

ATTACHMENT A

DISCUSSION

On March 5, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, waived the 60-day time period in Government 8630 within which local governments must renew a local emergency, and ordered that Local States of Emergency would stay in effect until terminated. On March 6, 2020, pursuant to the Monterey County Code and Government Code section 8630, County Administrative Officer Charles J. McKee signed a Proclamation of Local Emergency in response to the COVID-19 pandemic proclaiming a local emergency throughout Monterey County including the unincorporated and incorporated areas, and on March 10, 2020, the Monterey County Board of Supervisors ratified the Proclamation of Local Emergency. Pursuant to the Governor's proclamation, the County's proclamation remains in effect.

The California Department of Public Health ("CDPH") and the Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations. (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>.)

On July 27, 2021, the CDC issued updated guidance recommending that fully vaccinated individuals wear face coverings in public indoor settings in areas of substantial or high transmission of COVID-19. (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.) On July 28, 2021, CDPH provided similar guidance recommending that all individuals wear face coverings in indoor public settings given the emergence of the more contagious Delta variant. (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>.) A recent large scale, randomized trial study by Stanford and Yale Universities' researchers confirms the effectiveness of surgical masks in reducing the spread of COVID-19. (<https://www.poverty-action.org/publication/impact-community-masking-covid-19-cluster-randomized-trial-bangladesh>.)

Recently, health officers in the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma, and San Luis Obispo announced facial covering mandates requiring every resident to wear a face covering indoors in public settings, regardless of vaccination status, and the Cities of Berkeley, Benicia, and Vallejo adopted similar requirements. While not issuing an order, the Monterey County Health Officer recommends that all persons, regardless of vaccination status, wear facial coverings indoors in public settings. (<https://www.co.monterey.ca.us/Home/Components/News/News/8412/1336>.)

The Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare and safety within the unincorporated and incorporated areas of the County, and the California Attorney General has opined that, in locally proclaimed emergencies, a county's regulations adopted to address such emergency can be applicable in both the unincorporated and incorporated areas in situations

where the emergency exists throughout the County, such as presented by the COVID-19 pandemic, which does not respect political boundaries.

Monterey County, like many counties in California, has recently seen an increase in its COVID-19 positivity rate and hospitalizations. While the statistics seem to be stabilizing, other variants of COVID-19 exist, and their impact on positivity rates and hospitalizations is unknown. Monterey County is a popular tourist destination, attracting visitors from around the State and County including many places with more serious community transmission rates of COVID-19. In addition, children below the age of 12 are not yet authorized to receive a vaccine for COVID-19, and are at risk for contracting the virus from both vaccinated and unvaccinated persons.

In order to protect the health and safety of the residents of the County, and in order to follow the sound guidance and recommendations of the CDC and CDPH, the Board of Supervisors should consider introducing and setting for adoption an ordinance imposing a requirement that face coverings be worn indoors and in enclosed spaces in all of Monterey County in order to curtail the spread of COVID-19. Limited exceptions to the requirement are recommended – where people are: a) in their own residence, or in a closed room, office or vehicle alone or with members of their household; b) performing an activity that cannot be done while wearing a face covering (e.g., actively eating or drinking, swimming or showering in a fitness facility, or obtaining a medical or cosmetic service requiring removal of a face covering); c) as specifically exempted from use of face coverings under the guidance of CDPH (e.g., to communicate with someone who is hearing impaired or where a face covering poses a safety risk); or d) where all persons present show proof of vaccination (2 shots of a 2 shot regime or 1 shot of a 1 shot regime) or show proof of a negative COVID-19 test performed within 72 hours of the gathering/event/meeting. Persons accompanying or responsible for children between the ages of two (2) and ten (10) are required to use reasonable efforts to ensure such children wear facial coverings when required.

If adopted, the Ordinance will be effective on the thirty-first (31st) day thereafter. The requirements of the Ordinance will terminate at the earlier of sixty (60) days after its effective date or upon order of the Board of Supervisors, unless renewed or extended. The Ordinance also provides that any stricter standards adopted by the State will control. Finally, violations of the Ordinance may be processed as administrative violations pursuant the County Code, and the definition of “enforcement official” is expanded to include defined personnel of the cities within the County solely for the purposes of the Ordinance.