

ORDER OF THE HEALTH OFFICER
OF THE COUNTY OF MERCED ADVISING ALL INDIVIDUALS LIVING
IN THE COUNTY TO CONTINUE TO STAY AT HOME OR AT THEIR PLACE OF
RESIDENCE EXCEPT TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL
BUSINESSES AND GOVERNMENTAL SERVICES OR TO TAKE PART IN CERTAIN
OUTDOOR ACTIVITIES; DIRECTING SPECIFIED BUSINESSES TO CONTINUE TO
CEASE CERTAIN NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE
COUNTY; PROHIBITING ALL LARGE NON-ESSENTIAL GATHERINGS OF
INDIVIDUALS; AND ADVISING CESSATION OF ALL NON-ESSENTIAL TRAVEL

DATE OF ORDER: May 8, 2020

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF MERCED (“HEALTH OFFICER”) ORDERS:

1. This Order repeals and replaces all previous Stay at Home orders issued by the Health Officer of Merced County, except for the Febrile Respiratory Illness Order issued on April 7, 2020, and incorporates by reference the directive from the California State Public Health Officer designating “Essential Critical Infrastructure Workers.” For more information on Essential Critical Infrastructure Workers, see <https://www.covid19.ca.gov/essential-workforce/>. This Order does not supersede any conflicting or more restrictive orders issued by local governments, the State of California, or the Federal Government.
2. This Order implements Executive Order N-33-20, issued by Governor Newsom on March 19, 2020, as well as the Order of the State Public Health Officer issued on March 19, 2020, and all subsequent amendments and modifications thereto (“Collectively, “Governor’s Orders”), to ensure that the maximum number of people limit travel from their residences, while enabling essential services to continue, allow the careful reopening of business, and to continue to slow the spread of COVID-19. When people need to leave their homes or places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they must comply with the Guidance for Individuals as defined in Section 3 of this Order and/or the Operating Requirements for Businesses and Organizations as defined in Section 5 of this Order. Persons under a Public Health quarantine order must comply with such Orders. All provisions of this Order should be interpreted to effectuate these purposes. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
3. Guidance for Individuals

All public and private gatherings of over 10 people are prohibited, except as otherwise stated herein or authorized by the Health Officer. Individuals may leave their

residence to visit and work for businesses permitted as listed in Appendix A of this Order, or to care for a family member or pet in another household. Individuals may also leave their residence to engage in outdoor activities, including but not limited to walking, hiking, biking, golfing, running or equestrian activities, provided the individuals, or households, comply with Social Distancing Requirements. Nothing in this Order prohibits the gathering of members of a household or living unit.

- a. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals not from the same household, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow), regularly cleaning high-touch surfaces, and not shaking hands.
- b. All members of the public are strongly encouraged to wear face coverings when social distancing is not feasible, such as in grocery stores or other businesses. Face coverings, when combined with social distancing and handwashing, may prevent transmission of COVID-19 by reducing respiratory droplet exposure. Business owners have the authority to require the use of face coverings for patrons seeking entrance to their business establishments.

4. Guidance for Businesses and Organizations

All businesses and organizations in the County should refer to Appendix A of this Order for guidance as to whether the business or organization may remain open or reopen. Appendix A is intended to be consistent with the Governor’s Orders, the directive from the California State Public Health Officer designating “Essential Critical Infrastructure Workers” and/or any State variances granted to the County.

Indoor dining at food facilities will be permitted when authorized by the Governor’s Orders and/or authorized by a State variance granted to the County. Bars without food service and bars inside restaurants shall remain closed. Drive-in and remote worship services may continue so long as compliant the with Worship Safe Distancing Rules provided by the Merced County Department of Public Health. Funeral services are permitted so long as compliant with the Funeral Services FAQs provided by the Merced County Department of Public Health. Baptisms are permitted so long as compliant with the Baptism Guidance provided by the Merced County Department of Public Health. All bingo halls, card rooms, indoor and outdoor concerts, dance floors, sports events, theaters, fairs, carnivals, parades, festivals and other similar events, and summer camps shall remain closed at this time. Businesses such as gyms, bars, barbershops and salons will be authorized to reopen upon receiving further guidance from the Governor and/or a State variance granted to the County.

All businesses and organizations not authorized to open or reopen shall cease activities and shall close their facilities, except for basic minimum operations such as activities

to maintain value of the business's inventory, ensure security, process payroll and employee benefits, or related functions. For clarity, businesses may also continue operations to the extent employees or contractors can perform work from home or place of residence.

Merced County Reopening Guidelines ("Reopening Guidelines") are being developed with input from the local business community and guidance from the State. Once developed, such Reopening Guidelines will be incorporated in and made a part of this Order as applicable.

5. Operating Requirements for All Businesses and Organizations

All business and organizations authorized to remain open, or which are allowed to reopen, shall comply with the following requirements:

- a. Limit the number of people who can enter into the facility/job site at any one time to ensure that people in the facility/job site can easily maintain a minimum six-foot distance from one another at all times, except as required to complete business activities; and
 - b. Strongly encourage employees to wear face coverings or use other protective barriers (e.g., plexiglass, cubicles) where six feet of distance is not easily maintained between employees, or between employees and the public; and
 - c. Where lines may form at a facility/job site, mark six-foot increments at a minimum, to establish where individuals should stand to maintain adequate social distancing; and
 - d. Provide hand sanitizer, proper handwashing stations with soap and water, or approved disinfectant at or near the entrance of the facility/job site and other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers); and
 - e. Provide for contactless payment systems or, if not feasible to do so, provide disinfectant for all payment portals, pens, and styluses after each use; and
 - f. Regularly disinfect all high-touch surfaces and equipment; and
 - g. Post a sign at the entrance of the facility/job site informing all employees and customers of the requirements set forth in the Febrile Respiratory Illness Order issued on April 7, 2020; and
 - h. Assign a safety officer to ensure compliance with Health Officer Orders, State Guidance, OSHA regulations, and Reopening Guidelines, as applicable.
 - i. To the extent a business or organization otherwise provides for employee and the public's safety within the requirements prescribed by the Governor at <https://covid19.ca.gov/roadmap/>, such provisions shall satisfy the requirements of this section.
6. Parks and cemeteries are permitted to reopen with limitations. Park picnic areas, playgrounds, and indoor facilities in parks must remain closed until authorized by the Governor's Orders or authorized by a State variance granted to the County.

Individuals utilizing these outdoor spaces shall adhere to the Guidance for Individuals in Section 3 of this Order, which prohibits gatherings of over 10 people, maintaining at least six-foot distance from individuals not from the same household, and frequent hand washing or use of hand sanitizer. Golf courses may remain open if following approved operational guidelines provided by the Merced County Department of Public Health.

7. In the event that the Health Officer determines that hospitalizations, or other factors, indicate an increased transmission of COVID-19 or stresses on critical healthcare infrastructure, the Health Officer may issue an addendum to this order requiring additional prevention measures, such as face coverings, or closure of certain higher risk activities and businesses, including, but not limited to indoor dining at food facilities (as allowed to reopen by the Governor's Orders and/or any State variances granted to the County), salons and barbershops (as allowed to reopen by the Governor's Orders and/or any State variances granted to the County), and gyms (as allowed to reopen by the Governor's Orders and/or any State variances granted to the County).
8. Pursuant to Government Code Sections 26602 and 41601 and Health and Safety Code Sections 101029 and 131080, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order, including facility or business closure, to the extent law enforcement, in consultation with the Health Department, believes that persons, businesses or other organizations are operating outside of the requirements prescribed by this Order in an unsafe manner. The violation of any provision of this Order constitutes an imminent threat to public health. Consistent with the views expressed by the Governor and after consulting with the Merced County Sheriff, the Health Officer believes that enforcement through education is preferable but that other means of enforcement may be employed, as deemed appropriate by the law enforcement agency.

Violators of this Order may be subject to a fine in the amount of \$100.00 for a first offense, \$200.00 for a second offense, and \$500.00 for a third and subsequent offense (California Health and Safety Code Section 120295 and Government Code Section 8665).

9. In accordance with California Health and Safety Code Section 131080, the Health Officer will follow the guidance of the California Department of Public Health and may modify or extend this Order, or issue additional Orders.
10. This Order shall become effective immediately and continue until it is rescinded, superseded, or amended in writing by the Health Officer.
11. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 2222 M Street, Merced, California 95340; (2) posted on the County Public Health Department's website (countyofmerced.com); and (3) provided to any member of the public requesting a copy of this Order.

12. If any provision of this Order to the application thereof 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:



Salvador Sandoval, MD, MPH
Merced County Health Officer

Dated: May 8, 2020

APPENDIX A

This Appendix is intended to reflect the Governor's Orders, the directive from the California State Public Health Officer designating "Essential Critical Infrastructure Workers" and/or any State variance granted to the County, including any logical inferences and inclusions therefrom.

- i. Healthcare Operations and Essential Infrastructure, including routine dental services with appropriate protective equipment;
- ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of food, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products), unless specifically noted to remain closed in Section 4 of this Order. This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii. Agriculture, food, and beverage cultivation, processing, testing and distribution, including but not limited to, farming, ranching, fishing, dairies, creameries, wineries and breweries in order to preserve inventory and production (not for retail business), as well as business activities that support production and processing by providing essential agricultural supplies and services, including but not limited to, transportation, manufacturing, chemicals, equipment, and services such as cooling, storing, packing, and distribution of such products for wholesale or retail sale;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Newspapers, television, radio, and other media services;
- vi. Gas stations and auto-supply, sales and auto-repair, and related facilities such as drive-thru automatic car washes and detailing services;
- vii. Banks and related financial institutions;
- viii. Hardware stores;
- ix. Animal care facilities that provide food, shelter, veterinary and/or routine care and other necessities of life for animals including grooming, dog day care, rescue, and boarding;
- x. Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, pool maintenance, property managers, private security personnel and other service providers who provide services to

maintain the safety, sanitation, and essential operation to properties and other Essential Businesses.

- xi. Businesses providing mailing and shipping services, including post office boxes;
- xii. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions;
- xiii. Laundromats, drycleaners, and laundry service providers;
- xiv. Indoor dining at food facilities will be permitted when authorized by the Governor’s Orders and/or authorized by a State variance granted to the County. Restaurants and other facilities that prepare and serve food, may continue to provide delivery, take-out and curbside pick-up. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xv. Businesses that supply products needed for people to work from home;
- xvi. Businesses that supply other essential businesses with the support or supplies necessary to operate;
- xvii. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xviii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xix. Home-based care for seniors, adults, or children;
- xx. Residential facilities and shelters for seniors, adults, and children;
- xxi. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxii. Delivery services that provide transport of essential products, such as water, food and household products;
- xxiii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
2. Children shall not change from one group to another.
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. Childcare providers shall remain solely with one group of children.

xxiv. Retail (curbside) and related manufacturing and logistics.

xxv. Destination retail, including shopping malls and swap meets; tanning facilities; office-based businesses; outdoor museums and open gallery spaces will be permitted when authorized by the Governor’s Orders and/or authorized by a State variance granted to the County.

xxvi. Other businesses allowed to reopen pursuant to the Governor’s Orders and/or authorized by a State variance granted to the County.