

AGENDA ITEM 3.E

REQUEST

CONSIDER ADOPTION OF AN EMERGENCY ORDER REQUIRING THE WEARING OF FACE COVERINGS IN ESSENTIAL BUSINESSES AND THE FARMERS' MARKET IN THE CITY OF TRACY

EXECUTIVE SUMMARY

For the past few months, national, state, and local health and governmental authorities are responding to an outbreak of a respiratory disease commonly known as COVID-19. COVID-19 is easily transmissible from person to person, and community spread of the diseases has occurred throughout the United States and California, including in San Joaquin County. Due to the threat posed by COVID-19, Governor Newsom and the San Joaquin County Public Health Officer both declared public health emergencies. The City of Tracy previously declared the existence of a local emergency due to the serious threat to the public health, safety, and welfare of the City posed by the presence of COVID-19.

Public health officials, including the United States Centers for Disease Control and Prevention ("CDC") and the California Department of Public Health ("CDPH") have recommended that members of the public wear face coverings when they need to interact with others outside the home and especially in settings where many people are present such as waiting in lines and shopping.

On May 19, 2020, Council Members Rhodesia Ransom and Veronica Vargas requested that the staff prepare an order requiring the wearing of face coverings while in "essential businesses and at the Farmers' Market" in the City of Tracy. The proposed order has been drafted to conform with that initial Council direction and can be amended upon further direction from Council.

DISCUSSION

On March 4, 2020, Governor Newsom declared a state of emergency for California associated with the outbreak of COVID-19. In response to the growing health crisis, the City Manager, in her authority as the Director of Emergency Services, proclaimed a local emergency in Tracy on March 12, 2020 due to COVID-19. The City Council ratified that emergency declaration on March 17, 2020.

Public health experts have explained that COVID-19 is easily transmissible from person to person. To slow the spread of the disease, on March 19, 2020, the Governor of California issued Executive Order N-33-20 ordering all individuals within the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, childcare, and construction. This Executive Order was very similar to the Directive adopted by the City Council on March 18 recommending residents remain

at home except to receive or provide essential services. The Governor has gradually relaxed the State's stay at home restrictions, but many restrictions remain.

The CDC and CDPH recommended that all individuals over the age of 12 wear face coverings when they need to interact with others outside the home in settings where it is not possible to maintain social distancing, especially indoors. COVID-19 is frequently transmitted by respiratory droplets that people expel when they breathe or sneeze. Face coverings prevent the spread of such droplets, especially from asymptomatic individuals who may not realize they can spread the virus. A face covering must cover an individual's nose and mouth, but does not need to be a surgical mask or N-95 mask. Face coverings can be homemade, and can be made of cloth, fabric, or similar material. Bandanas and scarves can also be used as face coverings.

Health officers in multiple counties across California, including the Bay Area counties and Los Angeles, have issued orders requiring face coverings to be worn in certain circumstances. The San Joaquin County Health Officer has not issued an order requiring face covering to be worn, but has recommended individuals wear face coverings since mid-April (Attachment A).

Several cities across the state have issued orders requiring face coverings to be worn within the city. Cities that have adopted such regulations include Ojai, Calabasas, National City, Chula Vista, Belmont, and Palo Alto. The specifics of each city's order differ, but generally require adults to wear face coverings when they are inside any enclosed space or in a location where they are not able to maintain six feet of social distancing.

The California Emergency Services Act, as well as Tracy Municipal Code section 3.24.050, authorizes the City to generally adopt orders and regulations necessary to provide for the protection of life and property in response to a declared emergency. These provisions provide the City Council with the authority to enact an order requiring face coverings to be worn as a regulation necessary to limit the spread of COVID-19.

Per Council direction, the proposed emergency order, if adopted, (Attachment B) would require face coverings to be worn within the City as follows:

- Face covering must be worn while inside any essential business and at the Tracy Farmers' Market, including while waiting in line to go inside a business. For purposes of the order, an "essential business" is any business deemed to be open to the public by the CDPH and County Public Health Officer;
- Face coverings are not required when an individual is inside an enclosed space alone, such as an office with a door or an empty room;
- Face coverings must cover an individual's nose and mouth;
- Face coverings may be homemade, and can be made from any material. Bandanas and scarves may also be used as face coverings; and
- Face coverings are not required for children 12 years of age or younger, or for anyone who has been advised by a medical professional not to wear a face covering for medical reasons.

The proposed emergency order would also require businesses to take reasonable measures, such as posting signs, to remind their customers and the public of the requirement to wear a face covering.

If adopted, the proposed order would go into effect on 12:01 a.m. on June 8, 2020 to provide time for individuals to prepare to comply with the order. Section 3.24.090 of the TMC establishes that a violation of any rule or regulation issued pursuant to the City's emergency powers is a misdemeanor.

FISCAL IMPACT

There is no direct fiscal impact of adopting the proposed order regulating requiring face coverings to be worn within the City. However, there will be staff costs associated with informing the public and businesses about the requirements of the order and enforcing the proposed order.

RECOMMENDATION

Staff recommends that the City Council consider adoption of an emergency order requiring the wearing of face coverings while in essential businesses and at the Farmers' Market in the City of Tracy.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Midori Lichtwardt, Assistant City Manager
Karin Schnaider, Finance Director

Approved by: Jenny Haruyama, City Manager

ATTACHMENT

A – San Joaquin County Public Health Services -Recommendations for Use of Face Coverings

B – Proposed Emergency Order



A DIVISION OF
HEALTH CARE
SERVICES AGENCY

FOR IMMEDIATE RELEASE
#2020-06

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RECOMMENDATIONS FOR USE OF FACE COVERINGS FROM SAN JOAQUIN COUNTY PUBLIC HEALTH OFFICER

Social distancing and hand washing are still the best actions we can take to combat COVID-19

Stockton, CA – (April 11, 2020) - San Joaquin County Public Health Services (PHS) continues to recommend that you stay home as much as possible, avoid unnecessary interactions with people who do not live in your household, practice social distancing (6 feet apart), wash your hands frequently, and disinfect frequently used items and surfaces. “These are the most important steps to stop the spread of coronavirus disease 2019 (COVID-19),” advises Dr. Maggie Park, San Joaquin County Health Officer.

The federal government recently issued guidance on the use of cloth face coverings to help slow the spread of COVID-19. The Centers for Disease Control and Prevention (CDC) recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies). In addition, the California Department of Public Health (CDPH) released guidance on the use of cloth face coverings for Californians who must leave their homes to conduct essential activities. The guidance does not require people to wear face coverings – and is not a substitute for the state’s current guidance regarding social distancing and hand washing. CDPH does not recommend that we use N-95 or surgical masks, those should be reserved for our health care workers and first responders who will be there when our lives are at risk.

San Joaquin County public health officials are in alignment with the state’s guidance on using face coverings. **It is not an order or required that you wear a face covering; it is voluntary.** They are intended as a precaution to protect others in case you have contracted COVID-19, but don’t yet have symptoms. San Joaquin County residents remain under a Stay at Home Order and people should NOT feel they can go outside more because they are wearing a face covering. A cloth face covering can be made at home and can be any fabric such as a scarf, bandana, towel, or old t-shirt that covers your nose, mouth, and chin securely. To learn how to make your own face covering you can go to <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

“The CDC and CDPH have made it very clear that the general public should not be buying masks. If you already have a mask, you can use it, but otherwise, stick to a reusable face covering. I know many of you might feel more comfortable wearing a covering, so I provided some tips in a short video made by PHS to assist our residents on how to properly wear face coverings,” says Dr. Park. The video message can be found on the PHS YouTube channel at: <https://youtu.be/dQLJmDjTKrs>

For more information, please visit the San Joaquin County Public Health Services website and social media accounts at www.sjcphs.org. In addition, video messages can be found on the San Joaquin County Public Health Services YouTube channel at <https://www.youtube.com/user/sjcphs>.

Attachments: Tips for Safe Face Covering Use/ Consejos para uso seguro de Coberturas Faciales
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PARA PUBLICACIÓN INMEDIATA
#2020-06

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RECOMENDACIONES PARA EL USO DE COBERTURAS FACIALES DEL OFICIAL DE SALUD DEL CONDADO DE SAN JOAQUÍN

El distanciamiento social y lavar las manos sigue siendo las mejores acciones que podemos hacer para combatir COVID-19

STOCKTON, CA (12 abril 2020) Los Servicios de Salud Pública (PHS) continúan recomendando que se quede en casa lo más que se pueda, evite interacciones innecesarias con personas que no viven en su hogar, practique distanciamiento social (6 pies de distancia), lave sus manos con frecuencia y desinfecte los artículos y superficies de uso frecuente. “Estos son los pasos más importantes que se deben hacer para detener la propagación de la enfermedad del coronavirus 2019 (COVID-19)” dice la Dra. Maggie Park, Oficial de Salud del Condado de San Joaquín.

El gobierno federal emitió recientemente una guía sobre el uso de coberturas faciales para ayudar a frenar la propagación de COVID-19. Los Centros de Control y Prevención de Enfermedades (CDC) recomiendan usar coberturas faciales en lugares públicos donde otras medidas de distanciamiento social son difíciles de mantener (por ejemplo, tiendas y farmacias). El Departamento de Salud Pública de California (CDPH) publicó una guía sobre el uso de coberturas faciales de tela para los Californianos que deben salir de sus hogares para llevar a cabo actividades esenciales. Esta guía no requiere que las personas usen coberturas faciales, y no sustituye la guía actual del estado sobre el distanciamiento social y el lavado de manos. CDPH no recomienda que usen N-95 o máscaras quirúrgicas, que deben ser reservadas para nuestros trabajadores de salud y socorristas que estarán allí para cuando nuestras vidas estén en peligro.

Oficiales de salud del Condado de San Joaquín están alineados con la guía del estado sobre el uso de coberturas faciales. **No es una orden ni esta requerido que use coberturas faciales; es voluntario.** Están diseñados como una precaución para proteger a los demás en caso de que haya contraído COVID-19 pero todavía no tienen síntomas. Los residentes del Condado de San Joaquín permanecen bajo una Orden de Estadía en Casa y las personas no deben sentir que puedan salir más porque están usando una cobertura facial. Una cobertura facial puede ser hecha en casa y puede ser cualquier tela como una bufanda, pañuelo, toalla o camiseta vieja que cubre la nariz, boca y barbilla de forma segura. Para aprender cómo hacer su propia cobertura facial puede ir a: <https://espanol.cdc.gov/enes/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

“La CDC y CDPH han dejado muy claro que el público general no debe comprar máscaras. Si ya tiene una máscara, puede usarla, pero de lo contrario use una cobertura facial reutilizable. Sé que muchos de ustedes pueden sentirse más cómodos usando una cobertura facial, así que quiero darles algunos consejos que he proporcionado en un breve video que PHS ha grabado para ayudar a nuestros residentes sobre cómo usar correctamente las coberturas faciales” dice la Dra. Park. Puede ver el mensaje de la Dra. Park en el canal de YouTube de PHS en: <https://youtu.be/dQLJmDjTKrs>

Para más información, visite el sitio web de Servicios de Salud Pública del Condado de San Joaquín en www.sjcphs.org. También puede encontrar un mensaje en video en el canal de YouTube de los Servicios de Salud Pública del Condado de San Joaquín en: <https://youtu.be/zT4bnhOrrL8>.

Adjunto: Consejos para uso seguro de Coberturas Faciales/Tips for Safe Face Covering Us

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**ORDER OF THE CITY OF TRACY REQUIRING
THE WEARING OF FACE COVERINGS IN ESSENTIAL BUSINESSES AND AT THE
TRACY FARMERS' MARKET**

Government Code Section 8634 and Tracy Municipal Code section 3.24.050 authorize the City to make and issue rules and regulations reasonably related to the protection of life and property during a declared emergency. On March 12, 2020, the City Manager, in her capacity as the Director of Emergency Services, proclaimed the existence of a local emergency within Tracy due to the threats posed by the respiratory disease commonly known as COVID-19. The City Council ratified the declaration of emergency on March 17, 2020.

The United States Centers for Disease Control and Prevention, the California Department of Public Health, and the San Joaquin County Public Health Officer recommend that all individuals over the age of 12 wear face coverings when they need to interact with others outside the home in settings where it is not possible to maintain social distancing, especially indoors. COVID-19 is frequently transmitted by respiratory droplets that people expel when they breathe or sneeze. Face coverings help prevent the spread of such droplets, especially from asymptomatic individuals who may not realize they can spread the virus.

The City of Tracy does hereby order as follows:

1. For purposes of this Order, the following definitions shall apply:
 - a. "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A Face Covering should not cover the wearer's eyes or forehead. A Face Covering may be factory-made or may be handmade, and does not need to be a medical grade mask. Face Coverings include scarfs and bandanas. Face coverings should be washed frequently if not disposable.
 - b. "Essential Business" is any business authorized to operate and be open to the public by the California Department of Public Health and San Joaquin County Public Health Officer during the existence of the COVID-19 public health emergency in the City of Tracy, including but not limited to grocery stores, gas stations, City Hall, dine-in restaurants, hair salons, barbershops, and childcare centers.
 - c. "Farmers' Market" means the Downtown Tracy farmers market.
2. Members of the public, except as specified in Section 3 and 4, must wear a Face Covering outside their home as follows:
 - a. When they are inside any enclosed space or indoor facility that constitutes an Essential Business;
 - b. When they are waiting in line to enter any Essential Business; and
 - c. When they are at the Downtown Tracy Farmers' Market.
3. Members of the public are not required to wear a Face Covering in the following situations:

- a. When outside or outdoors in a recreational space.
 - b. When alone inside a room or enclosed space with a door, such as a personal office, as long as a face covering is worn whenever any individual enters the room or is nearby.
4. A Face Covering is not required by this Order to be worn by the following individuals:
 - a. Children 12 years of age or younger
 - b. Individuals who have been advised by a medical professional not to wear a Face Covering for medical reasons or who otherwise have trouble breathing; and
 - c. Individuals for whom wearing a Face Covering would create a risk related to their work as determined by local, state, or federal regulators or workplace safety guidelines.
5. All Essential Businesses shall take reasonable measures, such as posting signs, to remind their customers and the public of the requirement to wear a Face Covering while inside or waiting in line. Any business or entity may refuse to serve a patron who refuses to wear a Face Covering when asked, and may seek to remove that person from the premises.
6. This Order does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.
7. Face coverings should be used in addition to, but not in place of, other measures to prevent the spread of COVID-19 such as social distancing, frequent hand washing practices, avoiding touching the eyes, nose, and mouth; and avoiding interactions if sick.
8. Violation of this Order may be punishable as a misdemeanor in accordance with Section 3.24.090 of the Tracy Municipal Code. Law enforcement officers of the Tracy Police Department and any individual authorized by the City Manager may enforce this order.
9. This Order shall be filed in the office of the City Clerk and published in a local newspaper.
10. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
11. This Order shall be in full force and effect as of 12:01 a.m. on June 8, 2020.

This Order was approved by the City Council of the City of Tracy on June 2, 2020.

Mayor

ATTEST:

City Clerk