

PRESS RELEASE



Date: April 22, 2020
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FOR IMMEDIATE RELEASE

Face Coverings Required for Fullerton Businesses and Patrons, Effective April 24th at 12:00 AM

FULLERTON, California (April 22, 2020) - On Tuesday, April 21st the Fullerton City Council voted to enhance the County of Orange's requirement for face coverings at certain essential businesses by including banking establishments and requiring patrons of those businesses to also wear face coverings. Per the County order, and now including the Fullerton addition, all employees of any grocery store, pharmacy/drug store, convenience store, gas station, restaurant, food preparation establishment, banking establishment, or retail store in Fullerton who may have contact with the public must wear a cloth face covering while at work.

Under the local order authorized by the City Council on a 3-2 vote (Councilmembers Ahmad Zahra and Jesus Silva, and Mayor Pro Tem Jan Flory in support), customers of businesses are also required to wear face coverings to provide additional protection for workers and other visitors to businesses. The addition of banking establishments to certain essential businesses includes only those that do not have a physical barrier system (i.e., Plexiglas) between employees and customers. All residents of the City are strongly encouraged, but not required, to wear face coverings whenever leaving their homes and to continue to frequently wash their hands, practice social distancing, and stay at home if sick.

The action by the City Council directed and authorized the City Manager to issue a proclamation under his authority as the Director of Disaster Services in order to further protect the health and safety of residents. In order to ensure that compliance with this face covering requirement is adhered to by as many employees and patrons as possible, and not desiring to overburden our law enforcement resources, provisions under Fullerton Municipal Code Chapter 1.08 Penalty Provisions (infractions), and Chapter 1.10 Administrative Citations, may be used after sufficient warnings to a person or business in violation of this order, in addition to Government Code section 8665 as provided for in the County regulation.

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PROCLAMATION NO. 2020-02

A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF FULLERTON, CALIFORNIA, ACTING AS THE DIRECTOR OF DISASTER SERVICES, REGARDING MANDATORY FACE COVERINGS BY EMPLOYEES AND PATRONS AT CERTAIN ESSENTIAL BUSINESSES AND SETTING FORTH PENALTY PROVISIONS

WHEREAS, Fullerton Municipal Code Chapter 2.08 empowers the City Manager, as the Director of Disaster Services, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by conditions of extreme peril to the safety of persons and property within the City caused by defined conditions to include epidemic, and Proclamation No. 2020-01 was issued on March 16, 2020 establishing the basis for a local emergency; and

WHEREAS, on March 19, 2020, Governor Newsom issued a “Stay at Home” order (Executive Order N-33-20) requiring all individuals living in the state of California to stay at their place of residence, except as needed to access or maintain continuity of operations of essential services sectors, as updated by the State Public Health Officer, with the order to remain in effect for an undetermined period of time; and

WHEREAS, despite these actions, as well as the “social distancing” guidelines issued by the Centers for Disease Control and Prevention, COVID-19 has continued to spread throughout the community, and continues to overburden the healthcare system and posing a threat to the public health and safety; and

WHEREAS, in continued efforts to “slow the spread” of COVID-19, which is an airborne illness, on April 1, 2020, the California Department of Public Health issued guidance recommending the use of non-medical face coverings while in public, and similar guidance was issued by the Orange County Health Officer on April 2, 2020, and by the Centers for Disease Control and Prevention on April 4, 2020; and

WHEREAS, on April 21, 2020, the Orange County Board of Supervisors approved a directive requiring all employees of any grocery store, pharmacy/drug store, convenience store, gas station, restaurant, food preparation establishment, or retail store in Orange County who may have contact with the public to wear a cloth face covering while at work, effective April 24, 2020 at 12 a.m.; and

WHEREAS, Councilmember Ahmad Zahra, seconded by Councilmember Jesus Silva, requested an agenda item for April 21, 2020 City Council meeting in which to consider direction to the City Manager, as the Director of Disaster Services, regarding face coverings; and

WHEREAS, on a 3-2 vote, with Councilmembers Zahra, Silva and Mayor Pro Tem Jan Flory in support, the City Council authorized and directed the City Manager to issue a proclamation regarding face coverings which adopts the County face covering regulation and adds “banking establishments” which do not have physical barrier precautions in place; and

WHEREAS, while the County regulation does not include customers, the County Health Officer strongly encourages residents to wear face coverings while engaged in essential activities outside the homes; and,

WHEREAS, in acknowledgement that those employees within the certain essential businesses require protections themselves, the City Council in its approval also required that patrons of such businesses be required to wear face coverings; and,

WHEREAS, in order to ensure that compliance with this face covering requirement is adhered to by as many employees and patrons as possible, and not desiring to overburden our law enforcement resources, provisions under Fullerton Municipal Code Chapter 1.08 Penalty Provisions, and Chapter 1.10 Administrative Citations, may be used in addition to Government Code section 8665 as provided for in the County regulation; and

WHEREAS, the City Manager, as the City's Director of Disaster Services, can make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council, and the authorization and direction provided by the City Council on April 21, 2020 is deemed

satisfying Section 2.08.060 A.8.a.

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Fullerton as follows:

- A. The City Council, on a vote of 3-2 (Zahra, Silva, Flory approval), hereby adopts the County's face covering regulation as approved on April 21, 2020 by the Board of Supervisors for the following certain essential businesses: grocery stores, pharmacy/drug stores, convenience stores, gas stations, restaurants, food preparation establishments, and retail stores.
- B. The City Council further includes banking establishments which do not provide a physical barrier between an employee and patron within the certain essential businesses.
- C. The City Council, in support of employees at those certain essential businesses, includes all patrons of those establishments listed as required to wear a face covering when inside the establishment.
- D. Fullerton Municipal Code Chapter 1.08 Penalty Provisions, and Chapter 1.10 Administrative Citations, may be used in addition to Government Code section 8665 for enforcement of this Proclamation after sufficient warnings to a person or business in violation of this order.
- E. This order is effective April 24, 2020 at 12 a.m. until terminated.

PROCLAIMED this 22nd day of March, 2020.


Kenneth A. Domer, City Manager


Richard D. Jones, City Attorney

ATTEST:


Lucinda Williams, City Clerk