



Agenda Item B.2
DISCUSSION/ACTION ITEM
Meeting Date: May 5, 2020

TO: Mayor and Councilmembers

FROM: Michael Jenkins, City Attorney

CONTACT: Winnie Cai, Assistant City Attorney

SUBJECT: Resolution to Require Workers and Patrons of Essential Businesses to Wear Face Coverings in Order to Prevent the Spread of COVID-19

RECOMMENDATION:

Adopt Resolution No. 20-__ entitled “A Resolution of the City Council of the City of Goleta, California to Require Employees and Patrons of Essential Businesses to Wear Face Coverings in Order to Prevent the Spread of COVID-19.”

BACKGROUND:

In light of the COVID-19 pandemic, State and local governments have passed regulations asking the public to shelter in place, not gather in public places, social distance and adopt hygienic practices.

On March 17, 2020, the City passed Resolution 20-18, which ratified the City Managers declaration of local emergency and imposed attendant orders. Since March 17, 2020, the City Council has passed orders that require the following:

1. Closure of restaurants and bars, gyms, movie theaters, and the like;
2. Prohibition of access to play structures and exercise equipment in City parks and beaches;
3. Signs about social distancing to be installed in the City’s parks and beaches;
4. Prohibition of residential and commercial evictions and foreclosures based on nonpayment of rent and mortgage due to lost income from COVID-19;
5. Deferral of transient occupancy taxes and business license fees; and
6. Suspension of durational limits on RV parking at the Elks Lodge.

DISCUSSION:

Governor Executive Order 33-20 ordered all residents to immediately heed State public health directives to stay home except as needed to maintain continuity of essential critical infrastructure sectors. Only “essential businesses” are allowed to stay open. The

Santa Barbara County Health Officer issued orders clarifying requirements for essential businesses, including the requirement that employees of food facilities wear facial covers while engaged in food preparation, serving, and kitchen maintenance activities. Facial covers are to be provided by the employer and shall be maintained in a clean and sanitary manner. In addition, the Health Orders clarify what essential businesses are and how certain types of essential businesses must operate in order to remain open.

The proposed resolution seeks to expand the requirement to wear a face cover to workers of all essential businesses (not just food facilities) and patrons of essential businesses. The major components of the resolution include:

1. Workers and patrons of essential businesses must wear face covers.
2. Essential businesses shall prohibit entry of any person not wearing a face covering. Essential businesses are encouraged to sell face covers to patrons who do not have a face cover.
3. All workers of essential services are required to wash or sanitize their reusable face covering at least once a day and to discard any single use face coverings in a trash receptacle.
4. All essential businesses must provide the face coverings for their workers and ensure access to clean, sanitary restrooms and the necessary cleansing products to observe hand sanitation as recommended and required by Santa Barbara County Health Orders.
5. Essential businesses that do not adhere to this resolution may be subject to immediate business license suspension and mandatory closure for the duration of the resolution.
6. The resolution is effective immediately and shall continue until (1) the conclusion of the local emergency; (2) termination is ordered by the City Manager/Director of Emergency Services; or (3) termination is ordered by the City Council.

Enforcement of this resolution will likely involve self-enforcement and citizen complaints. If Council adopts this resolution, staff will educate the public about this new order and seek to obtain voluntary compliance. The enforcement against patrons presents a difficult challenge. The City does not have sufficient staff to monitor people entering essential businesses. As a way to ensure greater patron compliance, the resolution requires essential businesses to prohibit entry to patrons who do not have a face cover. In addition, the resolution places a greater burden on essential businesses to achieve patron compliance by allowing City staff to suspend the business license or mandate closure of an essential business that violates this resolution. To the extent a business can do so, they are encouraged to sell face covers to patrons who do not have one.

Other cities that have passed similar resolutions include the cities of Santa Barbara, Los Angeles, Carson, Long Beach, Pasadena, Inglewood, Burbank, and Beverly Hills and the counties of San Bernardino and Riverside.

In addition, staff has been informed by the General Manager of the Metropolitan Transit District (MTD) will soon consider requiring drivers and passengers of MTD buses to wear face coverings.

Reviewed By:

Legal Review By:


Approved By:



Kristine Schmidt
Assistant City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS:

1. Resolution No. 20-__ entitled "A Resolution of the City Council of the City of Goleta, California to Require Workers and Patrons of Essential Businesses to Wear Face Coverings in Order to Prevent the Spread of COVID-19."

ATTACHMENT 1:

Resolution No. 20-__ entitled "A Resolution of the City Council of the City of Goleta, California to Require Workers and Patrons of Essential Businesses to Wear Face Coverings in Order to Prevent the Spread of COVID-19."

RESOLUTION NO. 20-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA EXERCISING THE CITY'S EMERGENCY POWERS TO REQUIRE WORKERS AND PATRONS OF ESSENTIAL BUSINESSES TO WEAR FACE COVERINGS IN ORDER TO PREVENT THE SPREAD OF COVID-19

The City Council of the City of Goleta does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. A severe acute respiratory illness caused by a novel (new) coronavirus, known as COVID-19, has spread globally and rapidly, resulting in severe illness and death around the world. The World Health Organization has described COVID-19 as a global pandemic.

B. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 12, 2020, the Santa Barbara County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Santa Barbara County. The President of the United States has declared a federal emergency as a result of the spread of the COVID-19.

C. On March 14, the City Manager, as the Director of Emergency Services, declared an existence of local emergency, activated its Emergency Operations Center and, out of an abundance of caution, cancelled or postponed all non-essential City-hosted and sponsored programs and events until April 30, 2020 to help prevent further spread of coronavirus and protect its vulnerable populations, such as seniors and people with compromised immune systems, from infection.

D. On March 17, 2020, the City Council adopted Resolution 20-18 which ratified the City Manager's emergency declaration and imposed attendant orders to close restaurants, gyms, movie theaters and the like; to prohibit the use of City play structures and exercise equipment in its parks; and to prohibit residential and commercial evictions based on nonpayment of rent due to loss of income from COVID-19.

E. On March 19, 2020, the Governor issued Executive Order 33-20, which ordered all residents to immediately heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public

Health Officer may designate as critical to protect health and well-being of all Californians (referred to herein as “essential businesses”).

F. The California Department of Public Health provided guidance on cloth face coverings for the general public to utilize while outside the home conducting essential activities.

G. The Centers for Disease Control and Prevention recommends cloth face coverings to be worn in public settings where other social distancing measures are difficult to maintain, such as in grocery stores and pharmacies.

H. On April 5, 2020 and April 24, 2020, Santa Barbara County Health Officer issued Orders (Nos. 2020-7 and 2020-8) required food facility workers to wear facial covers. These orders do not require workers of other essential businesses and patrons of essential businesses to wear face covers.

I. Workers and customers in essential businesses face an increased risk of exposure due to their proximity to and potential contact with others in congregate settings, which may be alleviated if they wear face coverings.

SECTION 2. Pursuant to the authority set forth in Goleta Municipal Code Chapter 2.10, the City Council establishes the following regulations governing the wearing of face coverings:

A. Definitions:

- I. “Face coverings” are defined for purposes of this Resolution as fabric coverings, such as cloth masks, scarves and bandanas that cover the nose and mouth. Medical-grade masks and N95 respirators are not required.
- II. “Essential business” is defined as any business or organization allowed to operate by the Governor’s Executive Order 33-20 and Santa Barbara County Health Officer Order 2020-8.

B. Face coverings shall be worn by all workers who work at or perform services at essential businesses at all times while working.

C. Face coverings shall be worn by all patrons of essential businesses. Essential businesses shall prohibit entry of any person not wearing a face covering.

D. All workers of essential services required by this Resolution to wear face coverings must frequently wash and sanitize any reusable face coverings (at least once a day) for the health and safety of themselves and others. Single-use face coverings must be properly discarded into trash receptacles.

- E. All essential businesses must at their expense provide face coverings for their workers. All essential businesses must ensure that their workers have access to clean, sanitary restrooms, stocked with all necessary cleansing products; or sanitizing agents required to observe hand sanitation protocols recommended and required by the Santa Barbara County Public Health Department.
- F. Essential businesses that do not adhere to this Resolution may be subject to immediate business license suspension and mandatory closure for the duration of this Resolution.
- G. Essential businesses are encouraged to sell face covers to patrons who do not have their own.

SECTION 3. Effective Date and Termination. This Resolution shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 5th day of May 2020.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 20-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 5th day of May, 2020, by the following roll call vote of the Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK