, personal care services, (including esthetician, skin care an

cosmetology businesses, nail salons and massage establishments), and places of worship.

WHEREAS, at various times in 2020, the City created various programs for temporary outdoor permits to assist businesses affected by the COVID-19 pandemic, and all City-issued Temporary Outdoor Dining Permits, Temporary Outdoor Commercial Expansion Permits and Temporary Outdoor Non-Commercial Expansion Permits expired on January 15, 2021;

WHEREAS, on January 27, 2021, through the adoption of City of Agoura Hills Executive Order No. 2021-01, the City streamlined all Temporary Outdoor Permits into one Temporary Outdoor Operations Permit program;

WHEREAS, on December 27, 2021, the Director of Emergency Services adopted and issued "City Of Agoura Hills Executive Order No. 2021- 02, An Executive Order of the Director of Emergency Services of the City of Agoura Hills Temporarily Continuing the Temporary Outdoor Operations Permit Program for Designated Establishments" ("Executive Order No. 2021-02");

WHEREAS, on January 12, 2022, the City Council adopted Resolution No. 22-1993, A Resolution of the City Council of the City of Agoura Hills, California, Ratifying and Confirming the Director Of Emergency Services' Executive Order No. 2021- 02, An Executive Order of the Director of Emergency Services of the City of Agoura Hills Temporarily Continuing the Temporary Outdoor Operations Permit Program for Designated Establishments;

WHEREAS, on March 30, 2022, the Director of Emergency Services adopted and issued "City of Agoura Hills Executive Order No. 2022- 01, An Executive Order of the Director of Emergency Services of the City of Agoura Hills Extending Executive Order No. 2021-02 Regarding Temporary Continuance of the Temporary Outdoor Operations Permit Program for Designated Establishments" ("Executive Order No. 2022-01");

WHEREAS, on April 13, 2022, the City Council adopted Resolution No. 22-1999, A Resolution of the City Council of the City of Agoura Hills, California, Ratifying and Confirming the Director of Emergency Services' Executive Order No. 2022-01, An Executive Order of the Director of Emergency Services of the City of Agoura Hills Extending Executive Order No. 2021-02 Regarding Temporary Continuance of the Temporary Outdoor Operations Permit Program for Designated Establishments";

WHEREAS, on September 28, 2022, the City Council adopted Resolution No. 22-2022, A Resolution of the City Council of the City of Agoura Hills, California, Extending Executive Order No. 2021-02 regarding Temporary Continuance of the Temporary Outdoor Operations Permit Program for Designated Establishments, through January 31, 2023;

WHEREAS, the City is encouraged by the region's progress in controlling the COVID-19 pandemic, but recognizes that the spread of COVID-19 will continue as a public health risk; and

WHEREAS, COVID-19 variants continue to be discovered (e.g., Delta, Omicron, Omicron BA.2, BQ.1.1, XBB.1.5) with confirmed transmission cases in Los Angeles County; and

WHEREAS, the COVID-19 Omicron variant and its subvariants are understood to be far more transmissible than other COVID-19 variants; and

WHEREAS, the City understands that some residents and visitors, especially high-risk individuals, whether vaccinated against COVID-19 or not, may desire to have the option to dine and engage in certain activities outdoors in order to maintain better social distancing and limit indoor exposure with other persons; and

WHEREAS, private sidewalks and private parking lots adjacent to such Designated Establishments, as such term is defined in this Executive Order, offer a relatively safe space to provide outdoor services and those outdoor spaces are currently at reduced capacity due to the COVID-19 pandemic; and

WHEREAS, it is important to provide such establishments a degree of flexibility to operate with temporary additional space to meet social distancing guidelines so that patrons can visit such establishments in a safe manner; and

WHEREAS, it is essential to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19 and protect the healthcare system from a surge of cases into its emergency rooms and hospitals, during this emergency; and

WHEREAS, all current, valid Temporary Outdoor Operations Permits expire on January 31, 2023;

WHEREAS, the City of Agoura Hills continues to desire to help facilitate those Designated Establishments to provide outdoor services; and

WHEREAS, in order to help facilitate business recovery and provide an option for outdoor operations for those who do not yet feel comfortable dining and participating in certain activities of Designated Establishments indoors, the City desires to continue to issue Temporary Outdoor Operations Permits through February 28, 2023; and

WHEREAS, in the interest of public health and safety and for the protection of life and property, as affected by the emergency caused by the spread of COVID-19, it is necessary for the Director of Emergency Services to exercise his authority to issue these regulations; and

WHEREAS, pursuant to Government Code Section 8634 and Agoura Hills Municipal Code Section 3605(a)(7)a., the Director of Emergency Services for the City of Agoura Hills has the authority to make and issue rules and regulations related to the protection of life and property as affected by the COVID-19 pandemic

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF AGOURA HILLS DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Expiration Date for Temporary Outdoor Operations Permits.

Subsection H of Section 1 of Executive Order 2021-02 is hereby revised to read as follows:

"H. All Temporary Outdoor Operations Permits shall automatically expire on February 28, 2023, or when this Executive Order expires pursuant to Section 4 of this Executive Order, whichever date is sooner.

SECTION 2. Extension of Term of Executive Order 2021-02. This Executive Order hereby extends the term of Executive Order 2021-02, such that Executive Order 2021-02 shall remain in effect until the local emergency declared in response to COVID-19 within the City is concluded, or until any applicable Los Angeles County Department of Public Health order is issued prohibiting outdoor operations, or February 28, 2023, whichever date is soonest. This Executive Order may also be revised, extended, superseded or rescinded during the period of local emergency by a duly enacted resolution or ordinance of the City Council or by a further Order by the Director of Emergency Services.

SECTION 3. Except for the changes specifically set forth herein, all other provisions and sections of Executive Order 2021-02 shall remain in full force and effect.

SECTION 4. No Rights or Entitlements. Nothing in this Executive Order or Executive Order 2021-02 shall be considered an entitlement or a permit for outdoor use or outdoor expansion of a permitted use or to confer any vested rights or property interest to any ongoing or continuing activities beyond the term of this Executive Order.

SECTION 5. Violations. Any person who violates any provisions of this Executive Order is subject to citation and/or abatement pursuant to any relevant provision of law, and this Executive Order shall be enforceable as set forth in Government Code Section 8665 and Section 3609 of the Agoura Hills Municipal Code.

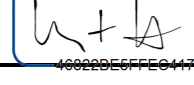
SECTION 6. Amendments. The Director of Emergency Services shall continue to monitor the Orders of Federal, State and local authorities and shall amend, extend or modify this Executive Order or issue additional Executive Orders as necessary or advisable.

SECTION 7. Effective Date. This Executive Order shall be effective immediately as of the date of this Executive Order.

SECTION 8. Severability. The Director of Emergency Services declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Executive Order for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Executive Order. The Director of Emergency Services hereby declares that he would have adopted this Executive Order and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. Notice of Executive Order. The Director of Emergency Services hereby directs City staff to cause this Executive Order to be disseminated to the public and be given widespread publicity and notice.

ORDERED, ADOPTED and ISSUED this 1st day of February 2023.

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Nathan Hamburger
Director of Emergency Services/City Manager