

July, 6, 2020

To: Mendocino County Board of Supervisors:

Carrie Brown, John McCowen, Ted Williams, John Haschak, Dan Gjerde

Re: BOS Meeting July 8<sup>th</sup> "Health Order Enforcement"

There is a consensus, at least on the Fifth District Facebook Page, that there needs to be enforcement of the Health Order. Specifically, for "facial coverings". There are too many violations, both in businesses, and in the public at large, which put our communities at risk as the cases mount in the State and now our County. Time seems to be of the essence as Dr Doohan predicts that we are at the beginning of a surge with 53 hospitalization expected by the end of the month.

The question is what to put in place for enforcement. The State has made the violation of the Health Order a misdemeanor. Sheriff Kendall has said that he thinks that is too severe and seems to be unwilling to enforce it, if that is the penalty. The idea of an "infraction" has come up which Sheriff Kendall seems to think "fits the crime". I think that this idea is good. The fine, in my opinion, needs to be enough to get people's attention, (this is serious) , but not excessive. I would think that a minimum of a \$100 fine would be appropriate. You could "warn" people, you could try to "educate" people, but this is a quickly emerging Health Emergency and I don't think there is time to "warn" or "educate". I would make it simple: you violate the Health Order, you receive a "citation".

There has been some discussion of creating a "citizens patrol" to encourage compliance. I do not think this is a good idea. The people who refuse to wear masks often have very strong views about their "rights" and I think it would take a "Badge" to get their attention.

### **Law Enforcement**

State Law says that police "shall" enforce Health Orders and Sheriffs "may" enforce Health Orders.

My assumption is that the Cities: Fort Bragg, Willits, and Ukiah, are under the County wide Health Order and that their police departments are mandated by the State to enforce this Order. If there is uncertainty regarding this mandate and their obligation to enforce it then perhaps the Board should consult County Counsel for a determination.

The Sheriff seems to have much more discretion as to enforcement. There appears to be no mandate for enforcement. He must agree to the concept. Sheriff Kendall has indicated that he would be willing to enforce the Health Order if the violation was an "infraction".

### **Compensation**

Ted Williams has indicated that the State would pay 50% of overtime costs for the enforcement of the Health Order.

**The Path Forward**

If the Board votes for Enforcement via an "infraction" with fine, then I would then think a meeting with the County and City Governments would be needed in order to make sure everyone was on the "same page", and that there were no "resistances" to moving forward in this way. What would then need to be worked out is allocation of resources (police, sheriff, code enforcement, etc.) to begin enforcement.

In closing, I think that passing the ordinance with infraction/fine is necessary in order to protect our communities, especially the areas of our County such as the Coast with many tourists visiting from points unknown. We must move on this "pre-emptively" and not wait until we are in "crisis mode".

Best regards,

Ron Stark  
Covelo/Albion