

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 17**

**AMENDING EMERGENCY ORDER NO. 12 TO FURTHER EXTEND THE TIME PERIOD FOR
THE CITY TO HOLD AN ADMINISTRATIVE APPEAL REQUESTED UNDER MANHATTAN
BEACH MUNICIPAL CODE CHAPTER 1.06**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”);

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;

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, the City Manager is the Director of Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.030.A provides that whenever a City code enforcement officer determines that a violation of the Municipal Code has occurred, that officer may issue an administrative citation to each and any responsible party;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.050 authorizes the appeal of an administrative citation within 20 days from the date of service;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.060.A generally requires a requested administrative appeal to be heard before a hearing officer within 30 days of the City’s receipt of the appeal;

WHEREAS, on July 6, 2020, the City Manager as the Director of Emergency Services issued Emergency Order No. 12 to extend the time period for the City to hold an administrative appeal to 90 days from the City’s receipt of a timely, duly filed appeal;

WHEREAS, to minimize the risk of transmission of COVID-19 during the administrative

appeal process, it is appropriate to extend the time period for the City to hold an administrative appeal to 90 days from the City Council's termination of the local emergency proclaimed in response to the spread of COVID-19; and

WHEREAS, in the interest of the public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise the authority pursuant to Chapter 3.08 of the Manhattan Beach Municipal Code, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, to issue this order.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. Section 2 of Emergency Order No. 12 is hereby amended to read as follows:

“Section 2. Notwithstanding any Manhattan Beach Municipal Code provision to the contrary, an administrative appeal requested under Municipal Code Chapter 1.06 shall be heard before a hearing officer within 90 days of the City Council's termination of the local emergency proclaimed in response to the spread of COVID-19, unless both the City and party requesting the hearing agree to a later date.”

Section 3. This Order shall take effect on August 20, 2020, at 5:00 p.m.

Executed on August 20, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services