

CITY OF SOUTH EL MONTE
SPECIAL MEETING AGENDA OF THE SOUTH EL MONTE CITY COUNCIL
APRIL 14, 2020
IMMEDIATELY FOLLOWING THE REGULAR MEETING STARTING AT 6:00 P.M.
COUNCIL CHAMBERS
1415 N. SANTA ANITA AVENUE
SOUTH EL MONTE, CA 91733

*****SPECIAL NOTICE REGARDING COVID-19*****

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 in response to the COVID-19 pandemic, which authorizes the City Council to hold public meetings via teleconferencing and waives all requirements of the Brown Act requiring the physical presence of Council Members, staff, or the public as a condition of participation in or quorum for a public meeting.

THIS IS A CITY COUNCIL MEETING BY TELECONFERENCE ONLY.

Members of the public will have access to listen to and participate in the meeting by calling-in at the information below. Teleconference participation shall be available to the public at the following USA Toll-Free number,
888-204-5987, Access Code: 9671457

Members of the public wishing to submit a general comment or a comment on an agenda item, can email rjuarez@soelmonte.org or call (626) 579-6540 to leave a voicemail message. All comments received by 5:00 p.m. on Tuesday, April 14, 2020 will be added to the City Council agenda as part of the public comment. The April 14, 2020 City Council agenda is focused on urgent or essential consideration items only.

The public may also view a live telecast of the meeting online at cityofsouthelmonte.org.



GLORIA OLMOS, MAYOR
GRACIE RETAMOZA, MAYOR PRO TEM
MANUEL ACOSTA, COUNCILMEMBER
RICHARD ANGEL, COUNCILMEMBER
HECTOR DELGADO, COUNCILMEMBER

ANTHONY R. TAYLOR, CITY ATTORNEY
RACHEL BARBOSA, CITY MANAGER
ROSE JUAREZ, CITY CLERK

1. CALL TO ORDER AND ROLL CALL:

Councilmembers: Acosta, Angel, Delgado, Retamoza, (Mayor) Olmos

2. APPROVAL OF AGENDA:

3. PUBLIC COMMENTS:

Persons wishing to address the City Council on any item on the agenda are invited to do so at this time. Pursuant to the Brown Act, the City Council cannot discuss or take action on items not on the agenda. Matters brought before the City Council that are not on the agenda may, at the City Council's discretion, be referred to staff or placed on the next agenda.

4. CONSIDERATION OF URGENCY ORDINANCE NO. 1246-U ESTABLISHING A REQUIREMENT THAT FACE COVERINGS BE WORN WHILE IN PUBLIC

There is increasing evidence that individuals who are infected, but not exhibiting symptoms, can spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surface. In order to protect the health, safety, and welfare of the residents and businesses of the City of South El Monte, City staff has prepared the proposed Urgency Ordinance to require residents and visitors to the City to wear face coverings while in public.

RECOMMENDED ACTION: Staff recommends that the City Council adopt Urgency Ordinance No. 1246-U, requiring that face coverings be worn while in public within the City.

5. ADJOURNMENT:



City Council Agenda Report

**Agenda
Item No.
4.**

DATE: April 14, 2020

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rachel Barbosa, City Manager

APPROVED AS TO FORM: Anthony R. Taylor, City Attorney

SUBMITTED BY: Anthony R. Taylor, City Attorney

SUBJECT: CONSIDERATION OF URGENCY ORDINANCE NO.
1246-U ESTABLISHING A REQUIREMENT THAT FACE
COVERINGS BE WORN WHILE IN PUBLIC

SUMMARY: There is increasing evidence that individuals who are infected, but not exhibiting symptoms, can spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surface. In order to protect the health, safety, and welfare of the residents and businesses of the City of South El Monte, City staff has prepared the proposed Urgency Ordinance ("Ordinance") to require residents and visitors to the City to wear face coverings while in public.

RECOMMENDATION: Staff recommends that the City Council adopt Urgency Ordinance No. 1246-U, requiring that face coverings be worn while in public within the City.

FISCAL IMPACT: The Ordinance would have no fiscal impact.

DISCUSSION: A novel coronavirus (COVID-19) was detected in Wuhan City, Hubei Province, in China in December 2019. On January 30, 2020, the World Health Organization declared COVID-19 a public health emergency of international concern. The United States, the State of California, and the City of South El Monte have all declared states of emergency arising from the COVID-19 pandemic.

Since the onset of the COVID-19 pandemic within the United States, the CDC's position on facemasks has been that they were only necessary when an individual is exhibiting signs of sickness or when caring for someone who is sick (and the infected is not able to wear a facemask).

Reputable news outlets report that the CDC is currently in close communication with both the Department of Health and Human Services and the White House Coronavirus Task Force. The CDC is recommending the consideration of masks as an additional measure to slow the pandemic partly due to the alarmingly high level of symptom-free cases that are being discovered. Additionally, Riverside County released a public health recommendation on March 31, 2020 advising that residents should cover their nose and mouth when leaving home for all essential business and travel outside of their homes.

There is increasing evidence that individuals who are infected, but not exhibiting symptoms, can spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces. Droplets can land in the mouths or noses of healthy people who are nearby or possibly inhaled into the lungs. The virus can also live on surfaces for varied lengths of time, in some cases for days. It may be possible that a person can get the virus by touching an infected surface or object and then touching their own mouth, nose, or possibly their eyes.

On April 1, 2020 City of Los Angeles' Mayor Garcetti held a live press conference urging Angelinos to cover their faces when leaving their homes for essential business. He explained how other countries have been able to drastically reduce the spread of the virus by having the public at large use face coverings. "Early data suggests that folks who are infected are not symptomatic which is why with today's guidance from Governor Newsom and Dr. Ferrer from County Public Health we are now recommending that Angelinos use homemade face coverings when they are in public and interacting with others." On April 10, 2020 the Los Angeles County issued a revised order requiring residents to wear face coverings while in public.

Under the Ordinance, each resident of, or visitor to, the City shall, upon either entering the geographic boundaries of the City or upon leaving their domicile or place of residence and continuing until their return to the place of domicile or residence or exiting the geographic boundaries of the City shall wear a face mask or covering which shall be of sufficient size to cover the nose and mouth of the wearer so as to assure the inhale or exhale of oxygen through the mask or covering.

Violation of this requirement is enforceable within the geographic boundaries of the City of South El Monte pursuant to both the provisions of South El Monte Municipal Code section 2.60.100 which provides that violation of this ordinance constitutes a misdemeanor punishable by up to six months in jail and/or a thousand dollar fine.

The Ordinance would remain in place until the termination of the local emergency proclaimed by the Mayor on March 12, 2020, and ratified by the City Council on March 17, 2020.

The Ordinance would take effect immediately upon adoption by a four-fifths (4/5) vote pursuant to Government Code section 36937(b), which applies to ordinances "[f]or the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency."

The proposed Urgency Ordinance would also promote income stability for employees, ensure that necessary commercial services remain available, and otherwise mitigate the economic impacts of COVID-19, all of which will preserve public peace, health, and safety.

ATTACHMENTS:

Attachment A - Proposed Urgency Ordinance No. 1246-U

Attachment B - Revised Los Angeles County Order dated April 10, 2020

ATTACHMENT A

URGENCY ORDINANCE NO. 1246-U

AN URGENCY ORDINANCE OF THE CITY OF SOUTH EL MONTE, CALIFORNIA, ESTABLISHING THE REQUIREMENT THAT FACE COVERINGS BE WORN WHILE IN PUBLIC WITHIN THE CITY

WHEREAS, pursuant to Government Code Section 36937(b), any ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council, shall take effect immediately upon its adoption; and

WHEREAS, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19) was first identified in Wuhan City, Hubei Province, China; and

WHEREAS, the Center for Disease Control and Prevention (CDC) considers COVID-19 to be a very serious public health threat with outcomes ranging from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and

WHEREAS, according to the CDC, there is no vaccine to prevent COVID-19 and there is no specific antiviral treatment recommended for COVID-19 at this time; and

WHEREAS, on January 30, 2020, the World Health Organization declared a Public Health Emergency of International Concern over the global spread of COVID-19; and

WHEREAS, on January 31, 2020, Health and Human Services declared a Public Health Emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, the California Department of Public Health (CDPH) has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the State of California; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a "pandemic"; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 regarding COVID-19 further enhancing State and local government's ability to respond to the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, the Mayor of the City of South El Monte, pursuant to Section 2.60.060 of the South El Monte Municipal Code, signed a proclamation which proclaimed the existence of a local emergency based on COVID-19 ("Proclamation"); and

WHEREAS, on March 13, 2020, President Trump declared a National State of Emergency in response to increased spread of COVID-19; and

WHEREAS, on March 17, 2020, the City Council of the City of South El Monte ratified the Proclamation; and

WHEREAS, there is increasing evidence that individuals who are infected, but not exhibiting symptoms, can spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces; and

WHEREAS, on April 1, 2020 City of Los Angeles' Mayor Garcetti held a live press conference urging residents to cover their faces when leaving their homes for essential business; and

WHEREAS, on April 10, 2020, the County revised the Order issued on April 1, 2020 requiring residents to wear face coverings while in public and said Order provides

WHEREAS, in order to limit the spread of COVID-19 within the City, especially by those infected but without clear symptoms, face coverings should be worn by all residents and visitors of the City while in public; and

WHEREAS, based on the foregoing, the City Council seeks and intends to protect health, safety, and welfare of the residents and businesses of the City of South El Monte by requiring that face coverings be worn while in public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. **Recitals.** The foregoing recitals are true and correct, and are incorporated herein by reference as findings of fact.

SECTION 2. **Urgency and Emergency Findings.** The City Council finds that there is a current and immediate threat to public health, safety, and welfare posed by COVID-19, and there is an immediate need for the preservation of public peace, health or safety of the residents and community of the City.

Individuals who are infected but not exhibiting symptoms can still spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces. Droplets can land in the mouths or noses of healthy people who are nearby or possibly inhaled into the lungs. The virus can also live on surfaces for varied lengths of time, in some cases for days. It may be possible that a person can get the virus by touching an infected surface or object and then touching their own mouth, nose, or possibly their eyes.

Although the use of face coverings will not eliminate the spread of COVID-19, it is an additional tool that will help to slow the disease's spread. Face coverings limit the amount of respiratory droplets spread by individuals who are infected, helping to limit the avenues for the spread of COVID-19. While home-made face coverings are not as

effective as those used by medical professionals, their widespread use can help to limit the spread of COVID-19 by individuals who are infected.

SECTION 3. Face Covering Requirement.

A. Each resident of, or visitor to, the City of South El Monte shall, upon either entering the geographic boundaries of the City or upon leaving their domicile or place of residence and continuing until their return to the place of domicile or residence or exiting the geographic boundaries of the City shall wear a face mask or covering which shall be worn to cover the nose and mouth of the wearer. Face coverings must allow for the inhale or exhale of oxygen through the mask or covering. Face coverings are not required to be worn when breathing would be difficult such as when running or jogging.

B. Violation of this requirement shall be enforceable within the geographic boundaries of the City of South El Monte pursuant to the provisions of South El Monte Municipal Code Chapter 2 which provides for enforcement of violations as infractions and/or misdemeanors.

SECTION 4. Adoption and Effective Date. Pursuant to Government Code Section 36937, this ordinance shall take effective immediately upon approval of the same by a four-fifths (4/5) affirmative vote of the City Council. The City Council finds and determines that the same is necessary to the preservation of the public peace, health or safety, in that adoption of the same will help prevent commercial evictions and control residential rent issues that may arise during declared states of emergency.

SECTION 5 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Ordinance, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this ordinance are declared to be severable. The South El Monte City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 6 Expiration Date. This Ordinance shall automatically expire upon the termination of the City's local emergency proclaimed by the Mayor on March 12, 2020, and ratified by the City Council on March 17, 2020, pursuant to Chapter 2.60 of the South El Monte Municipal Code.

SECTION 7. Certification. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED AND ADOPTED by a four-fifths (4/5) vote at a special meeting of the South El Monte City Council on this 14th day of April, 2020.

Gloria Olmos, Mayor

ATTEST:

Rose Juarez, City Clerk

APPROVED AS TO FORM:

Anthony R. Taylor, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Rose Juarez, City Clerk of the City of South El Monte, do hereby certify that the foregoing Ordinance, being Ordinance No. 1246-U, was duly passed and approved by the City Council of the City of South El Monte at a Special meeting of said Council held on the 14th day of April, 2020, and that said Ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rose Juarez, City Clerk

ATTACHMENT B

SAFER AT HOME ORDER FOR CONTROL OF COVID-19
Temporary Prohibition of All Events and Gatherings
Closure of Non-Essential Businesses and Areas

Revised Order Issued: April 10, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295; California Penal Code §§ 69, 148(a)(1); Los Angeles County Code § 11.02.080.)

SUMMARY OF THE ORDER: This County of Los Angeles Health Officer Revised Order (Order) amends and supersedes the Orders and Addendums of the County of Los Angeles Health Officer (Health Officer) issued on March 16, 19, 21, 27, and 31, 2020. This Order is issued to comply with Executive Order N-33-20 issued by Governor Gavin Newsom, wherein the State Public Health Officer ordered all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of the federal critical infrastructure sectors.

Due to the continued rapid spread of the Novel Coronavirus (COVID-19) and the need to protect the most vulnerable members of our community, this Order continues to prohibit all indoor and outdoor public and private gatherings and events. The Order specifically requires all businesses to cease in-person operations and remain closed to the public, unless the business is defined as an Essential Business by this Order. This Order is effective within the County of Los Angeles Public Health Jurisdiction, defined as, all unincorporated areas and cities within the County of Los Angeles with the exception of the cities of Long Beach and Pasadena, and continues through May 15, 2020.

The Health Officer now requires Essential Businesses to implement by no later than 11:59 p.m. on April 15, 2020, a Social Distancing Protocol, which includes a requirement to provide all of their employees whose duties require contact with other employees and/or the public with a cloth face covering to wear while performing duties that involve contact with others.

This Order does not prohibit any individual or members of a single household or living unit from engaging in outdoor activities, as an individual or household, such as jogging, walking, or biking. This Order continues to allow individuals to leave their homes to shop at Essential Businesses, including grocery stores and restaurants offering delivery, drive thru or carry out service, so long as all persons practice Social Distancing and wear a cloth face covering while visiting Essential Businesses.

Further, this Health Officer Order continues the closure of all indoor malls and shopping centers, all swap meets and flea markets, all indoor and outdoor playgrounds, beaches, trails and trailheads, and in-person operations of all non-essential businesses. This Order does not supersede any stricter limitation imposed by a local public entity.

The County Health Officer will continue to monitor the rate of COVID-19 disease spread, the severity of the resulting illnesses and deaths caused, California Department of Public Health (CDPH) and Centers for Disease Control and Prevention (CDC) recommendations, and the effect of this Order. If needed, this Order may be extended, expanded, or otherwise modified to protect the public's health.

UNDER THE AUTHORITY OF THE CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:

- 1) Effective immediately on April 10, 2020 and continuing through May 15, 2020, all persons are to remain in their homes or at their place of residence, except to travel to and from Essential Businesses, to work at or provide service to a Healthcare Operation or Essential Infrastructure, to engage in Essential Activities, or to perform Minimum Basic Operations for non-essential businesses, while practicing Social Distancing, as defined in Section 14 of this Order.
 - a) All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited within the County of Los Angeles Public Health Jurisdiction, except for the limited purposes expressly permitted by this Order. Nothing in this Order prohibits members of a single household or living unit from engaging in Essential Activities together.
 - b) Essential Businesses are directed to continue to maximize the number of employees who work from home. Essential Businesses must follow industry-specific guidance issued by the Health Officer on the County of Los Angeles Department of Public Health website related to COVID-19:
<http://publichealth.lacounty.gov/media/coronavirus/>.
- 2) For Essential Businesses open to any member of the public, excluding clinical settings within Healthcare Operations, the owner, manager, or operator of the Essential Business shall prepare and post by no later than 11:59 p.m. on April 15, 2020, a Social Distancing Protocol for each of their facilities within the County of Los Angeles Public Health Jurisdiction that are frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A. The Social Distancing 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 Social Distancing Protocol must also be provided to each employee performing work at the facility. All Essential Businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the Essential Business facility is achieving the following, as applicable:
 - a) Limiting the number of people who may enter into the facility at any one time to ensure that people in the facility can easily maintain, at all times, a minimum six (6) foot physical distance from others, except as required to complete an Essential Business activity. Persons who are family members or household contacts, may stand or move together, but must be separated from others by a physical distance of at least six (6) feet.
 - b) Where lines may form at a facility, marking six (6) foot increments at a minimum, establishing where individuals should stand to maintain adequate Social Distancing.
 - c) Providing hand sanitizer, soap and water, or 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 members of the public (e.g. cashiers). Restrooms normally open to the public shall remain open to the public.
 - d) Posting a sign in a conspicuous place at all public entries that instructs members of the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough, and to maintain Social Distancing from one another.
 - e) Providing for the regular disinfection of high-touch surfaces, and disinfection of all payment portals, pens, and styluses after each use. Essential Businesses are encouraged to also offer touch-less payment mechanisms, if feasible.
 - f) Providing cloth face coverings to employees and contracted workers whose duties require close contact (within 6 feet for 10 minutes or more) with other employees and/or the public.

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- g) Requiring that members of the public who enter the facility wear a face covering during their time in the facility.
 - h) Adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health, including guidance for cleaning and disinfecting the site. See guidance posted at www.publichealth.lacounty.gov/media/Coronavirus/.
- 3) The Health Officer orders the continued closure of the following types of commercial properties, recreational sites and businesses:
- a) Non-Essential Retail Businesses.
 - b) Indoor Malls and Indoor Shopping Centers, including all stores and vendors therein regardless whether they are an Essential or Non-Essential Retail Business. As an exception, permanent Essential Businesses that are part of an Indoor Mall or Indoor Shopping Center, but that are accessible by the public from the exterior of the Indoor Mall or Shopping Center may remain open. The interior of the Indoor Mall or Indoor Shopping Center shall remain closed to the public.
 - c) This Order does not require closure of Essential Businesses in Outdoor Malls and Shopping Centers. However, owners and operators of Outdoor Malls and Shopping Centers shall enforce Social Distancing measures among their visitors.
 - d) Indoor and Outdoor Playgrounds for Children, except for those located within childcare centers.
 - e) All public beaches, piers, public beach parking lots, and beach access points.
 - f) All public trails and trailheads.
 - g) Indoor and Outdoor Flea Markets and Swap Meets.
 - h) Additional types of commercial properties and businesses:
 - (i) Bars and Nightclubs that do not serve food;
 - (ii) Gyms and fitness centers;
 - (iii) Movie Theaters, Drive-In Theaters, Live Performance Theaters, Concert Halls, Arenas and Stadiums;
 - (iv) Bowling Alleys and Arcades; and
 - (v) The portions of wineries, breweries and tap rooms that provide tastings to the public.
- 4) This Order does not supersede any stricter limitation imposed by a local public entity within the Los Angeles County Public Health Jurisdiction.
- 5) This Order considers employees of government agencies working in the course and scope of their public service employment to be Essential Infrastructure.
- a) This Order declares that all government employees to be essential, including, but not limited to, health care providers and emergency responders. Health care providers and emergency responders include employees who serve in the following areas: law enforcement; emergency services and management; first responder; fire; search and rescue; juvenile detention; corrections; healthcare services and operations; public health; laboratory or medical testing; mental health; community health; public works; executive management employees serving in these fields; all employees assigned to serve in or support the foregoing fields; and all employees whose services are otherwise needed to assist in a declared emergency.
 - b) While all government employees are essential, the employees identified here and the others called to serve in their Disaster Service Worker capacity must be available to serve the public or assist in response or continuity of operations efforts during this health crisis to the maximum extent allowed under the law.

REASONS FOR THE ORDER

- 6) This Order is based upon scientific evidence and best practices, as currently known and available, to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19. The intent of this Order is to ensure that the maximum number of people remain in their places of residence to the maximum extent feasible to stem the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need, as well as to protect the healthcare system from a surge of cases into emergency rooms and hospitals. The Order supports the CDC's efforts to institute more stringent and necessary Social Distancing measures to reduce community transmission of COVID-19.
- 7) Existing community transmission of COVID-19 in Los Angeles County presents a substantial and significant risk of harm to the health of residents. Currently, there is no vaccine available to protect against and no specific treatment for COVID-19. As of April 9, 2020, there have been at least 7,995 cases of COVID-19 and 223 deaths reported in Los Angeles County. There remains a strong likelihood of a significant and increasing number of cases of community transmission. Making the community transmission 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.
- 8) The virus that causes COVID-19 is easily spread through person-to-person contact. This risk of transmission is increased when people are in close proximity. All gatherings pose an increased risk for community transmission of COVID-19 and thus, are a substantial risk to public health. As such, scientific evidence shows that at this stage of the public health emergency, it remains essential to continue to slow the virus transmission as much as possible to protect the most vulnerable, to prevent the healthcare system from being overwhelmed, and to prevent deaths. The extension of this Order and the strengthening of its Social Distancing requirements are necessary to further reduce the spread of COVID-19, preserving critical and limited healthcare capacity in the County and advancing to a point in the pandemic where transmission can be controlled.
- 9) In the absence of a specific immunization or treatment for COVID-19, Social Distancing is essential to preventing the spread of this disease. Increasing the practice of Social Distancing and prohibiting events and gatherings is intended to slow transmission of COVID-19. Accordingly, to reduce the community transmission of COVID-19, the Health Officer is continuing the temporary prohibition of all events and gatherings, the closure of Indoor Malls and Shopping Centers as defined in Section 11, and the cessation of in-person operations of certain businesses, as described in Section 12.

DEFINITIONS

- 10) For purposes of this Order, Essential Activities, are defined as travel for purposes of:
 - a) Visiting a health or veterinary care professional;
 - b) Obtaining medical supplies or medication;
 - c) Obtaining grocery items or necessary supplies from Essential Businesses for one's household or for delivery to others;
 - d) Legally mandated governmental purposes, such as access to court, social and administrative services;
 - e) Providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons;
 - f) Complying with an order of law enforcement or court, and;
 - g) Engaging in outdoor recreation activity, in compliance with Social Distancing requirements.
- 11) For purposes of this Order, Indoor Malls and Shopping Centers are defined as: A building with seven (7) or more "sales or retail establishments" with adjoining indoor space. For purposes of this Order, Outdoor Malls and Shopping Centers are defined as: A series of buildings on a common site, either under common ownership or common control or developed together, with seven (7) or more "sales or retail establishments."

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12) Non-Essential Retail Businesses are establishments that provide goods or services to the public that do not come within the definition of Essential Businesses set forth in Paragraph 13 of this Order.

13) For purposes of this Order, Essential Businesses are defined as the following:

- a) Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, warehouse stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning or personal care products). This includes stores that sell groceries and other non-grocery products, such as products necessary to maintaining the safety, sanitation, and essential operation of residences. This does not include businesses that sell only prepackaged non-potentially hazardous food which is incidental to the primary retail business;
- b) Food processors, confectioners, food packagers, food testing labs that are not open to the public, and food cultivation, including farming, livestock, and fishing;
- c) Organizations and Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless service agencies);
- d) Newspapers, television, radio, magazine, podcast and journalism activities;
- e) Gas stations, auto-supply, mobile auto repair operations, auto repair shops (including, without limitation, auto repair shops adjacent to or otherwise in connection with a retail or used auto dealership), and bicycle repair shops and related facilities. This subparagraph (e) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
- f) Banks, credit unions, financial institutions and insurance companies;
- g) Hardware stores, nurseries; building supply stores;
- h) Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, 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;
- i) Businesses providing mailing and shipping services, including post office boxes;
- j) Educational institutions (including public and private K-12 schools, colleges, and universities) for purposes of facilitating distance learning, providing meals for pick-up, or performing Minimum Basic Operations, provided that Social Distancing is practiced;
- k) Laundromats, dry cleaners, laundry service providers;
- l) Restaurants and other food facilities that prepare and serve food, but only for delivery, drive thru or carry out. Indoor and outdoor table dining is not permitted. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or other licensed health care facilities may provide dine-in service, as long as Social Distancing is practiced;
- m) Businesses that supply office or computer products needed by people who work from home;
- n) Businesses that supply other Essential Businesses with the support or supplies necessary to operate. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- o) Non-manufacturing, transportation or distribution businesses that ship, truck, transport, or provide logistical support to deliver groceries, food, goods or services directly to residences, Essential Businesses, Healthcare Operations, and Essential Infrastructure. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;

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- p) Airlines, taxis, ride sharing services and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;
 - q) Businesses that manufacture parts and provide necessary service for Essential Infrastructure;
 - r) Home-based care for seniors, adults, disabled persons, or children;
 - s) Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals;
 - t) Professional services, such as legal, payroll or accounting services, when necessary to assist in compliance with legally mandated activities, and the permitting, inspection, construction, transfer and recording of ownership of housing, including residential and commercial real estate and anything incidental thereto, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in-person visits are not allowed when the occupant is still residing in the residence);
 - u) Military/Defense Contractors/FFRDC (Federally Funded Research and Development Centers). For purposes of this Order, essential personnel may leave their residence to provide any service or perform any work deemed essential for national security including, but not limited to defense, intelligence and aerospace development and manufacturing for the Department of Defense, the Intelligence Community, and NASA and other federal government, and or United States Government departments and agencies. Essential personnel include prime, sub-primes, and supplier contractor employees, at both the prime contract level and any supplier levels at any tier, working on federal United States Government contracts such as contracts rated under the Defense Priorities and Allocations System (DPAS) and contracts for national intelligence and national security requirements;
 - v) 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 10 or fewer ("stable" means the same ten (10) 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 (1) 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;
 - w) Hotels, motels, shared rental units and similar facilities;
 - x) Construction, which includes the operation, inspection, and maintenance of construction sites and construction projects for construction of commercial, office and institutional buildings, residential and housing construction;
 - y) Manufacturers and retailers of fabric or cloth that is made into personal protective equipment, such as, face coverings. These businesses may provide their products to purchasers by delivery or pick-up but may not be open to the public;
- 14) For purposes of this Order, "Social Distancing" means: (1) Maintaining at least six-feet of physical distance from individuals who are not part of the same household; (2) Frequently washing hands with soap and water for at least 20 seconds or using hand sanitizer that contains at least 60% alcohol; (3) Wearing a cloth face covering while out in public when in contact with others, not including members of a single household or living unit; and (4) Avoiding all social interaction outside the household when sick with fever or cough.
- 15) This Order does not prohibit persons from leaving their residences to perform any work necessary or provide any services to or obtain services from the following Essential Infrastructure and Healthcare Operations:
- a) Healthcare Operations are hospitals, clinics, laboratories, dentists, pharmacies, physical therapists and chiropractors, pharmaceutical and biotechnology companies, other licensed healthcare facilities, healthcare suppliers, home healthcare service providers, mental or behavioral health providers, alcohol and drug treatment providers, cannabis dispensaries with a medicinal cannabis license and all other

required state and local licenses, medical or scientific research companies, or any related and/or ancillary healthcare services, manufacturers, distributors and servicers of medical devices, diagnostics, and equipment, veterinary care, and all healthcare provided to animals. This exemption shall be construed to avoid any impact to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar exercise or training facilities.

- b) Essential Infrastructure, for purposes of this Order, is defined as public health operations, public works construction, airport operations, port operations, food supply, water, sewer, gas, electrical, oil extraction and refining, roads and highways, public transportation, solid waste collection, removal and processing, flood control and watershed protection, cemeteries, mortuaries, crematoriums, and internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services), and manufacturing and distribution companies deemed essential as part of the Essential Infrastructure supply chain, provided that they carry out those services or that work in compliance with Social Distancing requirements, to the extent practicable.

ADDITIONAL TERMS

- 16) This Order does not, in any way, restrict: (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.
- 17) Operators of non-essential businesses that are required to cease in-person operations, but may continue to work from home, may travel to those businesses for purposes of Minimum Basic Operations, which means:
 - a) The minimum necessary activities to maintain and protect the value of the business's inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits;
 - b) The minimum necessary activities to facilitate owners, employees, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its services remotely.
- 18) The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website (www.publichealth.lacounty.gov), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, and (d) issuing a press release to publicize the Order throughout the county).
 - (a) The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
 - (b) Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Los Angeles County Department of Public Health's website (www.publichealth.lacounty.gov) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
- 19) If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
- 20) This Order incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
ORDER OF THE HEALTH OFFICER



- 21) This Order is issued in light of the March 19, 2020 Order of the State Public Health Officer, (the "State Shelter Order") which set the 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. This Order adopts in certain respects more stringent restrictions addressing the particular facts and circumstances in the County of Los Angeles Public Health Jurisdiction, which are necessary to control the public health emergency as it is evolving. Without this tailored set of restrictions that further reduce the number of interactions between persons, scientific evidence indicates that the public health crisis will worsen to the point at which it may overtake available healthcare resources within the County of Los Angeles and increase the death rate.
- 22) Where a conflict exists between this Order and any state public health order related to controlling the spread of COVID-19 during this pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080, except where the State Health Officer may issue an order expressly directed at this Order or a provision of this Order and based upon a finding that a provision of this Order constitutes a menace to the public health, any more restrictive measures in this Order may continue to apply and control in the County of Los Angeles Public Health Jurisdiction.
- 23) Pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and all chiefs of police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement of 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.
- 24) This Order shall become effective immediately on April 10, 2020 and will continue to be in effect until 11:59 p.m. on May 15, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:

A handwritten signature in blue ink, appearing to read "Muntu Davis", is written over a horizontal line.

Muntu Davis, M.D., M.P.H.

Health Officer,
County of Los Angeles

A handwritten date "APRIL 10, 2020" in blue ink is written over a horizontal line.

Date

Appendix A: Social Distancing Protocol

Business name: _____

Facility Address: _____

Approximate gross square footage
of space open to the public: _____

Businesses must implement all applicable measures listed below and be prepared to explain why any measure that is not implemented is inapplicable to the business.

A. SIGNAGE

- ☐ Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another.
- ☐ Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

B. MEASURES TO PROTECT EMPLOYEE HEALTH (CHECK ALL THAT APPLY TO THE FACILITY)

- ☐ Everyone who can carry out their work duties from home has been directed to do so.
- ☐ All employees have been told not to come to work if sick.
- ☐ Symptom checks are being conducted before employees may enter the workspace.
- ☐ All employees that have contact during their shift(s) with the public or other employees are offered, at no-cost, a cloth face covering to be used at work when interacting with them.
- ☐ All desks or individual workstations are separated by at least six feet.
- ☐ Break rooms, restrooms, and other common areas are being disinfected frequently, on the following schedule:
 - ☐ Break rooms: _____
 - ☐ Restrooms: _____
 - ☐ Other: _____
- ☐ Disinfectant and related supplies are available to all employees at the following location(s): _____
- ☐ Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): _____
- ☐ Soap and water are available to all employees at the following location(s): _____
- ☐ Employees are allowed frequent breaks to wash their hands.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
ORDER OF THE HEALTH OFFICER



☐ Copies of this Protocol have been distributed to all employees.

☐ Optional—Describe other measures:

C. MEASURES TO PREVENT CROWDS FROM GATHERING
(CHECK ALL THAT APPLY TO THE FACILITY)

☐ Limit the number of customers in the store at any one time, which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

Maximum number of customers in the facility:

☐ Post an employee at the door to ensure the maximum number of customers in the facility is not exceeded.

☐ Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain:

☐ Optional—Describe other measures:

D. MEASURES TO KEEP PEOPLE AT LEAST SIX FEET APART
(CHECK ALL THAT APPLY TO THE FACILITY)

☐ Placing signs outside the store reminding people to be at least six feet apart, including when in line.

☐ Placing tape or other markings at least six feet apart in customer line areas inside the store and on walkways at public entrances with signs directing customers to use the markings to maintain distance.

☐ Separate order areas from delivery areas to prevent customers from gathering.

☐ All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.

☐ Optional—Institute one-way aisles to facilitate Social Distancing.

☐ Optional—Describe other measures:

E. MEASURES TO PREVENT UNNECESSARY CONTACT (CHECK ALL THAT APPLY TO THE FACILITY)

☐ Preventing people from self-serving any items that are food-related.

☐ All items are pre-packaged in sealed containers by staff.

☐ Bulk-item food bins are not available for customer self-service use.

☐ Food samples are prohibited.

☐ Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.
Describe:

☐ Optional—Describe other measures (e.g. providing senior-only hours):

F. MEASURES TO INCREASE SANITIZATION (CHECK ALL THAT APPLY TO THE FACILITY)

- ☐ Restrooms normally open to the public shall remain open to the public.
 - ☐ Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
 - ☐ Employee(s) assigned to disinfect carts and baskets frequently, preferably after each use.
 - ☐ Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
 - ☐ Disinfecting all payment portals, pens, and styluses after each use.
 - ☐ Disinfecting all high-contact surfaces frequently.
 - ☐ Optional- Describe other measures:
-

**Any additional measures not included above should be listed on separate pages,
which the business should attach to this document.**

**You may contact the following person with any
questions or comments about this protocol:**

**Business
Contact Name:**

Phone number:
