

Dana Point and Huntington Beach Seek Temp Restraining Orders Resisting Gov. Newsom's Temp Order to Close all OC Beaches

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NEWPORT BEACH (CNS) - Dana Point and Huntington Beach have decided to seek temporary restraining orders as they resist Gov. Gavin Newsom's order of a temporary "hard close" of beaches in Orange County, where crowds gathered on the sand during last weekend's heat wave despite social-distancing mandates due to the coronavirus outbreak.

"We're guided by health. We're guided by your health and the health of others," Newsom said in announcing the closure on Thursday.

The move prompted city councils in Dana Point and Huntington Beach to vote to seek to lift the shutdown order.

"We believe the governor's order is unconstitutional, vague and ambiguous," said Huntington Beach City Attorney Michael Gates. "He doesn't have a rational basis for this. What he seeks is a remedy to something that wasn't a problem in the first place."

Huntington Beach officials said they believe being a charter city gives it more authority to self-governance that prevents Newsom from shutting down its beaches.

"We're not simply a component of the state," Gates said. "The city has some level of autonomy and independence."

On Monday, Newsom lamented images of crowds that gathered on some beaches in Orange County -- particularly in Newport Beach -- last weekend, saying such masses of people are a feeding ground for COVID-19 and could reverse the progress the state has made in "flattening the curve" of the illness.

Newsom repeated those concerns Thursday, while noting the "vast majority" of the state did not have issues with large crowds gathering.

"But in areas where we didn't see that, you have to acknowledge that, you have to own that. And you have to figure that out," Newsom said. "I've been led by my health directors ... that feel we need to address that a little more specifically in a targeted way -- the volume of people in a concentrated space, particularly in ... a few coastal cities, off and around the Orange County area.

"Those were the point of particular concerns. So today we want to make some clarifications. We're going to do a hard close in that part of the state, just in the Orange County area.

"... We're going to have a temporary pause on the beaches down there, state and local beaches. We want to work very closely with local elected officials and we're committed to doing that. And if we can get some framework and guidelines to get this

right, we can reopen very, very quickly. But we've got to make sure we can get this right."

Newsom had expressed optimism earlier this week that local Orange County officials would take action to prevent a recurrence of last weekend's beach gatherings.

However, on Tuesday, the Newport Beach City Council rejected a proposal to shutter beaches for the next three weekends and Laguna Beach City Council voted to allow "active use" of the beaches from 6 to 10 a.m. weekdays beginning Monday.

Orange County Board of Supervisors Chairwoman Michelle Steel said there was "no rational basis" for Newsom's "arbitrary and capricious" order and that law enforcement did a "fantastic job" this past weekend encouraging social distancing on the beaches.

"We should be rewarding our communities for practicing safe social distancing, not punishing them by only shutting down Orange County beaches," Steel said.

Steel has insisted that hospitalization rates have shown the county has been flattening the curve. On Thursday, the county's Health Care Agency reported 145 coronavirus patients hospitalized, with 63 in intensive care, and one additional death.

Sen. Tom Umberg, D-Santa Ana, who supports Newsom's order, said Steel's remarks were dangerous.

"How could she possibly say the curve is being flattened when the hospital rates are higher than ever?" Umberg said. "The trajectory is higher than ever."

Umberg said Steel is "creating a false sense of security," which encourages residents to head to the beaches.

"I don't hear any public health professionals clamoring to open the beaches," Umberg said.

Steel and Orange County Supervisor Don Wagner argued Newsom decided to close the beaches based on a couple of newspaper photographs. They said the depth of field was collapsed by a telephoto lens, making it appear Newport Beach was more congested.

However, Newport Beach City Councilman Jeff Herdman, who represents Balboa Island, said there were large crowds on the beaches this past weekend. He said about 40,000 people from outside the area descended on the city without practicing social distancing such as wearing masks.

"They have no business being here and once they get here, they're trying to find a parking place, filling up our neighborhoods with cars, getting out of their cars, converging on the beach, not wearing masks and not observing social distancing as they lug their coolers, chairs and beach towels to the beach," Herdman said.

That prevents residents from using their own city to get exercise, Herdman said.

John Pope, Newport Beach's public information manager, said "Newport Beach intends to honor the governor's directive to close Orange County beaches."

Wagner urged Newsom to work with county officials, saying they heard about the

order 15 minutes before Newsom's daily briefing. Wagner said it was unlikely county officials would want to sue the state since they would largely be in a position of suing themselves.

Orange County Sheriff Don Barnes, whose deputies patrol about 16% of the shoreline, said he would try to seek "voluntary compliance" from beachgoers, which has been his policy since the pandemic began. He said the policy has been effective.

Sen. John Moirlach, R-Costa Mesa, condemned Newsom's order.

"Gov. Newsom just doesn't seem to get it," Moirlach said. "Orange County residents have been responsible. They've followed healthcare officials' prudent recommendations and respected the science.

"The county hasn't seen the `surge' in its hospitals, and six weeks into this shelter-in-place order, the beach may be the best medicine."

Newsom has been insistent that residents continue adhering to social- distancing requirements, saying in recent days that the state could begin lifting some restrictions in "weeks, not months" if people continue to stay at home. But he said that could change quickly if people get complacent.

Newsom noted that the state recorded a near-record number of deaths from coronavirus on Wednesday, saying, "It's just another reminder, this disease has not gone away."