

# EXHIBIT A

**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MONTEREY**  
**REQUIRING MEMBERS OF THE PUBLIC AND WORKERS TO WEAR**  
**FACE COVERINGS**

**DATE OF ORDER: April 28, 2020**

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both (California Health and Safety Code §120295). Except as may be defined herein, each of the capitalized terms is defined in the April 3, 2020 Monterey County Health Officer Shelter in Place Order ("April 3<sup>rd</sup> Order").

The Centers for Disease Control and Prevention ("CDC"), California Department of Public Health ("CDPH"), and the Monterey County Health Department ("MCHD") recommend that members of the public that need to interact with others outside the home, especially where many people are present such as shopping and waiting in lines, cover the mouth and nose to prevent inadvertently spreading the virus that causes Coronavirus Disease 2019 ("COVID-19"). One key method of transmission of the COVID-19 virus is by respiratory droplets that people expel when they breathe, cough or sneeze. People infected with the virus may not have any symptoms, meaning they are asymptomatic, but they can still be contagious. People infected with the virus are contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the COVID-19 virus have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others. Therefore, the CDC, CDPH, and MCHD now believe 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 by reducing the spread of respiratory droplets. And, because it is not always possible to maintain at least 6 feet of distance, members of the public and workers should wear face coverings while engaged in most essential activities and other activities when others are nearby. For clarity, although wearing a face covering is one tool for reducing the spread of the virus, doing so is not a substitute for sheltering in place, physical distancing of at

least 6 feet, and frequent hand washing.

This Order requires that people wear Face Coverings, which may be simple do-it-yourself coverings as further described below, in three main settings. First, members of the public must wear Face Coverings while a) inside of or waiting in line to enter Essential Businesses and other businesses or facilities engaged in Minimum Basic Operations, b) providing Essential Infrastructure or Essential Government Functions (except Healthcare Operations, which are subject to different requirements), c) when seeking healthcare from Healthcare Operations, and d) when waiting for or riding on public transportation and other types of shared transportation. Second, this Order also requires employees, contractors, owners, and volunteers of all Essential Businesses or those operating public transportation and other types of shared transportation to wear a Face Covering when at work. And third, this Order also requires workers engaged in Minimum Basic Operations, Essential Infrastructure, and Essential Government Functions to wear a Face Covering in areas where the public is present or likely to be, and at any time when others are nearby.

This Order includes certain exceptions. For instance, this Order does not require that any child aged twelve years or younger wear a Face Covering, and recommends that any child aged two years or younger should not wear one because of the risk of suffocation. This Order also does not apply to people who are in their own cars alone or with members of their own household. It also does not require people to wear Face Coverings while engaged in outdoor recreation such as walking, hiking, bicycling, or running, though it does recommend that they have a Face Covering with them and still requires them to practice social distancing and other measures to protect against transmission of the virus.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE  
SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE  
COUNTY OF MONTEREY ("HEALTH OFFICER") ORDERS:**

1. This Order will take effect at 12:01a.m. on April 30, 2020, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. All individuals, businesses and government agencies in the unincorporated and incorporated areas of the County of Monterey ("County") are required to follow the

provisions of this Order.

2. This Order is based on evidence of increasing occurrence of COVID-19 within the County, California and the United States. In the County, as of April 26, 2020 there were 185 cases of COVID-19 and four fatalities, including a significant and increasing number of suspected cases of community transmission.
3. 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 need 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; 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 [www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html](http://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html).

4. All members of the public, except as specifically exempted below, must wear a Face Covering outside their home or other place where they reside in the following situations:
  - a. When inside of, or in line to enter, or when conducting business through a car window or walk-up counter at any Essential Business (as that term is defined in Section 13.f of the April 3<sup>rd</sup> Order), including, but not limited to, grocery stores, convenience stores, supermarkets, laundromats and restaurants;
  - b. When inside or at any location or facility engaging in Minimum Basic Operations, or inside of any location or facility while seeking or receiving Essential Government Functions (as defined in Sections 13.g and 13.d, respectively, of the April 3<sup>rd</sup> Order);
  - c. When engaged in Essential Infrastructure work (as defined in Section 13.c of the April 3<sup>rd</sup> Order);
  - d. When obtaining services at Healthcare Operations (as defined in Section 13.b of the April 3<sup>rd</sup> 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 health care services for animals, unless directed otherwise by an employee or worker at the Healthcare Operation; or
  - e. When waiting for or riding on public transportation (including without limitation any bus or train) or paratransit, or are in a taxi, private car service, or ride-sharing vehicle.
5. Each driver or operator of any public transportation vehicle, paratransit vehicle, taxi, 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.
6. All Essential Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic

Operations, or Essential Government Functions (except for Healthcare Operations, which are subject to their own regulation regarding specified face coverings), 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;
  - 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.

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 does not regularly visit the room. By way of example and without limitation, a construction worker, plumber, bank manager, accountant, or bike repair person, who is otherwise allowed to engage in work pursuant to the April 3<sup>rd</sup> Order, is not required to wear a Face Covering if that individual is alone and in a space not regularly visited by the public, 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; and

- 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 are engaged in Essential Infrastructure work or Minimum Basic Operations must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering and must not serve that person.

7. Any child aged two years or less should not wear a Face Covering because of the risk of suffocation. This Order does not require that any child twelve years of age or less wear a Face Covering, including but not limited to, when attending childcare activities. However, parents and caregivers should supervise the use of Face Coverings by children to avoid misuse.
8. 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, 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. Running or bicycling causes people to more forcefully expel airborne particles, which makes the usual minimum 6 feet distance requirement less adequate. Therefore, runners and cyclists must take extra measures to avoid exposing others to airborne particles, including wearing a Face Covering when possible, maintaining physical distance of greater than 6 feet when engaging in these activities, avoiding spitting, and avoiding running or cycling directly in front of or behind another runner or cyclist who is not in the same household.
9. 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.
10. A Face Covering is also not required by this Order to be worn by an 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.

11. The intent of this Order is to ensure that all people who are visiting or working at Essential Businesses 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 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.
12. This Order is issued based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County.
13. This Order is issued in accordance with, and incorporates by reference, the: April 3, 2020 Order of the Monterey County Health Officer, the March 19, 2020 Order of the State Health Officer, The March 19, 2020 Executive Order N-33-20 issued by the Governor of California, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by the Governor of California, the March 10, 2020 Resolution of the Board of Supervisors of the County of Monterey Ratifying and Extending the Proclamation of a Local Emergency, the March 6, 2020 Proclamation of a Local Emergency issued by the County Administrative Officer, the March 4, 2020 Proclamation of a State of Emergency issued by the California Governor, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.



14. Failure to comply with any of the provisions of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
15. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.
16. Copies of this Order shall promptly be: (1) made available at the County Government Center at 168 West Alisal Street, CA 93901 and the County Health Department at 1270 Natividad Rd., Salinas CA 93906; (2) posted on the County Health Department website [www.mtyhd.org](http://www.mtyhd.org); and (3) provided to any member of the public requesting a copy of this Order.
17. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
18. Questions or comments regarding this Order may be directed to Monterey County Health Department at (831) 755-4521.

**IT IS SO ORDERED:**

  
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Edward Moreno, MD, MPH  
Health Officer of the County of Monterey

Dated April 28, 2020

# EXHIBIT B



SONIA Y. ANGELL, MD, MPH  
State Public Health Officer & Director

State of California—Health and Human Services Agency  
**California Department of Public Health**



GAVIN NEWSOM  
Governor

Released June 18, 2020

- Revised on June 29, 2020 to clarify that children under two years old are exempt from wearing face coverings due to risk of suffocation

## **GUIDANCE FOR THE USE OF FACE COVERINGS**

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, 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.

This document updates existing [CDPH guidance](#) for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

### **Guidance**

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;<sup>1</sup>
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;<sup>2</sup>
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
  - Interacting in-person with any member of the public;
  - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

<sup>1</sup> Unless exempted by state guidelines for specific public settings

<sup>2</sup> Unless directed otherwise by an employee or healthcare provider



- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

*The following individuals are exempt from wearing a face covering:*

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom 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.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

**Note:** Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

## **Background**

*What is a cloth face covering?*

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

*How well do cloth face coverings work to prevent spread of COVID-19?*

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

*When should I wear a cloth face covering?*

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

*How should I care for a cloth face covering?*

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric

###

# EXHIBIT C

**AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, PROVIDING THAT VIOLATIONS OF LOCAL HEALTH OFFICER ORDERS, STATE PUBLIC HEALTH OFFICER ORDERS, CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDANCE, OR EXECUTIVE ORDERS OF THE GOVERNOR OF THE STATE OF CALIFORNIA, THAT REQUIRE THE WEARING OF MASKS OR FACIAL COVERINGS IN THE UNINCORPORATED AREA DURING THE COVID-19 PANDEMIC ARE VIOLATIONS OF THE COUNTY CODE AND SUBJECT TO THE ADMINISTRATIVE CITATION PROCESS OF MONTEREY COUNTY CODE CHAPTER 1.22**

**County Counsel Summary**

*This ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety of the County of Monterey while the State's Stay at Home Order and associated orders and guidance regarding the wearing of masks or facial coverings are in effect due to the COVID-19 pandemic. This ordinance would provide that violations of local health officer orders, State public health officer orders, guidance from the California Department of Public Health, or executive orders of the Governor of the State of California that require the wearing of masks or facial coverings in the unincorporated area during the COVID-19 pandemic are violations of the County Code and subject to the administrative citation process set forth in Chapter 1.22 of the County Code. This ordinance is an urgency ordinance pursuant to Government Code section 25123 and requires a four-fifths vote for adoption.*

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and,

WHEREAS, on March 6, 2020, the County Administrative Officer of the County of Monterey issued a proclamation declaring the existence of a local emergency in the County, and on March 13, 2020, the Monterey County Board of Supervisors ratified and extended the Declaration of a Local Emergency; and,

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency; and,

WHEREAS, the Governor has issued from time-to-time Executive Orders establishing regulations restricting certain activities to protect the public health and safety during the COVID-19 pandemic; and,

WHEREAS, on March 17, 2020, Health Officer of the County of Monterey issued a Shelter-In-Place Order, which the Health Officer has extended and modified periodically, enacting restrictions on activities in Monterey County, including requiring physical distancing, to protect the public health and safety in compliance with the State Public Health Officer Orders setting baseline restrictions due to COVID-19; and,

WHEREAS, on March 19, 2020, the Governor and the State Public Health Officer issued a statewide Stay at Home order; and,

WHEREAS, the County Health Officer has issued various orders from time-to-time supplementing or replacing his orders; and,

WHEREAS, on April 28, 2020, the County Health Officer issued an order requiring the use of facial coverings in Monterey County with certain exceptions; and,

WHEREAS, the Health Officer of the County of Monterey issued a new Shelter-In-Place Order on May 26, 2020, which took effect when the State approved the County's Variance Attestation and which allowed certain categories of business to open with certain restrictions, including maintaining physical distancing measures; and,

WHEREAS, the May 26, 2020, Order did not rescind or replace the April 28, 2020, facial covering order; and,

WHEREAS, on June 18, 2020, the State Department of Public Health issued guidance requiring the wearing of masks and facial coverings during the COVID-19 pandemic, with various exemptions; and,

WHEREAS, the termination of the COVID-19 pandemic, Shelter-In-Place and Stay at Home Orders, and mask or facial covering orders and guidance are not known and cannot be known at this time; and

WHEREAS, the number of COVID-19 positive cases and related hospitalizations and fatalities in Monterey County continue to increase, and such increases are an issue of concern; and,

WHEREAS, the evidence and scholarly research has concluded that the wearing of masks or facial coverings helps slow the spread of COVID-19; and,

WHEREAS, violations of local health officer orders, State public health officer orders, guidance from the California Department of Public Health, or executive orders of the Governor of the State of California that require the wearing of masks or facial coverings are misdemeanors than can be processed through the criminal justice system; and,

WHEREAS, such criminal proceedings are burdensome to those involved in the process, including the California courts, Sheriff, District Attorney and Public Defender; and,

WHEREAS, an administrative citation and fine process will provide for more regular and cost effective enforcement of local health officer orders, State public health officer orders, guidance from the California Department of Public Health, and executive orders of the Governor of the State of California that require the wearing of masks or facial coverings; and,



WHEREAS, in light of the declared federal, state, and County emergency due to the occurrence of COVID-19, and the Orders of the County Health Officer and State Public Health Officer, the guidance from the California Department of Public Health, and the executive orders of the Governor of the State of California, there is an immediate need to provide for enforcement of those orders and guidance in a more administrative manner rather than through traditional criminal proceedings; and,

WHEREAS, pursuant to California Government Code section 25123, the immediate preservation of the public peace, health, safety and welfare requires adoption of this urgency ordinance to establish an administrative citation process for violations of local health officer orders, State public health officer orders, guidance from the California Department of Public Health, and executive orders of the Governor of the State of California that require the wearing of masks or facial coverings in the unincorporated area during the COVID-19 pandemic; and

WHEREAS, such an administrative citation process currently exists in Chapter 1.22 of the Monterey County Code; and,

WHEREAS, it is neither necessary nor appropriate to amend the County Code to provide for the administrative processing of violations of local health officer orders, State public health officer orders, guidance from the California Department of Public Health, or executive orders of the Governor of the State of California that require the wearing of masks or facial coverings during the COVID-19 pandemic because of the potential temporary nature of the circumstances requiring such orders and guidance; and,

WHEREAS, it is necessary and appropriate for the immediate protection of the public peace, health, safety and welfare of the County to provide that violations of local health officer orders, State public health officer orders, guidance from the California Department of Public Health, or executive orders of the Governor of the State of California that require wearing of masks or facial coverings in the unincorporated areas during the COVID-19 pandemic are violations of the Monterey County Code and subject to the Administrative Citation process set forth in Chapter 1.22 of the Monterey County Code; NOW THEREFORE,

The Board of Supervisors of the County of Monterey ordains as follows:

#### SECTION 1. PURPOSE AND FINDINGS.

Pursuant to Article XI, section 7 of the California Constitution, and Government Code sections 25845 and 53069.4, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

The Monterey County Board of Supervisors hereby finds and declares that the recitals set forth above are true and correct.

## SECTION 2. VIOLATIONS.

Notwithstanding the definition of “administrative citation” in Section 1.22.020 of the Monterey County Code, any violation of a local health officer order, State public health officer order, guidance from the California Department of Public Health, or executive order of the Governor of the State of California that requires the wearing of masks or facial coverings in the unincorporated area during the COVID-19 pandemic is a violation of the Monterey County Code and subject to the Administrative Citation process set forth in Chapter 1.22 of the Monterey County Code, and subject to the fines set forth therein. Repeated violations of such order or guidance may be prosecuted as a misdemeanor in the discretion of the Monterey County District Attorney.

## SECTION 4. ENFORCEMENT.

The Monterey County Sheriff and the Monterey County District Attorney shall not be required to, but may, enforce the provisions of this ordinance. The County Administrative Officer is authorized and directed to designate such County employees or officers as “enforcement officials,” as defined in Section 1.22.020 of the Monterey County Code, to enforce the provisions of this ordinance, and may hire full or part-time temporary employees or retired annuitants to perform such function. The County Administrative Officer shall ensure that appropriate training is provided to those persons designated to enforce the provisions of this ordinance.

## SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

## SECTION 8. EFFECTIVE DATE AND TERM.

This ordinance shall take effect immediately as an urgency ordinance based on the finding of the Board of Supervisors that this ordinance is adopted in compliance with Government Code Section 25123, that it is necessary for the immediate protection of the public peace, health, and safety, and that it is necessary to prevent the County of Monterey from suffering significant deleterious impacts to the public health during this COVID-19 pandemic emergency.

This ordinance shall remain in effect until the last to occur of: a) termination of a local health officer order, b) termination of a State public health officer order, c) termination of guidance from the California Department of Public Health, or d) termination of an executive order of the Governor of the State of California, each of which requires the wearing of masks or facial coverings during the COVID-19 pandemic.

PASSED AND ADOPTED this \_\_\_\_ day of July 2020, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Christopher M. Lopez, Chair,  
Monterey County Board of Supervisors

AT T E S T:

VALERIE RALPH  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
  
LESLIE J. GIRARD  
County Counsel