



**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF
SALINAS – EXECUTIVE ORDER NO. 04-2020**

**ADOPTION OF THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH’S
GUIDANCE FOR THE USE OF FACE COVERINGS TO BE ENFORCEABLE BY
ADMINISTRATIVE CITATION WITHIN THE CITY OF SALINAS**

WHEREAS, on March 17, 2020, the Salinas City Council declared the existence of a local emergency (Resolution No. 21805 N.C.S.) for the protection of persons and property within the city caused by the spread of a severe acute respiratory illness caused by a novel (new) coronavirus named “SARS-CoV-2” (coronavirus disease 2019, abbreviated “COVID-19”); and

WHEREAS, Resolution No. 21805, consistent with Government Code section 8634, vested authority in the Director of Emergency Services (City Manager) to issue and to enforce orders and regulations to mitigate the effects of the local emergency on and as necessary for the protection of life and property during the local emergency; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence, except as outlined by the California Department of Public Health, during the COVID-19 pandemic for the preservation of public health and safety throughout California. Executive Order N-33-20 requires all Californians to heed the state public health directives; and

WHEREAS, the County of Monterey Health Officers, on March 17, 2020, issued a shelter in place order that was amended on April 3, 2020; April 28, 2020; May 1, 2020; and May 8, 2020; and

WHEREAS, the County of Monterey Health Officer on May 26, 2020 issued an amended order that was effective upon the posting by the California Department of Public Health on its website the County Health Officer’s Attestation for a Variance through Stage 2 of the State’s Roadmap to Pandemic Resilience; and

WHEREAS, the May 26, 2020 order suspended the May 1, 2020 and May 8, 2020 Orders of the Health Officer and left the April 28, 2020 (facial coverings) and May 3, 2020 (short term lodging facilities) in effect; and

WHEREAS, the County and the State have issued orders relaxing restrictions and allowing restaurants, retail, and other businesses to reopen, with modifications and pursuant to COVID-19 Industry Guidance issued by the California Department of Public Health; and

WHEREAS, according to Monterey County Daily Situational Report dated July 6, 2020, there are 2,151 confirmed cases of COVID-19, 149 cumulative hospitalizations, 15 fatalities, 1,203 recoveries, 6,361 contacts, and a test positivity rate of 7.26%; and

WHEREAS, of the 2,151 confirmed cases 1,269 are from Salinas (138 from the 93901 zip code, 706 from the 93905 zip code, 380 from the 93906 zip code, and 45 from other areas of Salinas); and

WHEREAS, on July 2, 2020, the California Department of Public Health placed Monterey County on the COVID-19 County Data Monitoring Project watch list in response to elevated disease transmission as indicated by the Monterey County exceeding the state's 14-day case threshold of 100 cases per 100,000 residents and by exceeding the state's threshold for percent change in 3-day average COVID-19 hospitalizations; and

WHEREAS, due to Monterey County's placement on the watch list, on July 6, 2020, the State's Governor indicated that the state has ordered Monterey County to close bars (all operations) and indoor operations for the following sectors: restaurants, wineries, movie theaters, zoos, museums, and card rooms; and

WHEREAS, on June 18, 2020, the California Department of Public Health (CDPH) released Guidance For the Use of Face Coverings (Guidance), which was updated on June 29, 2020. According to the CDPH Guidance, "...we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing"; and

WHEREAS, "The CDC, CDPH, and MCHP now believe that wearing a face covering, when combined with physical distancing of at least six (6) feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public...by reducing

the spread of respiratory droplets.” (Monterey County Health Officer Order dated April 28, 2020); and

WHEREAS, under California law, the state public health officer’s orders are enforceable by local police agencies, and people who fail to comply may be charged with a misdemeanor; and

WHEREAS, the number of infected persons in Monterey County is rising and having a high number of people in public without wearing a face covering seriously impedes community efforts to stem the local transmission of COVID-19; and

WHEREAS, the intent of this Emergency Order is to provide a tool, in addition to education, to compel compliance with the Guidance by authorizing enforcement of the Guidance through the issuance of administrative citations pursuant to Article 5 of Chapter 1 of the Salinas Municipal Code.

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this Executive Order.
2. The CDPH Guidelines and exemptions, attached hereto as Attachment A, and as may be amended from time to time, is hereby expressly acknowledged and declared to be enforceable within the City of Salinas as if directly enacted by the City pursuant to Salinas Municipal Code section 11A-6.A(6)(a).
3. Enforcement. Any person, as that term is defined in Salinas Municipal Code section 1-01.02, who violates the Guidance is in violation of this Order and is subject to administrative citations under Division 1 of Article 5 of Chapter 1 of the Salinas Municipal Code. The fine amount for the first violation is \$100, with subsequent violations being \$500 and \$1,000.
4. This Executive Order shall be liberally construed to provide the best possible protection for the Citizens of the City.
5. If any provision of this Executive Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Executive Order, including the application of such part or provision to other persons or circumstances, shall not be

affected and shall continue in full force and effect. To this end, the provisions of this Executive Order are severable.

6. This Executive Order shall become effective immediately, subject to ratification as soon as practicable by the Salinas City Council.

ADOPTED this 6h day of July 2020.

DocuSigned by:
Ray E. Corpuz, Jr.
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Ray Corpuz, City Manager
Director of Emergency Services

7/6/2020 | 3:44 PM PDT

Date

ATTEST:

DocuSigned by:
Patricia Barajas
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Patricia M. Barajas, City Clerk

7/6/2020 | 3:38 PM PDT

Date

Approved as to Form:

DocuSigned by:
Christopher A. Callihan
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Christopher A. Callihan, City Attorney

7/6/2020 | 3:39 PM PDT

Date