

AGENDA ITEM
12D

Date: June 10, 2020

Council Action Date: June 15, 2020

FROM: Council Member Cheryl Heitmann and Deputy Mayor Sofia Rubalcava

SUBJECT: POLICY CONSIDERATION – Face coverings in City of Ventura

SUMMARY

Submittal of a Policy Consideration for face coverings in the City of Ventura to allow for the reopening of our economy at the safety way possible.

RECOMMENDATION

Direct Staff to bring back an Ordinance for consideration that would require masks be worn inside business with some exceptions.

DISCUSSION/ANALYSIS

Although Ventura county and the city of Ventura have done well controlling the COVID-19 virus, many residents and healthcare professionals are concerned that as we open more businesses and other activities, the number of cases will increase. Over this past week, we have seen a significant increase of hospitalizations. For example, over the weekend of June 5-7, 2020, there were 80 new cases with 43 hospitalized with the virus, an increase of 18. Of those, 14 were being treated in an intensive care unit up by four since that Friday. The City of Ventura had the highest number of new cases with 24 additional infections confirmed. Los Angeles county, as well as many other cities and counties, are reporting a spike in hospitalizations since businesses have started to reopen. It is important for our economy to reopen and it is also important that we do it in the safest way possible. Requiring the wearing of masks is an additional safeguard for our businesses to make sure we are continuing to control the spread of the virus and to continue to keep our businesses open.

We acknowledge and appreciate our local tourism industry, but it does come with some challenges during this time. People come to visit our beaches, harbor and downtown and we are seeing many entering our businesses without masks. There are business owners who would prefer patrons wear masks and have expressed that it is sometimes hard for

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them to ask customers to wear a mask in their business. If it was a city ordinance they would feel more comfortable asking those entering their businesses to wear a mask. And there are many local residents who have stated they would feel more comfortable shopping and dining at our local businesses if there was a mask ordinance.

This proposed ordinance would not be directed to outside activities but to our businesses, including but not limited to grocery stores, walk up counters, convenience store, laundromats, restaurants, pharmacies ,government agencies, retail stores, and transportation services when possible.

The CDC, CDPH, and WHO have all opined that face coverings are one of three steps that can help reduce the transmission of COVID-19 ; the other two being social distancing and hand washing. Masks are particularly important when social distancing is not possible.

Our surrounding counties of Santa Barbara, Los Angeles and the city of Ojai have adopted ordinances requiring masks be worn in businesses with some exceptions. Many other counties and cities throughout the state have adopted similar ordinances. And most recently in our own county, the Ventura County Superior Court plans to reopen and will be requiring masks for everyone entering the facility. Deputy Mayor Rubalcava and Council member Heitmann are recommending the Ventura city council adopt an ordinance that would require masks be worn inside businesses with some exceptions.

A copy of the Santa Barbara County ordinance is attached for a reference.

ATTACHMENT:

- A Santa Barbara County ordinance

ATTACHMENT A

HEALTH OFFICER ORDER NO. 2020-10 COUNTY OF SANTA BARBARA

FOR THE CONTROL OF COVID-19 STAY WELL AT HOME ORDER FACE COVERINGS WITHIN SANTA BARBARA COUNTY

Effective Date: May 26, 2020, 5:00pm PDT

Please read this Order carefully. Violation of or failure to comply with this Order may constitute a misdemeanor punishable by fine of up to \$1,000, imprisonment, or both. (Health and Safety Code §§ 101029, 120295 et seq.) Violators are also subject to civil enforcement actions including fines or civil penalties per violation per day, injunctive relief, and attorneys' fees and costs.

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency for conditions caused by a novel coronavirus, COVID-19, and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic, and on March 12, 2020, the County of Santa Barbara declared a local emergency and a local health emergency in relation COVID-19 in the community; and

WHEREAS, there has been significant community-based transmission in California; and

WHEREAS, in the County of Santa Barbara as well as throughout California and the nation, there are insufficient quantities of critical healthcare infrastructure, including hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time – should the virus spread unchecked; and

WHEREAS, in direct response to the lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and

WHEREAS, in furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the “State Stay-at-Home Order”); and

WHEREAS, on May 4, 2020, Governor Newsom issued Executive Order N-60-20 to allow reopening of lower-risk businesses and spaces (“Stage Two Resilience Roadmap”) and to allow a County to pursue a variance to move further into the stage upon notification and certification through submission of a written attestation to the California Department of Public Health (CDPH); and

WHEREAS, on May 20, 2020, the CDPH posted the State’s website the County of Santa Barbara’s attestation to move further into the Stage Two Resilience Roadmap which indicates the County may proceed to allow an increase in business activities; and

WHEREAS, the Centers for Disease Control and Prevention and the CDPH find the use of

face coverings may reduce asymptomatic transmission of COVID-19 and reinforce physical distancing, and that wearing a face covering combined with physical distancing of at least six feet, and frequent hand washing, will lessen the risk of COVID-19 transmission by limiting the spread of respiratory droplets; and

WHEREAS, the County Health Officer finds (1) a significant portion of individuals with COVID-19 are asymptomatic and can transmit the virus to others; (2) those who may develop symptoms can transmit the virus to others before showing symptoms; (3) scientific evidence shows COVID-19 is easily spread and public activities can result in transmission of the virus; (4) face coverings are necessary because COVID-19 is highly contagious and is spread through respiratory droplets that are produced when an infected person coughs, sneezes, or talks. These droplets may land on other people or be inhaled into their lungs, may land on and attach to surfaces where they remain for days, and may remain viable in the air for up to three hours, even after the infected person is no longer present; (5) when worn properly, face coverings have the potential to slow the spread of the virus by limiting the spread of respiratory droplets; and (6) distinctions made in this Order are to minimize the spread of COVID-19 that could occur through proximity and duration of contact between individuals.

WHEREAS, the intent of this Order is to temporarily require the use of Face Coverings as the County of Santa Barbara moves further into Stage Two Resilience Roadmap to slow the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent.

ACCORDINGLY, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE HEALTH OFFICER OF THE COUNTY OF SANTA BARBARA ORDERS:

1. This Order 2020-10 is effective 5:00 p.m. (PDT) May 26, 2020 and continuing until 5:00 p.m. (PDT), on June 30, 2020 or until it is extended, rescinded, superseded, or amended in writing by the County of Santa Barbara Health Officer ("Health Officer"). This Order applies in the incorporated and unincorporated areas of Santa Barbara County ("County").
2. **This Order does not apply to infants or children under the age of 13.**
3. As used in this order, a "face covering" means a covering made of cloth, fabric or permeable materials, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead is not a face covering. Examples of face coverings include a scarf, bandana, neck gaiter, homemade covering made from a t-shirt, sweatshirt, or towel, or a mask (which need not be medical grade). It may be factory-made or handmade from household materials.

Any mask incorporating a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a face covering under this Order. These one-way valve masks cannot be used to comply with this Order because the valve permits respiratory droplets to easily escape which places others at risk.

4. All individuals, unless an exception below applies, must wear a face covering:
 - a. When inside of, in line to enter, or when conducting business through a car window, or walk-up counter with any business including, but not limited to, grocery stores, convenience stores, supermarkets, laundromats, restaurants, pharmacies, and government agencies;
 - b. When obtaining healthcare services at hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, other healthcare facilities, mental health providers, or facilities providing veterinary care and similar health care services for animals, unless specifically directed otherwise by an employee or worker at the healthcare operation; or
 - c. When using public transportation, a private car service, or a ride-sharing vehicle.
5. Each driver or operator of any public transportation, private car service, or ride-sharing vehicle must wear a face covering while driving or operating such vehicle, regardless of whether a member of the public is in the vehicle, due to the need to reduce the spread of respiratory droplets in the vehicle.
6. All businesses in operation (except for healthcare providers which are subject to their own regulations) must:
 - a. Require employees, contractors, owners, and volunteers to wear a face covering at the workplace and at off-site work locations any time the employee, contractor, owner, or volunteer is:
 - i. interacting in person with any member of the public;
 - ii. working in any space visited by members of the public, such as reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;
 - iii. working in any space where food is prepared or packaged for sale or distribution to others;
 - iv. working in, or walking through, common areas such as hallways, stairways, elevators, and parking facilities when social distancing of six feet or more cannot be maintained; or
 - v. in any room, or enclosed area, when other people are present except for:
 - o members of the person's own living or working unit as defined in Section 7;
 - o when a social distance of six feet or more can be maintained; or
 - o when one of the exceptions in Section 7 below applies.

- b. Ensure employees working from home comply with this face covering Order while on duty in accordance with the conditions above.
- c. Take reasonable measures, such as posting signs, to remind employees, customers, and of face covering requirements in this Order.

7. Exceptions: Face coverings are not required:

- a. For individuals who work alone in a space that is not regularly visited by the public (such as a private office or single room). However, an individual must put on a face covering when others are within a six-foot distance; for example, when being visited by a client or customer, and anywhere members of the public, or other coworkers are regularly present.
- b. For individuals who work within a stable group of not more than 12 of the same individuals ("working unit") provided the individuals in the group:
 - i. do not interact with the public;
 - ii. work in a location that is closed to the public;
 - iii. do not perform the handling, preparation, or packaging of food;
 - iv. are working in conditions where they are not likely to come into contact with others outside the stable group while at work.
 - v. For such individuals meeting the above criteria, an employer may adopt a protocol to allow those in a stable work group to work without a face covering.
- c. Any child aged two years or less must NOT wear a face covering because of the risk of suffocation. This Order does not require any child between the ages of 2 and twelve years old to wear a face covering, including but not limited to, when attending childcare activities.
- d. While driving alone or exclusively with other members from the same living unit.
- e. If an individual cannot wear a face covering because:
 - i. a medical professional has advised the individual that wearing a face covering may pose a risk to the person for health-related reasons; or
 - ii. wearing a face covering would create a risk related to the individual's work as determined by local, state, or federal regulators or workplace safety guidelines.
- f. For individuals who have trouble breathing, are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

8. The following are not ordered by the Health Officer, but instead provide face covering recommendations, guidelines, and information:

- a. Wearing a face covering is recommended but not ordered while engaged in outdoor exercise such as walking, hiking, bicycling, or running. Each person

engaged in such activity must comply with social distancing requirements including maintaining at least six feet of separation from all other people. It is recommended each person engaged in such activity bring a face covering and wear it in circumstances when it is difficult to maintain social distancing. The face covering could be kept in a readily accessible location, such as around the person's neck or pocket. Running, bicycling, or other vigorous activity causes people to more forcefully expel airborne particles making the usual minimum six feet distance less adequate. When engaged in these activities, the Health Officer recommends maintaining a physical distance greater than six feet. People should avoid spitting in conjunction with exercise.

- b. How to make, wear, and clean face coverings: https://www.youtube.com/watch?v=tPx1y_qvJgf4.
- c. Wearing face coverings mainly protects others from the wearer's respirations and are not a complete protection for the wearer from others.
- d. Physical distancing and frequent hand washing should be maintained when wearing a face covering. It is also important to avoid contamination of one's hands when putting a face covering on or taking it off. It is important to wash your hands after removing a face covering. When removing a face covering it should not be placed on a surface where it may spread contaminants.
- e. Face coverings should be comfortable and the wearer should be able to breathe comfortably through the nose and without having to frequently adjust the face covering. For as long as medical grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks as face coverings under this Order. Those medical grade masks should be reserved for health care providers and first responders.
- f. Face coverings that are not disposed of after each use should be cleaned frequently and individuals are encouraged to have extra face coverings available so that a clean one is always available for use.

9. If you cannot afford a face covering one will be provided to you free-of-charge at the following locations:

- a. Santa Barbara County Administration building lobby, 105 E Anapamu St, Santa Barbara
- b. Sant Barbara Health Care Center, 345 Camino del Remedio, Santa Barbara
- c. Santa Maria Health Care Center, 2115 Centerpointe Parkway, Santa Maria

10. Face coverings may also be available by calling 211 to access offers by community groups at no cost.

11. The Health Officer requests cities within the County of Santa Barbara provide face

coverings free-of-charge to those cannot afford them.

This Order is issued as a result of the worldwide pandemic of COVID-19 which has infected at least 5,281,704 individuals worldwide, in 213 countries and territories, including 1540 cases, and 11 deaths in the County, and is implicated in over 338,726 worldwide deaths.

This Order is issued based on evidence of increasing transmission of COVID-19 both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

This Order is issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time.

This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially.

This Order is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; Governor Gavin Newsom's Executive Order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 16, 2020 order of the State Public Health Officer prohibiting all gatherings with expected presence above ten (10) individuals; Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident DR-4482-CA; and, Governor Newsom's Executive Order N-60-20 of May 4, 2020 to allow reopening of lower-risk businesses and spaces ("Stage Two"), and then to allow reopening of higher-risk businesses and spaces ("Stage Three"), and directing the Public Health Officer to establish criteria and procedures to determine whether

and how particular local jurisdictions may implement public health measures that depart from the statewide directives of the State Public Health Officer.

This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101040 and 120175; Health and Safety Code sections 101030 et seq., 120100 et seq.; and Title 17 of the California Code of Regulations section 2501.

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, 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.

The violation of any provision of this Order constitutes a threat to public health. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code sections 101029 and 120295, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order.

Copies of this Order shall promptly be: (1) made available at the County Public Health Department; (2) posted on the County Public Health Department's website (publichealthsb.org); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:



Henning Ansorg, M.D.
Health Officer
Santa Barbara County Public Health Department