

# Merisa K. Bowers

GAHANNA CITY COUNCILWOMAN, AT-LARGE  
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To: Members of Council;  
Mayor Jadwin;  
City Attorney Ray Mularski;  
Director of Public Safety Keith Winn;  
Chief of Police Jeffrey Spence  
CC: Council Clerk April Beggerow  
From: Councilmember Merisa Bowers  
Re: **Face Mask/Facial Covering Use and Policy in Gahanna**  
Date: 07/06/2020

As leaders in our community, it is our collective responsibility to ensure:

- The safety of all who live, work, and visit Gahanna;
- The dignity and constitutional rights of all who live, work, and visit Gahanna;
- The protection of individual liberties in consideration with the public good;
- An environment that supports educational, emotional, and economic growth for individuals and the community as a whole.

The public health experts in Franklin County and the State of Ohio as well as the public health experts at the Centers for Disease Control (CDC), have presented overwhelming evidence on mask-wearing as a tool to slow and prevent the spread of COVID-19, in addition to social distancing and frequent hand-washing. As policymakers, we are called on to implement reasonable steps to lessen the harm from COVID-19 while ensuring and protecting people's rights.

As such, I offer the following proposal, subject to discussion, regarding policy on use of face masks/facial coverings:

1. Educate the public on the health and safety benefits of the appropriate use of face masks.
2. Provide support to private property owners, business decision-makers, and tenants in implementing mask policies.
3. Ensure that a business, tenant, or occupant who wishes to mandate mask usage in their establishment or residence has the tools to do so - including, but not limited to appropriate signage, education/intervention tools, and only if necessary, law enforcement support.
4. If a business, tenant, or occupant mandates mask use on premises and within 6' of the entryway, then a patron's or invitee's access to the premises is conditioned upon mask use.
5. If law enforcement becomes involved, that a specific protocol is implemented to deescalate, inform, and offer alternatives to legal action; and that legal action (such as a misdemeanor citation) would only be issued upon refusal to comply with the private property owner's mandate.

This "ability to trespass" does not create any new rights or restrictions - it clarifies that a private property owner or tenant has the right to determine what happens on his or her premises.

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Further, by requiring conspicuous signage, this allows free market forces to direct business owners and, more importantly, allows patrons to make decisions about which businesses or private properties provide the level of safety and security they seek.

This model is consistent with statewide law regarding carrying concealed firearms in private businesses. More expansive mandates create significant problems with enforcement, unlawful taking, and criminalization of our friends and neighbors.

I offer this outline only to assist in our discussion this evening and to offer a suggestion for a middle ground approach that empowers business and property owners while ensuring notice to the public to make choices as to their patronage.

I look forward to further discussion and collaboration with you.

Respectfully submitted,

/s/ Merisa K. Bowers

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Gahanna City Councilmember, At Large

07/06/20

