

RESOLUTION NO. 9090

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILPITAS CONFIRMING THE ORDER OF THE DIRECTOR
OF EMERGENCY SERVICES TO RESCIND THE ORDER
IMPOSING REGULATIONS TO PROTECT ESSENTIAL
WORKERS AND CONSUMERS THROUGH THE USE OF FACE
COVERINGS TO PREVENT THE SPREAD OF THE NOVEL
CORONAVIRUS (COVID-19)**

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, the City Manager, acting as the Director of Emergency Services, proclaimed the existence of a local emergency in response to the COVID-19 pandemic within the City of Milpitas; and

WHEREAS, on April 22, 2020, the City Manager, acting as the Director of Emergency Services, issued an order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19) (the “Face Covering Order”), which took effect on April 24, 2020; and

WHEREAS, on May 5, 2020, the Milpitas City Council confirmed the order of the Director of Emergency Services imposing regulations to protect essential workers and consumers through the use of face coverings; and

WHEREAS, since March 2020, the State of California, Santa Clara County, and City of Milpitas have taken decisive and meaningful actions to reduce the spread and mitigate the impacts of COVID-19; and

WHEREAS, as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS, the Governor and State Department of Public Health issued public health guidance requiring the wearing of face coverings on November 16, 2020 and amended the guidance on May 3, 2021; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS, the Governor and the State Department of Public Health have announced a plan for moving Beyond the Blueprint for a Safer Economy as of June 15, 2021; and

WHEREAS, the State Department of Public Health has modified face covering guidance based on recent updated guidance issued by the Centers for Disease Control and Prevention (CDC); and

WHEREAS, based on current pandemic metrics and the State’s modified face covering guidance, the City’s Director of Emergency Services issued an order to rescind the previously issued Face Covering

Order because it either duplicates or could be construed as imposing greater restrictions than those imposed by current State orders and guidance, which are not warranted by health conditions in the City of Milpitas at this time; and

WHEREAS, the previously issued Face Covering Order indicates that the order is to remain in effect for the duration of the local emergency proclaimed in response to the COVID-19 crisis. However, in light of the current state of the COVID-19 pandemic in California, Santa Clara County, and the City of Milpitas, and changing health guidance issued by the CDC and the State, it is appropriate to rescind the order to align with the above mentioned authorities and guidelines on face coverings.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

Section 1. The City Council hereby confirms the order issued by the Director of Emergency Services to rescind the Face Covering Order issued April 22, 2020 Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19). A copy of the order is attached hereto as **Exhibit "A"** and incorporated herein by reference.

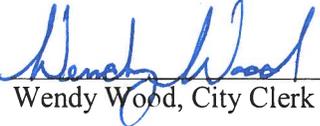
Section 2. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

Section 3. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED and ADOPTED by the City Council of the City of Milpitas at a special meeting of said Council held on June 21, 2021 by the following vote:

- AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan
- NAYS: (0) None
- ABSENT: (0) None
- ABSTAIN: (0) None

ATTEST:


Wendy Wood, City Clerk

APPROVED:


Rich Tran, Mayor

APPROVED AS TO FORM:


Christopher J. Diaz, City Attorney



CITY OF MILPITAS

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**CITY OF MILPITAS
DIRECTOR OF EMERGENCY SERVICES ORDER
RESCINDING ORDER IMPOSING REGULATIONS TO
PROTECT ESSENTIAL WORKERS AND CONSUMERS
THROUGH THE USE OF FACE COVERINGS TO
PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS
(COVID-19)**

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, the City Manager, acting as the Director of Emergency Services, proclaimed the existence of a local emergency in response to the COVID-19 pandemic within the City of Milpitas; and

WHEREAS, on March 17, 2020, the Milpitas City Council ratified the City Manager's Emergency Proclamation regarding the existence of a local emergency; and

WHEREAS, on April 22, 2020, the City Manager, acting as the Director of Emergency Services, issued an Order Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19), which took effect on April 24, 2020; and

WHEREAS, on May 5, 2020, the Milpitas City Council confirmed the Order of the Director of Emergency Services imposing regulations to protect essential workers and consumers through the use of face coverings; and

WHEREAS, since March 2020, the State of California, Santa Clara County, and City of Milpitas have taken decisive and meaningful actions to reduce the spread and mitigate the impacts of COVID-19; and

WHEREAS, as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS, the Governor and State Department of Public Health issued public health guidance requiring the wearing of face coverings on November 16, 2020 and amended the guidance on May 3, 2021; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS, the Governor and the State Department of Public Health have announced a plan for moving Beyond the Blueprint for a Safer Economy as of June 15, 2021; and

WHEREAS, the State Department of Public Health has modified face covering guidance based on recent updated guidance issued by the Centers for Disease Control and Prevention (CDC); and

WHEREAS, based on current pandemic metrics and the State's modified face covering guidance, the City's Director of Emergency Services has decided to rescind the previously issued Order imposing regulations to protect essential workers and consumers through the use of face coverings because it either duplicates or could be construed as imposing greater restrictions than those imposed by current State orders and guidance, which are not warranted by health conditions in the City of Milpitas at this time; and

WHEREAS, the previously issued Order of the Director of Emergency Services indicates that the Order is to remain in effect for the duration of the local emergency proclaimed in response to the COVID-19 crisis. However, in light of the current state of the COVID-19 pandemic in California, Santa Clara County, and the City of Milpitas, and changing health guidance issued by the CDC and the State, it is appropriate to rescind the Order to align with the above mentioned authorities and guidelines on face coverings.

NOW, THEREFORE, by virtue of the authority granted pursuant to Milpitas Municipal Code section V-1-4.03, the Director of Emergency Services rescinds the Order issued April 22, 2020 Imposing Regulations to Protect Essential Workers and Consumers Through the Use of Face Coverings to Prevent the Spread of the Novel Coronavirus (COVID-19).

Approved and issued on June 15, 2021.

Steve McHarris
City Manager/Director of Emergency
Services