

From: [David Greene](#)
To: [John Knox White](#)
Cc: [City Clerk](#); alamedanews@bayareanewsgroup.com; editor@alamedasun.com; [Jim Oddie](#); [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#)
Subject: Re: [EXTERNAL] Item 6-A 2020-8236: Public Health Ordinance
Date: Monday, August 31, 2020 11:46:17 AM

If there is mis-information about policing policy - it is the City Council on the hook. Not APD. Please read below as to why this is the case and why since this thread with a first try at rational discussion is not showing to be fruitful, passage of the ordinance as written may open the city to litigation.

The current ordinance clearly discusses the City's use of Police Powers (see page 3). Additionally, during the June 16th meeting, you were party to a motion that not only put a hiring freeze on the Police (when they were/are without previous argument understaffed) but further required all policing policy changes be brought to the City Council for approval before implementation. If you control the budget and the policies, that is pretty much the role and power of the head of any department. You/council are now running the police department - credentials to do so or not. The council has taken this power.

Then, to your July meeting reference, let's be clear about what the balance of Council Members put the "kibosh" on. It was several parts of what you proposed. Importantly, and to what you allude, it was the entirety of Item 6 in the resolution you put forth. Let us not forget this included a reduced police force of up to 42% and included using unarmed citizenry to pull over speeders and those running redlights at a time other council members were charged with reviewing police alternatives. Other parts of the July resolution had serious flaws, not the least of which was a statistics focus on proportion of population to police killings, arrests, and contacts as the relevant basis for measure of police activity - many of this citing based on areas outside of Alameda. We as a society demand data-driven evidence-based activity from police in today's world. This is crime rates, not population disparity. This is what we have demanded of Police for a very long time now. As the council has now taken upon yourself to set police policy and allocate resources, expectation is you take the time to match this accountability with great responsibility. My safety in a city with a rising crime rate - as the numbers clearly show - is at risk.

As of June, the risk of selective enforcement and efficient enforcement for the safety of the citizens of this City are the Council's - Yours. You demanded it. You demanded this expansion of the Council's policing power, you are no longer in position to point fingers at APD. Recall in the July resolution you presented item 6.A wanted a work plan that outlined a "top-to-bottom change in the community service culture in the Alameda Police Department that reestablishes community member safety". This is effectively saying community member safety and well-being is not the current Police department's goal. This is a substantial inclusion which you wrote. The question is yours... what substantiated this inclusion? And more the heart of selective enforcement: If a group looking to protest has any folks without masks or masks improperly worn or use of a non-approved bandanna as opposed to non-N95 surgical or similarly approved mask, are you going to instruct police - as only policy can be approved by the council - to go into this protest and start issuing warning/violations with fines

attached?

As to your comments on reopening: Our hospitals are not currently stressed with a large influx of Covid patients. Where's the data on this you are seeing to substantiate this? What are the numbers at Alameda Hospital? With a city infection rate of 0.38% (294 cases / 77,000 population) over a period of six months, how much more is there to rationally reduce?

Like your proposal in July regarding Police Reform (aka "De-Funding"), let's hope the balance of the Council members have wisdom in their decision making to oppose this.

If this does "pass": The city will be at risk of a preemption violation. As a local jurisdiction, laws can not be created that conflict with state laws or legislate in areas where supreme jurisdictions seek to occupy the entire field. The County Health Advisory's is this field as this ordinance contains language acquiescing to this larger entity. The County Health Dept is acting as the supreme jurisdiction in the area you are proposing to proceed into and by virtue of their orders directly referencing currently in place rules (California Health and Safety Code § 120295, et seq.) regarding violation penalty what you are looking to do is counter to the goals of higher authority.

Thanks again for your response and engagement,
Dave

On Mon, Aug 31, 2020 at 8:07 AM John Knox White <JknoxWhite@alamedaca.gov> wrote:

Mr. Greene,

There is a lot of misinformation circulating about policing in Alameda, I'd like to clarify that the City Council did not push for decreased traffic enforcement, that was our former Police Chief, the policy was put in place with no council or public input. In July I brought forward a resolution to restart traffic enforcement with a focus on safety related issues, speeding being one of the seven listed and a majority of the council, led by the Mayor and Councilmember Vella, but the kibosh on the idea. There are some small traffic enforcement efforts that are continuing, but not much. The Council will possibly be having a conversation about this sometime in Nov/Dec. it appears. (too late to my mind).

The City Council doesn't use police powers, the selectiveness that you discuss is an administrative function, overseen by the head of the police department. Personally, I have been working on rationalizing and clarifying this, but it takes three votes and so far there isn't a lot of interest in tackling the issue. With the change in leadership, it will likely be some time before this conversation can be really started.

I'd be interested in hearing your concerns and perceptions of APD's selective enforcement practices if you're willing to share them.

As for reopening, both the State and the County are setting the standards for this. We know that mask compliance is likely the best way to reduce our county's infection numbers and reduce stresses on the hospital system. Sadly, Alameda County is stuck in neutral with these numbers and not seeing either reduce.

Best,

John Knox White

Vice Mayor, Alameda

Miss the Town Hall on Enforcement in Alameda?

Watch it here: <https://www.youtube.com/watch?v=d5iSIIdYjFm8>

From: David Greene <writedg@gmail.com>

Sent: Sunday, August 30, 2020 6:45 PM

To: John Knox White <JknoxWhite@alamedaca.gov>

Cc: City Clerk <CLERK@alamedaca.gov>; Tony Daysog <TDaysog@alamedaca.gov>;

Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>; Jim Oddie

<JOddie@alamedaca.gov>; Malia Vella <MVella@alamedaca.gov>;

editor@alamedasun.com; alamedanews@bayareanewsgroup.com

Subject: Re: [EXTERNAL] Item 6-A 2020-8236: Public Heath Ordinance

I appreciate your response. At least you did respond.

This said, what you attribute to me is incorrect. I'm actually questioning/asking what circumstance are you seeing now that warrants issuance of fines for face coverings and what is the line to cross to be "egregious and unsafe flouting" of the County Health Order. This ordinance is vague and this can be considered irresponsible given the powers it is enacting.

You discussed goals and reopening yet did not address key questions asked:

- What are the goals you reference?
- And - as a leader pushing for more virulent compliance that you will monitor closely in a community where the vast majority are already compliant, what is your opinion of circumstances that will need to exist for a "swift reopening"?

The above pending your and other Council members response: Added Consideration... With the council's push, police have already slowed/stopped issuing speeding tickets. A speeding ticket is about \$500. You are pushing for mask fines in this range. I live just off of Otis and have seen noticeable speeding increases (both in number of speeders and speeds they are traveling). It is going to be far more likely a serious auto accident will happen due to highly publicised relaxing of enforcement of current laws. These actions carry far greater statistical consequences than Covid and are compounded by the Councils selective use of police powers. When an accident does happen, please know the decision trade-off you and the Council have made is highly contributory to those injured/killed in this accident.

Safety of citizens is at best inconsistent if not an abused priority.

Dave

On Sun, Aug 30, 2020 at 3:59 PM John Knox White <JknoxWhite@alamedaca.gov> wrote:

Thank you for sharing your concerns. It appears that you believe that there are no circumstances which would warrant citations and fines, we disagree but I appreciate and support your call for careful and deliberate consideration. The proposed ordinance does not equate to immediate and vociferous enforcement, but it does allow for the city to issue fines when there are egregious and unsafe flouting of the County Health Order. I've read the Orange County document you provided, it does not address enforcement and appears to cover territory that is in the County Public Health Department's domain. Action that has already been taken.

I plan to ask for weekly reporting on the issuance of citations issued under this ordinance. If it passes, I'll be monitoring the use of the enforcement in this area.

Best,

John Knox White

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From: David Greene <writedg@gmail.com>
Sent: Saturday, August 29, 2020 3:16 PM
To: City Clerk <CLERK@alamedaca.gov>; Tony Daysog <TDaysog@alamedaca.gov>; Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>; Malia Vella <MVella@alamedaca.gov>; John Knox White <JknoxWhite@alamedaca.gov>; Jim Oddie <JOddie@alamedaca.gov>
Subject: [EXTERNAL] Item 6-A 2020-8236: Public Heath Ordinance

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Mayor and Council Members:

Attached is proposed language changes for the ordinance.

Overview:

- The Council has the opportunity to take a more reasonable response given facts pertaining to Alameda resident behavior already being highly compliant to date and factual data regarding regional prevalence of Covid.
 - It is suggested the Council consider another approach to the "heavy handed" ordinance language under consideration. This due to expansion of police powers at time policing is a very sensitive topic in the public, alternative solutions have been found with other locations (ref example from Orange County, Florida), and that current approach can be considered duplicative to existing law.

Additionally: John Knox White was quoted in the local paper as saying: "Mask compliance is extremely important in achieving our public health goals and getting our community reopened swiftly. While we need to ensure that we

pursue all non-penalty solutions vigorously first, having a backup enforcement policy that allows the city to address flagrant offenders who are risking our community's health is a tool that we need. Hopefully, in Alameda we will never need to utilize it, but it's good to have options available if we ever do."

Comments and Questions for all members to be able to answer prior to supporting this ordinance:

1. Before putting in place a punitive infrastructure and expansion of police powers, it is reasonable to have "public health goals" clearly defined. What are the goals?
2. We started with a three week shelter in place and we are at six months and counting. Over these six months, Alameda has had zero officially recorded deaths from Covid and 294 confirmed cases (or 0.38% of the population). With these facts existing, what will need to exist for the community to be reopened swiftly?
3. What is proposed in the attached is exactly a non-penalty approach. Should it not be tried prior to affirming the proposed ordinance?

Thanks,

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Alameda, CA 94501

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Subject: Re: [EXTERNAL] Item 6-A 2020-8236: Public Health Ordinance
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Subject: [EXTERNAL] Item 6-A 2020-8236: Public Health Ordinance
Date: Saturday, August 29, 2020 3:16:47 PM
Attachments: [We sent you safe versions of your files.msg](#)
[Health Officer Enforcement Ordinance Language Changes 8-29-2020.pdf](#)
[Orange County Florida Template ref 2020-23 EEO.pdf](#)

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Alameda, CA 94501

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Comments from David Greene

Legend:

Note Citizen concerns and proposed language changes included in blue below.

Items in red identify key language of note or actual language changes.

AN URGENCY ORDINANCE AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING A NEW ARTICLE 24-13 (PUBLIC HEALTH) PROVIDING FOR THE ENFORCEMENT OF ALAMEDA COUNTY HEALTH OFFICER ORDERS AND DIRECTIVES

WHEREAS, Section 3-12 of the City Charter authorizes the City Council, with a four-fifths vote, to adopt, as an urgency measure, an ordinance for the immediate preservation of the public peace, health or safety without following the procedures otherwise required prior to adoption of an ordinance; and

WHEREAS, Government Code Section 36937 allows a city, including a charter city, to adopt an urgency ordinance to take effect immediately upon its adoption for the preservation of the public peace, health or safety upon a finding of facts constituting the urgency thereof; and

WHEREAS, conditions of extreme peril to the health, safety and welfare of persons have arisen in the world, the nation, the State, the County of Alameda and the City of Alameda ("City") due to the following:

- International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes which has been named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19"). The Center for Disease Control and Prevention ("CDC") has stated that COVID-19 is a serious public health threat, based on current information. Cases of COVID-19 have been diagnosed throughout the world, the United States, the State of California, the County of Alameda and the City of Alameda.
- The exact modes of transmission of COVID-19, the factors facilitating human to human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. The CDC believes, at this time, the symptoms appear two to fourteen days after exposure. Currently, there are no vaccine or specific anti-viral treatment for COVID19.
- Actions are being taken to protect public health and limit the spread of COVID-19 but whether those actions will be successful is unknown at this time.

WHEREAS, on March 1 and 5, 2020, the Alameda County Public Health Officer issued Declarations of Local Health Emergency, and on March 10, 2020, the Alameda County Board of Supervisors adopted a Resolution ratifying the Declarations of Local

Health Emergency, and on March 17, 2020, the Alameda County Board of Supervisors adopted a Resolution ratifying the Declaration of Local Emergency; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread and addressing the effects of COVID-19; and

WHEREAS, the CDC, the California Department of Health, and the Alameda County Department of Public Health have all issued recommendations including but not limited to strict adherence to social distancing guidelines, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have similar directives; and

WHEREAS, on March 16, 2020, the Alameda County Public Health Officer issued a countywide order that prohibits all public and private group gatherings and requires people to shelter at their place of residence with limited exceptions. The purpose of the Order was to restrict and limit gathering of persons and require closures of non-essential retail businesses in an effort to ~~stem or~~ slow the spread of the virus; and

Citizen Comment: Delete language as identified in red above. Note the March 16th order referenced above never utilizes the language of “stemming” (or “to stem”) the virus. This language is misleading to the foundation of the proposed ordinance.

WHEREAS, on March 17, 2020, the City Council made findings that due to the COVID-19 pandemic, conditions of extreme peril to the health, safety and welfare of persons have arisen in the City of Alameda and, based thereon, adopted an urgency ordinance (Ordinance No. 3267) declaring a local emergency exists in the City as a result of the COVID-19 pandemic, and on April 7, 2020, the City Council made findings that a local emergency continues to exist in the City as a result of the COVID-19 pandemic and, based thereon, adopted an urgency ordinance (Ordinance No. 3272) extending the declaration of the existence of a local emergency; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed

to maintain continuity of operations of outlined federal critical infrastructure sectors (“State Shelter Order”); and

WHEREAS, since March, 2020, the Alameda County Public Health Officer has issued various updates to its Shelter In Place Orders, in order to balance the need to continue certain essential activities while maintaining maximum control over the spread of COVID 19; and

WHEREAS, the Health Officer has also issued a number of other orders to limit the spread of COVID 19, including requiring the use of face coverings, regulating clinical laboratories, and providing guidance to licensed facilities and other agencies; and

~~WHEREAS, in light of continuing increases in positive cases of COVID-19, the Health Officer, joined by countless state, regional and local health agencies and experts, has continued to express grave concerns regarding the spread of COVID-19 and urges prompt and decisive actions to slow the spread of the pandemic; and~~

Citizen Comment: Strike above as it is without firm reference and founding. Many other organizations, agencies and experts have expressed counter views to statements made above. Generalizations of this kind are not appropriate for basis of ordinance decision.

WHEREAS, the City Council determines that the City of Alameda must answer the call and take immediate affirmative measures, including authorizing the issuance of administrative citations for non-compliance with Health Officer orders and directives; and

Citizen Comment: This ordinance calls out actions taken as of March 1, 2020. Note this is six full months to time of council vote. Over this period of time, city staff has reported an overall high compliance rate by Alameda residents to Health Official orders. Council may have ability to issue citations, but extreme caution should be put in place in expanding potentially abusively implemented Police Powers.

~~WHEREAS, given the virulent spread of COVID-19, time is of the essence; and~~

Citizen Comment: “Virulent spread” and “time is of the essence” is a narrative that does not fit with facts from sources already cited in the ordinance as drafted (e.g. CDC). As citizens, we look to the council for intellectual wisdom based on evidence. The non-sequitur of evidence vs. language used needs to be resolved. Request full deletion of the above “whereas” statement. Over six months, less than 0.4% of the population has been infected (hardly “virulent”) or expressing time essence given this ordinance is being considered after many other more practical solutions have been put in place by other communities with results to review and understand that are positive (note example of Orange County, FL below as one of these).

Substantiation: In the six months since the outbreak, here are some facts as provided via CDC:

- *Covid has not officially been attributed to any deaths in the city of Alameda. Not one death.*
 - ♣ *Unofficially, if we do an extrapolation of County of Alameda Data (as posted on CDC website), results are between 3 to 4 deaths from Covid in the City of Alameda (a city of 77,600). This is 0.005% of the city's population. But again, this is theoretical. Officially, the number is ZERO.*
- *In terms of those infected: At the City and County of Alameda level, recognize what this ordinance is looking to "slow" is a virus that has infected 294 confirmed cases in a city of 77,624 (2019 estimate). This is 0.38% of the population infected over six full months. (Again, this is not people who have died, just those infected). Per CDC, All of Alameda County has had 17,621 cases and 244 deaths (1.3% of those infected have died from Covid). What is the goal regarding further slowing?*

WHEREAS, for the reasons set forth above, this Ordinance is declared by the City Council to be necessary for preserving the public welfare, health, or safety and to avoid a current, immediate and direct threat to the health, safety or welfare of the community, and the recitals above taken together constitute the City Council's statements of the reasons constituting such necessity and urgency; and

WHEREAS, this Ordinance is adopted pursuant to the **City's police powers and powers afforded to the City in time of national, state, county and local emergency** during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, the City Charter and the Alameda Municipal Code ("AMC") to protect the public welfare, health, and safety, and to protect life and property as affected by the emergency, in that this ordinance facilitates access to food, essential goods, and medication and assists the local business community in dealing with the extreme economic challenges it is facing as a result of measures **to slow the spread of COVID-19**; and

Citizen Comment: Council should reassess the net addition returns for actions being considered vs. real and perceived implementation of Police Powers and Council facilitation of potential power abuses. Last month this Council was looking to "Defund Police". This month the Council is now considering expanding use of Government in its relationship with citizens forcing compliance of face coverings? Note, this is when the Alameda City staff state high compliance to Health Official orders already being the norm and those in parks and similar places are largely a healthier population (i.e. at less risk) and largely naturally distanced anyway. And please reiterate the factual counts of infections and zero deaths in considering this point as well.

Consider implications of exercising POLICE POWERS at a time of national concern regarding use of Police and government overreach. The ordinance proposed is in the City Council's best interest.

WHEREAS, adoption of this ordinance is exempt from review under the California Environmental Quality Act ("CEQA") under CEQA Guidelines Sections 15378 (not a project) and 15061(b)(3) (no significant environmental impact); and

WHEREAS, by the staff report, testimony, and documentary evidence presented at the September 1, 2020 City Council meeting, the City Council has been provided with additional information upon which the findings and actions set forth in this ordinance are based.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALAMEDA as follows:

~~Section 1: Alameda Municipal Code Article 24-13 Public Health is hereby added to read as follows:~~

Citizen's Comment: This ordinance in its entirety is redundant and should not be passed. Note this ordinance, as currently outlined, is based on compliance to orders of the Alameda County Health Officer Orders. As clearly stated in Orders issued by the Alameda County Health Office, fine and punishments are already applicable if Orders are not followed. Note the following language in Order issued on March 16th as an example:

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, et seq.)

24-13 Public Health

24-13.1 Health Officer

The City of Alameda's Health Officer shall be the County Health Officer for the County of Alameda, or their designee.

24-13.2 Compliance with Health Officers Orders and Directives

It shall be unlawful for any person to fail or refuse to comply with any order or directive issued by the Health Officer or designee.

This makes Alameda Subject to County Health Officer orders even if this directive is outside of stated CDC or other higher affirmed bodies. This unduly places Alameda residents under control and restrictions regardless of updated information as information continues to be gathered.

~~24-13.3 Penalties~~

~~A. Any person who violates any provision of this Article or the terms and conditions of any permit or approval issued by the Health Officer shall be guilty of an infraction which shall be punishable by a fine not exceeding \$250.00, or a misdemeanor, which shall be punishable by a fine not exceeding \$1,000.00 per violation, or by imprisonment in the County Jail for a period not exceeding 6 months, or by both such fine and imprisonment.~~

~~B. Any person who violates any provision of this Article or the terms and conditions of any permit or approval issued by the Health Officer may be subject to administrative citation issued pursuant to Article 1-7 of this Code.~~

~~C. Any person convicted of violating any provision of this Article in a criminal case or found to be in violation of this Article in a civil or administrative case brought by a law enforcement agency, including but not limited to the City of Alameda and the County of Alameda, shall be ordered to reimburse the City and other participating law enforcement agencies their full investigative costs.~~

~~D. Any activity conducted or maintained contrary to this Article shall constitute a public nuisance.~~

~~E. The remedies provided in this article are not exclusive, and nothing in this article shall preclude any person from seeking any other remedies, penalties or procedures provided by law.~~

Citizen Comment: Strongly suggest this ordinance recognize the evolving state of Covid learning. Note the attached as issued by Orange County, Florida. It is wise in recognizing the need for face coverings (without an overtly “heavy hand” as is the Alameda proposed ordinance) and in working with future knowledge as it comes to be known.

It is strongly suggested Alameda City Council work with this approach prior to going straight to a punitive approach with citizens who are already highly compliant in meeting safety needs, already “testy” regarding excessive government rule, and economically stress due to the shutdown of opportunity placed on us by government bodies, include this city’s council.

Local feedback is the approach in Orange County, Florida has been successful. It is suggested Council perform their own confirmations.

Section 2: IMPLIED REPEAL

Any provision of the AMC inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

Section 3: CEQA DETERMINATION

The City Council finds and determines that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the following, each a separate and independent basis: CEQA Guidelines, Section 15378 (not a project) and Section 15061(b)(3) (no significant environmental impact).

Section 4: SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 5: EFFECTIVE DATE

As an urgency ordinance, this Ordinance becomes effective immediately upon its adoption by a four-fifths vote of the City Council.

ORANGE COUNTY, FLORIDA
EMERGENCY EXECUTIVE ORDER NO. 2020- 23
REGARDING COVID-19
and
Requiring Face Coverings

Date: June 18, 2020

Time: 4:33 P.M.

WHEREAS, Chapter 252, Florida Statutes, and Chapter 2, Article IX, Orange County Code, empower the Orange County Mayor to declare a State of Local Emergency when conditions such as the COVID-19 pandemic exist; and

WHEREAS, on March 13, 2020, I declared a State of Local Emergency in all of Orange County due to COVID-19; and

WHEREAS, Orange County remains in a State of Local Emergency due to COVID-19; and

WHEREAS, on April 29, 2020, the Governor of Florida issued Executive Order 20-112, (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery;) and

WHEREAS, on May 1, 2020, I issued Executive Order 2020-12, Reopening Orange County and Requiring Social Distancing and Face Coverings, which set forth minimum standards for Businesses and Places of Assembly to follow unless precluded by the Governor; and

WHEREAS, on June 3, 2020, the Governor of Florida issued Executive Order 20-139 related to Phase 2 of the Recovery; and

WHEREAS, with the significant reopening of its economic, cultural and civic life, bringing more people into contact with each other, Orange County has experienced an increase in the daily positivity rate of infections for COVID-19; and

WHEREAS, recently the number of COVID-19 cases has increased significantly with daily positivity rates for COVID-19 as high as eleven-percent (11%); and

WHEREAS, Orange County health care providers have experienced an increase in emergency room visits and hospitalizations related to COVID-19; and

WHEREAS, in order to limit the probability of continued spread of COVID-19, it is prudent to take more stringent measures to reduce the potential that Stay at Home orders will be reinstated for Orange County; and

WHEREAS, the Center for Disease Control and Prevention ("CDC") guidelines on social distancing and wearing face coverings must be adhered to if Orange County is to continue on its path to economic recovery; and

WHEREAS, the CDC recommends wearing face coverings in public settings where other social distancing measures are difficult to maintain; and

WHEREAS, the use of face coverings and social distancing are important public health approaches to slow the transmission of COVID-19; and

WHEREAS, during a public health crisis, protecting the health and safety of Orange County's residents and visitors is among the most important functions of County government.

NOW, THEREFORE, I, Jerry L. Demings, County Mayor of Orange County, Florida, acting as the Director of Emergency Management, promulgate the following Emergency Executive Order:

Section 1. Definition. Face Covering shall mean a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands.

Section 2. Face Coverings Required.

- a. Every person working, living, visiting, or doing business in Orange County is required to wear a Face Covering consistent with the current CDC guideline while in any public place.
- b. Medical and surgical face masks, such as "N95" masks or similar medical or surgical masks should be reserved for health care personnel and other first responders with the greatest need for such personal protective equipment. Persons are encouraged to review and comply with the CDC and Florida Department of Health guidelines on personal protective equipment, including with the respect to the use of a medical or surgical face mask, such as "N95" mask or similar medical or surgical mask.
- c. All businesses are strongly encouraged to follow CDC guidelines or industry standards (if any) on face coverings and social distancing. Businesses are reminded that Executive Order 2020-12 requires that both employees and patrons of businesses that require employees and patrons to be within six (6) feet must wear a face mask or covering, unless the wearing of the patron's face mask or covering would impede the

patron's service, in which case only the service provider must wear a face mask or covering.

- d. All businesses are encouraged to prohibit entry of each person who is not wearing a face covering with the exception of those below listed persons.

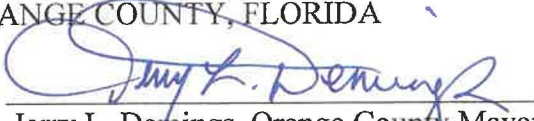
Section 3. Exceptions

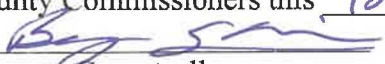
- a. Nothing herein shall require the wearing of face coverings by the following people:
 - i.) Persons under the age of two years old; or
 - ii.) Persons for whom a face covering would cause impairment due to an existing health condition; or
 - iii.) Persons working in a profession who do not have any face-to-face interactions with the public; or
 - iv.) Persons working in a profession where use of a face covering will not be compatible with the duties of the profession; or
 - v.) Persons exercising while observing social distancing in accordance with the CDC guidelines.
- b. This Order does not apply to employees and patrons of first response, government, healthcare or medical, veterinarian, shelter or rehabilitation, childcare, utility providers, construction, or transit agencies.

Section 4. Applicability. This Order is in addition to the Executive Orders issued by Governor DeSantis. Any provision(s) within this Order that conflict(s) with any State or Federal law or constitutional provisions, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. This Order applies to incorporated and unincorporated Orange County.

Section 5. Effective Date; Expiration Date. This Order shall become effective on June 20, 2020 at 12:01 A.M. This Order will remain in effect throughout the State of Local Emergency pursuant to COVID-19, unless earlier rescinded.

ORANGE COUNTY, FLORIDA

By: 
Jerry L. Demings, Orange County Mayor,
as Director of Emergency Management

RECEIVED AND FILED in the office of the Orange County Comptroller, as clerk to the Board of County Commissioners this 18th day of JUNE, 2020 at 4:33 o'clock P.M.
By: 
Deputy Comptroller