

Sherman Oaks Neighborhood Council  
Board Meeting  
August 10, 2020

**Item 5c1 – CF 20-0930; CF 20-0944; CF 20-0945 – Face Coverings/Mask Wearing**

The following documents are provided related to Agenda Item 5c1:

CF 20-0930 Motion 07-29-2020  
CF 20-0944 Motion 07-29-2020  
CF 20-0946 Motion 07-29-2020

Referenced and considered and voted on by the SONC Board previously:

CF 20-0429 Motion 04-07-2020  
CF 20-0429 Miscellaneous 05-06-2020  
CF 20-0429 Miscellaneous Amendment 06-05-2020  
CF 20-0429 Report CLA 05-12-2020

AD HOC COVID**MOTION**

As Los Angeles residents adjust to the modified Safer At Work orders, the coronavirus pandemic remains a life and death issue. The latest directive, issued by the Los Angeles County Department of Public Health (DPH), has allowed previously closed businesses to open, and other businesses already operating, to expand their services. Along with these new rules, DPH has reinforced its coronavirus health and safety best practices to protect the front-line workers who put their health at-risk daily, as well as to help stop the spread of coronavirus among the general public. A summary of DPH's best practices include the following:


- Wash your hands frequently;
- Avoid touching your eyes, nose and mouth with unwashed hands;
- Continue to practice physical distancing; and,
- Wear a face covering while in public to protect others from possible exposure to respiratory droplets that may come from our mouth when people talk, sneeze or cough.

Last week, the State of New York took steps similar to those in Los Angeles to open their economy. As part of their expansion, the Governor of New York signed an executive order authorizing businesses to deny entry to anyone who does not wear a mask or face covering. The Governor stated that if someone does not cover their face, businesses will have the right to deny service and entry onto their premises to protect their employees, as well as to help stop the spread of coronavirus.

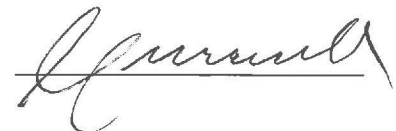
Given that coronavirus will continue to present a serious health risk as the economy re-opens, the City should assist businesses to employ sensible health practices by requiring face coverings when entering a place of business.

**I THEREFORE MOVE** that the City Council request the City Attorney to prepare and present an ordinance to allow businesses to require persons entering their premises to wear a face covering during the City's Coronavirus emergency declaration.

PRESENTED BY:

  
HERB J. WESSON, Jr.  
Councilmember, 10th District

SECONDED BY:



  
jr

JUL 29 2020

ORIGINAL

AD HOC COVID

## MOTION

As of July 27, the spread of COVID-19 in Los Angeles is at Threat Level Orange, meaning that significant and uncontrolled level of COVID-19 is spreading in the community and transmission is occurring rapidly and may soon overwhelm the community and health care system if not controlled; testing and contact tracing capacity is becoming strained; and hospitals are planning for or surging to meet demand.

The Mayor continues to urge residents to wear face coverings when leaving the house, as is mandated by the SAFER L.A. Order as COVID-19 cases continue to rise in Los Angeles and throughout the country. The Los Angeles Administrative Code makes it a misdemeanor to violate a Mayoral order during a local emergency. The Los Angeles Police Department and the Public Works Bureau of Street Services are the City's enforcement agencies for the SAFER L.A. Order. These agencies have been issuing citations, with fines of \$250 for the first violation of the SAFER L.A. Order, \$500 for the second violation, \$1000 for the third violation, and consideration of criminal charges for further violations.

It is well-established that wearing a face covering is beneficial for everyone in the community, but this fact alone seems to be insufficient reason to wear a mask for many throughout the country. The City ought to act in the best interest of its residents, which includes taking steps to help prevent the spread of COVID-19. It now seems necessary, in light of the growing COVID-19 numbers, to make it abundantly clear that failure to wear a face covering in public will result in significant fines, and repeated failure to consider the health of others in the community could eventually escalate to criminal charges.

I THEREFORE MOVE that the City Attorney be requested and that the Los Angeles Police Department and the Public Works Bureau of Street Services be directed to report to Council with an update on their enforcement of the Mayor's SAFER L.A. Order, specifically with respect to mandatory face coverings in public; the report should include information about how each agency approaches mandatory face covering enforcement, current citation figures, whether establishments are required to reject customers for failure to comply with the order, plans to expand enforcement in light of rising cases, and the citation process.

PRESENTED BY:

  
BOB BLUMENFIELD  
Councilmember, 3rd District

SECONDED BY:

\_\_\_\_\_  
GILBERT A. CEDILLO (verbal)  
Councilmember, 1st District

JUL 29 2020

AD HOC COMMITTEE ON  
COVID-19 RECOVERY AND  
NEIGHBORHOOD INVESTMENT

## MOTION

California's COVID-19 cases continue to rise more than four months into the pandemic. The daily new cases in California eclipsed 10,000 for the first time on July 21. Los Angeles County has upwards of 170,000 cases, and currently has had more cases than all but 17 countries in the world. This trend will continue if action is not taken to enforce preventive measures. Various levels of government have instituted mask 'requirements,' but none have been enforced in the City of Los Angeles. Municipalities around California are reacting to the shocking figures and are finally instituting enforcement for failure to wear a mask; locally, this includes: West Hollywood, Beverly Hills, Manhattan Beach, Glendale, Santa Monica, Calabasas, Irvine, and Costa Mesa; and several countries in Europe have started enforcing similar orders. The City of Los Angeles should follow suit as the largest city in the state, and the one with the most cases.

The Los Angeles County Department of Public Health noted that young people account for roughly 57 percent of new COVID-19 cases as of July 21. Many of these cases could have been avoided if the mask requirements were taken more seriously. Despite the overwhelming evidence of the benefits of masks, and the ubiquity of calls to wear them, the attitude toward masks for many people spans from flippant to dangerously skeptical. These attitudes, and the anti-mask rhetoric, are costing lives.

A well-enforced mask mandate would, at the very least, cause people to take mask wearing more seriously, which would help to slow the spread of the coronavirus. There is no reason that California ever should have been the epicenter of the COVID-19 pandemic. Some have claimed that enforcement of a mask ordinance would be needlessly punitive, and all that is needed for compliance is adequate information. However, nearly every communicative channel has been utilized to urge people to wear masks, but compliance continues to be an issue. The Los Angeles Administrative Code makes it a misdemeanor to violate a Mayoral Order during a local emergency. While many people are following the Mayor's Order, many are not, which is a matter of life and death. Enforcement is the strongest way to ensure compliance with existing mask orders.

I THEREFORE MOVE that the City Attorney be requested to prepare and present an ordinance with an urgency clause that would require payment of a fine of \$100 for the first violation, \$250 for the second violation, and \$500 for the third and subsequent violations, for failure to comply with the Mayor's "SAFER L.A." Emergency Order to wear a mask outside the home, to be enforced by any City of Los Angeles agencies with authority to do so, in order to mitigate the spread of COVID-19.

PRESENTED BY: \_\_\_\_\_  
PAUL KORETZ (verbal)  
Councilmember, 5th District

SECONDED BY: \_\_\_\_\_  
BOB BLUMENFIELD (verbal)  
Councilmember, 3rd District

MOTION

Since the start of the COVID-19 outbreak, the World Health Organization (WHO) has recommended that face masks only be worn by those showing symptoms or for the healthcare providers caring for them. This recommendation may have been due to a worldwide shortage of facemasks for doctors and nurses.

Yet COVID-19 carriers can be infectious without being symptomatic.

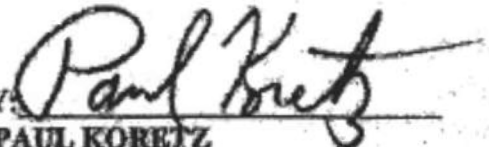
European countries have now required face masks, including the Czech Republic and Slovakia and the WHO is reconsidering its stance, as community spread may be limited by the wearing of masks.

Mayor Garcetti has highly-recommended wearing a mask in public, and, as homemade masks continue to proliferate, that recommendation should be increased to a requirement in order to both save lives and "flatten the curve."

I THEREFORE MOVE that the City Council request that the City Attorney be requested to draft an ordinance requiring that, during the COVID-19 quarantine emergency situation, masks be required to be worn fully across the mouth and nose of any person leaving their home. Masks may be homemade. ~~The ordinance shall be enforced by the Los Angeles Police Department with escalating penalties, including ACE penalties, a misdemeanor for a third violation and escalating fines thereafter.~~

I FURTHER MOVE that the Council request a report back from health experts on the recommendations of this proposal to be considered along with the draft ordinance.

PRESENTED BY:



PAUL KORETZ  
Councilmember, 5<sup>th</sup> District

SECONDED BY: \_\_\_\_\_

JOSE HUIZAR (verbal)  
Councilmember, 14<sup>th</sup> District

Item 16

MOTION

I HEREBY MOVE that Council AMEND Motion (Koretz – Huizar) relative to requesting an Ordinance to require any person leaving their home to wear masks during the COVID-19 quarantine emergency situation (Item No. 16, Council file No. 20-0429) to include in the report regarding wearing masks in public, information on the safety and efficacy of masks that have one-way valves.

PRESENTED BY: \_\_\_\_\_  
BOB BLUMENFIELD  
Councilmember, 3<sup>rd</sup> District

SECONDED BY: \_\_\_\_\_  
PAUL KORETZ  
Councilmember, 5<sup>th</sup> District

May 6, 2020

Item 16

MOTION

I HEREBY MOVE that Council AMEND Motion (Koretz – Huizar) relative to requesting an Ordinance to require any person leaving their home to wear masks during the COVID-19 quarantine emergency situation (Item No. 16, Council file No. 20-0429) to:

Direct the Chief Legislative Analyst to work with the Emergency Management Department, the Los Angeles County Department of Public Health and the City Attorney and report back on the following:

- 1) The Centers for Disease Control COVID-19 guidelines for wearing masks in public.
- 2) Existing ordinances in other cities, states and countries requiring the wearing of masks in public and their justifications for doing so, including San Diego County, all of Massachusetts, and the apparently quite progressive Laredo, Texas and its exemption for people for whom wearing a mask could be dangerous.
- 3) Options for enforcement.
- 4) Staff to come back within a week with this report.

PRESENTED BY: \_\_\_\_\_  
PAUL KORETZ  
Councilmember, 5th District

SECONDED BY: \_\_\_\_\_  
BOB BLUMENFIELD  
Councilmember, 3rd District


May 6, 2020

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: May 11, 2020

TO: Honorable Members of the City Council

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No. 20-0429  
Assignment No. 20-05-0493

SUBJECT: Wearing of Masks in Public

## SUMMARY

At its meeting of May 6, 2020, the Council adopted Amending Motions (Koretz – Blumenfield) to Motion (Koretz – Huizar) directing the Chief Legislative Analyst, in consultation with the Emergency Management Department (EMD), the City Attorney, and the Los Angeles County Department of Public Health (DPH), to report within one week on the following:

1. The Centers for Disease Control (CDC) COVID-19 guidelines for wearing masks in public;
2. Existing ordinances in other cities, states and countries requiring facial coverings in public;
3. Enforcement options; and,
4. The safety and efficacy of masks with one-way valves.

During the discussion, Councilmembers highlighted a variety of issues associated with implementing an ordinance that would require individuals to wear masks that cover the face and nose in public. Councilmembers noted that such an ordinance could lead to a disproportionate impact on some racial or ethnic group, as has been observed throughout the country.

## BACKGROUND

Stage Two of DPH's Roadmap to Recovery and Mayor Garcetti's Safer at Home Order began on May 8. This allowed florists, toy stores, music stores, bookstores, clothing stores, and sporting goods stores to offer online and phone orders for curbside pickup. It further allowed car dealership showrooms open for sales with adherence to distancing and cleaning and infection control protocol. Trails, trailhead parks, and golf courses will reopen on May 9. The Mayor's guidance suggests that Angelenos should wear face coverings when exiting the home and interacting with others.

The Mayor's Worker Protection Order, updated on April 16, requires that all customers and visitors of essential businesses to wear a mask or cloth face covering over the mouth and nose. On May 6, the Mayor announced that face coverings will also be mandatory at all City trails and golf courses, on City transit buses, and for all travelers at Los Angeles International Airport.

The Los Angeles Police Department (LAPD) informed this Office that their primary goal is to achieve voluntary compliance for any public health directive. At present, it is the intent of LAPD




to educate, warn, and guide individuals toward acting in accordance with health orders. LAPD noted some cases of trespassing where an unmasked individual refused to exit an essential business that had posted signs stating that service would be refused to unmasked individuals.

CDC provides information regarding mask materials, construction, cleaning, removal, and use. CDC recommends wearing 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. These recommendations are based on studies that have found that asymptomatic and pre-symptomatic infected individuals are capable of transmitting coronavirus to others. There is some evidence that wearing a face covering over the nose and mouth could prevent an infected individual from disseminating large, infectious respiratory droplets into the open. The effectiveness of masks increases as more individuals utilize them. CDC notes that it is important to continue to observe the variety of other risk-mitigating behaviors, such as washing one's hands for 20 seconds and maintaining social distance of at least six feet. Some studies have shown that individuals may be more likely to neglect these behaviors when wearing a mask.

The Amending Motion (Koretz – Blumenfield) specifically mentions mask orders in San Diego County, the City of Laredo, and the Commonwealth of Massachusetts. Generally, all of these mask orders require all persons over age two to wear a mask or face covering over the mouth and nose when in public. All of the orders provide exemptions for persons who are unable to wear a mask for medical reasons. Attachment A provides language from each of the mask orders including the content of the order, the exemptions, and the penalties for violation. Attachment A also includes information regarding Beverly Hills and Los Angeles County. Police and sheriff departments are authorized to enforce the mask orders in these jurisdictions, but the extent of enforcement for any of these orders is unclear. The Beverly Hills mask order also designates Beverly Hills code enforcement officers and park rangers with authority to enforce the order.

Laredo's ordinance exempts a person with any valid health or safety reason from wearing a mask, which could quell some concerns regarding a disproportionate impact on some racial or ethnic group. This does not, however, fully address these concerns, where the treatment of unmasked individuals may vary by racial or ethnic group. If unaddressed, individuals who remain unmasked for fear of profiling may be nonetheless subjected to enforcement of the ordinance.

The Amending Motion (Blumenfield – Koretz) notes that some masks operate with a one-way valve. Certain types of N95 and other masks feature a valve system that stay closed when the wearer inhales and opens when the wearer exhales. According to CDC, masks with an exhalation valve release unfiltered air, which would enable infected individuals to potentially spread the virus. While these masks may reduce the wearer's exposure to particles in the environment, they allow droplets out of the mask, putting others nearby at risk. Some municipalities with a mask order have noted that one-way valve masks do not comply with the order.

  
Tristan Noack  
Analyst

Attachment A

|                                      | <b>Mask Order</b>   | <b>Exemptions</b>  | <b>Penalty</b>  |
|--------------------------------------|---|--|---|
| <b>County of San Diego</b>           | All persons two-years old or older who are present in the county shall have possession of a face covering when they leave their home or place of residence and shall wear the face covering whenever they are in a business or within six feet of another person who is not a member of their family or household.  | <ul style="list-style-type: none"> <li>• Persons with a medical or mental health condition, or developmental disability that prevents wearing a face covering.</li> <li>• Swimming in the ocean</li> <li>• Jogging on a trail</li> <li>• Driving, unless there is someone in the vehicle who is not from the same household</li> </ul>   | \$1,000 fine or 6 months in jail.   |
| <b>City of Laredo</b>                | All persons two years of age and older are hereby required to wear some form of covering over their nose and mouth (such as a scarf, bandana, handkerchief, or homemade mask from cloth or similar material) at all times when outside of their place of residence.   | <ul style="list-style-type: none"> <li>• Driving/riding in a personal vehicle</li> <li>• Alone in an enclosed single space</li> <li>• Outside alone on a public street or sidewalk, provided a mask is visible and readily accessible</li> <li>• Necessary for consumption purposes</li> <li>• Person who has trouble breathing, is unconscious, is incapacitated, or is otherwise unable to remove the cover without assistance</li> <li>• Person with a medical condition or for any other valid health and safety reason, reasonableness of which shall be determined solely by the City of Laredo</li> <li>• Homeless individuals</li> </ul> | Previously Class C Misdemeanor with a fine not to exceed \$1,000. On May 5, Executive Order GA-21 prohibited Texas jurisdictions from imposing civil or criminal penalties for failure to wear a face covering. |
| <b>Commonwealth of Massachusetts</b> | Any person over age two who is in a place open to the public in the Commonwealth, whether indoor or outdoor, and is unable to or does not maintain a distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face covering... All persons are required to wear masks or cloth face coverings at all times when inside grocery stores, pharmacies, and other retail stores. All persons are also required to wear masks or cloth face coverings when providing or using the services of any taxi, car, livery, ride-sharing, or similar service or any means of mass public transit, or while within an enclosed or semi-enclosed transit stop or waiting area. | <ul style="list-style-type: none"> <li>• Person is unable to wear a mask or face covering due to a medical condition (person is not required to produce documentation verifying the condition)</li> <li>• Person is otherwise exempted by Department of Public Health guidance</li> </ul>  | Civil fine up to \$300.   |

Attachment A

|                                     |   |   |   |
|-------------------------------------|---|---|---|
| <p><b>City of Beverly Hills</b></p> | <p>All persons shall wear face coverings such as scarves (dense fabric, no holes), bandanas, neck gaiters, or other fabric face coverings, when they leave their homes or places of residence for essential activities such as taking a walk through their neighborhood.</p>                            | <ul style="list-style-type: none"> <li>• While driving, unless they must lower their windows for any purpose such as to interact with first responders, food service workers, or others who are not members of their household.</li> </ul>          | <p>\$1000 fine, imprisonment, or both</p> |
| <p><b>County of Los Angeles</b></p> | <p>Individuals may leave their home to shop at essential businesses, provided they practice social distancing. Social distancing is, in part, defined as wearing a cloth face covering while out in public when in contact with others, not including members of a single household or living unit.</p> | <ul style="list-style-type: none"> <li>• Order does not prohibit any individual or members of a single household or living unit from engaging in outdoor activities, as an individual or household, such as jogging, walking, or biking.</li> </ul> | <p>Fine, imprisonment, or both</p>        |