

RESOLUTION NO. 20-067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, RATIFYING, IN PART, AMENDING, IN PART, AND RESCINDING, IN PART, THAT CERTAIN "ORDER OF THE CARSON DISASTER COUNCIL, CITY OF CARSON, CALIFORNIA, IMPLEMENTING RESOLUTION NO. 20-053 AND MUNICIPAL CODE, ARTICLE III, CHAPTER 7, §§ 3700 ET SEQ., FINDING, DETERMINING AND ORDERING THAT ALL RESIDENTS OR VISITORS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY OF CARSON SHALL NOT LEAVE THEIR PLACES OF DOMICILE OR RESIDENCE WITHOUT WEARING A FACE MASK OR COVERING WHICH SHALL COVER THE NOSE AND MOUTH OF THE WEARER, AND MAKING A VIOLATION OF SAME ENFORCEABLE BY CITY AUTHORITIES THROUGH ALL ENFORCEMENT PROVISIONS WITHIN THE CARSON MUNICIPAL CODE, AND SUBJECT TO A ONE THOUSAND DOLLAR FINE," ISSUED APRIL 2, 2020

WHEREAS, on March 17, 2020, the Carson City Council through Resolution No. 20-053 proclaimed the existence of a local emergency in response to COVID-19; and

WHEREAS, the Governor, the State Public Health Officer, the Los Angeles County Emergency Services Director, the Los Angeles County Board of Supervisors, and the Los Angeles County Health Officer have promulgated and issued, and will reasonably continue to promulgate and issue, various orders, rules and regulations concerning the COVID-19 state of emergency that are applicable within the jurisdiction of the City of Carson ("Orders"), pursuant to State and County law, including but not limited to the California Emergency Services Act (Gov. Code §§ 8550 *et seq.*) and the California Public Health & Safety Code §§ 101029, 120155, 120275, 120295; and

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout California, the County of Los Angeles, and the City of Carson, necessitating stringent public health emergency orders as well as guidance from federal, state and local authorities; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly within California, the County of Los Angeles, and the City of Carson, continues to present an immediate and significant risk to public health and safety, and can result in serious illness or death, especially to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Los Angeles, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, the health, safety and welfare of City of Carson ("City") residents, businesses, visitors and staff are of utmost importance to the City; and

WHEREAS, Government Code § 8634 provides in part: "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice."; and

WHEREAS, CMC § 3705(A)(6) provides, in relevant part: "the Director, or in the Director's absence, the Assistant Director or other person so designated . . . is hereby empowered: (i) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;" and

WHEREAS, after consideration of all facts reasonably available, the Carson Disaster Council determined to issue an order to expressly provide mandate the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, and to make the same enforceable within City jurisdiction; and

WHEREAS, at the virtual City Council meeting of April 7, 2020 the City Council reviewed the order of the Carson Disaster Council and entertained comments on the same from interested stakeholders; and

WHEREAS, as a consequence of such review the City Council now acts to ratify, in part, amend in part, and rescind, in part the order of the Carson Disaster Council.

NOW THEREFORE, the CITY COUNCIL of the CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE and ORDER AS FOLLOWS:

Section 1. That certain order of the Carson Disaster Council, dated on or about April 2, 2020, and entitled "AN ORDER OF THE CARSON DISASTER COUNCIL, CITY OF CARSON, CALIFORNIA, IMPLEMENTING RESOLUTION NO. 20-053 AND MUNICIPAL CODE, ARTICLE III, CHAPTER 7, §§ 3700 ET SEQ., FINDING, DETERMINING AND ORDERING THAT ALL RESIDENTS OR VISITORS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY OF CARSON SHALL NOT LEAVE THEIR PLACES OF DOMICILE OR RESIDENCE WITHOUT WEARING A FACE MASK OR COVERING WHICH SHALL COVER THE NOSE AND MOUTH OF THE WEARER, AND MAKING A VIOLATION OF SAME ENFORCEABLE BY CITY AUTHORITIES THROUGH ALL ENFORCEMENT PROVISIONS WITHIN THE CARSON MUNICIPAL CODE, AND SUBJECT TO A ONE THOUSAND DOLLAR FINE," is hereby ratified, in part, amended, in part, and rescinded, in part, as if it had been adopted by this City Council in the first instance.

Section 2. Section 2 of the order is amended to read as follows:

"All customers and visitors of grocery stores, water retailers, farm and produce stands, supermarkets, convenience stores, warehouse stores, food banks, certified farmers' markets, laundromats, dry cleaners, and laundry service providers, restaurants and retail food facilities that prepare and offer food to customers, hotels, motels and shared

rental units, churches or places of worship, or visiting within the geographic boundaries of the City of Carson must wear face coverings which shall be of sufficient size to cover the nose and mouth of the wearer. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least daily). Single-use face coverings must be properly discarded into trash receptacles.

All persons who work at businesses or perform services within the geographic boundaries of the City of Carson must wear face coverings which shall be of sufficient size to cover the nose and mouth of the wearer while performing their work. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least daily). Single-use face coverings must be properly discarded into trash receptacles.

Each resident of, or visitor within, the geographic boundaries of the City of Carson shall, upon either entering the geographic boundaries of the City or upon leaving their domicile or place of residence and continuing until their return to the place of domicile or residence or the exiting the geographic boundaries of the City shall wear a face mask or covering which shall be of sufficient size to cover the nose and mouth of the wearer. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least daily). Single-use face coverings must be properly discarded into trash receptacles."

Sections 3. Section 4 of the order, to the extent the same imposes an fine of One Thousand Dollars (\$1,000) is, to that extend, hereby rescinded.

Section 4. The order of the Carson Disaster Council is attached hereto as Exhibit "A," and incorporated herein to the extent not modified by this resolution.

Section 5. The City Clerk shall certify to the passage and adoption of this resolution.

[SIGNATURES ON THE FOLLOWING PAGE]

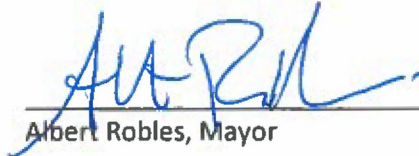
PASSED, APPROVED, and ADOPTED this 7th day of April, 2020.

APPROVED AS TO FORM:

CITY OF CARSON:

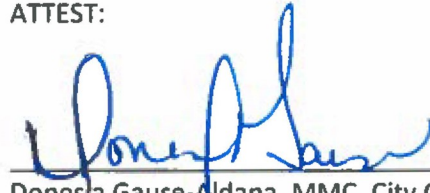


Sunny K. Soltani, City Attorney



Albert Robles, Mayor

ATTEST:



Donesia Gause-Aldana, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

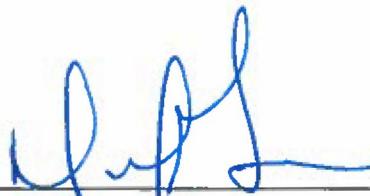
I, Donesia Gause, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing resolution, being Resolution No. 20-067, adopted by the City of Carson City Council at its meeting held on April 7, 2020, by the following vote:

AYES: COUNCIL MEMBERS: Robles, Dear, Davis-Holmes, Hilton, and Hicks

NOES: COUNCIL MEMBERS: None.

ABSTAIN: COUNCIL MEMBERS: None.

ABSENT: COUNCIL MEMBERS: None.



City Clerk Donesia Gause-Aldana, MMC, City Clerk

**AN ORDER OF THE CARSON DISASTER COUNCIL,
CITY OF CARSON, CALIFORNIA, IMPLEMENTING
RESOLUTION NO. 20-053 AND MUNICIPAL CODE,
ARTICLE III, CHAPTER 7, §§ 3700 ET SEQ., FINDING,
DETERMINING AND ORDERING THAT ALL
RESIDENTS OR VISITORS WITHIN THE GEOGRAPHIC
BOUNDARIES OF THE CITY OF CARSON SHALL NOT
LEAVE THEIR PLACES OF DOMICILE OR RESIDENCE,
WITHOUT WEARING A FACE MASK OR COVERING
WHICH SHALL COVER THE NOSE AND MOUTH OF
THE WEARER, AND MAKING A VIOLATION OF SAME
ENFORCEABLE BY CITY AUTHORITIES THROUGH
ALL ENFORCEMENT PROVISIONS WITHIN THE
CARSON MUNICIPAL CODE, AND SUBJECT TO A
ONE THOUSAND DOLLAR FINE**

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and,

WHEREAS, COVID-19 is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person, and according to the federal Centers for Disease Control and Prevention ("CDC") as of March 29, 2020 there are over 120,000 confirmed cases of COVID-19 in the United States and over 2,100 deaths due to COVID-19 in the United States; and

WHEREAS, on March 4, 2020, the Governor declared the existence of a state of emergency in the State of California due to the threat posed by COVID-19; and

WHEREAS, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a "pandemic"; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, on March 14, 2020, the Governor issued Executive Order N-25-20 which ordered that "[a]ll residents are to heed any orders and guidance of state and local public health officials, including, but not limited to the imposition of social distancing measures, to control the spread of COVID-19"; and

WHEREAS, on March 18, 2020, the Los Angeles County Emergency Services Director further issued a Countywide Shelter at Home Order and Regulation No. 4 for the County of Los Angeles ("County") that took effect on Thursday, March 19, 2020 at 5:00 pm., and that was further amended and ratified by the County Health Officer on March 21, 2020 ; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, including the Order of the State Public Health Officer mandating all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>; and

WHEREAS, on March 17, 2020, the Carson City Council through Resolution No. 20-053 proclaimed the existence of a local emergency in response to COVID-19; and

WHEREAS, the Governor, the State Public Health Officer, the Los Angeles County Emergency Services Director, the Los Angeles County Board of Supervisors, and the Los Angeles County Health Officer have promulgated and issued, and will reasonably continue to promulgate and issue, various orders, rules and regulations concerning the COVID-19 state of emergency that are applicable within the jurisdiction of the City of Carson ("Orders"), pursuant to State and County law, including but not limited to the California Emergency Services Act (Gov. Code §§ 8550 *et seq.*) and the California Public Health & Safety Code §§ 101029, 120155, 120275, 120295; and

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout California, the County of Los Angeles, and the City of Carson, necessitating stringent public health emergency orders as well as guidance from federal, state and local authorities; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly within California, the County of Los Angeles, and the City of Carson, continues to present an immediate and significant risk to public health and safety, and can result in serious illness or death, especially to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Los Angeles, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, the health, safety and welfare of City of Carson ("City") residents, businesses, visitors and staff are of utmost importance to the City; and

WHEREAS, Government Code § 8634 provides in part: "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice."; and

WHEREAS, CMC § 3705(A)(6) provides, in relevant part: "the Director, or in the Director's absence, the Assistant Director or other person so designated . . . is hereby empowered: (i) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;" and

WHEREAS, after consideration of all facts reasonably available, the Carson Disaster Council determines to issue this order to expressly provide mandate the use of face masks or

coverings by residents and those who visit within the jurisdiction of the City, and to make the same enforceable within City jurisdiction.

NOW, THEREFORE, as the Carson Disaster Council in and for the City of Carson, California, in accordance with Government Code § 8634 and Carson Municipal Code § 3705, does hereby promulgate and issue the following order to become effective immediately, subject to ratification as soon as practicable by the Carson City Council.

IT IS HEREBY ORDERED AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference. The recitals referenced herein, are adopted as though set forth fully herein as findings in support of this order.

SECTION 2. Each resident of, or visitor to, the City of Carson shall, upon either entering the geographic boundaries of the City or upon leaving their domicile or place of residence and continuing until their return to the place of domicile or residence or the exiting the geographic boundaries of the City shall wear a face mask or covering which shall be of sufficient size to cover the nose and mouth of the wearer so as to assure the inhale or exhale of oxygen through the mask or covering.

SECTION 3. This order shall be enforceable within the geographic boundaries of the City of Carson pursuant to both the provisions of CMC Article I, Chapter 2, §§ 1200 *et seq.* which provides for enforcement of violations as infractions and/or misdemeanors.

SECTION 4. In the event that a violation of Sections 2 and 3, is deemed to be an infraction, pursuant to CMC § 1200(b), the fine for the same shall be one thousand dollars (\$1,000), notwithstanding provisions for any fine amounts to the contrary. Each and every day a violation exists may constitute a separate and distinct offense.

SECTION 5. Should the directives referenced in above Sections 2 and 3 conflict in any manner, the stricter directive shall apply, unless expressly acknowledged otherwise by both the Governor and the County, or unless as an operation of law.

SECTION 6. This order must be confirmed at the earliest practicable time by the City Council.

SECTION 7. If any subsection, sentence, clause, phrase, or word of this order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this order.

SECTION 8. Notwithstanding pending review of this order by the City Council for confirmation at the earliest practicable time, this order shall take effect immediately as of the date set forth below.

SECTION 9. This order shall remain in effect until terminated by subsequent order of the Carson Disaster Council, terminated by resolution or other action of the City Council, or until the state of local emergency in the City concludes, whichever occurs earlier.

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SECTION 10. This order and its contents will be published and promulgated in as widespread a manner as is reasonably feasible under the conditions prevailing during this local emergency.

Dated: _____

April 9, 2020



Albert Robles, Carson Disaster Council
Chair