

**RESOLUTION NO. 2021-24****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING AND REPLACING RESOLUTION NO. 2020-17 AND RESOLUTION NO. 2020-19 AND REPEALING REGULATION NO. 3 AND REGULATION NO. 4 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES REQUIRING WEARING OF FACE COVERINGS PURSUANT TO PROCLAMATION NO. 20-01 DECLARING THE EXISTENCE OF A LOCAL EMERGENCY**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Costa Mesa Municipal Code Section 6-6 empowers the City Manager, as the Director of Emergency Services, to declare 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 8550, et seq., including Section 8558(c), authorize the City Council to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern” and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On February 26, 2020 the County of Orange declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, *inter alia*, that all residents are to heed the orders and guidance of state and local public health officials; and

WHEREAS, on March 12, pursuant to Proclamation No. 2020-01, the City Manager did proclaim the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code; and

WHEREAS, on March 13, 2020 the City Council pursuant to Resolution No. 2020-09 did ratify Emergency Proclamation No. 2020-01; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, including the Order of the State Public Health Officer mandating all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>; and

WHEREAS, on April 13, 2020, the Costa Mesa City Manager, in her capacity as Director of Emergency Services issued Regulation No. 3 expressly mandating the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, and to make the same enforceable within the boundaries of the City's jurisdiction; and

WHEREAS, on April 21, 2020, the City Council approved Resolution No. 2020-17, ratifying Regulation No. 3 requiring the wearing of face masks; and

WHEREAS, on April 28, 2020, the Costa Mesa City Manager, in her capacity as Director of Emergency Services issued Regulation No. 4 to allow passive use of certain parks and golf courses and to modify Regulation No. 3 requiring the wearing of face masks; and

WHEREAS, on May 5, 2020, the City Council approved Resolution No. 2020-19, ratifying Regulation No. 4 to allow passive use of certain parks and modifying Regulation No. 3 requiring the wearing of face masks; and

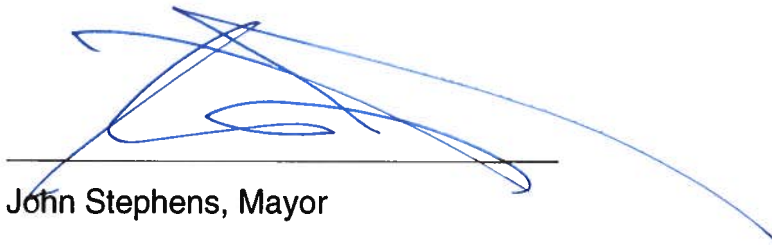
WHEREAS, on June 18, 2020, the California Department of Public Health issued guidance, made mandatory by order of the Governor, requiring wearing of masks during

enumerated high-risk circumstances outside of the home throughout the State of California to stem the spread of COVID-19;

WHEREAS, guidance from the California Department of Public Health and the Orange County Public Health Official regarding outdoor activities and the wearing of masks has changed due to many adults now being vaccinated for COVID-19;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows: Resolution No. 2020-17, Resolution No. 2020-19, Regulation No. 3, and Regulation No. 4 are hereby repealed. The wearing of masks in the City of Costa shall conform to the guidance from the California Department of Public Health or the Orange County Public Health Official, whichever is more stringent.

**PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of June, 2021.**



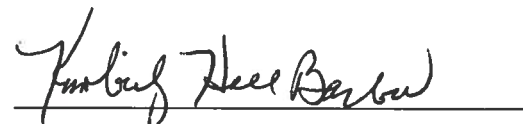
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:



Brenda Green, City Clerk



Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2021-24 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 1<sup>st</sup> day of June, 2021, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: CHAVEZ, GAMEROS, HARLAN, HARPER, REYNOLDS, MARR, AND STEPHENS.

NOES: COUNCIL MEMBERS: NONE.

ABSENT: COUNCIL MEMBERS: NONE.

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 2<sup>nd</sup> day of June, 2021.

  
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BRENDA GREEN, CITY CLERK