



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT

Meeting: June 15, 2021

Subject

Consider confirming the proposed rescission of Emergency Order No. 20-01 requiring face coverings for the public to slow the spread of COVID-19

Recommended Action

Confirm the proposed rescission of Emergency Order No. 20-01 requiring face coverings for the public to slow the spread of COVID-19 effective June 15, 2021 at 11:59 p.m.

Background

On March 11, 2020, the City Manager, serving as the Director of Emergency Services, issued a Proclamation of Local Emergency pursuant to CMC section 2.40.060 regarding the presence and community spread of the COVID-19 pandemic. The Proclamation enabled the City to exercise various emergency powers, including issuance of emergency orders and regulations.

On March 17, 2020, the City Council ratified the Proclamation of Local Emergency. On that same day the City Manager also partially activated a virtual Emergency Operations Center (EOC), involving a cross-functional and multi-department team. The EOC has been closely monitoring the COVID-19 situation.

On April 22, 2020, the City Council confirmed a proposed emergency order requiring face coverings for the public to slow the spread of COVID-19. On April 23, 2020, the City Manager, serving as the Director of Emergency Services, issued Emergency Order 20-01 pursuant to CMC section 2.40.060(G). Emergency Order 20-01 requires members of the public to wear face coverings when inside of, or in line to enter, any Essential Business.

On May 13, 2021, the Centers for Disease Control and Prevention (CDC) announced fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.

On May 17, 2021, the State of California announced plans to keep existing mask guidance in place until June 15, 2021 when the State's Blueprint for a Safer Economy will

be removed. After that, the state plans to allow fully vaccinated Californians to go without a mask in most indoor settings. Everyone will still have the option to wear a mask if they so choose.

On May 18, 2021, the County Health Officer issued a new order establishing focused safety measures designed to reduce the spread of COVID-19. The new Order also aligned County face covering requirements with the State of California. Many of the previous restrictions are no longer necessary because there is widespread vaccination and fewer cases of COVID-19 in the community. However, the County Health Officer emphasized that it is critical that more people get vaccinated, and unvaccinated people must continue to take appropriate safety measures. Therefore, the new Order required employers to determine who in a workplace has been fully vaccinated in order to comply with current and anticipated County and State rules related to COVID-19 safety in the workplace.

As of May 18, 2021, the County of Santa Clara reported 72.1% of county residents aged 12 and older have received at least one (1) dose of COVID-19 vaccine and 57.3% have completed vaccination. According to the CDC, people are fully vaccinated two (2) weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or two (2) weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.

Discussion

Evidence has shown that face coverings block the wearer from releasing exhaled respiratory particles, including particles that may contain the COVID-19 virus. Face coverings also protect the wearer by filtering fine droplets and particles exhaled by others, including those that may contain COVID-19. Infectious respiratory particles may be released during breathing, talking, coughing, sneezing, singing, exercising, or shouting. Use of face coverings is particularly important for persons who are not fully vaccinated because they are at greater risk of becoming infected with COVID-19 and spreading infection to others.

Emergency Order No. 20-01 required all members of the public, except as specifically exempted, to wear a face covering outside their home or other place they reside including when inside of, or in line to enter, any essential business, engaging in essential infrastructure work, and obtaining services at healthcare operations. At the time, the City of Cupertino led the County of Santa Clara in the critical lifesaving, public health measures.

In the workplace, the City of Cupertino is subject to the California Occupational Safety and Health Administration (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.

Based upon analysis from local, state, and federal health guidance regarding COVID-19

and wearing face coverings, the City Manager, acting as Director of Emergency Services, is proposing the rescission of Emergency Order No. 20-01 effective June 15, 2021 at 11:59 p.m. The City Manager seeks confirmation of the proposed rescission by the City Council. The rescission of the Order will be in writing and given widespread publicity and notice, as required by Government Code section 8634.

Upon rescission of Emergency Order No. 20-01, Cal/OSHA ETS and the State of California guidance will provide the minimum standard for face coverings in the City of Cupertino (the most restrictive of which holds). As of May 20, 2021, the ETS requires employers to provide all employees with face coverings and ensure they are worn over the nose and mouth when indoors and when outdoors, and within 6 feet of another. The State of California guidance aligns with the CDC and allows for fully vaccinated individuals to gather with other fully vaccinated individuals without face coverings. The State clarifies that fully vaccinated individuals can gather without face coverings with unvaccinated individuals from a single household. Due to these two orders, a vaccinated person would be allowed to be unmasked in certain gatherings, but not in the workplace.

Sustainability Impact

None anticipated assuming the public properly disposes of any face coverings to avoid littering.

Fiscal Impact

None anticipated.

Prepared by: Thomas Chin, Emergency Services Coordinator

Reviewed by: Katy Nomura, Assistant to the City Manager

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Proposed Rescission of Emergency Order No. 20-01

B – Emergency Order No. 20-01