

Monterey County

Monterey County Government Center
Board of Supervisors Chambers
168 W. Alisal St., 1st Floor



Meeting Agenda - Final

Special Meeting

Wednesday, September 8, 2021

11:30 AM

<https://montereycty.zoom.us/j/224397747>

Board of Supervisors

Chair Supervisor Wendy Root Askew - District 4

Vice Chair Supervisor Mary L. Adams - District 5

Supervisor Luis A. Alejo - District 1

Supervisor John M. Phillips - District 2

Supervisor Chris Lopez - District 3

Important Notice Regarding COVID 19

Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of the COVID 19 virus, please do the following:

1. While the Board chambers remain open, you are strongly encouraged to observe the live stream of the Board of Supervisors meetings at <https://monterey.legistar.com/Calendar.aspx>, <http://www.mgtvonline.com/>, www.youtube.com/c/MontereyCountyTV or <https://www.facebook.com/MontereyCoInfo/>

If you attend the Board of Supervisors meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals.

2. If you choose not to attend the Board of Supervisors meeting but desire to make general public comment, or comment on a specific item on the agenda, you may do so in two ways:

a. submit your comment via email by 5:00 p.m. on the Monday prior to the Board meeting. Please submit your comment to the Clerk of the Board at cob@co.monterey.ca.us. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.

b. you may participate through ZOOM. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/224397747>

OR to participate by phone call any of these numbers below:

+1 669 900 6833 US (San Jose)
+1 346 248 7799 US (Houston)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US
+1 301 715 8592 US

Enter this Meeting ID number: 224397747 when prompted. Please note there is no Participant Code, you will just hit # again after the recording prompts you.

You will be placed in the meeting as an attendee; when you are ready to make a public comment if joined by computer audio please Raise your Hand; and by phone please push *9 on your keypad.

3. You are encouraged to participate via Zoom; however, additional seating with audio of the Board meeting will be available in the Monterey Room on the 2nd floor of the County Government Center is needed for overflow.

Aviso importante sobre COVID 19

Según la orientación del Departamento de Salud Pública de California y la Oficina del Gobernador de California, para minimizar la propagación del virus COVID 19, haga lo siguiente:

1. Mientras las cámaras de la Junta permanezcan abiertas, se le recomienda encarecidamente que observe la transmisión en vivo de las reuniones de la Junta de Supervisores en <https://monterey.legistar.com/Calendar.aspx>, <http://www.mgtvonline.com/>, www.youtube.com/c/MontereyCountyTV o <https://www.facebook.com/MontereyCoInfo/>

Si asiste a la reunión de la Junta de Supervisores en persona, se le pedirá que mantenga un distanciamiento social apropiado, es decir, mantenga una distancia de 6 pies entre usted y otras personas.

2. Si elige no asistir a la reunión de la Junta de Supervisores pero desea hacer comentarios del público en general, o comentar sobre un tema específico de la agenda, puede hacerlo de dos maneras:

Envíe su comentario por correo electrónico antes de las 5:00 p.m. el lunes anterior a la reunión de la Junta. Envíe su comentario al Secretario de la Junta a cob@co.monterey.ca.us. En un esfuerzo por ayudar al Secretario a identificar el ítem de la agenda relacionado con su comentario público, por favor indique en la Línea de Asunto, el cuerpo de la reunión (es decir, la Agenda de la Junta de Supervisores) y el número del ítem (es decir, el Ítem No. 10). Su comentario se colocará en el registro en la reunión de la Junta.

B. puede participar a través de ZOOM. Para participar en ZOOM, únase por audio de computadora en: <https://montereycty.zoom.us/j/224397747>

O para participar por teléfono llame a cualquiera de los siguientes números:

+1669900 6833 EE. UU. (San José)

+ 1346248 7799 EE. UU. (Houston)

+1312626 6799 EE. UU. (Chicago)

+1929205 6099 EE. UU. (Nueva York)

+1 253215 8782 EE. UU.

+1 301 715 8592 EE. UU.

Ingrese este número de identificación de la reunión: 224397747 cuando se le solicite. Tenga en cuenta que no hay un código de participante, simplemente presionará # nuevamente después de que la grabación le indique.

Se le colocará en la reunión como asistente; cuando esté listo para hacer un comentario público si se le une el audio de la computadora, levante la mano; y por teléfono, presione * 9 en su teclado.

3. Se le anima a participar a través de Zoom; sin embargo, se necesitarán asientos adicionales con audio de la reunión de la Junta en el Salón Monterey en el segundo piso del Centro de Gobierno del Condado para el desbordamiento.

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901.

As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the podium and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item and may comment when the Chair calls for general public comment for items that are not on the day's agenda. The timing of public comment shall be at the discretion of the Chair.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff

will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies.

The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting.

Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

NOTE: All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to the corresponding Board Report.

PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

Please refer to the separate agendas for Special Districts and Agencies governed by the Board of Supervisors that may be scheduled for agenda items today.

Pursuant to Governor Newsom's Executive Order No. N-29-20, some or all Supervisors may participate in the meeting by telephone or video conference.

11:30 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session by County Counsel

County Counsel will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Regular Agenda

1. Consider adopting an urgency ordinance requiring the use of face coverings indoors by all persons over the age of two (2) regardless of vaccination status, with limited exceptions (4/5ths vote required).

Attachments: [Board Report](#)
[Attachment A - Discussion re Urgency Ordinance Face Covering Bd rpt](#)
[Attachment B - Draft Urgency Ordinance re all county Indoor Mask Mandate](#)

Closed Session

2. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Kim MooreEmployee Organization(s): Unit S

The Board Recesses for Closed Session Agenda Items

Closed Session may be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting, before or after the scheduled time, announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Read Out from Closed Session by County Counsel

Read out by County Counsel will only occur if there is reportable action(s).

Adjournment



Monterey County

Item No.1

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 21-771

September 08, 2021

Introduced: 9/3/2021

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Consider adopting an urgency ordinance requiring the use of face coverings indoors by all persons over the age of two (2) regardless of vaccination status, with limited exceptions (4/5ths vote required).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Consider adopting an urgency ordinance requiring the use of face coverings indoors by all persons over the age of two (2) regardless of vaccination status, with limited exceptions (4/5ths vote required).

SUMMARY/DISCUSSION:

In order to provide for the immediate health, safety and welfare of all residents of the County in light of the current conditions arising from the COVID-19 pandemic, the Board of Supervisors should consider adopting an urgency ordinance implementing an indoor facial covering requirement in both the unincorporated and incorporated areas of the County, with limited exceptions. A more thorough discussion is enclosed as Attachment A, and a draft ordinance is enclosed as Attachment B.

OTHER AGENCY INVOLVEMENT:

The County Administrative Office concurs in the recommendation.

FINANCING:

There is no direct financial impact to the County from this ordinance. There may be indirect impact due to enforcement efforts by various departments.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

- ☐ Economic Development
- ☐ Administration
- ☒ Health & Human Services
- ☐ Infrastructure
- ☒ Public Safety

Prepared and Approved by:

Leslie J. Girard, County Counsel Ext. 5365

Attachments:

Board Report

- A. Discussion
- B. Draft Urgency Ordinance



Monterey County

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- ☒ Public Safety

Prepared and Approved by:

Legistar File Number: 21-771

DocuSigned by:



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Leslie J. Girard, County Counsel

Ext. 5365

Attachments:

Board Report

- A. Discussion
- B. Draft Urgency Ordinance

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>.) Monterey County's COVID-19 community transmission designation by the CDC has fluctuated between "substantial" and "high" and, as of the writing of this report, is "high. (<https://covid.cdc.gov/covid-data-tracker/#county-view>.)

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 adopting 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); or 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). 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.

While the Ordinance will be effective immediately as an urgency ordinance, the facial covering requirement will be effective the following Monday in order to give businesses and other establishments time to implement required signage and otherwise be prepared to follow the Ordinance's requirements. 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.

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ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, REQUIRING THE USE OF FACE COVERINGS INDOORS BY ALL PERSONS IN THE COUNTY OF MONTEREY OVER THE AGE OF TWO (2) REGARDLESS OF VACCINATION STATUS, WITH LIMITED EXCEPTIONS

County Counsel Summary

This urgency ordinance requires the use of face coverings in all indoor spaces within Monterey County by all persons over the age of two (2) regardless of vaccination status with limited exceptions. This ordinance is effective immediately; however, the facial covering requirement will be effective at 12:01 a.m. September 13, 2021, until the earlier of 12:01 a.m. November 12, 2021, or rescinded or terminated by the Board of Supervisors, unless renewed or extended.

WHEREAS, on March 5, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, waived the 60-day time period in Government Code section 8630 within which local governments must renew a local emergency, and ordered that Local States of Emergency would stay in effect until terminated; and,

WHEREAS, Section 2.68.060 of the Monterey County Code and Section 8630 of the Government Code empower the County Administrative Officer, or the Board of Supervisors if in session, to proclaim the existence of a local emergency when the County is affected or likely to be affected by a public calamity; and,

WHEREAS, on March 6, 2020, pursuant to the Monterey County Code and Government Code section 8630, Monterey 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,

WHEREAS, on March 10, 2020, the Monterey County Board of Supervisors ratified the Proclamation of Local Emergency by the County Administrative Officer; and,

WHEREAS, 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>); and,

WHEREAS, 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; and,

ATTACHMENT B

WHEREAS, 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>); and,

WHEREAS, on July 28, 2021, CDPH provided similar guidance recommending that all individuals regardless of vaccination status, 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>); and,

WHEREAS, Monterey County's COVID-19 community transmission designation by the CDC has fluctuated between "substantial" and "high" (<https://covid.cdc.gov/covid-data-tracker/#county-view>); and,

WHEREAS, 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>); and,

WHEREAS, 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; and,

WHEREAS, 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>); and,

WHEREAS, 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,

WHEREAS, the County has an important governmental interest in protecting the health, safety and welfare of its citizens and businesses; and,

WHEREAS, 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 in the entire county, such as presented by the COVID-19 pandemic which does not respect political boundaries; and,

WHEREAS, in order to protect the health and safety of the County and in order to follow the sound guidance and recommendations of the CDC and CDPH, the County will impose a requirement that face coverings be worn indoors and in enclosed spaces in all of Monterey

ATTACHMENT B

County in order to curtail the spread of COVID-19; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Monterey County Board of Supervisors finds it necessary to issue and implement this Ordinance to protect life, health and safety of its citizens and the community at large; NOW, THEREFORE,

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

SECTION 1. Findings and purpose.

The recitals set forth above are true and correct. In order to address an immediate threat to the public peace, health and safety arising from the existence of the COVID-19 pandemic and the proclaimed local emergency existing throughout the County, this Ordinance mandates the use of face coverings indoors by all persons over the age of 2, in the unincorporated and incorporated areas of the County, regardless of vaccination status, with limited exceptions as set forth herein.

SECTION 2. Face Covering Requirement.

1. Regardless of vaccination status, in the unincorporated and incorporated areas of Monterey County all persons over the age of two (2) years old must wear a face covering, which covers both the mouth and nose, at all times when indoors except:
 - a. in their own residence, or in a closed room, office or vehicle alone or with members of their household;
 - b. when they are actively 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); or
 - c. as specifically exempted from use of face coverings under the guidance of CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx> (e.g., to communicate with someone who is hearing impaired or where a face covering poses a safety risk).
2. All businesses and governmental entities owning, operating, managing, or occupying indoor facilities must enforce this face covering requirement for all personnel and for all customers or members of the public entering their facilities, regardless of vaccination status. All such businesses and governmental entities must post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the face covering requirements to all persons entering the facility. In addition, those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals who do not have one upon entry. All 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.

ATTACHMENT B

3. For purposes of this Ordinance:

- a. “Face covering” means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers. A face covering has no visible holes or openings and must cover the nose and mouth. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer fabric.
- b. “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership, or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure. For clarity, “business” also includes a for-profit, non-profit, or educational entity performing services or functions under contract with a governmental agency.
- c. “Personnel” means the following individuals who provide goods or services or perform operations associated with a business or governmental entity in the unincorporated or incorporated areas of the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); independent contractors (such as “gig workers” who perform work via the business’s application or other online interface); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the business.

SECTION 3. Effective date of facial covering requirement and termination.

The requirements of this Ordinance shall be effective at 12:01 a.m. on Monday, September 13, 2021, and shall terminate at the earlier to occur of 12:01 a.m. on Friday, November 12, 2021 or upon order of the Board of Supervisors, unless renewed or extended.

SECTION 4. Enforcement.

A violation of this Ordinance may be processed as an administrative violation pursuant to the provisions of Monterey County Code Chapter 1.22. For purposes of this Ordinance only, the term “enforcement official” includes any officer, employee, or agent of a City within the County or any deputy or designee of such officer, employee, or agent, that is charged with responsibility for enforcement of any provision of state or local law.

SECTION 5. Stricter Requirements.

Where a conflict exists between this Ordinance and any order issued by the State Public Health Officer, the Governor, or a State agency (such as the California Division of Occupational Safety and Health (Cal/OSHA)) related to the COVID-19 pandemic, the most restrictive provision controls. For clarity, all individuals and entities must comply with the State Order, any mandatory guidance issued by the California Department of Public Health, any mandatory orders

ATTACHMENT B

of the Governor or a State agency, or any other mandatory provision of State law to the extent it is stricter than any provision of this Ordinance. In addition, to the extent any federal guidelines are inconsistent with this Order, this Ordinance is controlling.

SECTION 6. Other Provisions.

- a. This Ordinance shall be liberally construed to provide the broadest possible protection for the citizens of the County.
- b. The County Administrative Officer, the County Counsel, and all other County officers and department heads, are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this Ordinance.
- c. All City Managers, City Attorneys and all other City officers and department heads, are requested to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this Ordinance within their respective jurisdictions.

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.

This Ordinance shall take effect immediately as an urgency Ordinance. This is based on the Board of Supervisors finding that this Ordinance is adopted in compliance with Government Code Section 25123, that it is necessary for the protection of the public health and safety, and that it is necessary to prevent the residents of the County of Monterey from suffering preventable injury and deaths from COVID-19. Notwithstanding the effective date of this Ordinance, the effective date of the facial covering requirement is as set forth in Section 3, above.

PASSED AND ADOPTED this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Wendy Root Askew, Chair,
Monterey County Board of Supervisors

ATTACHMENT B

A T T E S T :

VALERIE RALPH
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

LESLIE J. GIRARD
County Counsel



Monterey County

Item No.2

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: CS 21-044

September 08, 2021

Introduced: 9/3/2021

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:

(1) Designated representatives: Irma Ramirez-Bough and Kim Moore

Employee Organization(s): Unit S