

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 17, 2022

TO: Honorable Members of the City Council

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No. 21-1332
Assignment No. 22-03-0125

Transition to Normal Operations - Recommendations to Repeal/Rescind Certain Emergency Period Actions

SUMMARY

On December 7, 2021, the City Council directed the City Administrative Officer (CAO) to report on all emergency orders, ordinances, policies, and revenues that are contingent upon the City Council's continued ratification of the Mayor's State of Emergency declaration. On February 18, 2022, the CAO transmitted a report with a list of related Council Files in response to Council's direction. The Council considered this report at its March 8, 2022 meeting and further instructed the Chief Legislative Analyst (CLA), CAO, and the City Attorney to provide recommendations on a plan for phasing out temporary COVID-19 policies and programs, addressing the ongoing needs of City residents with long-term solutions; to report on the impact of such policies; and, to identify policies that the City should consider adopting permanently.

This report addresses an initial five COVID-19 related Council actions and ordinances that are recommended to be either rescinded or repealed as the City continues the process toward transitioning to normal operations. The balance of the policies and programs identified by the CAO will require further analysis and will be addressed in a future report(s). Our Office will also continue to review whether additional COVID-19 policies or ordinances were not reflected in the initial report. If so, staff will add these issues in a future report for consideration.

RECOMMENDATIONS

That the City Council, subject to the approval of the Mayor,

1. Request that the City Attorney prepare and present an ordinance to repeal the following ordinances:
 - a. Ordinance #186707 (Littering of Personal Protective Equipment) - Council File 20-0533.
 - b. Ordinance #186587 (Senior Citizen/Disabled - Exclusive Period to Shop at Grocery Stores) - Council File 20-0147-S51.
 - c. Ordinance #186660 (Temporary protection of occupants of self-service storage facilities) - Council File 20-0472.

2. Rescind the following Council actions:
 - a. Council File 20-0147-S5 - Enact emergency provisions, including related to competitive bidding and Mayoral transfer authority.
 - b. Council File 20-0953 - Suspension of all citation enforcement provisions, and thereby waiving the requirement for businesses to obtain a permit for 'temporary signs' that are tacked, pasted or otherwise temporarily affixed to windows and/or walls for the duration of the COVID-19 State of Emergency.
3. Direct the Chief Legislative Analyst (CLA), with the assistance of the CAO and City Attorney, to report in 30 days on additional policies listed in Attachment A to this report.
4. Authorize the CLA to make any technical corrections or clarifications to this report as necessary to implement the intent of the Council's actions.

FISCAL IMPACT

There is no impact on the General Fund.

BACKGROUND

Our Office recommends that five COVID-19 policies and programs be repealed or rescinded immediately due to several factors:

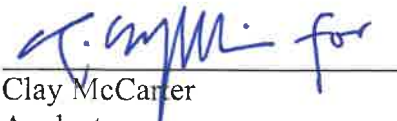
1. Council File 20-0147-S5:

Enact emergency provisions, including related to competitive bidding and Mayoral transfer authority. Specifically, that "competitive bidding restrictions enumerated in Charter Section 371 and Los Angeles Administrative Code Section 10.15 be suspended for contracts entered into by City Departments," and "the Mayor (and Council President for Council funds) may grant applications and issue orders for the transfer of funds under Charter Sections 340 and 343 for the protection of life and property that exceed the limit specified in LAAC 5.36, not to exceed \$1,000,000 per transfer."

 - This Council action was adopted in the initial stage of the pandemic as Council was meeting remotely and contracts had to be executed expeditiously to protect the health and safety of residents. As the Council is presently meeting in-person and with COVID-19 infections declining, it is now appropriate to resume normal operations in regards to financial transfers.
2. Council File 20-0533:

Ordinance stating that it shall be unlawful for any person to Deposit Personal Protective Equipment into the City's Public Right-of-Way or Storm Drain System, with a fine of \$250, which shall sunset upon the later of either the Governor of California lifting the State of Emergency he declared on March 4, 2020, or the Mayor of Los Angeles lifting the Declaration of Emergency he declared on March 4, 2020.

- Existing City law prohibits littering in the City's Right-of-Way or Storm Drain System. Therefore, this ordinance is no longer necessary.
3. Council File 20-0953:
- Suspension of all citation enforcement provisions, and thereby waiving the requirement for businesses to obtain a permit for 'temporary signs' that are tacked, pasted or otherwise temporarily affixed to windows and/or walls for the duration of the COVID-19 State of Emergency.
- With COVID-19 infections declining and the elimination of capacity restrictions, these temporary emergency signs are no longer required. It is appropriate to rescind this action.
4. Council File 20-0147-S51:
- Ordinance instructing supermarkets to dedicate the first hour of customer business exclusively to senior citizens and the disabled community, which "shall sunset upon the later of either the Governor of the State of California lifting the State of Emergency he declared on March 4, 2020, or the Mayor of Los Angeles lifting the Declaration of Emergency he declared on March 4, 2020"; pending Motion (Blumenfield - Krekorian) to repeal this ordinance as the economy is returning to pre-COVID operations.
- With COVID-19 infections declining, it is appropriate to rescind this action.
5. Council File 20-0472:
- Ordinance that authorizes a person who rents space in a self-service storage facility to temporarily defer rent and other charges incurred during the local emergency period if a person is unable to pay due to circumstances related to COVID-19. The occupant may defer payment of that rent and other charges until three months following the expiration of the local emergency period.
- With COVID-19 infections declining, it is appropriate to rescind this action.


Clay McCarter
Analyst

Active Policies Contingent on the Local State of Emergency Declaration

Council File No.		General Topic	Status	CLA Recommendation
Repeal - to allow the transition to normal operations.				
1	20-0147-S5	Enact emergency provisions, including related to competitive bidding and Mayoral transfer authority. Specifically, that "competitive bidding restrictions enumerated in Charter Section 371 and Los Angeles Administrative Code Section 10.15 be suspended for contracts entered into by City Departments," and "the Mayor (and Council President for Council funds) may grant applications and issue orders for the transfer of funds under Charter Sections 340 and 343 for the protection of life and property that exceed the limit specified in LAAC 5.36, not to exceed \$1,000,000 per transfer."	Council approval action final on 4/3/20	Rescind Council action to allow the transition to normal operations.
2	20-0533	Ordinance stating that it shall be unlawful for any person to Deposit Personal Protective Equipment into the City's Public Right-of-Way or Storm Drain System, with a fine of \$250, which shall sunset upon the later of either the Governor of California lifting the State of Emergency he declared on March 4, 2020, or the Mayor of Los Angeles lifting the Declaration of Emergency he declared on March 4, 2020.	Council approval action final on 8/7/20	Repeal ordinance as existing law addresses this matter.
3	20-0953	Suspension of all citation enforcement provisions, and thereby waiving the requirement for businesses to obtain a permit for 'temporary signs' that are tacked, pasted or otherwise temporarily affixed to windows and/or walls for the duration of the COVID-19 State of Emergency.	Council approval action final on 11/25/20	Rescind Council action to allow the transition to normal operations.
4	20-0147-S51	Ordinance instructing supermarkets to dedicate the first hour of customer business exclusively to senior citizens and the disabled community, which "shall sunset upon the later of either the Governor of the State of California lifting the State of Emergency he declared on March 4, 2020, or the Mayor of Los Angeles lifting the Declaration of Emergency he declared on March 4, 2020"; pending Motion to repeal this ordinance as the economy is returning to pre-COVID operations.	Council approval action final on 4/2/20; Motion to repeal referred to Ad Hoc Committee on COVID-19 Recovery and Neighborhood Investment on 6/23/21	Repeal ordinance to allow the transition to normal operations.
5	20-0472	Ordinance that authorizes a person who rents space in a self-service storage facility to temporarily defer rent and other charges incurred during the local emergency period if a person is unable to pay due to circumstances related to COVID-19. The occupant may defer payment of that rent and other charges until three months following the expiration of the local emergency period.	Council approval action final on 6/1/2020	Repeal ordinance to allow the transition to normal operations.
Will be addressed in a future report.				
6	20-0407	Ordinance stating that the maximum adjusted rent of any occupied rental unit subject to the Rent Stabilization Ordinance may not be increased unless necessary to obtain a just and reasonable return until one year after the termination of the Mayor's March 4, 2020 declaration of a local emergency.	Council approval action final on 5/8/20	Will be addressed in a future report.
7	20-0433	Ordinance to add provisions to the Los Angeles Administrative Code to delegate contract approval authority of Boards and Commissions to the general managers of departments and bureaus for the procurement of goods and services, during times of declared national, state, and/or local emergencies.	Council approval action final on 5/27/20	Will be addressed in a future report.

8	20-0432	Ordinances to add provisions to the Los Angeles Administrative Code (LAAC) to suspend the contracting restrictions for contracts that safeguard life, health, safety, and property; and to authorize general managers to sign emergency contract extensions, during times of declared national, state and/or local emergencies.	Council approval action final on 5/27/20	Will be addressed in a future report.
9	20-0470	Ordinance to limit the delivery fee charged by a third-party food delivery service to a restaurant per online order, to no more than 15 percent of the purchase price, during the COVID-19 local public health emergency. It shall be operative at any time during which a federal, state, or local order, resulting from the COVID-19 pandemic, limits customer capacity to less than full capacity at Retail Food Establishments in the City of Los Angeles, and for a period of 90 days after any such federal, state, or local order is lifted.	Council approval action final on 10/14/20	Will be addressed in a future report.
10	20-0147-S19	Ordinance that temporarily prohibits evictions of residential and commercial tenants for failure to pay rent due to COVID-19, and prohibits evictions of residential tenants during the emergency for no-fault reasons, for unauthorized occupants or pets, and for nuisance related to COVID-19. This ordinance further suspends withdrawals of occupied residential units from the rental market under the Ellis Act, Government Code Section 7060, et seq. The ordinance applies during the Local Emergency Period and either 12 (residential) or 3 (commercial) months after it expires.	Council approval action final on 5/8/20	Will be addressed in a future report.
11	20-0498	Instruct the CLA and CAO, in conjunction with EWDD, Office of Finance, DOT, Bureau of Street Services, and any other necessary departments, to 1) report on incentives the City can offer to businesses who continue to allow their employees to telecommute a certain percentage of their work schedule after the emergency order is lifted and 2) report on initiatives to mitigate the effects of motorized carbon emissions.	Council approval action final on 8/26/20	Will be addressed in a future report.
12	20-0930	Ordinance to authorize a business owner or operator in the City of Los Angeles to refuse admittance or service to any person who fails to wear a face covering, which shall sunset upon the later of either the Governor of California lifting the State of Emergency he declared on March 4, 2020, or the Mayor of Los Angeles lifting the Declaration of Emergency he declared on March 4, 2020.	Council approval action final on 11/6/20	Will be addressed in a future report.
13	20-0147-S21	Instruct LASAN and other relevant agencies to suspend enforcement, during the emergency declaration, of the provision of 56.11 that requires tents to come down during daytime hours, provided that the location of the tent does not impede ADA access, or is not within 10 feet of an operable driveway. Enforcement of that provision effectively prohibits people from self-quarantining and maintaining social distance; At the end of the emergency declaration, seek the advice of (LA County) Public Health and provide recommendations as to whether to continue or revise the ordinance.	Council adopted Motion forthwith on 3/17/20	Will be addressed in a future report.
14	20-0147-S44	Ordinance to provide workers of grocery, drug retail, and food delivery platforms with added protections during the COVID-19 Pandemic, which shall sunset upon the later of either the Governor of the State of California lifting his emergency order declared on March 4, 2020, or the Mayor of the City of Los Angeles lifting the State of Emergency declared on March 4, 2020.	Council approval action final on 4/8/20	Will be addressed in a future report.
15	20-0147-S15	Ordinance subjecting specified businesses in Los Angeles to worker retention provisions for certain workers when a change of ownership or control occurs within two years following the declaration of emergency resulting from the COVID-19 pandemic.	Council approval action final on 5/4/2020	Will be addressed in a future report.

16	20-0347	Ordinance amending LAAC 10.2.1 to raise the threshold at which certain contracts are required to be in writing during any declaration of emergency to \$100K.	Council approval action final on 4/2/2020	Will be addressed in a future report.
17	20-0451	Ordinance to prohibit excessive price increases and excessive accumulation of certain supplies for resale at inflated prices during a declared emergency and for 30 days following the termination of the declaration.	Council approval action final on 4/24/2020	Will be addressed in a future report.
18	20-0147-S35, 20-0147-S42	Right of Recall/Worker Retention	Council approval action final on 4/29/2020	Will be addressed in a future report.
19	20-0380-S1	Emergency ordinance to: 1) extend all expiring Conditional Use Permits for a period of 12 months after the COVID-19 emergency declaration, 2) suspend any requirement that a business provide additional parking in connection with a change in use of an existing structure, 3) suspend any condition requiring a business to provide off-site or valet parking, and 4) implement the Restaurant Beverage Program.	Most recent Council action final on 10/7/21	Will be addressed in a future report.