



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA
ALLOWING FOR CERTAIN HIGHLY REGULATED
VEHICLE-BASED GATHERINGS**

Order No. HO-COVID19-13

DATE OF ORDER: MAY 15, 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.)

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. **Modification of Shelter in Place.** This Order does not supersede the April 29, 2020, Order of the Health Officer No. HO-COVID19-09 directing all individuals to shelter in place (the “Shelter in Place Order”). Instead, in light of the progress achieved in slowing the spread of the Novel Coronavirus Disease 2019 (“COVID-19”) in the County of Contra Costa (the “County”) and recognizing that as the Shelter in Place enters its third month outlets for certain community activity become more important, this Order slightly modifies provisions of the Shelter in Place Order to allow for certain Highly Regulated Vehicle-Based Gatherings. This measured allowance of those activities is designed to keep the overall volume of person-to-person contact very low to prevent a surge in COVID-19 cases in the County and neighboring counties. The activities allowed by this Order will be assessed on an ongoing basis and may need to be modified if the risk associated with COVID-19 increases in the future.
2. **Intent and Purpose.** The primary intent of this Order is to ensure that County residents continue to shelter in their places of residence to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services, while allowing the limited addition of certain lower risk Highly Regulated Vehicle-Based Gatherings, as defined below in Section 8. All provisions of this Order must be interpreted to effectuate this intent. Such Highly Regulated Vehicle-Based Gatherings shall only be permitted under conditions designed to continue the progress achieved in slowing the spread of COVID-19 while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19. Failure to comply with any of the provisions of this Order constitutes an



imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

3. **Reasoning.** This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County; continued uncertainty regarding the degree of undetected asymptomatic transmission; 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 outbreak of COVID-19 in the general public, which is a pandemic according to the World Health Organization, 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. Further, evidence shows that the virus can survive for hours to days on surfaces and be indirectly transmitted between individuals. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, uncontrolled gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission to help (a) protect the most vulnerable; (b) prevent the health care system from being overwhelmed; (c) prevent long-term chronic health conditions, such as cardiovascular, kidney, and respiratory damage and loss of limbs from blood clotting; and (d) prevent deaths.
4. **Cases Within the County.** The collective 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 May 13, 2020, there are 1080 confirmed cases of COVID-19 in the County and 33 deaths. The cumulative number of confirmed cases continues to increase, though the rate of increase has slowed in the days leading up to this Order. Evidence suggests that the restrictions on mobility and social distancing requirements imposed by the Shelter in Place Order (and the prior shelter-in-place orders) 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. **Guidance of Health Officer, CDC, CDPH.** This Order comes after the release of substantial guidance from the Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including the widespread adoption of orders imposing similar social distancing requirements and mobility restrictions to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.



6. **Incorporation of County Orders.** 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, the March 10, 2020, Proclamation by the Contra Costa County Board of Supervisors declaring the existence of a local emergency; the March 24, 2020, Order of the Health Officer No. HO-COVID19-02 directing all laboratories conducting COVID-19 diagnostic tests to report COVID-19 test information, the April 13, 2020, Order of the Health Officer No. HO-COVID19-06, imposing restrictions on persons entering specified licensed and other facilities; the April 29, 2020, Shelter in Place Order No. HO-COVID19-09, the April 6, 2020, Orders of the Health Officer Nos. HO-COVID19-04 AND HO-COVID19-05, requiring isolation for COVID-19 positive individuals and quarantine of Close Contacts of COVID-19 positive individuals, and the April 17, 2020, Order of the Health Officer No. COVID19-08, requiring members of the public and workers to wear face coverings (the “Face Covering Order”).

State Order. This Order is also issued in light of 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, as well as the Governor’s March 19, 2020, Executive Order N-33-20 directing California residents to follow the State Shelter Order and the May 4, 2020, Executive Order N-60-20 directing the State Public Health Officer to establish criteria to determine whether and how, in light of local conditions, local health officers may implement public health measures less restrictive than the statewide public health directives. It is also issued in light of the position taken by the State of California in *Gish v. Newsom*, 20 cv 00755 (C.D.Cal), in which the Governor posited that some drive-in type gatherings could occur under his Order as a “technology” based alternative.

7. **Applicability.** All individuals currently living, working, or visiting within the County are ordered to continue to follow the Shelter in Place Order. In addition to the listed exemptions as defined in the Shelter in Place Order, individuals within the County may also engage in certain Highly Regulated Vehicle-Based Gatherings as defined in Section 8 below.
8. **Requirements.**
 - a. For the purposes of this Order, a Highly Regulated Vehicle-Based Gathering is a gathering where, during the entirety of the gathering, every participant, excluding the Host, Personnel, and security, except as expressly provided herein, remains in a fully enclosed motorized vehicle parked at least six feet apart from other vehicles and where all occupants of each enclosed vehicle are members of a single household. For clarity, an enclosed vehicle does not include a motorcycle, a convertible with the top open, a vehicle with no doors, or bicycle.



- b. Vehicle-Based Gatherings must adhere to the following requirements:
- i. **Host, Personnel, Gathering Plan.** The gathering must have a designated organizational host who is responsible for ensuring compliance with this Order and the Shelter in Place Order during the gathering (“Host”). Only those personnel of the organization necessary to facilitate the gathering and to ensure compliance with this Order can be present (“Personnel”). In addition, the Host must do all of the following:
 1. For gatherings of more than 10 vehicles, the Host must, at its own cost, arrange for and provide security sufficient to ensure compliance with the Order and address any traffic and safety issues. The amount of security necessary shall be determined by the entity providing security but should be no more than that deemed necessary to maintain safety and ensure compliance with the Order. The Host shall comply with this provision by doing one of the following:
 - a. If the Host already employs security officers, the Host may use its existing security officers.
 - b. The Host may arrange for a local law enforcement agency with primary jurisdiction over the location of the event (the “Agency.”) to provide security and pay the associated costs established by the Agency.
 - c. The Host may retain a private security business to provide security.
 2. The Host must develop and abide by a Highly Regulated Vehicle-Based Gathering Plan (“Gathering Plan”), as described in Section 8(c). The Gathering Plan must be substantially in the form attached to this Order as Appendix A. The Gathering Plan must be provided to the Agency upon request.
 3. The Host must ensure participants and Personnel adhere to the Face Covering Order and the Social Distancing Requirements as described in the Shelter in Place Order at all times.
 - ii. **Occupants of Vehicles.** The occupants of a vehicle must be members of the same household and shall not change vehicles during the gathering. Further, no more than the legal occupancy in the vehicle is allowed. Personnel and security are not considered occupants of a vehicle and may remain outside.



- iii. **Location.** The gathering must take place in an outside location large enough to accommodate the distancing requirements of this Order and the Shelter in Place Order, e.g. a parking lot or similar space. Further, line spacing between vehicles must be sufficient to allow for emergency entry and exit. The location must be such that it can ensure exclusion of those not invited, but this requirement can be achieved by security. If the location is not the property of the Host, the Host must provide the property owner of the location with the Gathering Plan and obtain written permission or agreement to utilize a location that specifically acknowledges receipt of the Gathering Plan.
- iv. **Invite Only.** The gathering must proceed by invitation only, with the limit tied to the capacity size of the location.
- v. **Limits.** Each gathering is limited to no more than 200 vehicles and can be no longer than three hours.
- vi. **Windows.** If any of the windows on a vehicle is open, the occupants of the vehicle must wear a face covering in conformance with the Face Covering Order.
- vii. **Remain in Vehicle Exceptions.** Except as provided to use toilet facilities or for an emergency, occupants of a vehicle may exit the vehicle only if and when the Host has specifically given express permission for a brief period of time. Such permission must be limited to one vehicle at a time. For clarity, occupants cannot use their time outside of the vehicle to interact with occupants of other vehicles.
- viii. **Local Law.** This Order is in addition to applicable legal restrictions of the jurisdiction where a Highly Regulated Vehicle-Based Gathering occurs, including but not necessarily limited to permit requirements.
- ix. **Prohibition on Providing, Selling, or Exchanging.** No sales or exchanges of any items or food is permitted during the gathering. As a limited exception, the Host may provide a significant document to one participant at a time, e.g. a diploma or other paper, while adhering to Social Distancing Requirements described in the Shelter in Place Order and the Face Covering Order. Any items or food and related refuse brought by occupants of a vehicle must remain in the vehicle.
- x. **Bathrooms.** If the Host of the gathering makes toilet facilities available during the event, they must be sanitized by the Host or Personnel on a regular basis. If portable toilets are provided, they must be sanitized between each use and either hand sanitizer or a handwashing station must be made available. If restrooms in fixed facilities are provided, they must be disinfected at least every 30 minutes. The Host will not allow more



than 5 people to be inside a restroom in a fixed facility at the same time. A Host, with the optional assistance of Personnel, must establish a line system that adheres to Social Distancing Requirements as described in the Shelter in Place Order and which is actively supervised by the Host or Personnel. No more than 10 people are allowed to wait in line at the same time.

- c. **The Gathering Plan.** The Gathering Plan must be provided, upon request, to the Agency at least one week before the event regardless of whether it has agreed to provide security. The Gathering Plan must also be provided in advance to each invitee and to the local jurisdiction if such jurisdiction has a permitting process. The Gathering Plan must also be posted prominently at the gathering location and must include the following, as applicable:
- i. Host contact information, including cell phone number and e-mail address;
 - ii. The total number of Personnel that will be providing services during the gathering;
 - iii. How it will limit the number of vehicles that can enter the designated location for the event;
 - iv. How the arrangement of vehicles will allow for six-foot distance from one another and at all times;
 - v. How the arrangement of vehicles will allow for line spacing between vehicles sufficient for emergency exits;
 - vi. How the Host, Personnel, and security will monitor the gathering so that only the occupants of one vehicle are allowed to exit their vehicle at a time during the gathering (except for toilet facility use and emergency);
 - vii. If applicable, how the Host or Personnel will monitor the line at the bathrooms to ensure Social Distancing Requirements are being met and no more than 10 people are waiting in line;
 - viii. If applicable, how the Host or Personnel will ensure the bathrooms will be disinfected between uses; and
 - ix. If providing private security, the name of the security company and how security will ensure compliance with this Order. For clarity, if the Host already employs security, it may use its existing security officers and identify those employees.
- d. **Essential Activity.** Attending a Highly Regulated Vehicle-Based Gathering will be considered an Essential Activity as defined by the Shelter in Place Order.



- e. **Essential Travel.** Traveling for the purpose of attending and returning from a Highly Regulated Vehicle-Based Gathering will be considered Essential Travel as defined by the Shelter in Place Order.
9. 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.
10. This Order shall become effective at 06:00 a.m. on May 19, 2020 and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
11. 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.
12. 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: May 15, 2020

Attachment: Appendix A – Highly Regulated Vehicle-Based Gathering Plan

