



COUNCIL AGENDA: 5/19/2020

ITEM: 3.6

FILE NO: 20-582

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** May 19, 2020

**SUBJECT: Urgency Ordinance and Companion Ordinance to Require Fabric Face Coverings.**

**RECOMMENDATION:**

(a) Adopt an urgency ordinance adding Chapter 9.61 to Title 9 of the San José Municipal Code that:

- (1) Invokes the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health, or safety; and
- (2) Mandates the wearing of fabric face coverings across the City of San José when outside of one's home, with specific exceptions, as an additional measure to the County's guidance to stop the spread of COVID-19.

**PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3)**

(b) Approve a companion ordinance adding Chapter 9.61 to Title 9 of the San José Municipal Code that mandates the wearing of fabric face coverings across the City of San José when outside of one's home, with specific exceptions, as an additional measure to the County's guidance to stop the spread of COVID-19.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Jones)

[Rules Committee referral 5/13/20 - Item G.6]



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Vice Mayor Chappie Jones  
Council Member Sergio Jimenez

**SUBJECT:** Emergency Mandate for Wearing  
Face Coverings

**DATE:** May 8, 2020

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Approved *Chappie Jones* *Sergio Jimenez* Date: May 8, 2020

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## RECOMMENDATION

Direct the City Manager to explore and issue an emergency order that mandates the wearing of fabric face coverings across the City of San Jose when interacting with individuals outside of one's home, with specific exceptions, as an additional measure to the County's guidance to stop the spread of COVID-19.

## BACKGROUND

The Santa Clara County Public Health Department reports that a significant number of COVID-19 cases are due to asymptomatic transmission. According to Researchers, 25-50% percent of people with COVID-19 are unaware they have the virus. This means that people can be unknowingly infected and contagious while not showing any symptoms and can unintentionally infect others. With the ease of restrictions to the County's Shelter in Place (SIP) Order, as the economy begins to reopen, and as people eventually begin to congregate in public spaces, the wearing of face coverings outside of homes will become increasingly important to everyone's health, safety, and wellbeing. According to the CDC, the use of fabric face coverings, along with proper social distancing and other evidence-based health measures, has been shown to slow the spread of COVID-19 and prevent asymptomatic transmission. The County's revised SIP, effective May 4, 2020, now urges and provides guidance to wear face coverings when in public. To further ensure safety and responsibly protect residents, we recommend the wearing of face coverings be mandated when in public and when interacting with others outside of one's home except for the following as guided by the County's Public Health Department:

- Exercising outdoors, like walking, hiking, bicycling, or running. However, people are recommended to have a face covering with them and readily accessible when exercising, even if they're not wearing it at that moment.

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- Children 6 years old or younger.
- Anyone who has trouble breathing, is incapacitated, or otherwise unable to remove a face covering without assistance.
- Anyone who has been advised by a medical professional not to wear a face covering.
- Any worker to the extent wearing a face covering creates a safety hazard at work under established health and safety guidelines.

A similar mandate has been implemented in five other Bay Area counties (Alameda, Contra Costa, Marin, San Francisco, San Mateo) and the cities of Cupertino, and Milpitas as shown in Attachment A. Considering the City of San José is the most populous city in the region with a population of over 1 million and 66% of the County's confirmed COVID-19 cases, adherence to this proposed mandate could have significant influence in further flattening the curve and reducing the spread of COVID-19.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*