

**ORDER OF THE BI-COUNTY PUBLIC HEALTH OFFICER FOR SUTTER AND  
YUBA COUNTIES**

**ORDER DIRECTING PERSONS IN THE COUNTIES OF YUBA AND SUTTER  
TO CONTINUE TO LIMIT ACTIVITIES TO REDUCE THE SPREAD OF  
COVID-19**

**DATE OF ORDER: May 4, 2020**

**Please read this order carefully. This Order issued by the Bi-County Public Health Officer shall become effective at 12:01 a.m. on May 4, 2020. At that time, all current Orders of the Bi-County Public Health Officer shall expire and no longer be of any force or effect, except any and all prior violations of the previous orders remain prosecutable, criminally or civilly. Pursuant to Health and Safety Code section 120295 et seq., California Penal Code sections 69 and 148(a)(1); California Government Code section 8665, violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both.**

**Please be further advised that notwithstanding anything to the contrary contained herein, all persons in the State of California are required to comply with the Executive Orders of the Governor and the Orders of the State Public Health Officer.**

PURSUANT TO SECTIONS 101040, 101085 AND 120175 OF THE HEALTH AND SAFETY CODE, THE BI-COUNTY PUBLIC HEALTH OFFICER FOR SUTTER AND YUBA COUNTIES HEREBY ORDERS AS FOLLOWS:

1. **Intent and Purpose.** The intent of this Order is to be both in alignment with Governor Newsom's Executive Order N-33-20, subsequent and future orders that supersede N-33-20, and Phase One of President Trump's "Opening up America Again" guidelines with the overarching goal of combating the COVID-19 pandemic. The purpose of this Order is to continue to mitigate the spread of the virus to the greatest extent possible while addressing the need to gradually reopen the economy in order to ensure vital services are resumed in a safe manner. All provisions of this Order shall be interpreted to effectuate this intent and purpose.
2. **What is known:** The transmissibility of SARS-COV2, the virus that leads to COVID-19, is high and evidence shows that transmission can occur even while persons are asymptomatic. The duration of exposure to an infected person combined with the proximity of exposure are key factors in determining whether

an exposed person will become infected. Evidence has shown that household contacts of infected persons will be at highest risk for infection since they have the most prolonged and closest exposure to the infected persons. Whereas an acquaintance or co-worker who might interact for only minutes with an infected person would not be at high risk of becoming infected.

As the counties of Yuba and Sutter move towards a phased opening of our economy, evidence-based public health considerations must be considered to guide in that decision making including but not limited to the following:

- i. Proximity and duration of exposure to COVID-19 guides the decision making in regards to what types of businesses and organizations should be allowed to initially open.
- ii. Considerations for the specified number of individuals to congregate in one setting/gathering must include the possibility that in the event of a localized outbreak, the number of individuals who would be exposed and the consequences thereof.
- iii. That the mitigating factors are grounded in scientific evidence to allow for reduction in COVID-19 exposure to each individual.
  - i. The consensus of medical and public health professionals is that the evidence supports the following “non-pharmacologic interventions” including maintaining social distancing of six feet or more from another individual as much as feasible to reduce the sharing of “air space;” practicing good hand hygiene, regular cleaning of high use surfaces, and not touching our faces to prevent introduction of the virus from our hands to our eyes, nose, and mouth and subsequently our bodies; and staying home when having symptoms concerning for COVID-19 including fever, cough, sore throat, shortness of breath to reduce the spread of the virus to others outside the household. Given the risk of household transmission and asymptomatic individuals being infectious, household contacts compliance with home quarantine is key.
- iv. Finally, it is prudent to reduce the ability of asymptomatic infectious persons to spread the virus to others unwittingly. Therefore, when social distancing is not achievable around another person not part of the household, each individual must wear a facial covering.

3. **Applicable to entire County.** This Order applies to all persons in the cities and the entire unincorporated areas of Sutter County and Yuba County (the “County”).
4. **Movement of Individuals.** COVID-19 will be with the Yuba-Sutter region, the State of California, United States of America, and the world for **the foreseeable future**. Until a vaccine for COVID-19 is developed and approved for use, the **majority** of the population will continue to lack the immunity to COVID-19 and be at high risk for infection leading to illness and possibly death. Therefore, individuals must take upon **themselves** the responsibility to *restrict their daily movements* as much as possible to essential, common sense movements to allow for necessary work, sustenance, and recreation to maintain physical, mental, and economic health.

When persons leave their places of residence for purposes authorized under this Order, they shall follow the non-pharmacologic interventions (NPIs) to the greatest extent feasible including but not limited to maintaining social distancing of six feet or more from another person not part of their household, good hand hygiene with frequent hand washing with soap and water or use of hand sanitizer, staying home when having symptoms concerning for COVID-19 including fever, cough, sore throat, shortness of breath and wearing facial coverings when social distancing is not achievable.

5. **Special rule for Vulnerable Persons.** Evidence shows those who are elderly and/or have chronic medical conditions as noted by the Centers for Disease Control and Prevention (CDC) are at increased risk for severe illness if exposed to COVID-19 (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>). Therefore, all persons currently living in the County who are age 65 years or older and/or living with chronic medical issues that place them at increased risk as noted by the CDC, shall remain in their place of residence. Such persons may leave their places of residence only as necessary to seek medical care or nutrition for themselves or family members, or perform work or recreational activities, but must at all times adhere to NPIs.
6. **Risk Assessment Based on Contact Intensity and Number of Contacts.** The Johns Hopkins Center for Health Security has provided a tabulation of categories of businesses based on low, medium, and high risk of contact intensity and number of contacts ([https://www.centerforhealthsecurity.org/our-work/pubs\\_archive/pubs-pdfs/2020/200417-reopening-guidance-governors.pdf](https://www.centerforhealthsecurity.org/our-work/pubs_archive/pubs-pdfs/2020/200417-reopening-guidance-governors.pdf) ).

For the purposes of this Order, **Lower Risk Businesses** are those who are designated as low-medium in contact intensity and low-medium for number of contacts. Any businesses with a high designation for contact intensity and/or number of contacts are considered as **Higher Risk Businesses**.

There will be businesses that are considered in the “Higher Risk” category but are vital for essential functions and have been open prior to this May 4<sup>th</sup> Order and shall be allowed to remain open with adequate modifications to ensure appropriate adherence to non-pharmacologic interventions (NPIs). They include:

- i. Governmental operations
- ii. Healthcare operations
- iii. Public transit
- iv. Child care facilities

7. **Lower Risk Businesses Allowed to Open with Appropriate Modifications.**

Below is a listing of the business categories that are considered **Lower Risk Businesses** who shall be allowed to open if appropriate modifications are made to ensure social distancing of six feet physical distance or more, and adhere to other NPIs related guidance as enumerated below.

<b>Category</b>	<b>Contact Intensity</b>	<b>Number of Contacts</b>
*Restaurants	Medium	Medium
**Salon, spas, tattoo parlors, and other personal care services	Medium (as long as duration of close interaction limited to 30 minutes or less)	Low
Retailers	Low	Medium
Shopping Malls	Low	Medium
Gyms/Fitness Studios	Medium	Medium

Non-contact school sports	Low	Medium
Parks/walking paths/trails/dog parks	Low	Low
Athletic fields and other outdoor congregate settings	Medium	Medium
Playgrounds	Medium	Medium
Libraries	Low	Low
***Construction	Medium	Medium
***Real estate	Medium	Low
***Agriculture	Medium	Medium

\* Dine-in customers shall be limited to only household members per table.

\*\* Salons, spas, tattoo parlors and other personal care services shall adhere to the 30 minutes or less duration of close contact service to ensure that the contact intensity can be medium, since any duration more than 30 minutes will place these businesses into high contact intensity.

\*\*\* These businesses were not specifically referenced in the Johns Hopkins Center for Health Security guidance but based on expert knowledge of their contact intensity and number of contacts for their specific sectors, they are deemed to be lower risk businesses.

All **Lower Risk Businesses** allowed to open with appropriate modifications shall abide strictly by the following guidance to ensure that infection prevention and control measures are in place to limit the exposure of COVID-19 for their staff and clients. Any businesses considered **lower risk** that will be allowed to open with modifications must prepare and post a COVID-19 Operations Protocol

(“Protocol”), attached hereto as Appendix B, for each of their facilities in the County frequented by the public or employees. The Protocol must be posted at or near the entrance of the relevant facility and shall be easily viewable by the public and employees. A copy of the Protocol must also be provided to each employee performing work at the facility.

All businesses and organizations remaining open shall implement the Protocol, and shall designate a specific on-duty employee to monitor and enforce compliance with the Protocol at all times the business or organization is operating. Businesses and organizations remaining open shall provide evidence of its implementation upon demand to any County or State of California authority enforcing this Order.

Completion and posting of the form attached hereto as Appendix B: COVID-19 Operations Protocol shall comply with this Order. The Protocol shall explain how the business is achieving the following, as applicable:

- i. Limiting the number of employees at the facility by enabling telework to the greatest extent feasible;
- ii. Limiting the number of persons who can enter into the facility and work areas at any one time to ensure that persons not living in the same household can easily maintain a minimum six-foot distance from one another at all times, except as required to complete a necessary activity and then must wear a facial covering when social distancing is not achievable;
- iii. Where lines may form at a facility, marking increments of six feet, at a minimum, establishing where individuals must stand to maintain adequate social distancing;
- iv. Providing hand sanitizer, soap and water, or other effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees and in locations where there is high-frequency employee interaction with the public (e.g., cashiers);
- v. Providing for contactless payment systems or, if not feasible to do so, disinfect for the next customer by disinfecting all payment portals, pens and styluses regularly;
- vi. Regularly cleaning and disinfecting other high-touch surfaces;
- vii. Posting a sign at the entrance of the facility and work area informing the public and employees that they should avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one

- another; wear a facial covering; and not shake hands or engage in unnecessary physical contact; and
- viii. Any additional non-pharmacologic interventions.

It is strongly advised that each business also reviews carefully the available national and/or state related guidance for their specific sector. A list of mitigation resources is available through the Johns Hopkins Center for Health Security guidance document (see Appendix A).

**Failure to comply with the COVID-19 Operations Protocol may lead to closure of non-compliant businesses or organization and / or prosecution.**

8. **Higher risk Businesses that shall remain closed.** For the initial phase of opening the County, there will be businesses that by their inherent operations/services are considered higher risk, regardless of modifications/mitigation strategies. The higher risk stems from their need to be in close contact (less than six feet of physical space) to their clients or close contact between clients for a prolonged duration of time (defined as more than 30 minutes at any one time) and/or have high risk due to the number of contacts. Even with facial coverings for both the business employees and clients, the combination of proximity, duration, and number of contacts necessitates certain businesses to be considered higher risk and shall remain closed during this initial gradual phased opening. The following list of **higher risk businesses** that shall remain **closed** during this first phase includes:

Category	Contact Intensity	Number of Contacts
Bars/nightclubs that do not provide food takeout/delivery	High	High
Theater, museums, and other indoor leisure spaces	Medium	High
Outdoor large venues (concerts, sports)	High	High

Indoor large venues (concerts, sports)	High	High
Schools	High	High
Contact school sports	High	Medium/High
Summer camps	High	High
Institutions of higher education	High	High
Residence halls and other overnight programs	High	Medium
Beaches, piers	Low	High
Places of worship  (in-person)	High	High
Community centers	Medium	High
Sports related mass gatherings	High	High
Religious related mass gatherings	High	High
Business related mass gatherings including conferences, conventions	High	High
Entertainment mass gatherings; large concerts;	High	High



carnivals, conventions, shows		
Politically related mass gatherings; election rallies; polling centers;	High	High
Door-to-Door Solicitations	Medium/high	Low

9. **Social gatherings of more than ten (10) persons are prohibited.**

Notwithstanding any other provision of this Order, all social gatherings of more than ten (10) person occurring outside a single household or living unit are prohibited. The underpinnings for the limitation to no more than ten (10) persons during this initial phase of opening is due to the significant concern that any gatherings of more than ten (10) persons in the event of a confirmed case within that gathering would lead to a large outbreak. Our healthcare infrastructure, though in a more robust position than previous, is still quite fragile and any means to minimize large, resurgence of cases must be done. Limitation of social gatherings to no more than ten (10) is intended to assure that purpose is met.

- i. “Gathering” means and is defined as any assembly, meeting or convening together more than ten (10) persons in a single indoor or outdoor space at the same time, including but not limited to, birthday parties, funerals, weddings, christenings.
- ii. Nothing in this section prohibits members of a single household or living unit from engaging in travel and activities together as a household unit.
- iii. Nothing in this section prohibits an event or gathering that brings together more than ten (10) persons as necessary to operate services already opened prior to this May 4<sup>th</sup> order including but not limited to governmental functions, healthcare functions, and other critical infrastructure functions.
- iv. Even in gatherings of ten (10) persons or less, social distancing of six feet or more between non-household persons must be abided by. Facial coverings should be used when social distancing is not achievable

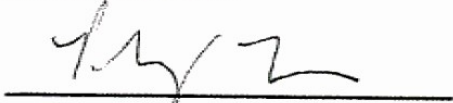
10. **Definitions and exemptions.** For the purposes of this Order the following definitions shall apply:

- i. Places of residence include single family homes, multifamily homes, apartments, hotels, motels, shared rental units and similar facilities.
  - ii. The terms “business” and “businesses” as used in this Order include any for-profit, non-profit or educational entities (including sole proprietorships, corporations, firms, partnerships, limited liability companies, joint stock companies, associations and other organizations of persons), regardless of the nature of their services or the functions they perform.
11. **Compliance.** The violation of any provision of this Order constitutes a threat to public health and a public nuisance per se. Pursuant to Health and Safety Code sections 101040 and 120175, Civil Code section 3494 and Code of Civil Procedure section 731, the Health Officer or any other authorized County of Sutter or Yuba official may enforce any violation of this Order and abate the public nuisance by obtaining injunctive relief from a court of competent jurisdiction. In addition, 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.
12. **Violation may constitute unfair competition.** Any person that, after notice, operates, manages, maintains or occupies or continues to operate, manage, maintain or occupy, any business in violation of this Order, may, in addition or in the alternative to any other civil and criminal penalties allowed by law, be subject to liability under the Unfair Competition Law (chapter 5 of part 2 of division 7 of the Business and Professions Code, commencing at section 17200), and subject to civil penalties and other relief as provided therein, for each act or practice in violation of the Orders, or any of them.
13. **Effective date and time.** This Order shall become effective and operative at 12:01 a.m. on May 4, 2020, and will continue until it is rescinded, superseded or amended in writing by the Bi-County Health Officer.
14. **Continuing assessment.** The Bi-County Health Officer will continue to assess the quickly evolving situation and may issue additional orders related to COVID-19 and will review and amend this Order as needed to address mitigating the impacts of COVID-19.
15. **Copies of Order.** Copies of this Order shall promptly be made available at <https://www.yuba.org/coronavirus/> and

<https://www.suttercounty.org/doc/government/depts/cao/em/coronavirus> and provided to any member of the public requesting a copy of this Order.

16. **Severability.** If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, 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:**



Phuong Luu, MD, MHS, FACP

Bi-County Public Health Officer for the Counties of Yuba and Sutter

Dated: April 6, 2020

Attachment:

Appendix A: Johns Hopkins Center for Health Security. *Public Health Principles for a Phased Reopening During COVID-19: Guidance for Governors*

Appendix B: COVID-19 Operations Protocol