



# CITY OF CARSON

## Legislation Text

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### Report to Mayor and City Council

Tuesday, June 01, 2021

Discussion

#### **SUBJECT:**

**CONSIDER A RESOLUTION RATIFYING IN PART AND AMENDING IN PART, THE CARSON DISASTER COUNCIL ORDER DATED MAY 27, 2021, AND CITY COUNCIL ORDINANCE, TO ALIGN THE CITY OF CARSON MASK MANDATES WITH THOSE OF THE COUNTY OF LOS ANGELES AND STATE OF CALIFORNIA (CITY COUNCIL)**

#### **I. SUMMARY**

While the COVID-19 virus has resulted in an untold number of transmissions worldwide, nationally, statewide, and within the City of Carson, resulting in serious illness and death, the rate of transmission has decreased significantly in recent months in large part due to the vaccines that have become so widely accessible pursuant to emergency use FDA approvals. The County of Los Angeles Department of Public Health recently issued an order effective May 14, 2021, which contains mask mandates and restrictions that are more relaxed than those that were in effect previously, including as compared to the City of Carson face masks and coverings mandates.

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.

The Carson Disaster Council on May 27, 2021, issued an order to bring the City's mask mandates into compliance with those more relaxed mandates of the County and/or the State, 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. During that same meeting, the Disaster Council also ordered that Section 3708.1 of the City's Municipal Code be amended to provide that violations of the City's mask mandates will not automatically result in a fine, as whether a violation will result in a fine will be subject to the City's discretion. Any order of the Disaster Council is subject to City Council confirmation and approval under Carson Municipal Code Section 3703. Accordingly, the attached Resolution No. 21-071, if approved, will confirm in part, and amend in part, the Disaster Council order. As noted below, the amendments are not of any substance, and they do not expand nor alter the scope of the Disaster Council order.

Ordinance No. 21-2115, if approved, will codify the face masks or coverings mandate approved through Resolution No. 21-071, and any City fine will be tied to the more relaxed County and/or State regulations. Also, the ordinance will provide the City with the discretion as to whether a fine will be imposed (even though the City always has the option to not enforce its own regulations).

## **II. RECOMMENDATION**

1. APPROVE 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”
2. INTRODUCE and READ by title only, with further reading waived, Ordinance No. 21-2115, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 3708.1 (FACE MASKS AND COVERINGS RELATED TO COVID-19) OF CHAPTER 7 (EMERGENCY ORGANIZATION) OF ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE REGARDING MANDATING FACE MASKS AND COVERINGS WITHIN CITY OF CARSON GEOGRAPHICAL BOUNDARIES DURING COVID-19 EMERGENCY PERIOD”

## **III. ALTERNATIVES**

TAKE another action that the City Council deems appropriate.

## **IV. BACKGROUND**

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.

With the emergency use approval by the United States Food and Drug Administration of three vaccines, Moderna, Pfizer, and Johnson & Johnson, and with millions of persons having been inoculated by these vaccines and having achieved immunity naturally through contraction of the COVID-19 virus, the rate of transmission of COVID-19 throughout the United States, including the State of California and the City of Carson, has decreased considerably. 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 prescribed by the City in 2020. 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.

On May 27, 2021, the Carson Disaster Council issued an order (“2021 DC Order”) (see attached Exhibit C) to bring the City of Carson’s face masks and coverings mandate into compliance with the more relaxed State and County of Los Angeles regulations, 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. The Disaster Council also ordered that Section 3708.1 of the City’s Municipal Code be amended to provide that violations of the City’s mask mandates will not automatically result in a fine, as whether a violation will result in a fine will be subject to the City’s discretion. Under Carson Municipal Code Section 3703, such Disaster Council order is subject to City Council confirmation and approval. Staff is recommending that the City Council approve the attached Resolution No. 21-071 (see attached Exhibit D) to ratify and confirm, in part, and amend, in part, the 2021 DC Order. Such approval would provide that the City’s face mask and covering mandate will be aligned with the more relaxed mandates issued by the County or State, whichever is more restrictive, in accordance with the 2021 DC Order. It should be noted that the amendments to the 2021 DC Order under the proposed resolution only serve the purpose of providing a more detailed list of persons who are subject to the Disaster Council order without expanding the applicability of the order, as an attempt to maintain the same level of specificity included in City Council Resolution No. 20-067 (see attached Exhibit B), which the Council adopted on April 7, 2020 pursuant to Carson Municipal Code Section 3703 after the Disaster Council issued a face mask mandate on April 2, 2020 (see attached Exhibit A).

On October 20, 2020, the City Council approved an ordinance to codify the City’s face mask mandate and to provide the ability to fine persons who violate the mandate within City’s jurisdiction. The 2021 DC Order also requests that 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, as currently that section’s language suggests a mandatory fine be imposed. Accordingly, approval of the attached Ordinance No. 21-2115 (see attached Exhibit E) would (a) codify that any City fines for violations of face masks and coverings mandates be tied to violations of State and County health orders, whichever is more restrictive and (b) allow for some flexibility and discretion as to whether or not fines shall be imposed for violations of the City’s mask mandate, it being understood that the City always has the option to not enforce its own regulations.

## **V. FISCAL IMPACT**

None.

## **VI. EXHIBITS**

1. (Exhibit A) Disaster Council Order of April 2, 2020 (pgs. 5 - 8)
2. (Exhibit B) City Council Resolution No. 20-067 (pgs. 9 - 16)
3. (Exhibit C) Disaster Council Order of May 27, 2021 (pgs. 17 - 20)
4. (Exhibit D) City Council Resolution No. 21-071 (pgs. 21 - 30)
5. (Exhibit E) Ordinance No. 21-2115 (pgs. 31 - 36)

Prepared by: City Attorney's Office