

RESOLUTION NO. 6453

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA,
CALIFORNIA, REPEALING RESOLUTION 6447 AND AMENDING THE CITY'S
EXISTING ORDER REQUIRING THE WEARING OF FACE COVERINGS IN PUBLIC
DURING THE COVID-19 LOCAL EMERGENCY**

THE CITY COUNCIL OF THE CITY OF GARDENA DOES HEREBY RESOLVE
AS FOLLOWS:

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19; and

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of COVID-19; and

WHEREAS, Gardena Municipal Code Chapter 2.56.060 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, on March 16, 2020 the City Manager, as the City's Director of Emergency Services, did proclaim the existence of a local emergency as authorized by Government Code section 8630 and Gardena Municipal Code Chapter 2.56.060; and

WHEREAS, on March 19, 2020 the City Council pursuant to Resolution No. 2020-6441 did ratify the Proclamation declaring the existence of a local emergency; and

WHEREAS, the Governor, the State Public Health Officer, the Los Angeles County

Emergency Services Director, the Los Angeles County Board of Supervisors, and the Los Angeles County Health Officer have promulgated and issued, and will reasonably continue to promulgate and issue, various orders, rules and regulations concerning the COVID-19 state of emergency that are applicable within the jurisdiction of the City of Gardena ("Orders"), pursuant to State and County law, including but not limited to the California Emergency Services Act (Gov. Code §§ 8550 *et seq.*) and the California Public Health & Safety Code §§ 101029, 120155, 120275, 120295; and

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout California, the County of Los Angeles, and the City of Gardena, necessitating stringent public health emergency orders as well as guidance from federal, state and local authorities; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly within California, the County of Los Angeles, and the City of Gardena, continues to present an immediate and significant risk to public health and safety, and can result in serious illness or death, especially to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Los Angeles, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, the health, safety and welfare of City of Gardena ("City") residents, businesses, visitors and staff are of utmost importance to the City; and

WHEREAS, Government Code § 8634 provides in part: "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries

where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice."; and

WHEREAS, the City Council of the City of Gardena previously adopted City Council Resolution No. 6447 ("Resolution No. 6447") on April 14, 2020, which ratified the Director of Emergency Services' April 10, 2020 order to mandate the use of face masks or coverings within the jurisdiction of the City of Gardena.

WHEREAS, the City Council wishes to repeal Resolution No. 6447 and replace the same with this Resolution and the terms set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY FIND, DETERMINE, RESOLVE and ORDER AS FOLLOWS:

SECTION 1. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated into the body of this Resolution by this reference.

SECTION 2. Resolution No. 6447 is hereby repealed, replaced, and superseded by this Resolution No. 6453 and shall be of no further force or effect.

SECTION 3. The City Council hereby Orders that all persons, including essential workers, within the City of Gardena shall wear a face covering while at any essential business or service and while outside their homes or places of residence for any reason, including traveling to or from an essential business or service. Persons driving or riding in a vehicle alone or only with other members of their household do not have to wear face coverings inside the vehicle, unless they lower their windows to interact with other persons who are not members of their household, such as food service workers or first responders. Such face mask or covering shall be of sufficient size to cover the nose and mouth of the wearer. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least once a day). Single-use face coverings must be properly discarded into trash receptacles.

SECTION 4. The City Council hereby Orders that all passengers of GTrans must wear face mask or coverings which shall be of sufficient size to cover the nose and mouth of the wearer prior to boarding any GTrans bus. Such face coverings need not be medical-

grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least once a day). Single-use face coverings must be properly discarded into trash receptacles. Passengers not wearing a face covering will not be allowed to board the bus.

SECTION 5. The City Council hereby Orders that all workers at grocery stores; supermarkets; convenience stores; water retailers; pharmacies; hardware, building and cleaning supply stores; nurseries; laundromats; dry cleaners; pet supply stores; automobile supply stores; car and motorcycle dealerships; automobile service and repair shops; bicycle sales and repair stores; hotels and motels; rental car businesses; restaurants and retail food and beverage facilities that prepare and offer food to customers via delivery service, drive-thru or pick-up to-go orders must wear face coverings over their noses and mouths while performing their work. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least once a day). Single-use face coverings must be properly discarded into trash receptacles.

SECTION 6. The City Council hereby Orders that all workers who perform, while in the company of others, delivery services; social services; handyman services; moving services; HVAC repair and installation services; plumbing and sewer services; electrical services; pest control; custodial/janitorial services; carpentry and construction services; day laborer services; demolition services; landscaping services; gardening; property management, real estate, and leasing services; private security; taxi, ride-share, and private transportation services; and mortician and funeral home services must wear face coverings over their noses and mouths while performing their work. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least once a day). Single-use face coverings must be properly discarded into trash receptacles.

SECTION 7. The City Council hereby Orders that all customers and visitors of the stores, businesses and services described in Sections 5 and 6 of the Order, must wear face coverings over their noses and mouths to provide additional protection for

themselves and others while at the store or business or while receiving the service. At this time, the face coverings are not required to be medical-grade masks or N95 respirators. Fabric coverings, such as scarves and bandanas are acceptable. Reusable face coverings must be frequently washed (at least once a day). Single-use face coverings must be properly discarded into trash receptacles.

SECTION 8. The City Council hereby Orders that a business owner or service provider described in Sections 5 and 6 of this Resolution may refuse admission or service to any individual who fails to wear face coverings as required by this Order.

SECTION 9. This Order shall not apply to Children under the age of 2. Those Children between the ages of 2 and 8 should use face coverings but only under adult supervision to ensure that the child can breathe safely and avoid choking or suffocation. Children with breathing problems should not wear a face covering.

SECTION 10. Violation of this Regulation shall be punishable as set forth in Gardena Municipal Code Chapter 2.56.100 as misdemeanors pursuant to Government Code Section 8665.

SECTION 11. This Resolution shall take effect immediately and shall remain in effect until terminated by resolution or other action of the City Council, or until the state of local emergency in the City concludes, whichever occurs earlier.

BE IT FURTHER RESOLVED that the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original Resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

Passed, approved, and adopted this 28th day of April, 2020.




TASHA CERDA, Mayor

ATTEST:

Becky Romero

pr MINA SEMENZA, City Clerk

APPROVED AS TO FORM:



CARMEN VASQUEZ, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution, being **Resolution No. 6453** duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at an emergency meeting of said City Council held on the **28th day of April, 2020**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBER TANAKA AND MAYOR PRO TEM HENDERSON, COUNCIL MEMBERS KASKANIAN AND FRANCIS AND MAYOR CERDA

NOES: NONE

ABSENT: NONE

Becky Romero
for _____
City Clerk of the City of Gardena, California

(SEAL)