

**RESOLUTION NO. \_\_\_\_\_**

**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**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy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:  
NAYS:  
ABSENT:  
ABSTAIN:

City of Milpitas

\_\_\_\_\_  
Rich Tran, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney