



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE – AUGUST 24, 2021**  
**BUSINESS ITEMS**

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **RESOLUTION REQUIRING THE WEARING OF FACE COVERINGS IN BENICIA**

**EXECUTIVE SUMMARY:**

At the August 17, 2021 City Council meeting, the City Council directed City staff to prepare a resolution requiring face coverings be worn in certain circumstances indoors given the rise of COVID-19 cases relating to the Delta variant. If adopted, the resolution would be effective immediately and require face coverings in certain locations as detailed in the resolution.

**RECOMMENDATION:**

Discuss and consider adopting a resolution requiring the mandatory use of face coverings in certain circumstances. Staff has attached two draft resolutions for consideration. The first resolution (Attachment 1) is based on Resolution No. 20-78, adopted by the Council on June 16, 2020. The second resolution is based on the health orders issued by the seven neighboring Bay Area health officers (Attachment 2). A majority vote is required to adopt any resolution.

**BUDGET RECOMMENDATION:**

There are no budget impacts associated with this item.

**BACKGROUND:**

At its August 17, 2021 City Council meeting, the Council considered a two-step request from Mayor Young and Vice Mayor Campbell to consider implementing a face covering mandate for the City of Benicia (See Attachment 3). The Council voted unanimously to proceed and place the item on its agenda.

The two-step request states that the need for the face covering mandate stems from the increase in the Delta variant COVID-19 cases. 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. Three COVID-19 vaccines have been authorized for emergency use in the United States. 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 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 are two possible resolutions. The first resolution (Attachment 1) is the resolution that was adopted June 16, 2020 (Resolution No. 20-78), with updates reflecting recent events. This resolution has an open question regarding how long it should remain effective. The second resolution (Attachment 2) is a resolution that is based on the seven Bay Area Counties health orders that were issued earlier this month. The second resolution is consistent with local neighboring counties, and cross references the exemptions contained by the CDPH. Likewise, should the Council choose this resolution, it must determine how long it should remain active.

**NEXT STEPS:**

If a resolution is adopted, staff will begin to implement mandating the wearing of face coverings in Benicia.

**ALTERNATIVE ACTIONS:**

Council could choose to not adopt either proposed resolution.

<b>General Plan</b>	Goal 4.1 Make Community Health and Safety a High Priority for Benicia
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<b>Priority Based Budgeting</b>	<b>Strategic City Result Impacted by this Agenda Item</b>
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p><input checked="" type="checkbox"/> Protect Community Health &amp; Safety</p>

	<input checked="" type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government
	<p style="text-align: center;"><b>City Programs Impacted by This Agenda Item (Top 3):</b></p> <ol style="list-style-type: none"> <li>1. City Council Policy Development</li> <li>2. Legal Counsel for City Council</li> <li>3.</li> </ol>

<b>CEQA Analysis</b>	Pursuant to Title 14, the California Code of Regulations, Section 15378(b)(5) of the California Environmental Quality Act (“CEQA”) guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.
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**ATTACHMENTS:**

1. Resolution – Face Covering Mandate Based on Resolution No. 20-78
2. Resolution – Face Covering Mandate Based on Seven Bay Area Counties Health Orders
3. Two-Step Request – Mayor Young & Vice Mayor Campbell

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