

**CALL AND NOTICE OF
SPECIAL MEETING
AT 8:00 PM
OF THE VALLEJO CITY COUNCIL
VIA TELECONFERENCE
AUGUST 31, 2021**

TO THE MEMBERS OF THE VALLEJO CITY COUNCIL:

You are hereby notified that I do hereby call the Vallejo City Council in special session to consider only the matters stated on the agenda listed below.

NOTICE: Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold City Council meetings via teleconference. Members of the public may provide public comments during the City Council Meeting via ZOOM:

<https://ZoomRegular.CityofVallejo.net>

Option to join by phone:

Dial (669) 900-6833

Enter Meeting ID: 914 0075 0676#

Press *9 to digitally raise your hand from the phone

For additional instructions on how to speak during public comment, please visit, www.cityofvallejo.net/publiccomment

No other items may be discussed during this special meeting. There will be no public access to City Hall for any City Council meetings until further notice.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ACTION CALENDAR**
 - A. ADOPT RESOLUTION REQUIRING THE WEARING OF FACE COVERINGS INDOORS IN THE CITY OF VALLEJO**

Recommendation: Consider and adopt a Resolution of the City Council of the City of Vallejo Ordering the Use of Face Coverings in Indoor and Enclosed Public Spaces Pursuant to the City's Emergency Powers.
Contact: Anne Cardwell, Interim City Manager (707) 648-4576
Anne.Cardwell@cityofvallejo.net
- 5. ADJOURNMENT**

¹ Due to the Coronavirus emergency, all Special City Council meetings will be held via teleconference. Members of the public may provide public comments during the City Council Meeting via ZOOM:

<https://ZoomRegular.CityofVallejo.net>

Option to join by Phone

Dial (669) 900-6833

Enter Meeting ID: 914 0075 0676#

Press *9 to digitally raise your hand from your phone.

For additional instructions on how to speak during public comment, please visit, www.cityofvallejo.net/publiccomment

Dated: Thursday, August 26, 2021

A handwritten signature in blue ink that reads "Robert H. McConnell" followed by a flourish.

Robert H. McConnell, Mayor

I, Dawn Abrahamson, City Clerk, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Vallejo City Council, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Thursday, August 26, 2021.

Dated: Thursday, August 26, 2021

A handwritten signature in blue ink that reads "Dawn G. Abrahamson" followed by a flourish.

Dawn G. Abrahamson, City Clerk



DATE: August 31, 2021
TO: Mayor and Members of the City Council
FROM: Anne Cardwell, Interim City Manager
SUBJECT: ADOPT RESOLUTION REQUIRING THE WEARING OF FACE COVERINGS INDOORS IN THE CITY OF VALLEJO

RECOMMENDATION

Consider and adopt a Resolution of the City Council of the City of Vallejo Ordering the Use of Face Coverings in Indoor and Enclosed Public Spaces Pursuant to the City's Emergency Powers.

REASONS FOR RECOMMENDATION

Due to the increase in the Delta variant, COVID-19 cases have significantly increased in Solano County. The City has an important governmental interest in protecting the health, safety, and welfare of its citizens and businesses and to maintain and enhance a high quality of life. In order to follow the sound guidance and recommendations of the CDC and the California Department of Public Health, it is in the City's best interest to impose a requirement that face coverings be worn indoors and in enclosed spaces in order to curtail the spread of COVID-19.

BACKGROUND AND DISCUSSION

In light of the County of Solano not issuing an order mandating the wearing of face coverings and given the increase of COVID-19 virus rapid transmission, the City Council is being asked to discuss and consider implementing a face covering mandate similar to what the Benicia City Council adopted at its August 24, 2021 meeting.

As the Council is aware, the Delta variant is more contagious than other previous strains, and is now the dominant strain of virus in Solano County. Two COVID-19 vaccines have been authorized for emergency use in the United States, and one has now received full approval. According to the Centers for Disease Control and Prevention (CDC), available evidence suggests that the currently authorized COVID-19 vaccines are highly effective against transmission, hospitalization and death for the Alpha, Beta, Gamma and Delta variants. The CDC has also indicated that emerging data suggests that fully vaccinated people who are infected with the Delta variant may be transmitting the virus to other people.

The CDC had previously issued a recommendation that unvaccinated people continue wearing face coverings indoors. In addition, in line with the above evidence, on July 27, 2021, the CDC issued a recommendation that fully vaccinated people wear face coverings in public indoor settings located in areas of substantial or high transmission of COVID-19. On July 28, 2021, the California Department of Public Health ("CDPH") issued its Guidance for the Use of Face Coverings. This guidance recommended, but did not mandate, fully vaccinated people to wear face coverings in indoor public settings statewide. In early August of 2021, health officers in the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Sonoma, and the City of Berkeley announced a mask mandate requiring every resident to wear a face mask indoors in public settings, regardless of vaccination status. The mandate is aimed at reducing the spread of COVID-19 amid the Delta variant surge in cases. Solano County opted not to issue a similar mandate, stating, "Solano County Public Health and the state monitor the spread of COVID-19 in our community, we will continue to align with state recommendations. We are following emerging data and science, and we will adjust our

**Subject: ADOPT RESOLUTION REQUIRING THE WEARING OF FACE COVERINGS INDOORS
IN THE CITY OF VALLEJO**

approach as needed...Adding restrictions on businesses does not align with our data since the virus spread is predominantly happening at home and in private social settings and not in businesses."

For consideration before the Council is a resolution that is based on the seven Bay Area Counties and the City of Benicia health orders that were issued earlier in the month. The attached resolution is also consistent with local neighboring counties, and cross references, the exemptions contained by the CDPH. Likewise, should the Council adopt this resolution, it must determine how long it should remain active.

Similar to the City of Benicia, staff is recommending that if adopted, the resolution shall take effect immediately and shall remain in effect for six weeks, and thereafter, until the City is not in a substantial or high transmission of COVID-19 as defined by the CDC for a thirty-day period. The resolution shall be reviewed by the Council after six weeks and thereafter upon referral by the City Manager.

FISCAL IMPACT

There is no fiscal impact associated with the implementation of requiring a mandatory use of face coverings in the City of Vallejo.

ENVIRONMENTAL REVIEW

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines Section 15378.

ATTACHMENTS

1.	Mask Mandate Resolution
----	-------------------------

CONTACT

Anne Cardwell, Interim City Manager (707) 648-4576

Anne.Cardwell@cityofvallejo.net

Approved as to form:

By: 
Veronica A.F. Nebb
City Attorney

RESOLUTION NO. 21- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO ORDERING THE USE OF FACE COVERINGS IN INDOOR AND ENCLOSED PUBLIC SPACES PURSUANT TO THE CITY'S EMERGENCY POWERS

WHEREAS, California Government Code Section 8630 empowers the City Council to proclaim the existence or threatened existence of a Local Emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8634 empowers the City to promulgate orders and regulations to provide for the protection of life and property; and

WHEREAS, the novel Coronavirus is highly contagious and poses a threat to the wellbeing of every person, which has since March 2020 resulted in the deaths of more than 4 million Americans and over 65,000 Californians; and

WHEREAS, the aforesaid conditions of extreme peril warranted and necessitated the proclamation of the existence of a Local Emergency; and

WHEREAS, on March 16, 2020 the City Council of the City of Vallejo adopted Resolution 20-026 proclaiming a state of Local Emergency relating to the COVID-19 virus and its rapid transmission, based upon state and federal guidance; and

WHEREAS, despite the current availability of vaccines to slow the spread of COVID-19, the Delta variant has proved to be highly contagious, and appears to be affecting even vaccinated individuals some of whom appear to be asymptomatic but who nevertheless may be contagious; and

WHEREAS, on July 27, 2021, the CDC issued a recommendation that fully vaccinated people wear coverings in public indoor settings located in areas of substantial or high transmission of COVID-19, to reduce the spread of COVID-19; and

WHEREAS, on July 28, 2021, the California Department of Public Health issued its Guidance for the Use of Face Coverings, recommending fully vaccinated people wear face coverings in indoor public settings statewide; and

WHEREAS, in early August 2021, health officers in the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Sonoma and the City of Berkeley announced a mask mandate requiring every resident to wear a face mask indoors in public settings, regardless of vaccination status; and

WHEREAS, the County of Solano has not issued an order mandating the wearing of face coverings; and

WHEREAS, the City has an important governmental interest in protecting the health, safety, and welfare of its citizens and businesses; and

WHEREAS, in order to protect the health and safety of the City residents, visitors and businesses and in order to follow the sound guidance and recommendations of the CDC and the California Department of Public Health, the City Council finds that it is in the best interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, and necessary to issue and implement this Resolution to protect life, health and safety of its citizens and the community at large.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Vallejo does hereby order as follows:

SECTION 1. Face Coverings Required.

1. Face Covering Requirement. Except as otherwise set forth in this Resolution, all persons, regardless of whether they are fully vaccinated against COVID-19 or not fully vaccinated, shall wear well-fitted face coverings over the nose and mouth in all indoor public settings in the City. For the purposes of this Resolution, public settings include, but are not limited to, business offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference and event centers, and State and local government facilities where services are provided to the public.

2. Operator and Host Requirements. Businesses, government agencies and other persons that operate inside indoor public settings, or host events inside indoor public settings, shall:

a. At all points of entry to the indoor public setting, promptly post conspicuous signage that communicates the face covering requirement of this Resolution; and

b. To the greatest extent practicable, require persons subject to the face covering requirement in this Resolution to wear face coverings upon entry into and while inside the indoor public setting.

3. Exceptions. The face covering requirement of this Resolution does not apply to individuals in the following circumstances:

a. When alone in a room.

b. When actively eating and/or drinking.

c. When swimming or showering in a fitness facility.

d. When receiving care or other service that requires removal of the face covering, including by way of example and without limitation, medical care requiring exposure of the nose or mouth, cosmetic services involving the face, and dental procedures.

e. Performers at indoor live events such as theater, opera, symphony, religious choirs, and professional sports may remove masks while actively performing or practicing, though such individuals should maximize physical distancing as much as practicable.

f. Participants in indoor religious gatherings may remove masks when necessary to participate in religious rituals.

g. Persons younger than four years old.

h. When exempt from wearing face coverings under the State Face Covering Guidance or other applicable CDPH guidance. The State Face Covering Guidance exempts the following individuals from wearing masks:

(1) Persons younger than two years old. Very young children must not wear a mask because of the risk of suffocation.

(2) Persons with a medical condition, mental health condition, or disability that prevents wearing a mask, including persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance.

(3) Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.

(4) Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidance.

4. Conflicts. Where a conflict exists between this Resolution and more permissive standards pertaining to the wearing of face coverings set forth in any other Order of the Solano County Health Officer in effect, or between this Resolution and any State Public Health Officer order in effect or CDPH guidance in effect pertaining to the wearing of face coverings in response to the COVID-19 pandemic, the more restrictive provision controls.

SECTION 2. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council of the City of Vallejo and shall remain in effect for six weeks, and thereafter, until the City is not in a substantial or high transmission of COVID 19 status as defined by the CDC for a thirty-day period. This Resolution shall be reviewed by the Council after six weeks and thereafter upon referral by the City Manager.

SECTION 3. The City Clerk shall certify the adoption of this Resolution and shall cause a certified Resolution to be filed in the Office of the City Clerk.

Adopted by the City Council of the City of Vallejo at a special meeting held on August 31, 2021 with the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROBERT H. MCCONNELL, MAYOR

ATTEST:

DAWN G. ABRAHAMSON, CITY CLERK