



Staff Report

File #: REPORT 21-0466, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of July 27, 2021**

**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**

(City Attorney Michael Jenkins)

Recommended Action:

Staff recommends City Council confirm City Manager/Director of Emergency Services Executive Order No. 2021-16, To Clarify the Use of Face Coverings in Public Meetings of City Legislative Bodies and City Facilities.

Executive Summary:

The City of Hermosa Beach ("City") has adopted face covering regulations that it has amended over time to respond to the prevalence of COVID-19 in the State and County. Unfortunately, the County is currently experiencing a surge in confirmed COVID-19 cases, which led the County Health Officer to issue more stringent face covering regulations.

The intent of Executive Order No. 2021-16 is to align the City with the County's face covering regulations and clarify the use of face coverings during public meetings of City legislative bodies and while visiting City facilities.

Background:

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.

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 percent 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.

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. However, since the State's June 15 reopening date, the number of confirmed cases, positivity rate, and hospitalizations have begun to rise again due to the prevalence of the Delta variant.

State's Updated Face Covering Regulations

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").

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 Face Covering 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 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.

Recent Surge of Confirmed COVID-19 Resulted in More Stringent Face Covering Regulations from the County

Unfortunately, the 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 percent increase over the previous week.

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.

City Manager/Director of Emergency Services issued Executive Order No. 2021-16 to Clarify the use of Face Coverings in Specified Areas Within the City

On July 21, 2021, the City Manager/Director of Emergency Services issued Executive Order No. 2021-16. Executive Order No. 2021-16 requires the following:

- **Face Coverings are Required while Attending Public Meetings.** In accordance with current County face covering regulations, 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.
- **Face Coverings are Required while Visiting City Facilities.** In accordance with current County face covering regulations, members of the public are required to wear a face covering while visiting any area within “City Facilities” (as defined by the Order). “Any area” shall be interpreted to mean any office or room within City Facilities.
- **Exemptions.** Persons exempt from the use of face coverings at all times, including while attending public meetings of City legislative bodies and while visiting City Facilities mirror the County’s exemptions. Such persons include, but are not limited to, persons under the age of two (2) and persons who cannot safely wear a face covering.
- **Enforcement/Penalties for Violation.** In addition to enforcement remedies available to the City under State law and as provided in the City’s Code, the Order is enforceable by way of imposing an administrative citation pursuant to HBMC Chapter 1.10. Remedies under State Law includes punishment as a misdemeanor and/or ejection for trespass in the event a person refuses to wear a face covering in violation of this Order and thereafter refuses to leave a public meeting or City Facilities.

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.

The purpose of the order is 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.

Fiscal Impact:

The City of Hermosa Beach initially incurs all costs related to the City's response to the COVID-19 Pandemic, but will submit requests for cost recovery for Federal Emergency Management Agency (FEMA) reimbursement.

Attachments:

1. City Manager/Director of Emergency Services Order No. 2021-16.

Respectfully Submitted by: Michael Jenkins, City Attorney

Legal Review: Monica Castillo, Assistant City Attorney

Approved: Suja Lowenthal, City Manager