

**RESOLUTION NO. 21-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REQUIRING THE USE OF FACE COVERINGS IN INDOOR AND ENCLOSED PUBLIC SPACES**

**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**, pursuant to Benicia Municipal Code Section 2.36.050(A)(1), the Director of Emergency Services has declared the existence of a Local Emergency, which Local Emergency has been ratified by the City Council on March 19, 2020; and

**WHEREAS**, the Director of Emergency Services does hereby find that conditions of extreme peril and a crippling disaster, which severely impairs the safety of persons or property, have arisen within the City, caused by the virus COVID-19 and its rapid transmission, as reported by various local, state and national health organizations; and

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

**WHEREAS**, the novel Coronavirus is highly contagious and poses a threat to the wellbeing of every person; and

**WHEREAS**, in order to slow the spread of COVID-19, the U.S. Center for Disease Control (CDC) recommends that face coverings be worn in all circumstances when distancing of at least six feet is not possible; 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 that 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 any orders requiring 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 and in order to follow the sound guidance and recommendations of the CDC and the California Department of Public Health, the City will impose a requirement that face coverings be worn indoors and in enclosed spaces in order to curtail the spread of COVID-19; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Council of the City of Benicia finds it 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 Benicia does hereby order as follows:

**SECTION 1. Face Coverings Required.**

1. Each person over the age of twelve years old shall wear a mask or cloth face covering which covers both the mouth and nose (“Face Covering”) at all times when in any indoor or enclosed space open to members of the public located in any government building, police station, marina, or fire station; the following businesses open to the public; grocery stores, convenience stores, liquor stores, supermarkets, pharmacies, laundromats, dry cleaners, hardware stores, commercial office buildings, tobacco stores; a restaurant, bar or pub of any kind (except when consuming food and/or any beverage); any medical facility of any kind including, but not limited to, hospitals, clinics, urgent care facilities, long term care facilities, and senior care facilities; and a church, mosque, temple or other religious building.

2. No person shall be required to wear a Face Covering when outdoors unless it is not possible to maintain a distance of six feet from every other person. In the event that a person cannot maintain the aforesaid six feet outdoors, then that person shall be required to wear a Face Covering.

3. In residential buildings consisting of at least two dwelling units (“Residential Buildings”), any person entering without limitation, any lobby, hallway, elevator, stairwell, laundry room, garage or any other enclosed areas which are accessible to more than one dwelling, unit shall wear a Face Covering while in those areas.

4. This Resolution shall only apply to persons over the age of twelve years old. It shall not apply to anyone who has trouble breathing due to a respiratory condition or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance, anyone with a disability or medical condition for whom wearing a Face Covering is not recommended by their healthcare professional, and/or any other person exempted by any federal, state or local law or regulation.

**SECTION 2. Effective Date.** This Resolution shall take effect immediately upon adoption by the City Council of the City of Benicia and shall remain in effect until \_\_\_\_\_.

**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.

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On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 24<sup>th</sup> day of August, 2021 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
Steve Young, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

\_\_\_\_\_  
Date