



DISCUSSION ITEM

Agenda Item # 1

AGENDA REPORT SUMMARY

Meeting Date: May 20, 2020

Subject: Emergency Order 2020-01: An Order by the Director of Emergency Services of the City of Los Altos Requiring Members of the Public to Wear Face Coverings

Prepared by: Chris Jordan, City Manager

Attachment(s):

1. Emergency Order 2020-01

Initiated by:

City Manager acting as the Director of Emergency Services

Previous Council Consideration:

N/A

Fiscal Impact:

N/A

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to request the City Manager issue Emergency Order 2020-01, an order of the Director Emergency Services requiring face coverings be worn in the City of Los Altos under certain circumstances?

Summary:

- The attached Emergency Order requires face coverings be worn in the City of Los Altos by all individuals, with some exceptions.
- The Emergency Order will only be issued if approved by the City Council
- If approved by the City Council, the Emergency Order will be issued on May 21 and be effective May 22.

Recommended Motion:

Approve Emergency Order 2020-01.

Reviewed By:

City Manager

CJ

City Attorney

JH

Finance Director

SE



Subject: Emergency Order 2020-01: An Order by the Director of Emergency Services of the City of Los Altos Requiring Members of the Public to Wear Face Coverings

Purpose

The City Council is asked to review and approve Emergency Order 2020-01, requiring face coverings be worn in the City of Los Altos, with some exceptions.

Background

On April 17, 2020, the Santa Clara County Public Health Officer, in coordination with public health officers the Bay Area, issued guidelines regarding the wearing of face coverings throughout the region, with certain exceptions. These guidelines were issued because evidence suggested that the COVID-19 virus could be spread from individual to individual through drop through respiratory droplets that are produced when an infected person coughs, sneezes or talks. Although these guidelines were not issued as a requirement, many cities in the area have adopted the guidelines as emergency regulations lasting throughout the current pandemic emergency.

Emergency Order 2020-01 mirrors the actions of other cities in the immediate area to make compliance with the guidelines mandatory in Los Altos.

Analysis

If approved by the Council, Emergency Order 2020-01 will be issued May 21 and go into effect May 22. The Order will be issued under the authority provided to the Director Emergency Services in LAMC 2.28.080.A.6a.

The Order reflects the County Public Health Order guidelines by requiring face coverings be worn by individuals working at essential businesses, essential governmental functions, or any other indoor business, or any business where an employee is likely to come into close contact with other individuals, either co-workers or the public (see paragraph 4 of the Order.) . The Order also provides certain exceptions, as outlined in paragraphs 5-8.

As discussed in paragraph 10, the intent is “that Face coverings are meant to protect the public from the wearer in case the wearer is infected and not yet displaying symptoms. Face coverings are not a substitute for other evidence-based measures to prevent the spread of COVID-19. Face coverings should be used in addition to, but not in place of, other evidence-based measures such as social distancing, frequent hand washing practices, avoiding touching the eyes, nose, and mouth; and avoiding interactions if sick.”

As the County may modify the Shelter-in-Place Order, Emergency Order 2020-01 will capture



Subject: Emergency Order 2020-01: An Order by the Director of Emergency Services of the City of Los Altos Requiring Members of the Public to Wear Face Coverings

those changes to allowed businesses. Paragraph 13 states: “Any capitalized terms in this Order that are defined in the County Public Health Order dated May 18, 2020 shall be automatically updated to incorporate any future revisions to that order without a need to update this Order.”

Emergency Order 2020-01 will be rescinded by formal action by the Director of Emergency Services, an action by the City Council.

Options

- 1) Approve Emergency Order 2020-01, requiring face coverings in Los Altos, with certain exceptions.
- 2) Do not approve Emergency Order 2020-01, the wearing of face coverings will continue to be a guideline, not mandatory.

Recommendation

The Council should move to approve Emergency Order 2020-01.

EMERGENCY ORDER NO. 2020-01

**AN ORDER BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF
LOS ALTOS REQUIRING MEMBERS OF THE PUBLIC TO WEAR FACE
COVERINGS**

WHEREAS, Los Altos Municipal Code Section 2.28.080 empowers the City Manager, as the Director of Emergency Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by a proclaimed local emergency; and

WHEREAS, March 12, 2020, the City Manager, serving as the Director of Emergency Services, issued a Proclamation of Local Emergency regarding the presence and community spread of the COVID-19 pandemic, and on March 17, 2020, the City Council ratified the Proclamation of Local Emergency; and

WHEREAS, acting with the approval of the Los Altos City Council, the Director of Emergency Services, does hereby find the following:

1. Santa Clara County has been coordinating with the counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo on COVID-19 response efforts. On April 17, 2020, Santa Clara County issued guidance strongly recommending that members of the public wear face coverings in certain situations. On that same day, Alameda, Contra Costa, Marin, San Francisco, and San Mateo counties issued Public Health Orders requiring that the public wear face coverings in similar situations. This Emergency Order aligns in scope with those County orders and with the Santa Clara County's guidance regarding when to wear face coverings.
2. As of May 17, 2020, Santa Clara County had a total of 2453 confirmed cases of COVID-19. Of those cases, 23 were from Los Altos. Community transmission is believed to be widespread and due to limited testing capacity, it is likely that the City and the County's counts only represent a small portion of actual cases.
3. COVID-19 is spread through respiratory droplets that are produced when an infected person coughs, sneezes or talks. These droplets can land in the mouths or noses of others who are nearby or can be inhaled into their lungs. COVID-19 has been shown to attach to surfaces for days and remain viable in the air for up to three hours after the infected person has left. When properly worn by the user, face coverings have the potential to slow the spread of the virus by limiting the spread of these droplets. Even a small reduction in community transmission could make a major difference in the demand on the healthcare system.
4. People can be infected and contagious while not showing any symptoms, meaning they are asymptomatic. In addition, many people with the COVID-19 virus have mild symptoms and do not recognize they are infected and contagious. Due to these factors, people can unknowingly be infected and can unintentionally infect others. Therefore, the CDC believes that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public and engaged in essential activities; and

WHEREAS, the above facts give rise to conditions of extreme peril to the safety and health of persons within the City; and

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WHEREAS, carriers of COVID-19 have been known to be asymptomatic and wearing face coverings would help reduce the chances of transmission, further protecting the community during this emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED that effective at 12:01a.m. on Friday, May 22, 2020, and continuing in effect until further notice from the Director of Emergency Services or the City Council:

1. As used in this Order, 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 covering that hides or obscures the wearer’s eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face. 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. In general, even when not required by this Order, people are strongly encouraged to wear Face Coverings when in public. Also, for Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use.

Note that any mask that incorporates 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 and is not to be used to comply with this Order’s requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the website of Centers for Disease Control and Prevention, at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

2. All members of the public, except as specifically exempted below, must wear a Face Covering outside their home or other place they reside in the following situations:
 - a. When they are inside of, or in line to enter, any Essential Business (as that term is defined in Section 15 of the Santa Clara County Health Officer’s Order to Shelter in Place, dated May 18, 2020 (“County Public Health Order”)), including, but not limited to, grocery stores, convenience stores, supermarkets, laundromats, and restaurants;
 - b. When they are inside or at any location or facility engaging in Minimum Basic Operations or seeking or receiving Essential Government Functions (as defined in Sections 13.g and 13.d, respectively, of the County Public Health Order);

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- c. When they are engaged in Essential Infrastructure work (as defined in Section 13.c of the County Public Health Order);
 - d. When they are obtaining services at Healthcare Operations (as defined by in Section 13.b of the County Public Health Order)— including 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 healthcare services for animals—unless directed otherwise by an employee or worker at the Healthcare Operation; or
 - e. When they are waiting for or riding on public transportation (including without limitation any bus) or paratransit or are in a taxi, private car service, or ride-sharing vehicle.
3. Each driver or operator of any public transportation or paratransit vehicle, taxi, or 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 at all times.
 4. All Essential Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic Operations, Essential Government Functions (except for Healthcare Operations, which are subject to their own regulation regarding specified face coverings), or other Additional Businesses or other business operations allowed to open by a County Health Public Order must:
 - a. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:
 - i. interacting in person with any member of the public or with coworkers;
 - ii. working in any space visited by members of the public, such as by way of example and without limitation, 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; or
 - v. in any room or enclosed area when other people (except for members of the person's own household or residence) are present, including coworkers.

For clarity, a Face Covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public and coworkers do not regularly visit the room. By way of example and without limitation, a construction worker, plumber, bank manager, accountant, or bike repair person is not required to wear a Face

Covering if that individual is alone and in a space not regularly visited by the public or coworkers, but that individual must put on a Face Covering when coworkers are nearby, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present.

- b. Take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses and entities or organizations that engaged in Essential Infrastructure work or Minimum Basic Operations may take reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering, may refuse to serve that person if those efforts are unsuccessful, and may seek to remove that person.
5. Any child aged two years or less must not wear a Face Covering because of the risk of suffocation. Also due to risk of suffocation, this Order does not require that any child aged six years or less wear a Face Covering. Parents and caregivers must supervise use of Face Coverings by children to avoid misuse.
6. Wearing a Face Covering is recommended but not required while engaged in outdoor recreation such as walking, hiking, bicycling, or running. But each person engaged in such activity must comply with social distancing requirements including maintaining at least six feet of separation from all other people to the greatest extent possible. Additionally, it is recommended that each person engaged in such activity bring a Face Covering and wear that Face Covering in circumstances where it is difficult to maintain compliance with Social Distancing Requirements (as defined in Section 13.k of the SCC Shelter in Place Order), and that they carry the Face Covering in a readily accessible location, such as around the person's neck or in a pocket, for such use. Because running or bicycling causes people to more forcefully expel airborne particles, making the usual minimum 6 feet distance less adequate, runners and cyclists must take steps to avoid exposing others to those particles, which include the following measures: wearing a Face Covering when possible; crossing the street when running to avoid sidewalks with pedestrians; slowing down and moving to the side when unable to leave the sidewalk and nearing other people; never spitting; and avoiding running or cycling directly in front of or behind another runner or cyclist who is not in the same household.
7. 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.
8. A Face Covering is also not required by this Order to be worn by a particular individual if the person can show either: (1) a medical professional has advised that wearing a Face Covering may pose a risk to the person wearing the mask for health-related reasons; or (2) wearing a Face Covering would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.
9. The intent of this Order is to ensure that all people who are visiting or working at Essential Businesses or other Additional Businesses or Activities allowed to operate under the County Public Health Order and all people who are seeking care at healthcare facilities or engaged in certain types of public transit or transportation with others wear a Face Covering to reduce the likelihood that they may transmit or receive the COVID-19 virus. The intent of this Order

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is also to ensure that people who work for or seek services from entities engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government Functions also wear a Face Covering when they are in close proximity to others. In so doing, this Order will help reduce the spread of the COVID-19 virus and mitigate the impact of the virus on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent.

10. Face coverings are meant to protect the public from the wearer in case the wearer is infected and not yet displaying symptoms. Face coverings are not a substitute for other evidence-based measures to prevent the spread of COVID-19. Face coverings should be used in addition to, but not in place of, other evidence-based measures such as social distancing, frequent hand washing practices, avoiding touching the eyes, nose, and mouth; and avoiding interactions if sick.
11. Violation of this Order shall be punishable through the issuance of administrative citations, fines, and penalties as set forth in Los Altos Municipal Code Chapter 1.01.110. Law enforcement officers of the Los Altos Police Department are authorized to enforce this Order.
12. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Order.
13. Any capitalized terms in this Order that are defined in the County Public Health Order dated May 18, 2020 shall be automatically updated to incorporate any future revisions to that order without a need to update this Order.

Issued on the 21st day of May, 2020 following the approval and confirmation by the City Council on the 20th day of May, 2020.

By: _____
Chris Jordan
Director of Emergency Services
City of Los Altos

ATTEST:

Andrea Chelemengos, MMC, City Clerk