



# Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Mary Linden, Executive Assistant

Approved by: Steve McClary, Interim City Manager

Date prepared: June 1, 2021

Meeting date: June 14, 2021

Subject: Ordinance Requiring Wearing of Face Coverings

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**RECOMMENDED ACTION:** 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 487 rescinding Ordinance No. 473 requiring the use of face coverings during the COVID-19 pandemic and finding the same exempt from the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 487 for the June 28, 2021 Regular City Council meeting.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**WORK PLAN:** This item was included as item 1.a. in the Adopted Workplan for Fiscal Year 2020-2021 and the proposed Work Plan for Fiscal Year 2021-2022.

**DISCUSSION:** On May 21, 2021, the County of Los Angeles announced its plan to align with the State of California's plans to reopen the economy on June 15, 2021. The State had announced it would move beyond the Blueprint for a Safer Economy, allowing a return to usual operations with some exceptions for large events including adopting revised masking guidelines for vaccinated and unvaccinated individuals. People who are fully vaccinated will no longer need to wear masks in most situations. Current County Health Orders, protocols and guidance will be amended or retired on June 15 to reflect these changes.

On November 5, 2020, the City adopted Ordinance No. 473 to align with the County and State and promote the health, safety and public welfare of City residents during the COVID-19 pandemic by requiring members of public to wear face coverings, thereby reducing the continued spread of the disease. In order to maintain alignment with the State and County with regard to mask regulations, it is recommended the City rescind its

mask ordinance. Cal/OSHA regulations and guidelines for the wearing of masks in the workplace will still apply.

ATTACHMENTS: Ordinance No. 487

## ORDINANCE NO. 487

### AN ORDINANCE OF THE CITY OF MALIBU RESCINDING ORDINANCE NO. 473 REQUIRING THE USE OF FACE COVERINGS DURING THE COVID-19 PANDEMIC AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the Malibu does ordain as follows:

#### SECTION 1. Purpose and Findings.

- A. International, national, state, and local health and governmental authorities responded to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it caused was named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”).
- B. On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- C. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for the spread of COVID-19.
- D. On March 14, 2020, the City Manager/Director of Emergency Services proclaimed the existence of a local emergency pursuant to Malibu Municipal Code section 2.52.060. At a special meeting on March 16, 2020, the City Council ratified the proclamation of the Director of Emergency Services and declared the existence of a local emergency to ensure the availability of mutual aid and aid the City’s response to COVID-19.
- E. Following a resurgence in the number of COVID-19 positive cases, hospitalizations, and deaths in Fall 2020, both the State of California and County of Los Angeles issued revised Health Orders to include the requirement for all persons to wear a face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places whether indoors or outdoors. According to State and County Health Officials, wearing face coverings reduces the risk of transmission to others who do not have symptoms and do not know that they are infected.
- F. On November 5, 2020, the City adopted Ordinance No. 473 to align with the County and State and promote the health, safety and public welfare of City residents during the COVID-19 pandemic by requiring members of public to wear face coverings, thereby reducing the continued spread of the disease.

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- G. Following widespread access to a COVID-19 vaccine, the State announced in May 2021 the reopening of the economy beginning June 15, 2021, to include a revised Guidance for the Use of Face Coverings issued by the California Department of Public Health providing that, with some specified exceptions: for fully vaccinated persons, face coverings are not required outdoors except when attending crowded outdoor events, such as live performances, parades, fairs, festivals, sports events, or other similar settings; for unvaccinated persons, face coverings are required outdoors any time physical distancing cannot be maintained, including when attending crowded outdoor events, such as live performances, parades, fairs, festivals, sports events, or other similar settings; and in indoor settings outside of one's home, including public transportation, face coverings continue to be required regardless of vaccination status.
- H. The State's revised Guidance for the Use of Face Coverings requires that in the workplace, employers remain subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) and must ensure that all workers are provided and properly wear face coverings as required by the ETS.
- I. On May 21, 2021, the County of Los Angeles announced it will align with the State's June 15 plans that ease many capacity limits and distancing requirements and adopt the Center for Disease Control (CDC) masking guidelines for vaccinated and unvaccinated individuals. People who are fully vaccinated will no longer need to wear masks in most situations.
- J. The easing of face covering requirements throughout Los Angeles County and the State of California will apply within the Malibu city limits to protect residents and visitors making it no longer necessary to impose stricter face covering requirements by the City.

SECTION 2. City of Malibu Ordinance No. 473, previously adopted by the City Council, is hereby rescinded and repealed in its entirety.

SECTION 3. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of June 2021.

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, Acting City Clerk  
(seal)

Date: \_\_\_\_\_

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE

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JOHN COTTI, Interim City Attorney