



**STAFF REPORT  
CITY COUNCIL REGULAR MEETING AGENDA  
MEETING DATE: SEPTEMBER 21, 2020**

**SUBMITTED:** August 10, 2020  
**DEPARTMENT:** City Clerk  
**DEPARTMENT HEAD:** Christine Black, City Clerk

**AGENDA ITEM:**  
**CONTACT:** Christine Black, City Clerk  
831-636-4300 x 1017

**TITLE OF ITEM: ORDINANCE NO. 1195 AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING TITLE 8 "HEALTH AND SAFETY" ADDING CHAPTER 8.05 "FACE COVERINGS" TO THE HOLLISTER MUNICIPAL CODE AND ADOPTING THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH'S GUIDANCE FOR THE USE OF FACE COVERINGS TO BE ENFORCEABLE BY ADMINISTRATIVE CITATION**

**DESCRIPTION:** This item would adopt an Ordinance, to require face coverings and other public health measures and incorporate penalties for violations of this Ordinance. At the August 17, 2020, City Council Meeting, staff requested and received consensus to bring the Ordinance to the September 8, 2020 City Council Meeting. At the September 8, 2020 City Council meeting Council requested staff to amend the citation fee to be \$100.00 per violation.

**RECOMMENDATION:** Read by title only, waive full reading, and ADOPT Ordinance No. 1195, amending Title 8 "Health and Safety" adding Chapter 8.05 "Face Coverings" to the Hollister Municipal Code and Adopting the California Department of Public Health's Guidance for the Use of Face Coverings to be Enforceable by Administrative Citation.

**DEPARTMENT SUMMARY:** On August 6, 2020, the County of San Benito held a COVID-19 Status Briefing, where the Enforcement of the Governor's Orders were discussed. At the August 17, 2020 City Council Meeting, staff requested and received consensus from the City Council to Introduce the Ordinance at the September 8, 2020 regular City Council Meeting. At the September 8, 2020 City Council Meeting, the Council requested an amendment for the citation fee to be \$100.00 per violation. Staff has made the amendment and is presenting Ordinance No. 1195 for adoption.

**FINANCIAL IMPACT:** Unknown.

**CEQA:** N/A

**ATTACHMENTS:**

1. State of CA Guidance for the Use of Face Coverings

**THIS REPORT WAS REVIEWED BY THE CITY MANAGER WHO CONCURS WITH THE STAFF RECOMMENDATION**

A handwritten signature in black ink, appearing to read "Brett Miller".

**Brett Miller, City Manager**

## **ORDINANCE NO. 1195**

### **AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING TITLE 8 "HEALTH AND SAFETY" ADDING CHAPTER 8.05 "FACE COVERINGS" TO THE HOLLISTER MUNICIPAL CODE AND ADOPTING THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH'S GUIDANCE FOR THE USE OF FACE COVERINGS TO BE ENFORCEABLE BY ADMINISTRATIVE CITATION**

#### **THE COUNCIL OF THE CITY OF HOLLISTER DOES ORDAIN AS FOLLOWS:**

Chapter 8.05 entitled "Face Coverings" is added to the Hollister Municipal Code.

**WHEREAS**, on March 16, 2020, the City of Hollister City Council declared the existence of a local emergency (Resolution No. 2020-46) for the protection of persons and property within the city caused by the spread of a severe acute respiratory illness caused by a novel (new) coronavirus named "SARS-CoV-2" (coronavirus disease 2019, abbreviated "COVID-19"); and

**WHEREAS**, Resolution No. 2020-47, consistent with Government Code section 8634, designated authority as the Director of Emergency Services (City Manager) to issue and to enforce orders and regulations to mitigate the effects of the local emergency on and as necessary for the protection of life and property during the local emergency; and

**WHEREAS**, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence, except as outlined by the California Department of Public Health, during the COVID-19 pandemic for the preservation of public health and safety throughout California. Executive Order N-33-20 requires all Californians to heed the state public health directives; and

**WHEREAS**, the County and the State have issued orders relaxing restrictions and allowing restaurants, retail, and other businesses to reopen, with modifications and pursuant to COVID-19 Industry Guidance issued by the California Department of Public Health; and

**WHEREAS**, on July 8, 2020, the California Department of Public Health placed San Benito County on the COVID-19 County Data Monitoring Project watch list in response to elevated disease transmission as indicated by San Benito County exceeding the state's 14- day case threshold of 100 cases per 100,000 residents and by exceeding the state's threshold for percent change in 3-day average COVID-19 hospitalizations; and

**WHEREAS**, due to San Benito County's placement on the watch list, on July 6, 2020, the State's Governor indicated that the state has ordered San Benito County to close bars (all operations) and indoor operations for the following sectors: restaurants, wineries, movie theaters, zoos, museums, and card rooms and on Monday, July 13, 2020, these restrictions were expanded to include other personal service industries; and

**WHEREAS**, on June 18, 2020, the California Department of Public Health (CDPH) released Guidance for the Use of Face Coverings (Guidance), which was updated on June 29, 2020, and whereas according to the CDPH Guidance, "... we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing;" and

**WHEREAS**, "The CDC, CDPH, and SBCPHD now believe that wearing a face covering, when combined with physical distancing of at least six (6) feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public... by reducing the spread of respiratory droplets."; and

**WHEREAS**, under California law, the state public health officer's orders are enforceable by local police agencies, and people who fail to comply may be charged with a misdemeanor; and

**WHEREAS**, the number of infected persons in San Benito County is rising and having a high number of people in public without wearing a face covering seriously impedes community efforts to stem the local transmission of COVID-19; and

**WHEREAS**, the intent of this Order is to provide a tool, in addition to education, to compel compliance with the Guidance by authorizing enforcement of the Guidance through the issuance of administrative citations pursuant to City of Hollister Municipal Code Section 1.18 "Administrative Citations."

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that:

**SECTION 1.** The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings.

**SECTION 2.** The California Department of Public Health (CDPH) Guidance and exemptions, attached hereto as Attachment A, and as such may be amended from time to time, is hereby expressly acknowledged and declared to be enforceable within the City of Hollister as if directly enacted by the City.

**SECTION 3.** Enforcement. Any person, as defined in City of Hollister Municipal Code Section 1.04.020, who violates the Guidance is in violation of this Ordinance and is subject to administrative citations under City of Hollister Municipal Code Chapter 1.18. The fine amount per violation is \$100.00.

**SECTION 4.** This Ordinance shall be liberally construed to provide the best possible protection for the Citizens of the City of Hollister.

**SECTION 5.** If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of the Ordinance, 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 Ordinance are severable.

**INTRODUCED** at a regular City Council meeting on the 17th day of August, 2020.

**PASSED AND ADOPTED**, by the City Council of the City of Hollister at a Regular Meeting held this 21st day of September, 2020, by the following vote:

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Ignacio Velazquez, Mayor

ATTEST:

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Christine Black, MMC, City Clerk

APPROVED AS TO FORM:

Epperson Law Group PC

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Jason S. Epperson, City Attorney

I, CHRISTINE BLACK, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 1195 is an original Ordinance, or true and correct copy of a City Ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on the 21st day of September, 2020, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Hollister this City Council day of September, 2020.

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Christine Black, MMC

City Clerk of the City of Hollister