



**ORDER OF THE HEALTH OFFICER
OF THE COUNTY OF CONTRA COSTA DIRECTING
ALL INDIVIDUALS IN THE COUNTY TO CONTINUE TO COMPLY WITH SOCIAL
DISTANCING AND FACE COVERING REQUIREMENTS AND AVOID
GATHERINGS, AND DIRECTING BUSINESSES AND GOVERNMENT AGENCIES
TO COMPLY WITH SPECIFIED RESTRICTIONS NECESSARY TO SLOW THE
SPREAD OF NOVEL CORONAVIRUS DISEASE 2019**

Order No. HO-COVID19-27

DATE OF ORDER: SEPTEMBER 4, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295.)

Summary of the Order

In light of evidence of stabilization and improvement in rates of cases of and hospitalizations for Novel Coronavirus Disease 2019 (“COVID-19”), this Order of the County of Contra Costa Health Officer, as of the effective date set forth in Section 14, eases certain restrictions on gatherings and business activities set forth in the Health Officer’s August 26, 2020, Order (No. HO-COVID19-26) (the “Prior Order”). This Order:

- Eases the restrictions on gatherings set forth in the Prior Order to allow for specified activities involving children and youth;
- Allows mining and logging businesses to operate; and
- Clarifies that vehicle gatherings as described in the Health Officer’s May 15, 2020, Order (No. HO-COVID19-13) (the “Vehicle Gatherings Order”) remain an exception to the prohibition on gatherings involving persons from more than one household.

This Order also incorporates revisions to conform to the State of California’s “Blueprint for a Safer Economy,” also known as the “Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe” (the “State Blueprint”), which sets forth a new system for counties to reopen sectors of the economy based on a set of tiers that correspond to specific epidemiological profiles. As of this date of this Order, the County is in



Tier 1, also known as the “Widespread (purple)” tier. See subsection 9.b.(2) of this Order for more information about business activity restrictions imposed by the State under the State Blueprint tiers.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA (“HEALTH OFFICER”) ORDERS:

1. **Past Orders.** This Order supersedes the Prior Order. Health Officer Order No. HO-COVID19-01 (the “Mass Gathering Order”) remains rescinded.
2. **Basis for Order.** This Order is issued based on evidence of ongoing community transmission of COVID-19 within the County; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. Due to the COVID-19 pandemic, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the virus causing COVID-19 have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus. Gatherings bring people together, often for prolonged periods of time, which can create a high risk for COVID-19 spread. Due to the association of gatherings with outbreaks, both within the County and elsewhere in the State, it is necessary to continue to limit gatherings to limit the spread of COVID-19. However, due to evidence of stabilization and even modest improvement in case rates and hospitalization rates for COVID-19 in the County in the previous several weeks, this Order permits additional types of gatherings and allows businesses in the mining and logging sector to operate.
3. **Intent.** The primary intent of this Order is to slow the spread of COVID-19 in the County and mitigate the impact on delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate this intent.
4. **Cases Within the County.** Efforts taken to date regarding this public health emergency have slowed the virus’ trajectory, but the emergency and the attendant risk to public health remain significant. As of September 3, 2020, a total of 14,212 confirmed cases of COVID-19 in the County have been reported (up from 34 on March 15, 2020, just before the first shelter-in-place order). The cumulative number of confirmed cases continues to increase. Evidence suggests that the restrictions on mobility and social distancing requirements imposed by the Prior Order (and the orders that preceded it) are slowing the rate of increase in community transmission and confirmed cases by limiting interactions among people, consistent with scientific evidence of the efficacy of similar measures in other parts of the country and world.



5. **COVID-19 Indicators.** The Health Officer monitors several key indicators (“COVID-19 Indicators”), which are among the many factors informing decisions whether to modify restrictions imposed to slow the spread of COVID-19. Progress or stability on all of these COVID-19 Indicators – specifically related to case numbers, hospital utilization and capacity, supply of personal protective equipment, and contact tracing – makes it appropriate, at this time, to allow more businesses to operate. But the continued prevalence of the virus that causes COVID-19 requires large gatherings and some business functions to remain restricted, and other activities must remain subject to social distancing and other infection control practices identified by the Health Officer. Evaluation of the COVID-19 Indicators will be critical to determinations regarding whether the restrictions imposed by this Order will be further modified to ease or tighten the restrictions imposed by this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress on the COVID-19 Indicators; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19. The COVID-19 Indicators include, but are not limited to, the following:
- a. The trend of the number of new COVID-19 cases and hospitalizations per day.
 - b. The capacity of hospitals and the health system in the County and region, including acute care beds and Intensive Care Unit beds, to provide care for COVID-19 patients and other patients, including during a surge in COVID-19 cases.
 - c. The supply of personal protective equipment (PPE) available for hospital staff and other healthcare providers and personnel who need PPE to safely respond to and treat COVID-19 patients.
 - d. The ability and capacity to quickly and accurately test persons to determine whether they are COVID-19 positive, especially those in vulnerable populations or high-risk settings or occupations.
 - e. The ability to conduct case investigation and contact tracing for the volume of cases and associated contacts that will continue to occur, isolating confirmed cases and quarantining persons who have had contact with confirmed cases.
6. **Incorporation of Emergency Proclamations.** This Order is issued in accordance with, and incorporates by reference, the March 4, 2020, Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 10, 2020, Proclamation by the Contra Costa County Board of Supervisors declaring the existence of a local emergency.



7. **State Orders.** This Order is also issued in light of the following orders (collectively “State Orders”):
- a. The March 19, 2020, Order of the State Public Health Officer (the “State Shelter Order”), which set baseline statewide restrictions on non-residential business activities, effective until further notice;
 - b. The March 19, 2020, executive order issued by the Governor (N-33-20), directing California residents to heed then-current State public health directives;
 - c. The May 4, 2020, executive order issued by the Governor (N-66-20), directing California residents to continue to obey State public health directives; and
 - d. The May 7, 2020, Order of the State Public Health Officer, permitting businesses to reopen as designated by sector, but expressly acknowledging the authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer; and
 - e. The August 28, 2020, Order of the Acting State Public Health Officer, outlining the State Blueprint, authorizing local health jurisdictions to reopen specified sectors of the economy, and directing the closure of sectors as needed, in accordance with the county’s tier.

In certain respects, this Order adopts more stringent restrictions addressing the particular facts and circumstances in this County, which are necessary to control the public health emergency as it is evolving within the County. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Where this Order is more restrictive than a State public health order related to the COVID-19 pandemic, this Order controls. To the extent any State or federal guidelines allow activities that are not allowed by this Order, this Order controls and those activities are not allowed.

8. **Restrictions on Activities of Individuals.**

- a. **Prohibition on Gatherings; Exceptions.** Individuals may not participate in public or private gatherings of any size, except as otherwise set forth in this Order or other order of the Health Officer. For purposes of this Order, a gathering is defined as a meeting or other event that brings together persons from multiple households or living units at the same time for a shared or group experience in a single room, space, or place such as, by way of example and without limitation, an auditorium, stadium, arena, large conference room, meeting hall, or other indoor or outdoor space.



- (1) This Order does not prohibit participation in any of the following:
 - (a) Outdoor religious services or outdoor cultural ceremonies that conform to attendance limitations set forth by the State; and
 - (b) Outdoor protests protected by the First Amendment that conform to attendance limitations set forth by the State. It is strongly recommended that individuals wear face coverings while participating in protests, even if they can maintain a 6 foot distance from persons not in their household. Face coverings are also strongly recommended while engaged in activities such as singing and chanting.
- (2) Public and private gatherings of persons in a “Social Bubble,” as defined below, may take place if the gathering takes place outside and participants comply with all other requirements of this Order. The following definitions apply to this subsection:
 - (a) “Social Bubble” means a Stable Group of 12 that forms a Household Support Unit for the purpose of engaging in activities that are not prohibited under this Order.
 - (b) “Stable Group of 12” means a group of not more than 12 individuals over a three-week time period that is a Household Support Unit.
 - (c) “Household Support Unit” means a Stable Group of 12 that is formed for the purpose of engaging in the sort of support and activities that are typical of members of the same household (e.g., childcare, family recreation, etc.), regardless of whether they physically occupy the same dwelling. Each person may be part of only one Household Support Unit, and every resident of a single dwelling unit must be part of the same Household Support Unit, except that a child who resides in more than one dwelling unit as part of a court-ordered shared custody arrangement may be part of the Household Support Unit of each of the child’s custodians.
- (3) Gatherings of stable groups of no more than 14 children or youth and no more than two supervising adults may take place in accordance with guidance issued by the State of California on August 25, 2020 (see <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>), as may be amended from time to time.
- (4) Highly-regulated vehicle-based gatherings, as defined in the Vehicle Gatherings Order, are permitted if they adhere to the requirements set forth in Subsection 8.b. of the Vehicle Gatherings Order.
- (5) This Order does not prohibit normal interactions among individuals in the course of work or other activities not prohibited by this Order or the State Orders, to the extent the interactions are consistent with any applicable guidance or other directives issued by the State.



- b. Use of Dog Parks. An individual must not enter a dog park if it is not possible at that time, within the park, to easily maintain at least 6 feet of separation from all other persons.
- c. Use of Picnic and Barbecue Areas. People may use picnic areas and barbecue areas subject to the following limitations:
 - (1) Picnic areas and barbecue areas may be used only by households, living units or Social Bubbles.
 - (2) Each picnic table may be occupied by only one household, living unit or Social Bubble at a time.
 - (3) Each barbecue pit or grill may be used by only one household, living unit or Social Bubble at a time.
 - (4) Except as set forth below for Social Bubbles, each member of a household or living unit must maintain at least 6 feet of separation from all members of other households or living units in the area. For clarity, members of the same household or living unit do not need to be 6 feet apart from each other. Children age 12 years or younger within the same Social Bubble do not need to be 6 feet apart from each other, but members of Social Bubbles who are over 12 years of age must maintain at least 6 feet of separation from all members of other households or living units.
- d. Social Distancing.
 - (1) Requirement. Except as otherwise set forth in this Order, all individuals shall strictly comply with the social distancing requirements described below (“Social Distancing Requirements”).
 - (2) Definition. “Social Distancing Requirements” means:
 - (a) Maintaining at least 6-foot social distancing from individuals who are not part of the same household or living unit;
 - (b) Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention (CDC) as effective in combatting COVID-19;
 - (c) Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands); and
 - (d) Avoiding all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.



(3) Exceptions.

(a) An individual is not required to strictly comply with Social Distancing Requirements in any of the following circumstances, provided that the individual complies with Social Distancing Requirements to the greatest extent feasible:

1. An individual who is providing care to others, including childcare, adult or senior care, care to individuals with special needs, and patient care.
2. An individual who is working at a business that is not prohibited from operating under Section 9 of this Order, unless the specific industry guidance for that business requires social distancing of workers.

(b) Children age 12 or younger who are members of the same Social Bubble are not required to strictly comply with Social Distancing Requirements while participating in gatherings of the Social Bubble authorized under subsection 8.a.(2) of this Order.

e. State Orders. Nothing in this Order shall be interpreted to authorize individuals to engage in activities that are not permitted under the State Orders.

9. Restrictions on Business Activities.

a. Definition. A “business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.

b. Prohibitions. Except as set forth in this subsection or subsection 9.e. of this Order, the following business activities are not permitted, due to the moderate to high risk of COVID-19 virus transmission while engaged in these activities.

(1) Business activities in any of the following sectors:

- (a) Personal care services that require touching a client’s face;
- (b) Music, film and television production;
- (c) Cardrooms and racetracks; and
- (d) Professional sports without live audiences.

(2) Business activities that are not permitted by the State in the tier of the State Blueprint that applies to the County. As of the date of this Order, the County is in Tier 1, also known as the “Widespread (purple)” tier. The County’s tier status may be determined



at <https://covid19.ca.gov/safer-economy/>. Information about the four tiers included in the State Blueprint can be found at https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-August_2020.pdf.

- (3) Business activities in any sector for which the State has not issued COVID-19 industry guidance before the date of this Order.

c. Limitations.

- (1) State Guidance. Business activities that are not prohibited from operating under subsection 9.b. of this Order are permitted only if they conform to applicable COVID-19 industry guidance. Guidance documents may be found at <https://covid19.ca.gov/industry-guidance/>.
- (2) Special Conditions. Businesses in the following sectors must also comply with the following special conditions, as applicable, to mitigate the risks of transmission of the COVID-19 virus:
 - (a) Retail Stores Open for Curbside/Outside Pickup. If a retail store is open for curbside/outside pickup, the store may operate subject to all of the following:
 1. If the store is not open for indoor shopping, it may not display merchandise for sale on tables or otherwise outside the store, and customers may not enter the store.
 2. The store must have access to an area or areas outside the store for customer pickups. Subject to local requirements, a pickup area may be curbside, on a sidewalk, in a parking lot, or in any other area that is suitable for customer pickups and not in an enclosed space.
 3. The store must employ reasonable measures to prevent pedestrian or vehicle congestion in the vicinity of the pickup area.
 - (b) Indoor Shopping Malls. Prior to opening, the operator of an indoor shopping mall must prepare and obtain the Health Officer's approval of a COVID-19 prevention plan. The plan must address and describe with particularity how the facility will implement the preventive measures described in the guidance document. The plan must be submitted to the Health Officer at the Office of the Director of Contra Costa Health Services, 1220 Morello Avenue, Suite 200, Martinez, CA 94553.
 - (c) Manufacturing. Manufacturing businesses must limit the number of workers in enclosed areas so that Personnel can comply with Social Distancing Requirements.



(d) Logistics and Warehousing Facilities. Logistics and warehousing facilities must limit the number of workers in enclosed areas so that workers can comply with Social Distancing Requirements.

(e) Providers of Religious Services and Cultural Ceremonies.

1. It is strongly recommended that individuals wear face coverings while participating in religious services and cultural ceremonies, even if they can maintain a 6 foot distance from persons not in their household. Face coverings are also strongly recommended while engaged in activities such as singing and chanting.
2. Because in-person events, including in-person religious services and cultural ceremonies, can involve extended periods of close contact, increasing the risk of transmission of COVID-19, it is recommended that event organizers consider maintaining contact information of attendees at services or ceremonies and that this information be kept by the event's organizer for at least 14 days after the event. The purpose of this recommendation is to assist Contra Costa Health Services with effective contact tracing in case of an outbreak that may have affected people attending the event.

(f) Campgrounds, Recreational Vehicle Parks and Outdoor Recreation Facilities. Outdoor pools are subject to the following conditions:

1. The maximum occupancy of the pool must be limited to a number that is less than or equal to the number of square feet of shared pool space divided by 75.
2. The pool operator must post a sign at or near the entrance to the pool facility that sets forth the maximum allowable occupancy of the pool based on the above limitation.
3. At least one person, separate from a lifeguard, paid or unpaid, shall be on duty at all times to ensure that the social distancing protocol applicable to the facility and all limitations herein are followed. The person performing this function may not be one of the swimmers in the pool.

(g) Restaurants and Other Food Facilities:

1. Alcohol may be sold to patrons in conjunction with a meal, but it may not be sold separately. For purposes of this Order, a "meal" means food that is prepared and served to a person at a customary, regular time for eating during the day, such as lunch or dinner. Snack fare, whether reheated or served cold, does not constitute a meal.
2. Bar areas must remain closed to customers.



3. Customers may remove face coverings to eat or drink while seated at a table outdoors. However, customers must wear face coverings in all of the following circumstances:
 - While waiting in line;
 - While going to or from their table;
 - When ordering their meals or otherwise interacting with employees;
 - While seated at a table and waiting for food, drinks or checks to arrive;
 - After meals and beverages have been consumed;
 - While inside a facility to use a restroom or to order or pick up food from a quick-service operation; and
 - At other times that a facility requires face coverings to be worn.

d. Social Distancing Protocol.

(1) Requirement. As a condition of continued or resumed operations, business operators must prepare or update, post, implement, and distribute to workers a Social Distancing Protocol for each of their facilities in the County frequented by workers or members of the public. Except as set forth in subsection 9.d.(3) of this Order, the Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A, incorporated into this Order by reference. The Social Distancing Protocol must be updated to address new requirements in accordance with guidance or directives issued by the Health Officer from time to time. The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and personnel. A copy of the Social Distancing Protocol must also be provided to each person performing work at the facility. All businesses subject to this paragraph shall provide evidence of implementation of the Social Distancing Protocol to any authority enforcing this Order upon demand.

(2) Required Contents. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:

- (a) Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum 6-foot distance from one another at all times, except as required to complete an activity of the business;
- (b) Requiring face coverings to be worn by all persons entering the facility, other than those exempted from face covering requirements (e.g. young children);



- (c) Where lines may form at a facility, marking 6-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
 - (d) Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and personnel, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
 - (e) Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
 - (f) Regularly disinfecting other high-touch surfaces;
 - (g) Posting a sign at the entrance of the facility informing all personnel and customers that they should: Avoid entering the facility if they have any COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; and not shake hands or engage in any unnecessary physical contact; and
 - (h) Any additional social distancing measures being implemented (see the CDC guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).
- (3) Exception for Construction Activities. The Social Distancing Protocol does not apply to construction activities. Businesses engaged in construction activities shall comply with Construction Project Safety Protocols set forth in Appendix B-1 or Appendix B-2, whichever is applicable.
- e. Minimum Basic Operations. Nothing in this Order prohibits any business from engaging in the following minimum basic operations:
- (1) The minimum necessary activities to maintain and protect the value of the business's inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to residences or businesses; and related functions. For clarity, this subsection does not permit businesses to provide curbside pickup to customers.
 - (2) The minimum necessary activities to facilitate workers being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.

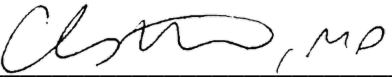


- 10. Categorical Exemptions.** All emergency services personnel, including but not limited to first responders, emergency management personnel, emergency dispatchers, and law enforcement personnel, and all court personnel, are categorically exempt from this Order to the extent they are performing position-related tasks.
- 11. Essential Governmental Functions.** Nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity in the County shall identify and designate appropriate personnel, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new personnel or contractors to perform such functions. Each governmental entity in the County and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to, and recover from the COVID-19 pandemic, and all Essential Governmental Functions shall be carried out in compliance with Social Distancing Requirements and the face covering requirements set forth in Health Officer Order No. HO-COVID19-22 to the greatest extent feasible.
- 12. Homeless Persons.** Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness must take appropriate steps to help ensure compliance with Social Distancing Requirements, including adequate provision of hand sanitizer. Individuals experiencing homelessness who are unsheltered and living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set forth in the CDC’s Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).
- 13. Enforcement.** Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
- 14. Effective Date and Time.** This Order shall become effective at 5:00 p.m. on September 4, 2020, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
- 15. Copies; Contact Information.** Copies of this Order shall promptly be: (1) made available at the Office of the Director of Contra Costa Health Services, 1220 Morello Avenue, Suite 200, Martinez, CA 94553; (2) posted on the Contra Costa Health Services website (<https://www.cchealth.org>); and (3) provided to any member of the public requesting a copy of this Order. Questions or comments regarding this Order may be directed to Contra Costa Health Services at (844) 729-8410.



16. Severability. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the 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 Order are severable.

IT IS SO ORDERED:



Chris Farnitano, M.D.
Health Officer of the County of Contra Costa

Dated: September 4, 2020

Attachments:

- Appendix A – Social Distancing Protocol
- Appendix B-1 – Small Construction Project Safety Protocol
- Appendix B-2 – Large Construction Project Safety Protocol

