

RESOLUTION NO. 21-071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, RATIFYING, CONFIRMING AND AMENDING THAT CERTAIN ORDER ENTITLED "AN ORDER OF THE CARSON DISASTER COUNCIL, CITY OF CARSON, CALIFORNIA, IMPLEMENTING 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 ABIDE BY STATE OF CALIFORNIA AND/OR COUNTY OF LOS ANGELES FACE MASKS OR COVERINGS MANDATES," ISSUED MAY 27, 2021

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, a respiratory disease that is easily transmissible from person to person and that has resulted in millions of cases of serious illness or death worldwide, having 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 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, 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 § 3703 provides, in relevant part: "It shall be the duty of the Carson Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements"; and

WHEREAS, on April 2, 2020, after consideration of all facts reasonably available, the Carson Disaster Council issued an order to expressly mandate the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, make the same enforceable within City jurisdiction, and impose a \$1,000 fine for each violation ("Disaster

Council 2000 Order”); and

WHEREAS, at the City Council meeting of April 7, 2020, the City Council reviewed Disaster Council 2000 Order and entertained comments on the same from interested stakeholders, and as a consequence of such review, through Resolution No. 20-067, the City Council ratified in part, amended in part, and rescinded in part, the aforementioned Disaster Council 2000 Order. Specifically, without limitation, the City Council approved an amended version of the Disaster Council’s mandate for the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, and rescinded the part of the Disaster Council 2000 Order pertaining to imposition of a \$1,000 fine for violation of the face masks or coverings mandate; and

WHEREAS, on or about October 20, 2020, and based on the foregoing and in order to protect public health and safety, the City Council adopted Ordinance 20-2017 to codify the face masks or coverings mandate that it approved through Resolution No. 20-067 and, in connection therewith, to also codify that violations of said mandate shall constitute infractions subject to fines in accordance with Section 1200(b) of the Carson Municipal Code; and

WHEREAS, the United States Food and Drug Administration has approved COVID-19 vaccines manufactured by Moderna, Pfizer, and Johnson & Johnson on an emergency use authorization basis. After widespread injections of such vaccines into millions of people over the course of several months, the rate of COVID-19 transmissions nationally, statewide, within the County, and within the City has decreased considerably. In light of such decreased rate of transmission, the County of Los Angeles Department of Public Health (“County Health Department”) issued an order effective May 14, 2021, which contains mask mandates and restrictions that are significantly less stringent than those set out in Resolution No. 20-067 and Ordinance 20-2017, and it is expected that the County Health Department will continue to issue modified orders that further relax mandates so long as the rate of COVID-19 transmissions continues to decline, which result is the widespread expectation as more people build immunity either through receipt of vaccinations or natural immunity for those who contract COVID-19; and

WHEREAS, on May 13, 2021, the Disaster Council rescinded, subject to confirmation by the City Council, parts of the Disaster Council 2000 Order with respect to face masks or coverings mandates for outdoors, public areas and certain indoor spaces such as grocery stores (“Disaster Council Second Order”) to ensure that the City’s face masks or coverings mandate would be consistent with State and County health orders without having to repeatedly update the Disaster Council 2000 Order as the State and County health orders continue to get updated and become more relaxed. No formal written order to reflect such action was prepared and adopted; and

WHEREAS, on May 18, 2021, upon considering the Disaster Council Second Order, the City Council requested the Disaster Council to consider further action to make the COVID-19 face masks or coverings regulations within the City follow and completely align with, and continue to be completely aligned with, State and County health orders; and

WHEREAS, after consideration of all facts reasonably available, on May 27, 2021, the Disaster Council issued an order (“Disaster Council 2021 Order”), a draft of which is attached hereto and incorporated herein by this reference as Exhibit “A,” to further relax the City’s face

masks or coverings mandate that it issued through the Disaster Council 2000 Order as modified through the Disaster Council Second Order, by following and completely aligning with, and continuing to be completely aligned with, the regulations and guidelines of the State or County Health Department, whichever is more restrictive; and

WHEREAS, during the City Council's meeting of June 1, 2021, the City Council reviewed the Disaster Council 2021 Order and entertained comments on the same from interested stakeholders; and

WHEREAS, as a consequence of such review the City Council now acts to ratify and confirm, in part, and amend, in part, the Disaster Council 2021 Order. The amendments to the Disaster Council 2021 Order are only for the purpose of providing a more detailed list of persons who are subject to the Disaster Council 2021 Order (as such further specificity is included in City Council Resolution No. 20-067) without intention of expanding the applicability of the Disaster Council 2021 Order.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. That certain order of the Carson Disaster Council, dated on or about May 27, 2021, and entitled "AN ORDER OF THE CARSON DISASTER COUNCIL, CITY OF CARSON, CALIFORNIA, IMPLEMENTING 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 ABIDE BY STATE OF CALIFORNIA AND/OR COUNTY OF LOS ANGELES FACE MASKS OR COVERINGS MANDATES," is hereby ratified and confirmed, in part, and amended, in part, as if it had been adopted by this City Council in the first instance.

SECTION 3. Section 2 of the Disaster Council 2021 Order is amended to read as follows:

“With respect to wearing 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, all persons within the City of Carson jurisdictional boundaries, including, without limitation, the following individuals, must comply with all State of California or Los Angeles County Health Department regulations and guidelines, whichever is more restrictive, as such regulations and guidelines may be modified from time to time:

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.

All persons who work at businesses or perform services.

All residents of, or visitors 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.

Such face masks or 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.”

SECTION 4. This Resolution shall replace and supersede Resolution No. 20-067 in every respect.

SECTION 5. The City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 7. This Resolution shall be effective immediately upon its adoption.

[signatures on following page]

PASSED, APPROVED AND ADOPTED this 1st day of June, 2021.

Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

ATTEST:

Joy Simarago, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CARSON)

I, Joy Simarago, Deputy City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. 21-071 was passed and approved by the City Council of the City of Carson, at a regular meeting of said Council held on June 1, 2021 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joy Simarago, Deputy City Clerk

EXHIBIT “A”
DISASTER COUNCIL 2021 ORDER
SEE ATTACHED

**AN ORDER OF THE CARSON DISASTER COUNCIL,
CITY OF CARSON, CALIFORNIA, IMPLEMENTING
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 ABIDE BY STATE OF CALIFORNIA
AND/OR COUNTY OF LOS ANGELES FACE MASKS
OR COVERINGS MANDATES**

WHEREAS, COVID-19 is a respiratory disease that is easily transmissible from person to person and that has resulted in millions of cases of serious illness or death worldwide, having 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, 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...to control the spread of 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, 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, 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 § 3703 provides, in relevant part: “It shall be the duty of the Carson Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and

resolutions and rules and regulations as are necessary to implement such plans and agreements”; and

WHEREAS, on April 2, 2020, after consideration of all facts reasonably available, the Carson Disaster Council issued an order to expressly mandate the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, make the same enforceable within City jurisdiction, and impose a \$1,000 fine for each violation (“Disaster Council 2000 Order”); and

WHEREAS, at the City Council meeting of April 7, 2020, the City Council reviewed the Disaster Council 2000 Order and entertained comments on the same from interested stakeholders, and as a consequence of such review, through Resolution No. 20-067, the City Council ratified in part, amended in part, and rescinded in part, the aforementioned Disaster Council 2000 Order. Specifically, without limitation, the City Council approved an amended version of the Disaster Council’s mandate for the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, and rescinded the part of the Disaster Council 2000 Order pertaining to imposition of a \$1,000 fine for violation of the face masks or coverings mandate; and

WHEREAS, on or about October 20, 2020, and based on the foregoing and in order to protect public health and safety, the City Council adopted Ordinance 20-2017 to codify the face masks or coverings mandate that it approved through Resolution No. 20-067 and, in connection therewith, to also codify that violations of said mandate shall constitute infractions subject to fines in accordance with Section 1200(b) of the Carson Municipal Code; and

WHEREAS, the United States Food and Drug Administration has approved COVID-19 vaccines manufactured by Moderna, Pfizer, and Johnson & Johnson on an emergency use authorization basis. After widespread injections of such vaccines into millions of people over the course of several months, the rate of COVID-19 transmissions nationally, statewide, within the County, and within the City has decreased considerably. In light of such decreased rate of transmission, the County of Los Angeles Department of Public Health (“County Health Department”) issued an order effective May 14, 2021, which contains mask mandates and restrictions that are significantly less stringent than those set out in Resolution No. 20-067 and Ordinance 20-2017, and it is expected that the County Health Department will continue to issue modified orders that further relax mandates so long as the rate of COVID-19 transmissions continues to decline, which result is the widespread expectation as more people build immunity either through receipt of vaccinations or natural immunity for those who contract COVID-19; and

WHEREAS, on May 13, 2021, the Disaster Council rescinded, subject to confirmation by the City Council, parts of the Disaster Council 2000 Order with respect to face masks or coverings mandates for outdoors, public areas and certain indoor spaces such as grocery stores (“Disaster Council Updated Order”) to ensure that the City’s face masks or coverings mandate would be consistent with State and County health orders without having to repeatedly update the Disaster Council 2000 Order as the State and County health orders continue to get updated and become more relaxed. No formal written order to reflect such action was prepared and adopted; and

WHEREAS, on May 18, 2021, upon considering the Disaster Council Updated Order, the City Council requested the Disaster Council to consider further action to make the COVID-19 face masks or coverings regulations within the City follow and completely align with, and continue to be completely aligned with, State and County health orders; and

WHEREAS, after consideration of all facts reasonably available, the Disaster Council now sees fit to cause the City's face masks or coverings mandate to follow and completely align with, and continue to be completely aligned with, the regulations and guidelines of the State or County Health Department, whichever is more restrictive; and

WHEREAS, to effectuate the alignment of the City's face masks or coverages mandate with the State and County Health Department regulations, the Carson Disaster Council now sees fit to further relax the City's face masks or coverings mandate that it issued through the Disaster Council 2000 Order as modified through the Disaster Council Updated Order; and

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 § 3703, does hereby promulgate and issue the following order to become effective immediately, subject to confirmation 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, with respect to wearing 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, comply with all State of California or Los Angeles County Health Department regulations and guidelines, whichever is more restrictive, as such regulations and guidelines may be modified from time to time.

SECTION 3. Section 3708.1(b) of the Carson Municipal Code shall be modified so that the regulations allow for some flexibility and discretion as to whether or not fines shall be imposed for violations of the City's mask mandate.

SECTION 4. This order shall replace and supersede the Disaster Council 2000 Order and Disaster Council Updated Order in every respect.

SECTION 5. This order must be confirmed at the earliest practicable time by the City Council.

SECTION 6. 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 7. 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 8. 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.

SECTION 9. 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: May 27, 2021

Lula Davis-Holmes, Disaster Council
Chairperson