



# #SBCountyTogether

Serving **you** during COVID-19

sbcovid19.com | 909.387.3911



COVID-19 Response

## COVID-19 Compliance Education/Engagement/Enforcement Plan Summary

---

We all need to work together to minimize the spread of COVID-19. San Bernardino County's approach is to ensure business compliance with state and County health orders by focusing on *proactive* education and engagement. Individual cities and towns may choose to handle engagement and enforcement with a different approach.

**Education.** We reach out to high-risk businesses and similar operations to let them know what they are required to do to help prevent the spread of the coronavirus, and how the County can help.

**Engagement.** We contact those businesses not fully respecting health orders and request immediate compliance.

**Enforcement.** We report persistent noncompliance operations directly to the state, and refer cases either to the State Strike Force (enforcement team), the County Sheriff's Department, and/or another County enforcement division.

### Complete Plan

## COVID-19 Compliance Education/Engagement/Enforcement Plan

---

### Education – Proactive Outreach to High-Risk Businesses and Other Operations

1. County staff identify high-risk operations (e.g. bars, restaurants, and gyms, and similar) for proactive educational visits to share:
  - a. COVID-Compliant Business Partnership Program details
  - b. State COVID Industry Guidelines

- c. Information on State enforcement activities
  - d. Other relevant information regarding an establishments' current operations
2. County staff coordinate with Cities and Towns to share lists of operations and coordinate efforts to visit operations
    - a. Cities and Towns who wish to make visits themselves will indicate as such to the County and provide the County with feedback on outcomes so the County can keep the State abreast on all activity within the county.
  3. County staff visit the identified operations within the unincorporated areas and within Cities and Towns that have requested County assistance and log results

### **Engagement –Complaint Response**

1. Call/Electronic Submission received by County regarding an alleged noncompliance with State health orders.
  - a. **County Joint Information Center (JIC)** receives call and either collects information to enter into web form or refers caller to web form (<http://bit.ly/CovidNotifSBC>)
  - b. Reporting party submits complaint via “File a Complaint” link on sbcovid19.com website.
2. County Public Health provides a log of all complaints to **County Fire Marshal** and **County Administrative Office** daily.
3. Determination of Compliance
  - a. **Fire Marshal** reviews the inquiry/complaint log
    - i. Complaints regarding Short-Term Rentals (STRs) will be sent to County **Code Enforcement** for handling.
  - b. **Fire Marshal** will make initial review of non-STR complaints and issue letter/notice if deemed to potentially be out of compliance with State orders
    - i. Compliant subjects will not be notified by letter
    - ii. If complaint validity or basis is unclear, no determination will be made, effectively regarding subject as compliant
4. Mailing/Posting of Notice for Non-Compliance
  - a. If in the County unincorporated area or within a City or Town that has requested County engagement assistance:
    - i. **Fire Marshal** will send the form notices approved and provided by the Public Health Officer for each subject operation to:
      1. **Code Enforcement** for posting at location,
      2. to **JIC** for notification by phone to owner/operator of subject location or activity,
      3. to **EDA** for courtesy call, if applicable,
      4. to County **Printing Services** for mailing to owner/operator of subject location or activity, and
      5. Partner Cities and Towns will be sent lists of noticed operations/activities within their jurisdictions.
    - ii. **Code Enforcement** will post the Public Health notice on the door of the subject operation or other visible location if no door is present.

- b. If in a City or Town that has elected to perform its own engagement:
    - i. **Fire Marshal** will send the form notices approved and provided by the Public Health Officer for the subject operations to the **JIC** for notification phone call to subject operation, to **EDA** for courtesy call if appropriate, and to the applicable City or Town for in-person follow-up by City or Town staff
      - 1. Though a notice will be generated and provided to the City or Town, notices will not be mailed by the County as the City or Town will be responsible for delivering notice.
5. Follow-Up Investigation of the complaint in unincorporated areas or within a City or Town that has requested the County handle engagement.
- a. **Code Enforcement** will visit the location of the subject activity no sooner than 3 business days following the posting/ mailing of the notice to assess what activities are taking place and then provide findings in a report to the Fire Marshal.
    - i. If noncompliance is identified, **Fire Marshall** will compile a list of offending establishments and/or activities.
    - ii. If applicable, this list will be shared with the relevant City or Town where the businesses are located
  - b. If in a City or Town which has elected to perform its own business engagement:
    - i. City or Town will provide feedback to the County within 5 business days to report the outcomes of the engagement efforts
      - 1. This is an important step in order for the County to identify businesses that may need to have State involvement in enforcement activities

### **Enforcement – Result of Noncompliance following Engagement Efforts**

1. County consolidates information on noncompliant operations or activities from City/Town and County responses for submission to the State
2. Enforcement - State Strike Force, County Staff, or County Sheriff (within jurisdiction)
  - a. If in the County unincorporated area or within a City or Town that has requested the County handle enforcement:
    - i. **Fire Marshall** staff will send to the **County Administrative Office** a list of noncompliant operations or activities that have not responded to efforts to come into compliance
    - ii. **County Administrative Office** staff will review list and, as appropriate, will send a list of noncompliant businesses or activities to County Sheriff, City or Town law enforcement, County staff, or State Strike Force contact for follow-up by State, with a cc to City or Town contact if applicable
      1. County staff will be utilized to achieve compliance through civil penalties levied by way of County Ordinance (pending Board approval); Appropriate staff, such as Code Enforcement or others, may elect to issue civil citations for non-compliance
  - b. If in a City or Town that has elected to perform its own enforcement:
    - i. **Fire Marshall** staff will send to the **County Administrative Office** a list of noncompliant operations or activities that have not responded to County efforts to come into compliance

- ii. **County Administrative Office** staff will review list and, as appropriate, reach out to respective Cities or Towns regarding the list of operations or activities that the County intends to send to the State Strike Force
- iii. Once feedback is received from cities, or after a minimum of 3 business days, **County Administrative Office** staff will review feedback and, as appropriate, send list of noncompliant operations and activities to State Strike Force contact(s) for follow-up by State

In the event of a special circumstance, emergency situation, or at the express request of the County Administrative Office or a Sheriff Contract City or Town, the County Sheriff's Department may be requested to engage in enforcement efforts. In that event, the following process has been developed.

#### Enforcement – **Sheriff's Department**

- a. It is the expectation of the Sheriff's Department that Fire Marshal or County Administrative Office, will forward a list of operations and activities reportedly not complying with the State's orders as available
  - iv. This information provided to the Sheriff's Department will include the steps taken to notify the operations and activities via mail correspondence and telephone call to advise them of their reported noncompliance
- b. The Sheriff's Department will receive the list and sort the operations and activities by jurisdiction
- c. The list will be forwarded to one of two Sheriff's Department offices (Valley and Desert); comprised of one sergeant and two deputies each
- d. The Sheriff's Department will personally visit the locations on the list to verify the allegedly noncompliant operation or activity is at the location given, the hours of operation, and if the operation or activity appears to be a violation of the public health order.
- e. If the operation or activity is found to be noncompliant, the Sheriff's Department will provide education on the applicable Health Order in an effort to gain voluntary compliance
- f. If the operation or activity states they have not received a letter from Public Health, the Sheriff's Department will provide them with the letter and attempt to achieve voluntary compliance
- g. The Sheriff's Department will instruct the operation or activity to comply with the applicable Health Order and a future site visit will be conducted to verify compliance
- h. The Sheriff's Department will document their visit to the operation or activity and what steps were taken for the business to comply with the health order
  - a. Either: operation or activity already in compliance, instructed to voluntary comply, or refusal from the business and crime report initiated
- i. Any citations issued will be accompanied by the crime report and forwarded to the District Attorney's Office
- i. Statutory references for enforcement:
  - a. Under H&S Code section 120295, violations of State or Local Health Officer orders are a misdemeanor and punishable by either a fine (\$50-\$1,000) and/or imprisonment for 90 days. Communication of this section to the Sheriff and police departments would aid in their enforcement capabilities
  - b. H&S Code section 120155 authorizes either the Sheriff or "every peace officer of every political subdivision of the county" to enforce all orders of the State Dept. of Public Health issued for the purpose of preventing the spread of any

contagious, infectious or communicable disease. Peace Officer includes a sheriff, undersheriff, or deputy sheriff, a chief of police of a city, police officer, or any inspector or investigator employed in that capacity in the office of a district attorney. (Penal Code sec. 830.1(a).)

- c. H&S Code section 101029 authorizes the Sheriff to enforce within the county, and every peace officer within the area subject to his or her jurisdiction, all orders of the local Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease