

RESOLUTION NUMBER 5798

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING AND RESTATING RESOLUTION NO 5669 IN ITS ENTIRETY IN ORDER TO UPDATE THE CITY OF PERRIS' FACE COVERING REQUIREMENTS, SOCIAL/ PHYSICAL DISTANCING REQUIREMENTS, AND AUTHORIZATION TO THE DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER TO ESTABLISH RELATED RULES AND REGULATIONS PURSUANT TO PERRIS MUNICIPAL CODE SECTION 2.44.060.

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (“COVID-19”) was first identified in Wuhan City, Hubei Province, China; and

WHEREAS, the Center for Disease Control and Prevention (“CDC”) considers COVID-19 to be a very serious public health threat with outcomes ranging from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and

WHEREAS, on January 30, 2020, the World Health Organization declared a Public Health Emergency of International Concern over the global spread of COVID-19; and

WHEREAS, on January 31, 2020, Health and Human Services declared a Public Health Emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

WHEREAS, the California Department of Public Health (“CDPH”) has activated its Medical and Health Coordination Center, and the Office of Emergency Services activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the State of California, which also waived the 60-day requirement that the City renew its declaration of local emergency under Government Code Section 8630; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a “pandemic”; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 which ordered that “[a]ll residents are to heed any orders and guidance of state and 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 13, 2020, President Trump declared a National State of Emergency in response to increased spread of COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer of the County of Riverside issued an order cancelling all gatherings with an expected attendance of greater than 10 individuals because

of COVID-19; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 requiring all Californians to shelter in place in response to COVID-19; and

WHEREAS, on March 31, 2020, by its Resolution No. 5644, the City Council ratified the Director of Emergency Services' declaration of local emergency; and

WHEREAS, on April 20, 2020, the Health Officer of the County of Riverside issued amended orders requiring the wearing of face coverings and social distancing; and

WHEREAS, on April 29, 2020, the Health Officer of the County of Riverside issued further amended orders requiring the wearing of face coverings and imposition of social distancing requirements; and

WHEREAS, on June 18, 2020, the CDPH issued guidance requiring the use of face coverings; and

WHEREAS, on November 16, 2020, the CDPH amended its guidance requiring the use of face coverings; and

WHEREAS, as of May 3, 2021, the CDPH further amended guidance regarding the use of face coverings; and

WHEREAS, in addition to the above, the Governor, the State Public Health Officer, the Riverside County Health Officer, the Riverside County Board of Supervisors, and other public health officials have promulgated and issued, and will reasonably continue to promulgate and issue, various orders, rules and regulations concerning COVID-19 that are applicable within the jurisdiction of the City of Perris ("Orders"), pursuant to State and County law, including, but not limited to, the California Emergency Services Act (Gov. Code Sections 8550 et seq.) and the California Public Health & Safety Code Sections 101029, 120155, 120275, 120295; and

WHEREAS, as of May 13, 2021, there have been approximately 32.8 million confirmed cases of COVID-19 and approximately 583,000 deaths due to COVID-19 in the United States; and

WHEREAS, as of May 13, 2021, there have been approximately 299,000 confirmed cases of COVID-19 and approximately 4,594 deaths in Riverside County; and

WHEREAS, as of May 13, 2021, there have been approximately 13,490 confirmed cases of COVID-19 and approximately 192 deaths in the City of Perris ; and

WHEREAS, though there is now COVID-19 vaccines available, continued heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Riverside and the city of Perris, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving COVID-19 pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, Countywide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, the health, safety and welfare of the City of Perris (“City”) residents, businesses, visitors and staff are of utmost importance to the City; and

WHEREAS, Government Code Section 8634 provides in part: “During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within the designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice”; and

WHEREAS, Chapter 2.44 of the Perris Municipal Code provides similar authority to the City to promulgate orders and regulations necessary to provide for the protection of life and property within the City; and

WHEREAS, Resolution No. 5669 was adopted pursuant to the authority provided in Government Code Section 8634 and Chapter 2.44 of the Perris Municipal Code and established express face covering and social distancing requirements for persons within the City’s geographic boundaries and authorized Director of Emergency Services/City Manager to establish related rules and regulations pursuant to Perris Municipal Code Section 2.44.060; and

WHEREAS, after consideration of all facts reasonably available and the State guidance relating to face coverings and social distancing, the City Council determines to adopt this Resolution for the purpose of amending and restating Resolution No. 5669 in its entirety in order to update the City’s face covering and social distancing requirements so that they are consistent with the CDPH’s latest guidance.

NOW, THEREFORE, THE PERRIS CITY COUNCIL HEREBY RESOLVES, AS FOLLOWS:

Section 1. Recitals.

The Recitals set forth above are incorporated herein by this reference. The Recitals referenced herein are adopted as though set forth fully herein as findings in support of this Resolution.

Section 2. Resolution No 5669 Amended and Restated.

Resolution No. 5669 is hereby amended and restated in its entirety as provided in this Resolution.

Section 3. Face Coverings.

(A) Upon entering, and until leaving, the geographic boundaries of the City of Perris or upon leaving, and until return to, their domicile or place of residence within such boundaries, all

persons shall wear face coverings as required by the California Department of Public Health’s “Guidance for the Use of Face Coverings” (dated May 3, 2021), as it may be amended from time to time (“Face Covering Guidance”). The Face Covering Guidance (dated May 3, 2021) is available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>.

(B) Businesses must:

1. Comply with the Face Covering Guidance.
2. To the extent required by the Face Covering Guidance, require their employees, contractors, owners, and volunteers to wear a face covering at the workplace and when performing work off-site.
3. Inform customers about the need to wear a face covering consistent with the Face Covering Guidance, including posting signs and advising those in line or in the store.
4. Take reasonable steps to keep people who are not wearing a face covering in compliance with the Face Covering Guidance from entering their business premises.
5. Reasonably refuse service to anyone not wearing a face covering in a manner consistent with the Face Covering Guidance.

Section 4. Social/Physical Distancing.

Upon entering, and until leaving, the geographic boundaries of the City of Perris or upon leaving, and until return to, their domicile or place of residence within such boundaries, all persons shall comply with all CDPH guidelines relating to “social distancing” or “physical distancing” by maintaining at least six-foot separation from all persons except for household members and medical providers with the appropriate personal protective equipment (“PPE”). All businesses that are open shall comply with this social distancing requirement in addition to any applicable guidelines published by the CDPH.

Section 5. Administrative Rules & Regulations.

Pursuant to Section 2.44.060(6)(a) of the Perris Municipal Code, the Director of Emergency Services/City Manager is authorized to make and issue rules and regulations on matters reasonably related to this Resolution, provided that such rules and regulations must be later confirmed at the earliest practicable time by the City Council.

Section 6. Enforcement.

This Resolution shall be enforced pursuant to Section 2.44.100 of the Perris Municipal Code.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or the

application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Resolution, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this ordinance are declared to be severable. The Perris City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 8. Effective Date.

This Resolution shall take effect immediately upon its adoption.

Section 9. Expiration of Regulations.

This Resolution and Resolution No. 5669 shall expire upon the termination of local emergency as ratified by the City Council in its Resolution No. 5644.

Section 10. Certification.

The City Clerk shall certify to the passage and adoption of this resolution.

PASSED, APPROVED and ADOPTED this 25th day of May, 2021.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris hereby certify that the above Resolution Number 5798 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on May 25, 2021 and that it was so adopted by the following vote:

AYES: CORONA, RABB, NAVA, VARGAS
NOES: NONE
ABSENT: ROGERS
ABSTAIN: NONE

Nancy Salazar, City Clerk