

# Monterey County Indoor Face Covering Ordinance

**Monterey County Board of Supervisors Special  
Meeting**

September 21, 2021



# Background

- March 4, 2020 ,Governor Newsom proclaims state of emergency.
- March 6, 2020, CAO proclaims local emergency throughout the County; Board of Supervisors ratifies on March 10, 2020.
- Both state and local emergencies remain in effect.
- August 2021, health officers of other counties issue indoor face covering requirements:
  - Counties of Santa Clara, Santa Cruz, San Mateo, San Francisco, Alameda, Contra Costa, Sonoma, Marin, San Luis Obispo, Santa Barbara and Ventura, and City of Berkeley.
- City Councils of Benicia and Vallejo issue similar orders.
- Actions reflect a regional concern about the need for indoor face coverings.
- Monterey County Health Officer recommends face coverings indoors.

# Background

- September 14, 2021, Board of Supervisors introduces due course ordinance requiring facial coverings indoors with limited exceptions.
- Ordinance set for adoption on September 21, 2021.
- CDC and CDPH current recommendations:
  - CDC - if fully vaccinated, to maximize protection from the Delta variant and prevent possibly spreading to others, a mask should be worn indoors in public if in an area of “substantial” or “high” community transmission.
  - CDPH - universal masking indoors for vaccinated individuals.
- CDPH current requirement:
  - Anyone not vaccinated aged 2 or older, must wear a mask in indoor public places.

Sources:

CDC: <https://covid.cdc.gov/covid-data-tracker/#county-view>

CDPH: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

# Background

- Delta variant is the dominant strain in the United States and Monterey County.
- Delta variant makes up for over 80% of cases sequenced statewide.
- Delta variant is highly contagious, more than 2x as contagious as previous variants.
- Some data suggest that Delta might cause more severe illness than previous variants in unvaccinated people.
- Fully vaccinated people with Delta variant breakthrough infections can spread the virus to others.
- Other variants exist and their effects are unknown at this time.

Sources:

CDC, Monterey County Health Department and CDPH,

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>

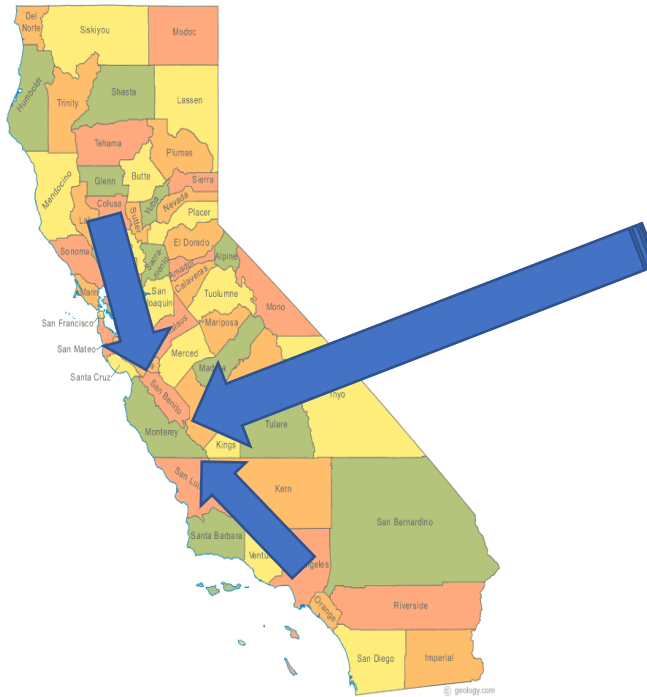
# Background

- Large scale randomized trial released on September 1, 2021, by Stanford and Yale University found that wearing a surgical mask over the mouth and nose is an effective way to reduce the occurrence of COVID-19 in community settings.
- Study found that 1 in 3 symptomatic infections were avoided for individuals 60+ years old, a population that faces the highest risk of death following infection.

Source: Poverty Action Center : <https://www.poverty-action.org/publication/impact-community-masking-covid-19-cluster-randomized-trial-bangladesh>

# Background

- Monterey County is a popular tourist destination.
  - Attracts tourists from areas with higher rates of positivity.
  - Not just California but from around the country.



# Background

- California Attorney General opined that, in cases where the emergency does not respect political lines, regulations adopted by a county that has declared a county-wide emergency can apply in the in cities as well as the unincorporated area.
- No direct case law but opinion cited as support in federal court decision in San Diego County challenging county-wide eviction moratorium.

Sources: 62 Ops. Cal. Atty. Gen. 701 (1979); *Southern California Rental Housing Association v. County of San Diego*, District Court Case No. 3:21CV912-L-DEB (7/26/21)

# Background

- Notwithstanding the lack of a Health Officer order regarding face coverings indoors, Board of Supervisors retains independent jurisdiction to address the health and safety of the citizens and residents of Monterey County.
  - California Constitution, Article XI, section 7.
- Record supports proactive measures by the Board of Supervisors to address the continuing threat posed by the COVID-19 pandemic.
- Decision is purely a policy one for the Board of Supervisors.



# Provisions

- Regardless of vaccination status, in the unincorporated and incorporated areas of Monterey County all person over the age of 2 must wear a face covering at all times indoors except:
  1. In their own residence, or in a closed room, office or vehicle by themselves or with members of their household;
  2. When actively performing an activity that cannot be done while wearing a facial covering (i.e. actively eating, drinking, swimming or showering in a fitness facility, or obtaining a medical or cosmetic service requiring removal of the facial covering);
  3. As specifically exempted by the CDPH; or
  4. Where all persons present show proof of full vaccination.

# Provisions

- All business and government entities must enforce the face covering requirement and post appropriate signage.
- All business and government entities are encouraged to provide face coverings to patrons.
- All persons accompanying or responsible for children aged 2 – 10 must use reasonable efforts to ensure the children wear the face covering when required.
- “Face covering,” “business,” and “personnel” are broadly defined.

# Provisions

- The ordinance is effective 31 days after adoption (October 22 if adopted September 21).
- The face covering requirement is only effective if, on that date, Monterey County is in the “high” or “substantial” metric of Community Transmission by the CDC.
- If the face covering is effective, it lasts for 30 days unless modified by Board order.
  - Does not need to be an ordinance, can be a resolution or Board order.
- If not effective on October 22, would become effective if Monterey County transitions to “high” or “substantial” from a lower tier.

# Provisions

- Enforcement:
  - Violations are not enforceable as an infraction or misdemeanor.
  - Violations are subject to administrative citations under the County Code.
  - Local officials are requested (but cannot be required) to enforce the ordinance.
  - Business regulated by the County would be subject to inspection and enforcement by the respective departments.
    - ✓ Primarily Environmental Health Bureau (restaurants and other establishments).

# Questions