



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

Order No. HO-COVID19-28

DATE OF ORDER: SEPTEMBER 14, 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, eliminates restrictions on business activities in the County set forth in the Health Officer’s September 4, 2020, Order (No. HO-COVID19-27) (the “Prior Order”) that were stricter than requirements imposed by the State of California (“State”). This Order is intended to align County restrictions on business activities with State restrictions on business activities. A business activity is allowed under this Order if the State allows the activity in this County under the State’s Blueprint for a Safer Economy (“State Blueprint”). Business activities in sectors that are closed in the tier of the State Blueprint that applies to the County are not allowed in the County under this Order. This Order also requires all business activities in the County to conform to applicable guidance issued by the State.

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 Health Officer Order No. HO-COVID19-01 (the “Mass Gathering Order”) remains rescinded.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 replaces local restrictions on business activities that were stricter than State requirements with the requirement that business activities conform to the State Blueprint and applicable guidance issued by the State.
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 13, 2020, a total of 15,351 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 align restrictions on business activities in the County with the State's requirements. Evaluation of the COVID-19 Indicators will be critical to determinations regarding whether stricter restrictions need to be imposed in the future. 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. This Order imposes specific requirements on individuals with regard to social distancing and expressly prohibits gatherings of any size with limited exceptions. Without these restrictions to limit 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 or state or federal guidelines related to the COVID-19 pandemic, this Order controls.

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) Religious services or cultural ceremonies that conform to limitations set forth by the State; and
- (b) Protests protected by the First Amendment that conform to limitations set forth by the State.

It is strongly recommended that individuals wear face coverings while participating in religious services, cultural ceremonies or 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. Because in-person events 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 and that this information be kept 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 attendees.

- (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 Health Officer’s May 15, 2020, Order ([No. HO-COVID19-13](#)) (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 may operate under the State Blueprint, 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. Conformance with State Requirements.

(1) A business activity is allowed in this County if:

(a) The business activity is in a sector that is open in the tier of the State Blueprint that applies to the County; and

(b) The business activity conforms to applicable guidance issued by the State.

The County’s tier status is determined at <https://covid19.ca.gov/safer-economy/>. Information about the four tiers included in the State Blueprint is at https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-August_2020.pdf. State guidance documents are at <https://covid19.ca.gov/industry-guidance/>.

(2) A business activity is not allowed in this County if the business activity is in a sector that is closed in the tier of the State Blueprint that applies to the County. A business



engaged in an activity that is not allowed in the County under the State Blueprint must discontinue the activity in the County until it is allowed.

- 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 8:00 a.m. on September 16, 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 14, 2020

