

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**CITY OF HERMOSA BEACH
DIRECTOR OF EMERGENCY SERVICES**

EXECUTIVE ORDER NO. 2021-16

**EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF
THE CITY OF HERMOSA BEACH, TO CLARIFY THE USE
OF FACE COVERINGS IN PUBLIC MEETINGS OF CITY
LEGISLATIVE BODIES AND CITY FACILITIES**

SECTION 1. RECITALS

- A. All of the recitals in Hermosa Beach Director of Emergency Services Executive Order Nos. 2020-01, 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2021-13, 2021-14 and 2021-15 remain in effect and are incorporated herein by reference.
- B. On March 15, 2020, the City of Hermosa Beach (“City”) declared a local emergency to ensure an effective City response to a respiratory disease which has been named “COVID-19”. At a special meeting on March 16, 2020, the City Council adopted Resolution No. 20-7230, approving and ratifying the declaration of emergency.
- C. On March 19, 2020, the Governor of the State of California, issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.
- D. On April 30, 2021, the City Manager/Director of Emergency Services issued Executive Order No. 2021-13 to terminate and supersede regulations requiring members of the public to wear face coverings to align with the regulations issued by the Los Angeles County Public Health Department. Under Executive Order No. 2021-13, any subsequent amendments to the face covering requirements set forth in the County Public Health Officer’s order shall apply in the City as of their respective effective dates.
- E. State and local public health data in early June 2021 demonstrated that COVID-19 cases were low and continuing to plummet. Additionally, there now exists several COVID-19 vaccines proven to help combat the disease that are now widely available to all members of public that are ages 12 years and older. According to the California Department of Public Health, as of July 15, 2021, 61% of state’s population is fully vaccinated. As a result of the increasing vaccination rates and the significant decrease of confirmed cases, State and County health officers loosened COVID-19 related restrictions to allow a growing number of establishments to resume

operations.

- F. On June 11, 2021, the Governor of the State of California issued Executive Order No. N-07-21 that rescinded the statewide Safer at Home Order issued on March 19, 2020 and the State's Blueprint for a Safer Economy that set forth the tier based framework for reopening the economy. Also on June 11, 2021, the Governor issued Executive Order No. N-08-21 that identifies specified provisions adopted in previous state executive orders that, notwithstanding the rescission of the state's Stay at Home Order and the Blueprint, will continue to remain in place for a specific period of time set forth in Order No. N-08-21.
- G. Also, on June 11, 2021, the State Public Health Officer issued a new Health Order that replaced the previous pandemic public health orders and includes limited requirements related to face coverings. Under this order and effective June 15, 2021, all individuals are required to follow the requirements in the California Department of Public Health's Guidance for the Use of Face Coverings ("State Face Covering Guidance").
- H. Under the State's Face Covering Guidance, *unvaccinated* and *partially vaccinated* individuals (as defined by the Centers for Disease Control and Prevention) are required to wear face coverings in certain settings such as indoor public meetings. The state's guidance provides that the host of an indoor meeting where masks are required only for unvaccinated and partially vaccinated individuals may nonetheless choose to continue to require all persons to wear masks, regardless of their vaccination status. The use of face coverings in such indoor public settings is highly recommended by federal, state and county health officials to prevent the transmission of the disease. The State's Face Covering Guidance also requires everyone, regardless of their vaccination status to wear a face covering when entering a government office that services the public, if the governing body requires it. Local authorities are authorized by the State's Face Covering Guidance to adopt more stringent face covering regulations.
- I. Unfortunately, Los Angeles County is currently experiencing a surge in COVID-19 case rates. According to the County Health Department, daily COVID-19 case rates have quadrupled since June 15, 2021 and are continuing to increase rapidly. On July 15 alone, the county reported an 83% increase over the previous week.
- J. On July 16, 2021, the County issued an update order titled "Responding Together at Work and in the Community" to require face coverings to be worn by all persons while in all indoor public settings and businesses, regardless of vaccination status.
- K. Although vaccines are now widely available, many people in the State and County are still not fully vaccinated and remain susceptible to infection. The disease can still spread rapidly through person-to-person contact and those in close proximity. Further, more contagious variants of the disease are now present in the State and County, the most predominant of which is the Delta variant. Health officials are urging residents to continue practicing health precautions such as the use of face

coverings, and social distancing measures that are still very important for unvaccinated people to curb the virus's spread.

L. This Order is necessary to clarify areas within the City where the use of face coverings is required at all times regardless of a person's vaccination status under current State and County face covering regulations. The disease still presents a threat to the health and safety of City residents. The use of face coverings has been proven to be an effective tool in combatting transmission of the disease and their continued use is strongly recommended by Federal, State and County health officials.

M. This Order is adopted pursuant to the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, and the Section 2.56.060 of the Hermosa Beach Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency.

SECTION 2. Pursuant to authority granted to the City Manager/Director of Emergency Services under Section 2.56.060 of the Hermosa Beach Municipal Code (HBMC), the following emergency orders are issued:

A. Pursuant to the face covering requirements of the Los Angeles County Public Health Order, dated July 16, 2021 and effective July 17, 2021, when one or more members of the public are in attendance in person at any public meeting of any City of Hermosa Beach legislative body, everyone in the room is required to wear a face covering at all times.

B. Pursuant to the face covering requirements of the Los Angeles County Public Health Order, dated July 16, 2021 and effective July 17, 2021, members of the public are required to wear a face covering while visiting any area within "City Facilities". For purposes of this Order, "City Facilities" shall mean:

1. City Hall, including Council Chambers, the Police Department, the Fire Department, and the Community Resources Department, including the Community Center.

C. Individuals exempt from wearing face coverings at all times are set forth in the Los County Public Health Order dated July 16, 2021 and are restated here:

1. Persons younger than two (2) years old.

2. Persons who cannot safely wear a face covering, such as someone who is unconscious, incapacitated, or who is unable to remove a mask without help.

- 1 3. Workers in situations where a face covering would create a risk to workplace
2 health, safety, or job duty as determined by the United States Department of
3 Labor's workplace risk assessment.
- 4 4. Any person instructed not to wear a face covering by their medical provider.
5 If their job involves regular contact with others, they must wear a non-
6 restrictive alternative, such as a face shield with a drape that is form fitting
7 under the chin as long as their medical condition permits it. Most people with
8 underlying medical conditions, including those with asthma can and should
9 wear a face covering, unless instructed not to by their doctor.

10 **SECTION 3.** In addition to enforcement remedies available to the City under State law and as
11 provided in the Hermosa Beach Municipal Code, Section 2 shall be enforceable by
12 way of imposing an administrative citation pursuant to HBMC Chapter 1.10 upon
13 the date this Order is signed by the City Manager/Director of Emergency Services.
14 Remedies under State Law include punishment as a misdemeanor and/or ejection
15 for trespass in the event a person refuses to wear a face covering in violation of this
16 Order and thereafter refuses to leave a public meeting or City Facilities.

17 **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or word of this
18 Order is found to be unconstitutional or otherwise invalid by any court of competent
19 jurisdiction, such decision shall not affect the remaining provisions of this Order.

20 **SECTION 5. Effective Date and Termination.** This Order shall become effective immediately
21 and shall continue until the earlier to occur of: (1) the conclusion of the local
22 emergency; (2) its termination is ordered by the City Manager/Director of
23 Emergency Services; or (3) it is duly terminated by the City Council. The Order may
24 also be superseded by a duly enacted ordinance or order of the City Council
25 expressly superseding this Order.

26 **ORDERED** by the City Manager/Director of Emergency Service this 21st day of July, 2021.

27 **ATTEST:**

28 

Suja Lowenthal, City Manager and
Director of Emergency Services



Eduardo Sarmiento, City Clerk