WHEREAS, Governor Newsom proclaimed a State of Emergency related to the COVID-19 pandemic, on March 3, 2020, effective throughout the State of California; and

WHEREAS, on March 4, 2020, the Santa Cruz County Public Health Officer (“Health Officer”) declared a local health emergency related to the COVID-19 pandemic, which remains in effect; and

WHEREAS, on March 10, 2020, the Council approved a Declaration of Local Health Emergency Regarding Novel Coronavirus (Covid-19) pursuant to Chapter 2 of Title 4 of the Watsonville Municipal Code, and that: a local health emergency exists in the City as of March 10th, 2020; directed the City Manager to act as the City’s Director of Emergency Services pursuant to WMC § 4-2.03; and

WHEREAS, on March 10, 2020, the Santa Cruz County Board of Supervisors proclaimed a local emergency related to the COVID-19 pandemic, which remains in effect; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20, ordering Californians to heed any order issued by local public health officials, “including but not limited to the imposition of social distancing measures” to control the spread of COVID-19; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home or at their place of residence, except to obtain or perform essential public services, and subsequent orders have set forth a staged process for reopening business sectors with appropriate health measures to reduce the risk inherent in resuming activities during the pandemic; and

WHEREAS, the California Public Health Officer has released a number of public health orders designed to address the pandemic, including orders termed as “guidance” for business sectors that are enforceable as orders; and

WHEREAS, on April 18, 2020 the State Public Health Officer & Director issued Statewide Face Governing Guidance which remains in effect as amended June 18, 2020, and

WHEREAS, pursuant to State law, violations of a local Health Officer’s orders are misdemeanors punishable by fines or jail confinement, and generally constitute public nuisances in that they are injurious to health; and

WHEREAS, on June 24, 2020 the Santa Cruz County Health officer issued a County-wide mask and social-distancing order

WHEREAS, violations of the State Health Officer’s orders related to the control of the spread of COVID-19 present an immediate threat to the public peace, health, and safety as described in subdivision (d) of Government Code § 25123 in that they increase the likelihood that the COVID-19 virus will spread throughout the City and region and overwhelm health care systems and lead to injury and death that might otherwise be substantially reduced through adherence to the orders of the Health Officer; and
WHEREAS, the immediate enforcement of the Health Officer’s orders related to, for example, physical distancing and wearing face coverings, is necessary to control the spread of COVID-19 in Watsonville; and

WHEREAS, I have determined that urgent action must be taken to protect the health, safety, and welfare of individuals in Watsonville; and

WHEREAS, by issuing this Executive Order to make the violation of the State Health Officer’s orders as either an infraction or an administrative citation, the Council is taking action to provide an enforcement measure that is less severe than a misdemeanor but still meaningful in that it will allow swift action against violators in an efficient way that will influence conduct and lead to

WHEREAS, on June 18, 2020, the California Department of Public Health (CDPH) released Guidance For the Use of Face Coverings (Guidance), which was updated on June 29, 2020. According to the CDPH Guidance, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing”;

WHEREAS, the CDC, CDPH, and MCHP now believe that wearing a face covering, when combined with physical distancing of at least six (6) feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public by reducing the spread of respiratory droplets; and

WHEREAS, under California law, the State Public Health Officer’s orders are enforceable by local police agencies, and people who fail to comply may be charged with a misdemeanor; and

WHEREAS, the number of infected persons in Santa Cruz County is rising and having a high number of people in public without wearing a face covering seriously impedes efforts to stem the local transmission of COVID-19; and

WHEREAS, the intent of this Emergency Order is to provide a tool, in addition to education, to compel compliance with the Guidance by authorizing enforcement of the Guidance through the issuance of infraction citations and administrative citations pursuant to Chapter 2 of Title 1 of the Watsonville Municipal Code.

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this Executive Order.

2. The CDPH Guidelines and exemptions, as may be amended from time to time, are hereby expressly acknowledged and declared to be enforceable within the City of Watsonville under subdivision (a) of Section 4-2.04 of the Watsonville Municipal Code, and

3. Any person, as that term is defined in subdivision (m) of § 1-3.13 of the Watsonville Municipal Code, who violates the mask and/or social distancing Guidance is in violation of this Order and is subject to one or the other of the following penalties, depending on the
determination of the issuing officer:

a. an administrative fine in the amount(s) set forth in subdivision c. below.
b. a bailable fine in the amount(s) as set forth in subdivision c. below

c. The amount of the fine or penalty for either an administrative fine or an infraction shall be as set forth:

   • 1-2.109(c)(1) of the Watsonville Municipal Code-$100 for the first violation
   • 1-2.109(c)(2) of the Watsonville Municipal Code-$200 for the second violation
   • 1-2.109(c)(3) of the Watsonville Municipal Code-$500 for the third violation

No warning under Section 1-2.106 is required.

4. This Executive Order shall be liberally construed to provide the best possible protection for the residents of the City.

5. If any provision of this Executive Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Executive Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Executive Order are severable.

6. This Executive Order shall become effective immediately, subject to ratification as soon as practicable by the Watsonville City Council.

Matt Huffaker, Director of Emergency Services
Dated: August 3, 2020

Attest:

Beatriz Flores, City Clerk
Dated: August 3, 2020

Approved as to Form

Alan J. Smith, City Attorney
Dated: August 3, 2020