

ORDINANCE NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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AN UNCODIFIED URGENCY ORDINANCE ADOPTING INFRACTION AND ADMINISTRATIVE CITATION PENALTY STRUCTURES FOR VIOLATIONS OF COVID-19 EMERGENCY HEALTH ORDERS

SECTION 1. FINDINGS.

The Board of Supervisors of the County of San Mateo (the “Board”) hereby makes the following findings in support of the adoption and application of this Urgency Ordinance (the “Ordinance”).

WHEREAS, on March 3, 2020, the San Mateo County Health Officer (the “Health Officer”) and the San Mateo County Director of Emergency Services declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”); the emergency was subsequently ratified and extended by the Board of Supervisors; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom issued a Proclamation of State of Emergency related to COVID-19, effective throughout the State of California; and

WHEREAS, COVID-19 is a potentially fatal respiratory disease that scientific evidence indicates is transmissible by infected individuals, whether symptomatic or not, primarily through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice; and

WHEREAS, on March 12, 2020, Governor Newsom issued California Executive Order N-25-20 directing residents to comply with public health guidance related to COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directed all individuals living within San Mateo County to shelter in their place of residence (“Original Shelter-in-Place Order”), and authorized individuals to

leave their residences only for certain “Essential Activities,” “Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Original Shelter-in-Place-Order; and

WHEREAS, several times since March 16, 2020, and most recently, on June 4, 2020, the Health Officer issued revised Shelter-in-Place Orders extending the Original Shelter-in-Place Order due to evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, which imposed a State Shelter Order requiring individuals to remain in their places of residence except as needed to maintain continuity of operations of critical infrastructure, access necessities such as food, prescriptions, and healthcare, or engage in other authorized activities; and

WHEREAS, on April 17, 2020, the Health Officer issued a public health order (No. c19-8) requiring individuals to wear face masks in many enumerated high-risk public settings, subject to certain specified exceptions, and requiring business to enforce face mask requirements; this Order was updated on May 19, 2020 (No. c19-8(b)); and

WHEREAS, on May 8, 2020, Governor Newsom announced a plan to allow the limited reopening of some businesses beyond those in the category of essential critical infrastructure, which is part of the "Resilience Roadmap" for California, the multiphase plan to modify the State Shelter Order; and

WHEREAS, on June 16, 2020, the State approved the County’s request for a variance allowing the County to align with the Resilience Roadmap for California; and

WHEREAS, on June 17, 2020, the Health Officer issued a public health order (No. c19-11) superseding the last Shelter-in-Place Order and aligning the County with the State Shelter Order/Resilience Roadmap as to allowed activities while emphasizing individual behavior and the practices that businesses must follow as they resume

operations, including limiting gatherings to no more than 50 people, outlining social distancing and face covering requirements, allowing for social bubbles, and requiring businesses to implement a social distancing protocol and written health and safety plans, based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; and

WHEREAS, the intent of the State and County emergency health orders are to reduce the likelihood that individuals may transmit or receive the COVID-19 virus while shopping, working, or engaging in other activities that bring them into contact with individuals outside their household; and

WHEREAS, violations of the Health Officer's Orders are punishable as a misdemeanor under California Health and Safety Code section 120195 and can carry a fine up to \$1,000, imprisonment up to 90 days, or both; and

WHEREAS, on June 18, 2020, the California Department of Public Health issued Guidance that "mandates that face coverings be worn state-wide" in specified high-risk public situations, consistent with the County's face mask Orders; and

WHEREAS, on July 1, 2020, Governor Newsom announced the creation of multi-agency teams to improve compliance with health orders, including face mask requirements; these teams are expected to initially focus on workplaces; and

WHEREAS, on July 7, 2020, the County Board of Supervisors adopted a resolution urging individuals in the County of San Mateo to comply with State and County face mask orders and directing the County Manager's office to develop a community outreach program to educate the public about compliance with the face mask requirements, making particular efforts to reach out to populations that are experiencing high rates of COVID-19, including communities of color and low-income communities; and

WHEREAS, on July 13, 2020, California Public Health Officer & Director Sonia Angell issued an Order emphasizing that "statewide data has since demonstrated a

significant increase in the spread of COVID-19, resulting in public health conditions that demand measures responsive to those conditions be put into place with haste” and closing statewide operations of all bars and indoor services at restaurants, wineries, family entertainment centers, movie theaters, zoos, museums, and cardrooms; and

WHEREAS, on July 17, 2020, Governor Newsom issued a school plan requiring that a county must be off the state's COVID-19 Monitoring List for 14 consecutive days before schools there can reopen for in-person learning; and

WHEREAS, despite County and State efforts to stop the spread of COVID-19, the numbers of confirmed COVID-19 cases in both San Mateo County and the State continue to grow; and

WHEREAS, as of July 29, 2020, there have been 5,398 confirmed cases of COVID-19 and 118 known COVID-19 related deaths within the County, though the number of cases detected through testing represents only a small portion of the total number of likely cases in the County; and

WHEREAS, in the past two weeks, this represents an increase of 1,037 confirmed cases of COVID-19—or an increase of more than 23%; and

WHEREAS, as of July 29, 2020, the County’s R-effective value, which measures the rate COVID-19 is spreading, is 1.03, a rate that represents slightly increasing transmission but within the range that the State characterizes as “likely stable”; and

WHEREAS, as of July 29, 2020, there are currently 69 hospitalized confirmed or suspected COVID-19 patients in the County, occupying 17 Intensive Care Unit (“ICU”) beds; and

WHEREAS, as of July 29, 2020, in California there have been 485,502 confirmed cases of COVID-19 and 8,909 known COVID-19 related deaths statewide; and

WHEREAS, in the past two weeks, this represents an increase of 129,324 confirmed cases of COVID-19—or an increase of more than 36%; and

WHEREAS, as of July 29, 2020, in California there are currently 8,198 hospitalized confirmed or suspected COVID-19 patients statewide, occupying 2,220 ICU beds; and

WHEREAS, the State Department of Health is maintaining a County Monitoring List of counties that are being watched for worsening COVID-19 trends, and if a county is on the Monitoring List for three days or longer, the State will order it to further roll back reopening; and

WHEREAS, on July 29, 2020, the County of San Mateo was added to the Monitoring List; all other Bay Area counties were previously on the Monitoring List and remain there to date; and

WHEREAS, the COVID-19 trends today will affect the manner and conduct of future activity within the County, including but not limited to the resumption of school and other commercial activities; and

WHEREAS, despite existing County and State public health requirements, including face masks and social distancing requirements, some individuals in the County are not consistently complying with these requirements and thus expose themselves and their contacts to broader potential exposure to COVID-19; and

WHEREAS, Section 8634 of the Government Code provides that during a local emergency, the governing body of a political subdivision of the State “may promulgate orders and regulations necessary to provide for the protection of life and property,” and that section requires that such orders “shall be in writing and shall be given widespread publicity and notice;” and

WHEREAS, the California Attorney General has opined that when a county has declared a local emergency within its jurisdictional boundaries in an area that includes both unincorporated and incorporated territory, the county may adopt emergency rules and regulations pursuant to Section 8634 of the Government Code that will be effective

in both unincorporated and incorporated areas (62 Ops. Cal. Atty. Gen. 701 (1979));
and

WHEREAS, the County of San Mateo, pursuant to its police powers, has broad authority to maintain public peace, health, and safety of its community and preserve quality of life for residents throughout the County; and

WHEREAS, the Board finds that the COVID-19 Public Health Orders are reasonably related to the protection of life and public health and safety throughout the entire jurisdictional boundaries of the County, given the County-wide nature of the Local Emergency; and

WHEREAS, violations of the COVID-19 Public Health Orders present an immediate threat to the public health and safety. Consistent with Government Code § 25123(d), the Board finds that such violations increase the likelihood that the COVID-19 virus will spread throughout the County and overwhelm our health care systems, cause preventable illnesses and deaths, and inflict economic and social harm on the County;
and

WHEREAS, immediate enforcement of COVID-19 Public Health Orders is necessary to ensure that all residents and individuals present within the County comply to minimize transmission of COVID-19; and

WHEREAS, existing local strategies for enforcing COVID-19 Public Health Orders include misdemeanor citation and prosecution, which are not always appropriate to deter violations and require involvement of law enforcement and the criminal justice system; and

WHEREAS, infraction and administrative citation frameworks will provide alternative enforcement mechanisms to augment the County's ability to combat the negative effects of the COVID-19 pandemic and deter violations of COVID-19 Public Health Orders; and

WHEREAS, making a violation of the COVID-19 Public Health Orders an infraction or administrative violation will facilitate enforcement with the use of administrative Enforcement Officers to minimize the burden and reliance on sworn law enforcement officers; and

WHEREAS, for violations of the orders of the Health Officer involving for-profit activities, the administrative penalties must be substantial enough so as not to be relegated as "the cost of doing business;" and

WHEREAS, in adopting this Ordinance, the County is taking action consistent with its authority under Government Code Sections 8630 and 8634 and Chapter 2.46 of the County Ordinance Code; and

NOW, THEREFORE, the Board of Supervisors of the County of San Mateo, State of California, orders as follows:

SECTION 2. JURISDICTION.

Pursuant to the County's police powers during a local emergency as set forth in Government Code Sections 8430 and 8634, and Chapter 2.46 of the County Ordinance Code, this Ordinance shall apply throughout the entire geographic boundary of the County, including all incorporated cities and unincorporated areas.

SECTION 3. DEFINITIONS.

For purposes of this Ordinance, the following definitions shall apply:

- a) "Administrative Citation" means a civil citation issued under this Ordinance pursuant to Government Code § 53069.4.
- b) "COVID-19 Public Health Order" shall mean: a County health order related to COVID-19, a state Executive Order by the Governor related to COVID-19, state Department of Public Health Guidance related to COVID-19, or any other mandatory federal, state, or local directive related to COVID-19 that is now in existence or that may later come into existence.

- c) "Dispute Officer" shall mean the Director of Emergency Services or the Director's designee. The employment, performance evaluation, compensation and benefits of the Dispute Officer shall not be directly or indirectly conditioned upon the amount or value of any infractions or Administrative Citations upheld by the Dispute Officer.
- d) "Enforcement Officer" shall mean the following officers or employees or their designees:
 - 1) The County Sheriff;
 - 2) The County Health Officer;
 - 3) The County Parks Director;
 - 4) Any County Code Compliance Officer;
 - 5) The County Environmental Health Services Director;
 - 6) The County fire marshal;
 - 7) Local police officers, code enforcement officers, and any other employees designated by any city or town within the County; and
 - 8) Anyone subsequently designated by resolution of the Board.
- e) "Commercial Entity" shall mean any entity, however organized, which furnishes goods or services to the general public for profit.
- f) "Non-commercial Entity" shall mean any entity, however organized, which furnishes goods or services to the general public in a not-for-profit manner, including but not limited to religious entities and charitable organizations.

SECTION 4. ADOPTION OF COVID-19 PUBLIC HEALTH ORDERS AS COUNTY LAW.

All COVID-19 Public Health Orders are hereby deemed orders and regulations of the Board of Supervisors pursuant to Government Code § 8634, shall constitute the law of the County within both unincorporated and incorporated areas, and are determined to be necessary for the protection of life and property during the local emergency declared

in connection with the COVID-19 pandemic. Any violation of a COVID-19 Public Health Order shall constitute an immediate danger to public health and safety pursuant to Government Code § 53069.4 and shall constitute a public nuisance.

SECTION 5. COVID-19 PUBLIC HEALTH INFRACTIONS AND FINES.

- a) As of the Effective Date, it shall be a violation of this Ordinance, enforceable as an infraction, for any individual or Non-commercial Entity to not comply with the COVID-19 Public Health Orders. A violation only exists if an Enforcement Officer has previously issued a written warning to that individual or Non-commercial Entity that they are in violation of a specific aspect of the COVID-19 Public Health Orders and the individual or Non-commercial Entity still does not comply.
- b) An Enforcement Officer may issue any individual or Non-commercial Entity an infraction for violations, punishable by a fine not exceeding one hundred dollars (\$100) for a first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation, and a fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.
- c) Each violation of any requirement of a COVID-19 Public Health Order shall constitute a separate violation, whether or not co-occurring with another violation. By way of example only: if an individual fails to wear a Face Mask when entering a grocery store, leaves and then subsequently fails to wear a Face Mask when immediately entering a bank next door, that would constitute two separate violations.
- d) Any person who willfully resists, delays, or obstructs any Enforcement Officer in the discharge or attempt to discharge any duty of their office or employment in connection with this Ordinance shall be guilty of a separate and distinct violation under this Ordinance. This includes the making of any willfully false oral or written statement to an Enforcement Officer.

- e) An Enforcement Officer issuing an infraction shall give the individual or Non-commercial Entity a written Notice of Violation containing the following information:
- 1) The name and address of the individual or Non-commercial Entity violating the COVID-19 Public Health Orders;
 - 2) The date and address or description of the location where the violation occurred;
 - 3) A brief description of the violation, including reference to the specific section of a COVID-19 Public Health Order that was violated;
 - 4) The amount of the penalty and the name, address, and telephone number of the jurisdiction to whom the fine should be paid;
 - 5) Identification of dispute rights and a description of how to dispute the Notice of Violation;
 - 6) The name and signature of the Enforcement Officer issuing the Notice; and
 - 7) The e-mail or mailing address to contact the Enforcement Officer.
- f) Fines shall be payable within thirty (30) days from the later of the date appearing on the notice of the fine or of the notice of determination from the Dispute Officer after a decision on any dispute (see Section 8). Fines shall be paid directly to the local agency whose Enforcement Officer issued the Citation, as specified on the Notice of Violation. The County or applicable local jurisdiction issuing the infraction may pursue any remedy authorized by law to collect fines that are not timely paid, including but not limited to a civil action for collection of civil penalties.
- g) Payment of fines shall not excuse a failure to correct the violation or bar further enforcement action for subsequent violations.

SECTION 6. COVID-19 PUBLIC HEALTH ADMINISTRATIVE CITATIONS AND FINES.

- a) As of the Effective Date, it shall be a violation of this Ordinance, enforceable by an Administrative Citation, for any Commercial Entity or their agents to not comply with the COVID-19 Public Health Orders. A violation only exists if an Enforcement Officer has previously issued a written warning to that Commercial Entity that they are in violation of a specific aspect of the COVID-19 Public Health Orders and the Commercial Entity still does not comply.
- b) An Enforcement Officer may issue any Commercial Entity an Administrative Citation for violations, punishable by a fine ranging between a minimum of \$250 and a maximum of \$3,000 for each violation. The Enforcement Officer shall have discretion to determine the appropriate amount of a fine pursuant to this section, and in doing so shall consider:
 - 1) The gravity of the public health risk posed by the violation;
 - 2) Whether the Commercial Entity has been previously warned, noticed, or cited regarding similar violations;
 - 3) Whether the violation was likely intended to allow the Commercial Entity to increase revenue or avoid costs;
 - 4) Whether the Commercial Entity was making good faith efforts to comply with COVID-19 Public Health Orders; and
 - 5) Any other matters related to the nature, circumstances, extent, and gravity of the violation.
- c) Each violation of any requirement of a COVID-19 Public Health Order shall constitute a separate violation, whether contemporaneously occurring or not. By way of example only, if a restaurant is open for inside dining (if such activity violates the operative COVID-19 Public Health Orders) and fails to require a staff

member to wear a face mask when interacting with customers, that could constitute two separate violations.

- d) Any Commercial Entity that willfully resists, delays, or obstructs any Enforcement Officer in the discharge or attempt to discharge any duty of their office or employment in connection with this Ordinance shall be guilty of a separate and distinct violation under this Ordinance. This includes a willfully false oral or written statement to an Enforcement Officer.
- e) The Administrative Citation shall contain the following information:
 - 1) The name and address of the Commercial Entity violating the COVID-19 Public Health Orders;
 - 2) The date and address or description of the location where the violation occurred;
 - 3) A brief description of the violation, including reference to the specific requirement of a COVID-19 Public Health Order that was violated;
 - 4) The amount of the penalty and any related fees established by resolution of the Board, along with the name, address, and telephone number of the jurisdiction to whom the fine should be paid;
 - 5) Identification of administrative review and appeal rights and a description of how to appeal the Administrative Citation;
 - 6) The name and signature of the Enforcement Officer issuing the Administrative Citation;
 - 7) The e-mail or mailing address to contact the Enforcement Officer; and
 - 8) The date of issuance of the Administrative Citation.
- f) An Administrative Citation shall be served on the Commercial Entity in one or more of the following ways.
 - 1) By personal service.

- 2) By posting and mailing a copy of the Administrative Citation to the known address of the Commercial Entity. The physically posted copy shall be posted in a readily visible location such as a front door, gate, or mailbox. The mailed copy shall be sent by overnight mail, postage prepaid, to the address at which the Administrative Citation was posted or to any other known address of the Commercial Entity.
- 3) By mailing a copy of the Administrative Citation to the known address of the Commercial Entity, if personal service and posting are impracticable.
- 4) By e-mailing a copy of the Administrative Citation to an email address reasonably likely to be accessible to the Commercial Entity, if personal service or posting are impracticable.

Service shall be complete at the time of personal service or emailing under subsections (1) or (4), one day after posting and mailing under sub-section (2), or five days after service by mail alone under subsection (3). The failure of the Commercial Entity to receive the Administrative Citation shall not affect the validity of the Citation or any other proceedings taken pursuant to this Ordinance.

- g) Fines shall be payable within fourteen (14) days directly to the local agency whose Enforcement Officer issued the Citation, as stated on the Administrative Citation. The County or applicable local jurisdiction issuing the Administrative Citation may pursue any remedy authorized by law to collect fines that are not timely paid, including but not limited to a civil action for collection of civil penalties.
- h) Payment of fines shall not excuse a failure to correct the violation or bar further enforcement action for subsequent violations.
- i) The County may adopt one or more administrative fees to recover the costs associated with the issuance, enforcement, processing, and collection of Administrative Citations. This includes the amount of any late payment charges

imposed for the payment of a fee after its due date. Fees shall accrue interest at the same annual rate as any civil judgment, with interest accruing commencing on the twentieth (20th) day after the fee becomes final. The administrative fees shall be established by resolution of the Board. In addition to the administrative fee and late fee, the County is entitled to recover all costs, expenses, fees, and attorneys' fees associated with collecting upon any administrative fines, fees, or costs authorized by this Ordinance

SECTION 7. ENFORCEMENT.

- a) This Ordinance may be enforced at any location within the County by an Enforcement Officer through the issuance of an infraction or administrative citation with accompanying fines, as described above in Sections 5 and 6, except that an Enforcement Officer designated by a local city or town may only enforce this Ordinance within their jurisdiction.
- b) An Enforcement Officer shall have the authority and powers necessary to determine whether a violation exists and take appropriate action to issue an infraction or administrative citations to gain compliance with the law and abate any violation.
 - 1) An Enforcement Officer must witness conduct constituting an infraction in order to issue an individual or Non-commercial Entity a notice of violation.
 - 2) An Enforcement Officer may issue an Administrative Citation to a Commercial Entity for violations not committed in the Enforcement Officer's presence if the Officer can determine through investigation and from credible sources that the Commercial Entity did commit or is otherwise responsible for the violation.
- c) When delivering initial warnings prior to a notice of violation or Administrative Citation, Enforcement Officers shall take reasonable steps to ensure that the

potential violator is given the warning and information about compliance in a language that they understand.

- d) The election to issue an infraction or administrative citation shall be at the sole discretion of the Enforcement Officer, and nothing in this Ordinance shall be interpreted to mandate that an Enforcement Officer take certain steps in response to potential violations of COVID-19 Public Health Orders or to preclude an Enforcement Officer from engaging in informal oral or written requests to gain compliance.

SECTION 8. INFRACTION DISPUTES.

- a) Any individual or Non-commercial Entity receiving an infraction notice who wishes to dispute the facts of their violation of a COVID-19 Public Health Order must send a written dispute (“Dispute”) with any supporting materials to the Dispute Officer within ten (10) days of the date appearing on the notice of the infraction, and a copy of the Dispute and any supporting materials must be sent to the Enforcement Officer.
- b) Disputes may take any form and may be accompanied by declarations and exhibits, but must either 1) provide facts disputing the merits of the violation or 2) for a repeat violation only, request a hardship waiver to reduce the amount of the fine upon a showing that the individual or Non-commercial Entity has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden. By way of example only: an individual given an infraction for not wearing a face mask may provide written proof that prior to the date of the infraction, his or her doctor had instructed the individual not to wear a face mask due to a medical condition.
- c) The Enforcement Officer may respond to the dispute in writing within ten (10) days of receipt of the Dispute and may provide additional evidence in support of the violation and fine.

- d) The Dispute Officer may request additional written evidence from either the Violator or the Enforcement Officer.
- e) The Dispute Officer may sustain the fine, overrule the fine, or decrease the amount of the fine. The decision of Dispute Officer shall be based solely on the materials submitted and be provided to the individual or Non-Commercial Entity by certified mail. This decision will constitute a final administrative order with no additional administrative right of appeal.

SECTION 9. ADMINISTRATIVE CITATION REVIEWS AND APPEALS.

- a) Any recipient of an Administrative Citation who wishes to dispute the facts of their violation of a COVID-19 Public Health Order may appeal the Administrative Citation to the County by completing a Request for Hearing Form and returning it to the County within fourteen (14) days from the date of service of the Administrative Citation, together with a processing fee listed in the County's fee schedule and an advance deposit of the fine.
- b) A Request for Hearing Form may be obtained from the Director of Emergency Services. The Request for Hearing Form shall include:
 - 1) A brief statement of material facts supporting the appellant's claim that either no violation occurred or no penalties or other remedies should be imposed.
 - 2) An option for the appellant to waive an oral hearing and have the review conducted based on written materials alone.
- c) The Dispute Officer shall conduct an administrative review of the Administrative Citation. The Dispute Officer shall set a hearing date (for oral hearings) or close-of-evidence date (for written determinations) that is not less than fifteen (15) days and not more than sixty (60) days from the date that the Request for Hearing is filed in accordance, unless the Dispute Officer determines that the matter is urgent or that good cause exists for an extension of time. The appellant

shall receive notice of the time and method of the hearing at least ten (10) days prior to the hearing.

- d) For oral hearings, all documentary evidence and names of potential witnesses shall be provided by the Enforcement Officer and the appellant to both the Dispute Officer and the opposing party at least five (5) days prior to the hearing. Documents not provided at least five (5) days before the hearing must be provided at the hearing and may be considered by the Dispute Officer at his or her discretion
- e) Oral hearings shall occur over videoconference during the COVID-19 emergency period.
- f) At the oral hearing, the appellant shall be given the opportunity to testify and to present evidence concerning the Administrative Citation. The Administrative Citation and any additional materials submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.
- g) The failure of any appellant to appear at the appeal hearing shall constitute forfeiture of the fine and a failure to exhaust administrative remedies.
- h) The Dispute Officer shall only consider evidence that is relevant to whether the violation occurred.
- i) After considering all the testimony and evidence submitted at the oral hearing or in writing, the Dispute Officer shall issue a written decision to uphold or cancel all or part of the Administrative Citation and shall list the reasons for that decision.
 - 1) The decision of the Dispute Officer shall include findings regarding the evidence in the record and submitted at the hearing, as well as the existence of any violation.
 - 2) If the Dispute Officer determines that the fine should be upheld, then the County shall retain the fine amount on deposit with the County. If the

Dispute Officer determines that the fine should be canceled in full or in part, the County shall promptly refund the full or partial amount of the deposited fine.

- j) The recipient of the Administrative Citation shall be served with a copy of the Dispute Officer's written decision by certified mail, unless another method is agreed upon by the parties.
- k) The decision of the Dispute Officer shall be the final decision of the County. To the extent allowed by law, the decision and administrative order shall have the same force and effect as a resolution of the County Board of Supervisors for the purpose of filing a lien, special assessment, or for pursuing any other method of collection.
- l) Any appellant aggrieved by an administrative decision of a Dispute Officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in San Mateo County in accordance with the timelines and provisions set forth in California Government Code Section 53069.4 and Civil Code Sections 1094.5 and 1094.6.

SECTION 10. NONEXCLUSIVITY OF PROCEEDINGS.

Nothing in this Ordinance alters or diminishes the authority of the Sheriff, local police departments, or the District Attorney to address any violations of COVID-19 Public Health Orders separately from the infraction process, including punishing violations as misdemeanors. Further, nothing in this Ordinance or decisions made hereunder, including decisions to take or not take an enforcement action authorized in this Ordinance, shall create any liability for the County or an Enforcement Officer.

SECTION 11. LITIGATION AUTHORITY.

The Office of the County Counsel is hereby authorized to file a civil action on behalf of the County to enjoin any violation(s) of this Ordinance and to obtain other appropriate relief needed to cease and abate such violations, as well as to recover all

associated costs, attorneys' fees, and any fines or penalties imposed that are not timely paid. No further Board authority or permission to initiate litigation is required to civilly enforce violations of this Ordinance.

SECTION 12. APPLICATION.

This Ordinance applies to violations of COVID-19 Public Health Orders that occur on or after the Effective Date of this Ordinance and while the COVID-19 Public Health Orders remain in effect.

SECTION 13. SEVERABILITY.

If any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board that such invalid provisions(s) be severed from the remaining provisions of this Ordinance.

SECTION 14. NO MANDATORY DUTY.

Nothing in this Ordinance is intended to create a mandatory duty on the part of the County, County employees, or any cities or towns or city or town employees, to protect persons or property from a violation of the provisions of this Ordinance.

SECTION 15. EFFECTIVE DATE.

This Ordinance is effective immediately and shall remain in effect as long as any COVID-19 Public Health Orders are in place.

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