



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



AMENDMENT 20-004 MODIFYING THE MAY 4, 2020 PUBLIC HEALTH ORDER AND AMENDMENTS THERETO TO CLOSE BARS/PUBS FULLY AND CLOSURE OF INDOOR SERVICES FOR RESTAURANTS, WINERIES/TASTING ROOMS, CARDROOMS, ZOOS/MUSEUMS, AND FAMILY ENTERTAINMENT CENTERS

Date of Amendment: July 10, 2020	By the authority of Dr. Phuong Luu Yuba-Sutter Health Officer
Effective: 12:01 a.m. on July 12, 2020	
<p>Please read this Order carefully. This Order issued by the Bi-County Public Health Officer shall become effective at 12:01 a.m. July 12, 2020. Except as modified herein, all current Orders of the Bi-County Public Health Officer shall remain in full force or effect. 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.</p>	

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:

Purpose: To modify the existing Order of the Public Health Officer dated May 4, 2020 and amendments thereto to close all bars, pubs, and brewpubs in Sutter County and Yuba County. In addition, to close all indoor services for restaurants, wineries/tasting rooms, cardrooms, zoos/museums, and family entertainment centers including movie theaters.

Background: On March 19, 2020 the Governor and the State Public Health Officer issued an order directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors.

On May 4, 2020 the Bi-County Health Officer for Yuba and Sutter Counties issued a Local Health Order allowing a partial reopening of business and activities with protective measures including dine in restaurants.

On May 8, 2020, the State Public Health Officer issued an order to reintroduce activities and sectors in a phased manner and with necessary modifications, in order to protect public health.

On June 11, 2020 the Bi-County Health Officer for Yuba and Sutter Counties issued Amendment 20-002 providing for the reintroduce activities and sectors with appropriate protective modifications including Cardrooms, Family Entertainment Centers, Zoos/Indoor Museums, and Bars/Wineries/Tasting Rooms.

Since that time, the COVID-19 case rates for both Sutter County and Yuba County have been rising substantially. In early June 2020, the average number of new cases was approximately 5 cases per day. By mid-June 2020, the average daily number of cases increased to 15 cases per day. In the first few days of July 2020, the average daily number of cases is at 25-30 new cases/day. Our hospitalized cases have increased dramatically also from an average of 6 hospitalized cases in late June 2020 to 21 current hospitalized cases, with five in the ICU, one week later in early July 2020.

One of the key metrics that the State of California utilizes to monitor how a county is faring is the number of new COVID-19 cases per 100,000 in a 14-day period and test positivity rate, which is the percentage of tests that return positive out of all tests completed in a seven-day period. The thresholds established by the State are <25 new COVID-19 cases per 100,000 in a 14-day period and a test positivity rate of <8%. From June 22, 2020 to July 6, 2020, Sutter County's new case rate was 175 new cases/100,000 and Yuba County's new case rate was 132 new cases/100,000. These increases were not only due to increased testing, rather elevated community transmission. The latter is confirmed since our is much higher than the State's recommended threshold of <8%. For Sutter County the test positivity rate is 19% and for Yuba County it is 25% for the week of June 29th-July 6th. State's data for our counties can have some discrepancies due to data lag in reporting.

The current situation reflects that community spread of infection in both Sutter County and Yuba County are high. In addition to the strain on our lone hospital in the bi-county region, we are seeing a multitude of clusters of infections affecting county employees, city employees, law enforcement, healthcare workers, agricultural workers, construction workers, and restaurant workers. For Sutter County and Yuba County alike, the risk is high enough that actions must be taken to protect the public. This is the approach is required by the California Department of Public Health (CDPH) and is strongly supported by medical providers in the bi-county region including Adventist-Rideout, Ampla, Harmony Health, Peach Tree and Sutter Medical Group.

What is known: Public health studies have shown that the risk of transmission is exacerbated in indoor spaces, particularly when lacking appropriate ventilation. Sectors including restaurants, wineries/tasting rooms, zoos/museums, family entertainment centers, and cardrooms operating indoors often lead to the congregating/mixing of non-household members for a prolonged period of time – this leads to increased likelihood of COVID-19 exposure and infection.

Bars, both indoor and outdoor, have additional risk factors. Bars have an added risk imposed by the consumption of alcohol as the primary activity offered in such venues. Alcohol consumption slows brain activity, reduces inhibition, and impairs judgment. These factors contribute to reduced compliance with

recommended non-pharmacologic interventions (NPIs) including maintaining six feet of distance from people in different households and wearing facial coverings when not eating and drinking. Louder environments and the cacophony of conversation that are typical in bar settings, also require raised voices and greater projection of oral emitted viral droplets. Recall memory is impaired in certain individuals who have been consuming alcohol leading to challenging contact investigations.

In summary, while these businesses represent a valued part of the fabric of our Yuba-Sutter community, the characteristics of the operations of these establishments contribute to an environment with substantially increased risks for COVID-19 transmission.

Scope of Amendment:

- (1) Closure of all bars, pubs, brewpubs, and breweries in both Sutter County and Yuba County. This is applicable to both indoors and outdoors services.
- (2) Closure of all indoor services for the following sectors:
 - a. Dine-in restaurants must close indoor seating to customers. During this closure all dine-in restaurants may continue to utilize outdoor seating, takeout, and delivery service. Restaurants should continue to encourage takeout and delivery service whenever possible.
 - b. Wineries and tasting rooms must close indoor services to customers. Outdoor services may continue.
 - c. Family entertainment centers and movie theaters must close indoor services and attractions to customers.
 1. Family entertainment centers may continue to provide outdoor services to customers.
 2. Drive-in movie theaters may continue to operate and should follow additional applicable guidance for retailers of [Drive-In Movie Theaters](#).
 - d. Indoor attractions at zoos and museums must close to visitors.
 1. Zoos and museums may continue to operate outdoor attractions.
 - e. Cardrooms must close indoor services to customers. Outdoor services are allowed.

All businesses that continue to operate in compliance with this order including restaurants, wineries and tasting rooms, family entertainment centers and movie theaters, zoos and museums, and cardrooms must adhere to the CDPH Guidance for that sector.

Compliance. The violation of any provision of this Amendment 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 Amendment 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 Amendment.

Effective

time. This Amendment shall become effective and operative at 12:01 a.m. on July 12, 2020, and will continue until it is rescinded, superseded, or amended in writing by the Health Officer.

Continuing assessment. The Health Officer will continue to assess the quickly evolving situation and may issue additional orders or amendments related to COVID-19 and will review and amend this Order as needed to address mitigating the impacts of COVID-19.

Copies of Amendment. Copies of this Amendment shall promptly be made available at www.yuba.org/coronavirus and www.suttercounty.org/doc/government/depts/cao/em/coronavirus and provided to any member of the public requesting a copy of this Order.

Severability. If any provision of this Amendment 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 Amendment are severable.

Except as amended herein, all prior Orders of the Public Health Officer remain in full force and effect.

IT IS SO ORDERED:



Phuong Luu, MD, MHS, FACP

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