

CITY OF MENDOTA

EMERGENCY SERVICES DIRECTOR ORDER No. 20-05 RELATING TO MANDATORY FACIAL COVERINGS

DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MENDOTA REQUIRING THE USE OF CLOTH-BASED FACIAL COVERINGS IN RESPONSE TO THE ONGOING COVID-19 PANDEMIC EMERGENCY

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency due to the outbreak and spread of COVID-19 (Novel Coronavirus); and

WHEREAS, on March 15, 2020, the County of Fresno declared a State of Emergency in response to the continuing spread of COVID-19; and

WHEREAS, at the City of Mendota's ("City") March 16, 2020, Special City Council Meeting, the City Council adopted Resolution No. 20-18, proclaiming a local emergency in response to the continuing spread of COVID-19; and

WHEREAS, pursuant to Governor Newsom's Executive Order N-33-20, signed March 19, 2020, all residents of the City of Mendota have been directed to "immediately heed the current State public health directives ... [which] are consistent with the March 19, 2020, Memorandum of Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>"; and

WHEREAS, Executive Order N-33-20 also requires "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, the Centers for Disease Control and Prevention ("CDC") has informed the public that: "a significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("pre-symptomatic") can transmit the virus to others before showing symptoms. This means the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms." (Full text available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>); and

WHEREAS, in light of new information surrounding COVID-19 and its spread, the CDC has recommended members of the public wear "cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) **especially** in areas of significant community-based transmission." (Full text available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>, emphasis in original.); and

WHEREAS, when properly worn by the user, cloth facial coverings have the potential to slow the spread of COVID-19 by limiting the spread of respiratory droplets that are produced when an infected person coughs, sneezes, or talks; and

WHEREAS, accordingly, several Counties in California, including Sonoma, Los Angeles, San Bernardino, Riverside, and San Diego, have risen to the occasion by requiring members of the public to wear cloth facial coverings when in public to limit the continuing spread of COVID-19; and

WHEREAS, even a small reduction in community transmission of COVID-19 by using cloth facial coverings could make a substantial difference on the demands being placed on our healthcare system and the overall health of our small community; and

WHEREAS, as of April 16, 2020, the City has three (3) confirmed COVID-19 infection within its boundaries, with more cases expected to be confirmed as testing continues.

NOW, THEREFORE, as the Director of Emergency Services pursuant to Mendota Municipal Code (“MMC”) Section 2.44.050, and by the powers vested in me by MMC Section 2.44.060 and the City Council of the City of Mendota in Resolution No. 20-18, I hereby issue the following orders, **effective 12:00 a.m. Monday, April 20, 2020**, and for so long as Executive Order N-33-20 and the Local Emergency declared in Resolution No. 20-18 in response to the COVID-19 pandemic emergency remain in effect:

1. All persons within the City’s boundaries shall wear reusable cloth-based facial coverings or single-use facial coverings that effectively cover the wearer’s nose and mouth at all times when outside the boundaries of the property on which they reside. (For assistance regarding the creation and effective use of cloth-based facial coverings, see the CDC’s Use of Cloth Face Coverings to Help Slow the Spread of COVID-19 Guidance available at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf>, and the California Department of Public Health’s Face Coverings Guidance available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>.)
2. This Order does not apply to the following persons:
 - 2.1 Persons who are driving in enclosed vehicles (e.g., hard-top vehicles with all windows closed) while alone or with members of their households. Persons driving in enclosed vehicles shall wear cloth-based or single-use facial coverings that effectively cover the wearer’s nose and mouth when the vehicle’s windows are lowered for any reason, including, but not limited to, interacting with law enforcement, first responders, food service workers, or any other person who is not a member of the person’s household.
 - 2.2 Children under the age of two (2).

- 2.3 Persons who have trouble breathing.
- 2.4 Persons who are unconscious, incapacitated, or otherwise unable to remove the cloth-based facial covering without the assistance of another individual.
3. All critical infrastructure businesses or services continuing to operate in the City, as defined by the Cybersecurity and Infrastructure Security Agency (“CISA”) at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>, shall provide, at the employer’s expense, or reimburse employees’ and contracted workers’ reasonable expenses incurred to obtain, reusable cloth-based or single-use facial coverings.
4. An owner or operator of a critical infrastructure business or service that is continuing operations in the City, as defined by CISA at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>, may rightfully refuse admission and/or service to any person who refuses or otherwise fails to wear a cloth-based or single-use facial covering as required by this Order.
5. Persons violating the provisions of this Order shall be punishable by administrative citation. Noncompliance shall subject the person to an administrative fine of \$100 for the first offense, \$500 for the second offense, and \$1,000 for the third and any future offenses. Each day of a continuing violation shall constitute
6. As part of this Order, I make the following recommendations which are not required, but are strongly encouraged to be followed by all persons in the City:
 - 5.1 The public should refrain from purchasing medical-grade masks and facial coverings (e.g., surgical masks and N95 masks/respirators) because these are critical supplies that should be reserved for healthcare workers and other medical first responders who are likely to come into contact with infected persons.
 - 5.2 The public should wash reusable cloth-based facial coverings after each use upon returning to their place of residence, or once daily at a minimum.
 - 5.3 Single-use facial coverings should be disposed of into proper trash receptacles after each use.
 - 5.4 Prior to donning facial coverings as required under this Order, and immediately after removing facial coverings when allowed under this Order, the user should wash their hands with soap and water for at least twenty (20) seconds.
 - 5.5 The public should limit touching their face or facial coverings to the greatest extent possible.

7. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any liability on the City of Mendota's behalf.
8. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
9. This Order does not, in any way, restrict: (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state, or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.
10. This Order shall be immediately translated into Spanish, and accommodations be made for all disabled persons to read its contents. This Order shall also be distributed to all local media and made prominently available on the City's website.

IT IS SO ORDERED.

DATE AND TIME: April 16, 2020 at 1:15 p.m.


Cristian Gonzalez (Apr 16, 2020)

Cristian Gonzalez, Director of Emergency Services

ATTEST:


Celeste Cabrera-Garcia, City Clerk



The seal is circular with a double-line border. The outer ring contains the text "CITY OF MENDOTA" at the top and "CALIFORNIA" at the bottom, separated by two stars. The inner ring contains the text "INCORPORATED" at the top and "1942" at the bottom, also separated by two stars.