

1 DONNA R. ZIEGLER [SBN 142415]  
County Counsel  
2 RAYMOND L. MACKAY [SBN 113230]  
Senior Deputy County Counsel  
3 Office of the County Counsel  
4 COUNTY OF ALAMEDA  
1221 Oak Street, Suite 450  
5 Oakland, California 94612  
Telephone: (510) 272-6700  
6 *Attorneys for Defendants County of Alameda,*  
7 *Gregory J. Ahern and Erica Pan*

8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11  
12 JANICE ALTMAN, et al.,  
13 Plaintiffs,  
14 v.  
15 COUNTY OF SANTA CLARA, *et al.*,  
16 Defendants.

Case No.: 4:20-cv-02180-JST

**DECLARATION OF COUNSEL  
RAYMOND L. MACKAY IN SUPPORT  
OF MOTION TO DISMISS PLAINTIFFS’  
FIRST AMENDED COMPLAINT**  
[FRCP Rule 12(b)(1) and (b)(6)]

Hearing Date: August 12, 2020  
Hearing Time: 2 PM  
Courtroom: 6, 2nd Floor  
Location: 1301 Clay St., Oakland, CA  
Judge: The Hon. Jon S. Tigar

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20 I, Raymond L MacKay, declare:

21 1. I am an attorney at law duly licensed to practice before this Court and a Senior Deputy  
22 with the Office of the County Counsel, counsel of record for Defendants County of Alameda, Gregory  
23 J. Ahern, and Erica Pan, M.D. This Declaration is respectfully submitted in support of Defendants’  
24 Motion to Dismiss Plaintiffs’ First Amended Complaint (ECF No. 19).

25 2. Each of the Public Health Orders issued by the County of Alameda Public Health  
26 Officer cited in the County Defendants’ papers are found at the County’s Public Health Department  
27 website: <http://www.acphd.org/2019-ncov/health-officer-orders.aspx>. The County Defendants attach  
28 courtesy copies of those Orders to this Declaration.

1           3.       Attached as **Exhibit A** is a true and correct copy of the March 16, 2020 Order of the  
2 County Interim Public Health Officer for the County of Alameda. Previously, a copy of this same  
3 Order was filed with the Court on May 1, 2020 as part of the Declaration of Erica Pan. See ECF No.  
4 46-6 at 11-17 of 60.

5           4.       Attached as **Exhibit B** is a true and correct copy of the March 31, 2020 Order No. 20-  
6 04 of the County Interim Public Health Officer for the County of Alameda. Previously, a copy of this  
7 same Order was filed with the Court on May 1, 2020 as part of the Declaration of Erica Pan. See ECF  
8 No. 46-6 at 19-33 of 60.

9           5.       Attached as **Exhibit C** is a true and correct copy of the April 29, 2020 Order No. 20-10  
10 of the County Interim Public Health Officer for the County of Alameda. Previously, a copy of this  
11 same Order was filed with the Court on May 1, 2020 as part of the Declaration of Erica Pan. See ECF  
12 No. 46-6 at 35-60 of 60.

13           6.       Attached as **Exhibit D** is a true and correct copy of the May 18, 2020 Order No. 20-11  
14 of the County Interim Public Health Officer for the County of Alameda. Previously, a copy of this  
15 same Order was filed with the Court on May 19, 2020. See ECF No. 50 at 25-44 of 83.

16           7.       Attached as **Exhibit E** is a true and correct copy of the May 18, 2020 Order No. 20-12  
17 of the County Interim Public Health Officer for the County of Alameda.

18           8.       Attached as **Exhibit F** is a true and correct copy of the June 5, 2020 Order No. 20-13 of  
19 the County Interim Public Health Officer for the County of Alameda.

20           9.       Attached as **Exhibit G** is a true and correct copy of the June 5, 2020 Order No. 20-14  
21 of the County Interim Public Health Officer for the County of Alameda.

22           10.       Attached as **Exhibit H** is a true and correct copy of the June 5, 2020 (Revised June 18,  
23 2020) Order No. 20-14a of the County Interim Public Health Officer for the County of Alameda.

24           11.       Attached as **Exhibit I** is a screenshot of the homepage from the Livermore Pleasanton  
25 Rod & Gun Club at <https://lprg.org>.

26           12.       Attached as **Exhibit J** is a screenshot of the Livermore Pleasanton Rod & Gun Club's  
27 New Range opening times and rules-Updated at <https://lprg.org/new-range-times-rules>.

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1 I declare under penalty of perjury under the laws of the United States and the State of  
2 California that the foregoing is true and correct and within my personal knowledge. If called upon, I  
3 could competently testify thereto.  
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5 Dated this 1st day of July 2020, in Oakland California.  
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7 /s/ *Raymond L. Mackay*

8 RAYMOND L. MACKAY  
9 Senior Deputy County Counsel  
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# **EXHIBIT A**

**ORDER OF THE HEALTH OFFICER  
OF THE COUNTY OF ALAMEDA DIRECTING  
ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR  
PLACE OF RESIDENCE EXCEPT THAT THEY MAY LEAVE TO  
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR  
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR  
ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES;  
EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM  
THE SHELTER IN PLACE ORDER BUT URGING THEM TO FIND  
SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT;  
DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO  
CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN  
THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS  
OF ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF  
ALL NON-ESSENTIAL TRAVEL**

**DATE OF ORDER: MARCH 16, 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, *et seq.*)**

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

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their 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 should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 10 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
2. All individuals currently living within the County of Alameda (the “County”) are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10. Individuals

Order of the County Health Officer  
to Shelter in Place

experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

3. All businesses with a facility in the County, except Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 10. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.
4. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. Nothing in this Order prohibits the gathering of members of a household or living unit.
5. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 10, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and 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. Due to the outbreak of the COVID-19 virus in the general public, which is now 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 COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By

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to Shelter in Place

reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

7. This Order also is issued in light of the existence of 15 cases of COVID-19 in the County, as well as at least 258 confirmed cases and at least three deaths in the seven Bay Area jurisdictions jointly issuing this Order, as of 5 p.m. on March 15, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Health Officer will re-evaluate it as further data becomes available.
8. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and Governor Newsom's March 12, 2020 Executive Order N-25-20.
9. This Order comes after the release of substantial guidance from the County 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 a variety of prior orders 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.
10. Definitions and Exemptions.
  - a. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
    - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
    - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

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- iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.
  - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
  - v. To care for a family member or pet in another household.
- b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
- c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, 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 shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

Order of the County Health Officer  
to Shelter in Place



- f. For the purposes of this Order, “Essential Businesses” means:
- i. Healthcare Operations and Essential Infrastructure;
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). 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. Food cultivation, including farming, livestock, and fishing;
  - 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, auto-repair, and related facilities;
  - vii. Banks and related financial institutions;
  - viii. Hardware stores;
  - ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
  - x. Businesses providing mailing and shipping services, including post office boxes;
  - xi. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
  - xii. Laundromats, drycleaners, and laundry service providers;
  - xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. 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;
  - xiv. Businesses that supply products needed for people to work from home;
  - xv. Businesses that supply other essential businesses with the support or supplies necessary to operate;
  - xvi. Businesses that ship or deliver groceries, food, goods or services directly to residences;

- xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
  - xviii. Home-based care for seniors, adults, or children;
  - xix. Residential facilities and shelters for seniors, adults, and children;
  - xx. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
  - xxi. 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.
- g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
  - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
  - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - iv. Travel to return to a place of residence from outside the jurisdiction.
  - v. Travel required by law enforcement or court order.
  - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

Order of the County Health Officer  
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- i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.
  - j. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, 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, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
11. 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 to public health.
  12. This Order shall become effective at 12:01 a.m. on March 17, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
  13. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1225 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department’s website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.
  14. 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:**



Erica Pan, MD, MPH, FAAP

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Dr. Erica Pan  
Interim Health Officer of the County of Alameda

Dated: March 16, 2020

Order of the County Health Officer  
to Shelter in Place

# **EXHIBIT B**

**ORDER OF THE HEALTH OFFICER  
OF THE COUNTY OF ALAMEDA DIRECTING  
ALL INDIVIDUALS LIVING IN THE COUNTY TO CONTINUE  
SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT FOR  
ESSENTIAL NEEDS; CONTINUING TO EXEMPT HOMELESS  
INDIVIDUALS FROM THE ORDER BUT URGING GOVERNMENT  
AGENCIES TO PROVIDE THEM SHELTER AND HAND SANITATION  
FACILITIES; RESTRICTING ACCESS TO RECREATION AREAS;  
REQUIRING ESSENTIAL BUSINESSES TO IMPLEMENT SOCIAL  
DISTANCING PROTOCOLS; CLARIFYING AND FURTHER LIMITING  
ESSENTIAL BUSINESS ACTIVITIES, INCLUDING CONSTRUCTION;  
AND DIRECTING ALL BUSINESSES AND GOVERNMENTAL  
OPERATIONS TO FURTHER CEASE NON-ESSENTIAL OPERATIONS**

**DATE OF ORDER: MARCH 31, 2020  
No. 20-04**

**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, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1))**

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

1. This Order supersedes the March 16, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Shelter Order”). This Order clarifies, strengthens, and extends certain terms of the Prior Shelter Order to increase social distancing and reduce person-to-person contact in order to further slow transmission of Novel Coronavirus Disease 2019 (“COVID-19”). As of the effective date and time of this Order set forth in Section 16 below, all individuals, businesses, and government agencies in the County of Alameda (“County”) are required to follow the provisions of this Order.
2. The intent of this Order is to ensure that the maximum number of people shelter in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent. 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.

Order of the Alameda County Health Officer  
to Shelter in Place No. 20-04

3. All individuals currently living within the County are ordered to shelter at their place of residence. They may leave their residence only for Essential Activities, Essential Governmental Functions, Essential Travel, to work for Essential Businesses, or to perform Minimum Basic Operations for non-essential businesses, all as defined in Section 13. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to, as soon as possible, make such shelter available and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.
4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 13.k, except as expressly provided in this Order.
5. All businesses with a facility in the County, except Essential Businesses, as defined in Section 13.f, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 13.g. For clarity, all businesses may continue operations consisting exclusively of owners, employees, volunteers, or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. But Essential Businesses are directed to maximize the number of employees who work from home. Essential Businesses may only assign those employees who cannot perform their job duties from home to work outside the home. All Essential Businesses shall prepare, post, and implement a Social Distancing Protocol at each of their facilities at which they are maintaining operations, as specified in Section 13.h. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only; provided, however, that mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products. Essential Businesses must follow industry-specific guidance issued by the Health Officer related to COVID-19.
6. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits members of a single household or living unit from engaging in Essential Travel or Essential Activities together.
7. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel, as defined below in Section 13.i, is prohibited. People may use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses, maintain Essential Governmental Functions, or to perform Minimum Basic Operations at non-essential businesses. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 13.k, to the greatest extent feasible. This Order allows travel into or out of the County only to perform Essential

Activities, operate Essential Businesses, maintain Essential Governmental Functions, or perform Minimum Basic Operations at non-essential businesses.

8. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and 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. Due to the outbreak of the COVID-19 disease in the general public, which is now 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 the COVID-19 disease 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 interpersonal interactions can result in preventable transmission of the virus. This public health emergency has substantially worsened since the County issued the Prior Shelter Order on March 16, 2020, with a significant escalation in the number of positive cases, hospitalizations, and deaths, and increasing strain on health care resources. At the same time, evidence suggests that the restrictions on mobility and social distancing requirements imposed by the Prior Shelter Order 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. The scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission as much as possible to protect the most vulnerable, to prevent the health care system from being overwhelmed, and to prevent deaths. Extension of the Prior Shelter Order and strengthening of its restrictions are necessary to further reduce the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled.
9. This Order is also issued in light of the existence, as of March 29, 2020, of 254 cases of COVID-19 in the County, as well as at least 2,092 confirmed cases (up from 258 confirmed cases on March 15, 2020, just before the Prior Shelter Order) and at least 51 deaths (up from three deaths on March 15, 2020) in the seven Bay Area jurisdictions jointly issuing this Order, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. This Order is necessary to slow the rate of spread, and the Health Officer will re-evaluate it as further data becomes available.
10. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda

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to Shelter in Place No. 20-04

Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.

11. This Order is issued in light of evidence that the Prior Shelter Order has been generally effective in increasing social distancing, but that at this time additional restrictions are necessary to further mitigate the rate of transmission of COVID-19, to prevent the health care system from being overwhelmed, and prevent death. This Order comes after the release of substantial guidance from the County 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 an increasing number 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.
12. 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. The State Shelter Order was complementary to the Prior Shelter Order. This Order adopts in certain respects 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 and the Bay Area. Without this tailored set of restrictions that further reduces the number of 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. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the State Shelter Order, including limiting such travel to performance of Essential Travel or Essential Activities; sets forth mandatory Social Distancing Requirements for all individuals in the County when engaged in activities outside their residences; and adds a mechanism to ensure that Essential Businesses comply with the Social Distancing Requirements. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County.
13. Definitions and Exemptions.
  - a. For the purposes of this Order, individuals may leave their residence only to perform the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their

Order of the Alameda County Health Officer  
to Shelter in Place No. 20-04



residence to the extent possible, except as necessary to seek or provide medical care or Essential Governmental Functions. Essential Activities are:

- i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, products needed to work from home, or products necessary to maintain the habitability, sanitation, and operation of residences.
- iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:
  1. Outdoor recreation activity at parks, beaches, and other open spaces must be in conformance with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking, or closure to all public access;
  2. Use of recreational areas with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, outdoor gym equipment, picnic areas, dog parks, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers;
  3. Use of shared facilities for recreational activities outside of residences, including, but not limited to, golf courses, tennis and pickle ball courts, rock parks, climbing walls, pools, spas, shooting and archery ranges, gyms, disc golf, and basketball courts is prohibited and those areas must be closed for recreational purposes, including by signage and, as appropriate, by physical barriers. Such facilities may be repurposed during the emergency to provide essential services needed to address the COVID-19 pandemic; and
  4. Sports or activities that include the use of shared equipment may only be engaged in by members of the same household or living unit.

- iv. To perform work for an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.
  - v. To provide necessary care for a family member or pet in another household who has no other source of care.
  - vi. To attend a funeral with no more than 10 individuals present.
  - vii. To move residences, but only if it is not possible to defer an already planned move, if the move is necessitated by safety, sanitation, or habitability reasons, or if the move is necessary to preserve access to shelter. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.
- b. For the purposes of this Order, individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.
- c. For the purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).
- d. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential

Governmental Functions, including the hiring or retention of new employees or contractors to perform such functions. Each governmental entity 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 performed in compliance with Social Distancing Requirements to the greatest extent feasible.

- e. For the purposes of this Order, 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.
- f. For the purposes of this Order, “Essential Businesses” are:
  - i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food.
  - iii. Food cultivation, including farming, livestock, and fishing;
  - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
  - v. Construction, but only of the types listed in this subparagraph below:
    - 1. Projects immediately necessary to the maintenance, operation, or repair of Essential Infrastructure;
    - 2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
    - 3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
    - 4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
    - 5. Shelters and temporary housing, but not including hotels or motels;
    - 6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons,

- persons who are economically disadvantaged, and persons with special needs;
7. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and
  8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed;
- vi. Newspapers, television, radio, and other media services;
  - vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services (and not, by way of example, car sales or car washes). This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
  - viii. Bicycle repair and supply shops;
  - ix. Banks and related financial institutions;
  - x. Service providers that enable residential transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, 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);
  - xi. Hardware stores;
  - xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of residences and Essential Businesses, but not for cosmetic or other purposes;
  - xiii. Arborists, landscapers, gardeners, and similar service professionals, but only to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees, or the public (such as fire safety or tree trimming to prevent a dangerous condition), and not for cosmetic or other purposes (such as upkeep);
  - xiv. Businesses providing mailing and shipping services, including post office boxes;
  - xv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
  - xvi. Laundromats, drycleaners, and laundry service providers;

- xvii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. 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;
- xviii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
- xix. Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- xx. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
- xxi. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xxii. Home-based care for seniors, adults, children, and pets;
- xxiii. Residential facilities and shelters for seniors, adults, and children;
- xxiv. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities;
- xxv. Services to assist individuals in finding employment with Essential Businesses;
- xxvi. Moving services that facilitate residential or commercial moves that are allowed under this Order;
- xxvii. Childcare facilities providing services that enable owners, employees, volunteers, and contractors for Essential Businesses or Essential Governmental Functions to work as permitted. Children of owners, employees, volunteers, and contractors who are not exempt under this Order may not attend childcare facilities. To the extent possible, childcare facilities must operate under the following 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.
- g. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, employees, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- i. 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; provide for the delivery of existing inventory directly to residences or businesses; and related functions.
  - ii. 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 service remotely.
- h. For the purposes of this Order, all Essential Businesses must prepare and post by no later than 11:59 p.m. on April 2, 2020 a “Social Distancing Protocol” for each of their facilities in the County 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 business is achieving the following, as applicable:
- i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete the Essential Business activity;
  - ii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
  - iii. 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);
  - iv. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
  - v. Regularly disinfecting other high-touch surfaces; and

- vi. Posting a sign at the entrance of the facility informing 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; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact.
  - vii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).
- i. For the purposes of this Order, "Essential Travel" means travel for any of the following purposes:
- i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
  - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities.
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - iv. Travel to return to a place of residence from outside the County.
  - v. Travel required by law enforcement or court order.
  - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
  - vii. Travel to manage after-death arrangements and burial.
  - viii. Travel to arrange for shelter or avoid homelessness.
  - ix. Travel to avoid domestic violence or child abuse.
  - x. Travel for parental custody arrangements.
  - xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.
- j. For purposes of this Order, "residences" include hotels, motels, shared rental units and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- k. For purposes of this Order, "Social Distancing Requirements" means:
- i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit;
  - ii. 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 as effective in combatting COVID-19;

- iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands); and
- iv. Avoiding all social interaction outside the household when sick with a fever or cough.

All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order.

14. 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. Also, 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 Centers for Disease Control and Prevention 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>).
15. 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.
16. This Order shall become effective at 11:59 p.m. on March 31, 2020 and will continue to be in effect until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
17. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website ([acphd.org](http://acphd.org)); and (3) provided to any member of the public requesting a copy of this Order.



18. If any provision of this Order to its application to any person or circumstance is held to be invalid, the reminder 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:**

A handwritten signature in blue ink, appearing to read "Erica Pan".

Dr. Erica Pan  
Interim Health Officer of the County of Alameda

Dated: March 31, 2020

Attachments: Appendix A – Social Distancing Protocol

## **Appendix A: Social Distancing Protocol**

Business name: Click or tap here to enter text.

Facility Address: Click or tap here to enter text.

Approximate gross square footage of space open to the public: Click or tap here to enter text.

**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.**

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### **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; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any unnecessary physical contact.

Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

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### **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 work space.

All desks or individual work stations are separated by at least six feet.

Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Break rooms:

Bathrooms:

Other (Click or tap here to enter text.): Click or tap here to enter text.

Disinfectant and related supplies are available to all employees at the following location(s): Click or tap here to enter text.

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): Click or tap here to enter text.

Soap and water are available to all employees at the following location(s): Click or tap here to enter text.

Copies of this Protocol have been distributed to all employees.

Optional—Describe other measures: Click or tap here to enter text.

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### **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 to Click or tap here to enter text.[insert maximum number here], which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain: Click or tap here to enter text.

**Appendix A: Social Distancing Protocol**

Optional—Describe other measures: [Click or tap here to enter text.](#)

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**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 sidewalks 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—Describe other measures: [Click or tap here to enter text.](#)

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**Measures To Prevent Unnecessary Contact (check all that apply to the facility):**

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

Lids for cups and food-bar type items are provided by staff; not to customers to grab.

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

Not permitting customers to bring their own bags, mugs, or other reusable items from home.

Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.  
Describe: [Click or tap here to enter text.](#)

Optional—Describe other measures (e.g. providing senior-only hours): [Click or tap here to enter text.](#)

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**Measures To Increase Sanitization (check all that apply to the facility):**

Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.

Employee(s) assigned to disinfect carts and baskets regularly.

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: [Click or tap here to enter text.](#)

\* Any additional measures not included here 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:**

**Name:** [Click or tap here to enter text.](#)

**Phone number:** [Click or tap here to enter text.](#)

# **EXHIBIT C**



## **ORDER OF THE HEALTH OFFICER NO. 20-10**

### **ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA DIRECTING ALL INDIVIDUALS IN THE COUNTY TO CONTINUE SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT FOR ESSENTIAL NEEDS AND IDENTIFIED OUTDOOR ACTIVITIES IN COMPLIANCE WITH SPECIFIED REQUIREMENTS; CONTINUING TO EXEMPT HOMELESS INDIVIDUALS FROM THE ORDER BUT URGING GOVERNMENT AGENCIES TO PROVIDE THEM SHELTER; REQUIRING ALL BUSINESSES AND RECREATION FACILITIES THAT ARE ALLOWED TO OPERATE TO IMPLEMENT SOCIAL DISTANCING, FACE COVERING, AND CLEANING PROTOCOLS; AND DIRECTING ALL BUSINESSES, FACILITY OPERATORS, AND GOVERNMENTAL AGENCIES TO CONTINUE THE TEMPORARY CLOSURE OF ALL OTHER OPERATIONS NOT ALLOWED UNDER THIS ORDER**

**DATE OF ORDER: APRIL 29, 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, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1))**

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

1. This Order supersedes the March 31, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Order”). This Order amends, clarifies, and extends certain terms of the Prior Order to ensure continued social distancing and limit person-to-person contact to reduce the rate of transmission of Novel Coronavirus Disease 2019 (“COVID-19”). This Order continues to restrict most activity, travel, and governmental and business functions. But in light of progress achieved in slowing the spread of COVID-19 in the County of Alameda (the “County”) and neighboring counties, the Order allows a limited number of additional Essential Businesses and certain lower risk Outdoor Businesses (both as defined in Section 16 below) to resume operating. This initial, measured resumption 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

Order of the County Health Officer  
to Shelter in Place (April 29, 2020)



ongoing basis and may need to be modified if the risk associated with COVID-19 increases in the future. As of the effective date and time of this Order set forth in Section 19 below, all individuals, businesses, and government agencies in the County are required to follow the provisions of this Order.

2. 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. This Order allows a limited number of additional essential and outdoor business activities to resume while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 and monitors indicators described in Section 11. All provisions of this Order must be interpreted to effectuate this intent. 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. All individuals currently living within the County are ordered to shelter at their place of residence. They may leave their residence only for: Essential Activities as defined in Section 16.a and Outdoor Activities as defined in Section 16.m; Essential Governmental Functions as defined in Section 16.d; Essential Travel as defined in Section 16.i, to work for Essential Businesses as defined in Section 16.f, and Outdoor Businesses as defined in Section 16.l; or to perform Minimum Basic Operations for other businesses that must remain temporarily closed, as provided in Section 16.g. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when in the County. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to, as soon as possible, make such shelter available and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.
4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 16.k, except as expressly provided in this Order, and must wear Face Coverings as provided in Health Officer Order No. 20-08 (the "Face Covering Order").
5. All businesses with a facility in the County, except Essential Businesses and Outdoor Businesses, as defined in Section 16, are required to have ceased activities at facilities located within the County except Minimum Basic Operations, as defined in Section 16. For clarity, all businesses may continue operations consisting exclusively of owners, personnel, volunteers, or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. But all businesses are directed to maximize the number of personnel who work from home. Essential Businesses and Outdoor Businesses may only assign those personnel who cannot perform their job duties from home to work outside the home. Outdoor



Businesses must conduct all business and transactions involving members of the public outdoors.

6. As a condition of operating under this Order, the operators of all businesses must prepare or update, post, implement, and distribute to their personnel a Social Distancing Protocol for each of their facilities in the County frequented by personnel or members of the public, as specified in Section 16.h. Businesses that include an Essential Business or Outdoor Business component at their facilities alongside other components must, to the extent feasible, scale down their operations to the Essential Business and Outdoor Business components only; provided, however, mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products. All businesses allowed to operate under this Order must follow any industry-specific guidance issued by the Health Officer related to COVID-19.
7. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits members of a single household or living unit from engaging in Essential Travel, Essential Activities, or Outdoor Activities together.
8. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel, as defined below in Section 16.i, is prohibited. People may use public transit only for purposes of performing Essential Activities and Outdoor Activities, or to travel to and from work for Essential Businesses or Outdoor Businesses, to maintain Essential Governmental Functions, or to perform Minimum Basic Operations at non-essential businesses. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 16.k, to the greatest extent feasible, and personnel and passengers must wear Face Coverings as required by the Face Covering Order. This Order allows travel into or out of the County only to perform Essential Activities and Outdoor Activities, to operate or perform work for Essential Businesses or Outdoor Businesses, to maintain Essential Governmental Functions, or to perform Minimum Basic Operations at non-essential businesses.
9. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; 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 the COVID-19 disease in the general public,

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which is now 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 the COVID-19 disease 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, gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus.

10. 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 April 27, 2020, there are 1,483 confirmed cases of COVID-19 in the County (up from 19 on March 15, 2020, just before the first shelter-in-place order) as well as at least 7,273 confirmed cases (up from 258 confirmed cases on March 15, 2020) and at least 266 deaths (up from 3 deaths on March 15, 2020) in the seven Bay Area jurisdictions jointly issuing this Order. 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 Prior Order (and the March 16, 2020 shelter-in-place order) 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.
  
11. The local health officers who jointly issued the Prior Order are monitoring several key indicators ("COVID-19 Indicators"), which are among the many factors informing their decisions whether to modify existing shelter-in-place restrictions. Progress on some of these COVID-19 Indicators—specifically related to case and hospitalization trends and adequate current hospital capacity—makes it appropriate, at this time, to ease certain restrictions imposed by the Prior Order to allow individuals to engage in a limited set of additional activities and perform work for a limited set of additional businesses associated with the lower risk of COVID-19 transmission, as set forth in Section 16.1. But the continued prevalence of the virus that causes COVID-19 requires most activities and business functions to remain restricted, and those activities that are permitted to occur must do so subject to social distancing and other infection control practices identified by the Health Officer. Progress on the COVID-19 Indicators will be critical to determinations by the local health officers regarding whether the restrictions imposed by this Order may be further modified. The Health Officer will continually review whether modifications to the Order are justified 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.
12. 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. Extension of the Prior Order is necessary to slow the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled. At the same time, since the Prior Order was issued the County has made significant progress in expanding health system capacity and healthcare resources and in slowing community transmission of COVID-19. In light of progress on these indicators, and subject to continued monitoring and potential public health-based responses, it is appropriate at this time to allow additional Essential Businesses and Outdoor Businesses to operate in the County. Outdoor Businesses, by virtue of their operation outdoors, carry a lower risk of transmission than most indoor businesses. Because Outdoor Businesses, as defined in section 16.1, generally involve only brief and limited person-to-person interactions, they also carry lower risk of transmission than business activities prohibited under the Order, which tend to involve prolonged interactions between individuals in close proximity or in confined spaces where transmission is more likely. Existing Outdoor Businesses also constitute a relatively small proportion of business activity in the County, and therefore do not substantially increase the volume of interaction between persons in the County when reopened.

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13. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.
14. 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.
15. 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. The State Shelter Order was complementary to the Prior Order and is complementary to this Order. This Order adopts in certain respects 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 and the Bay Area. Without this tailored set of restrictions that further reduces the number of 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. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the State Shelter Order; sets forth mandatory Social Distancing Requirements for all individuals in the County when engaged in activities outside their residences; and adds a mechanism to ensure that all businesses with facilities that are allowed to operate under the Order comply with the Social Distancing Requirements. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. In addition, to the extent any federal guidelines allow activities that are not allowed by this Order, this Order controls and those activities are not allowed.

16. Definitions and Exemptions.

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- a. For the purposes of this Order, individuals may leave their residence only to perform the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their residence to the extent possible, except as necessary to seek or provide medical care or Essential Governmental Functions. Essential Activities are:
  - i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
  - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, products needed to work from home, or products necessary to maintain the habitability, sanitation, and operation of residences.
  - iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:
    1. Outdoor recreation activity at parks, beaches, and other open spaces must comply with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking, or closure to all public access;
    2. Use of outdoor recreational areas and facilities with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, gym equipment, climbing walls, picnic areas, dog parks, pools, spas, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers;
    3. Sports or activities that include the use of shared equipment or physical contact between participants may only be engaged in by members of the same household or living unit.
    4. Use of shared outdoor facilities for recreational activities that may occur outside of residences consistent with the restrictions set forth



in subsections 1, 2, and 3, above, including, but not limited to, golf courses, skate parks, and athletic fields, must, before they may begin, comply with social distancing and health/safety protocols posted at the site and any other restrictions, including prohibitions, on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19.

- iv. To perform work for or access an Essential Business, Outdoor Business, or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.
  - v. To provide necessary care for a family member or pet in another household who has no other source of care.
  - vi. To attend a funeral with no more than 10 individuals present.
  - vii. To move residences. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.
- b. For the purposes of this Order, individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.
- c. For the purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).



- d. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County. Each governmental entity 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 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 performed in compliance with Social Distancing Requirements to the greatest extent feasible.
- e. For the purposes of this Order, 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.
- f. For the purposes of this Order, “Essential Businesses” are:
  - i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food.
  - iii. Food cultivation, including farming, livestock, and fishing;
  - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
  - v. Construction, but only as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and



incorporated into this Order by this reference. Public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer;

- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services. This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
- viii. Bicycle repair and supply shops;
- ix. Banks and related financial institutions;
- x. Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate 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 present in the residence);
- xi. Hardware stores;
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of residences and Essential Businesses;
- xiii. Businesses providing mailing and shipping services, including post office boxes;
- xiv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, or as allowed under subparagraph xxvi, provided that social distancing of six feet per person is maintained to the greatest extent possible;
- xv. Laundromats, drycleaners, and laundry service providers;
- xvi. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. 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;

- xvii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
- xviii. Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- xix. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
- xx. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xxi. Home-based care for seniors, adults, children, and pets;
- xxii. Residential facilities and shelters for seniors, adults, and children;
- xxiii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity;
- xxiv. Services to assist individuals in finding employment with Essential Businesses;
- xxv. Moving services that facilitate residential or commercial moves that are allowed under this Order; and
- xxvi. Childcare establishments, summer camps, and other educational or recreational institutions or programs providing care or supervision for children of all ages that enable owners, employees, volunteers, and contractors for Essential Businesses, Essential Governmental Functions, Outdoor Businesses, or Minimum Basic Operations to work as allowed under this Order. To the extent possible, these operations must comply with the following conditions:
  - 1. They must be carried out in stable groups of 12 or fewer children (“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 at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. Providers or educators shall remain solely with one group of children.

The Health Officer will carefully monitor the changing public health situation as well as any changes to the State Shelter Order. In the event that the State relaxes restrictions on childcare and related institutions and programs, the Health Officer will consider whether to similarly relax the restrictions imposed by this Order.

- g. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, personnel, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
  - i. 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; provide for the delivery of existing inventory directly to residences or businesses; and related functions. For clarity, this section does not permit businesses to provide curbside pickup to customers.
  - ii. The minimum necessary activities to facilitate owners, personnel, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.
- h. For the purposes of this Order, all businesses that are operating at facilities in the County visited or used by the public or personnel must, as a condition of such operation, prepare and post a “Social Distancing Protocol” for each of these facilities; provided, however, that construction activities shall instead comply with the Construction Project Safety Protocols set forth in Appendix B and not the Social Distancing Protocol. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A, and it must be updated from prior versions to address new requirements listed in this Order or in related guidance or directives from the Health Officer. 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 personnel. A copy of the Social Distancing Protocol must also be provided to each person performing work at the facility. All businesses subject to this paragraph 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 business is achieving the following, as applicable:





- i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete Essential Business activity;
  - ii. Requiring face coverings to be worn by all persons entering the facility, other than those exempted from face covering requirements (e.g. young children);
  - iii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
  - iv. 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 personnel, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
  - v. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
  - vi. Regularly disinfecting other high-touch surfaces;
  - vii. Posting a sign at the entrance of the facility informing all personnel and customers that they should: avoid entering the facility if they have any COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact; and
  - viii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).
- i. For the purposes of this Order, "Essential Travel" means travel for any of the following purposes:
    - i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Minimum Basic Operations, Outdoor Activities, and Outdoor Businesses.
    - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities.
    - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.



- iv. Travel to return to a place of residence from outside the County.
  - v. Travel required by law enforcement or court order.
  - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
  - vii. Travel to manage after-death arrangements and burial.
  - viii. Travel to arrange for shelter or avoid homelessness.
  - ix. Travel to avoid domestic violence or child abuse.
  - x. Travel for parental custody arrangements.
  - xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.
- j. For purposes of this Order, “residences” include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- k. For purposes of this Order, “Social Distancing Requirements” means:
- i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit;
  - ii. 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 as effective in combatting COVID-19;
  - iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands);
  - iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer; and
  - v. Avoiding all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.

All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this



Order. Outdoor Activities and Outdoor Businesses must strictly adhere to these Social Distancing Requirements.

1. For purposes of this Order, “Outdoor Businesses” means:
  - i. The following businesses that normally operated primarily outdoors prior to March 16, 2020 and where there is the ability to fully maintain social distancing of at least six feet between all persons:
    1. Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers.
    2. Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.

For clarity, “Outdoor Businesses” do not include outdoor restaurants, cafes, or bars.

- m. For purposes of this Order, “Outdoor Activities” means:
  - i. To obtain goods, services, or supplies from, or perform work for, an Outdoor Business.
  - ii. To engage in outdoor recreation as permitted in Section 16.a.

17. 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. Also, 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 Centers for Disease Control and Prevention 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>).

18. 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.

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- 19. This Order shall become effective at 11:59 p.m. on May 3, 2020 and will continue to be in effect until 11:59 p.m. on May 31, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
- 20. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department’s website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.
- 21. 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:**

Dr. Erica Pan  
Interim Health Officer of the County of Alameda

Dated: April 29, 2020

- Attachments: Appendix A – Social Distancing Protocol  
 Appendix B1 – Small Construction Project Safety Protocol  
 Appendix B2 – Large Construction Project Safety Protocol

**Appendix A: Social Distancing Protocol (Updated April 29, 2020)**

Business name: Click or tap here to enter text.

Facility Address: Click or tap here to enter text.

Approximate gross square footage of space open to the public: Click or tap here to enter text.

**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.**

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**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 COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; wear face coverings, as appropriate; and not shake hands or engage in any unnecessary physical contact.

Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

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**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 work space.

Employees are required to wear face coverings, as appropriate.

All desks or individual work stations are separated by at least six feet.

Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Break rooms:

Bathrooms:

Other (Click or tap here to enter text.): Click or tap here to enter text.

Disinfectant and related supplies are available to all employees at the following location(s): Click or tap here to enter text.

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): Click or tap here to enter text.

Soap and water are available to all employees at the following location(s): Click or tap here to enter text.

Copies of this Protocol have been distributed to all employees.

Optional—Describe other measures: Click or tap here to enter text.

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**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 to Click or tap here to enter text., which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

**Appendix A: Social Distancing Protocol (Updated April 29, 2020)**

Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain: [Click or tap here to enter text.](#)

Optional—Describe other measures: [Click or tap here to enter text.](#)

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**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 sidewalks 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—Describe other measures: [Click or tap here to enter text.](#)

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**Measures To Prevent Unnecessary Contact (check all that apply to the facility):**

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

Lids for cups and food-bar type items are provided by staff; not to customers to grab.

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

Not permitting customers to bring their own bags, mugs, or other reusable items from home.

Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly. Describe: [Click or tap here to enter text.](#)

Optional—Describe other measures (e.g. providing senior-only hours): [Click or tap here to enter text.](#)

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**Measures To Increase Sanitization (check all that apply to the facility):**

Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.

Employee(s) assigned to disinfect carts and baskets regularly.

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 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: [Click or tap here to enter text.](#)

\* Any additional measures not included here should be listed on separate pages and attached to this document.

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

**Name:** [Click or tap here to enter text.](#)

**Phone number:** [Click or tap here to enter text.](#)

## Appendix B-1

### Small Construction Project Safety Protocol

1. Any construction project meeting any of the following specifications is subject to this Small Construction Project Safety Protocol (“SCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
  - a. For residential projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of 10 units or less. This SCP Protocol does not apply to construction projects where a person is performing construction on their current residence either alone or solely with members of their own household.
  - b. For commercial projects, any construction, renovation, or tenant improvement project consisting of 20,000 square feet of floor area or less.
  - c. For mixed-use projects, any project that meets both of the specifications in subsection 1.a and 1.b.
  - d. All other construction projects not subject to the Large Construction Project Safety Protocol set forth in Appendix B-2.
2. The following restrictions and requirements must be in place at all construction job sites subject to this SCP Protocol:
  - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference, or discrepancy between or among applicable laws and regulations and/or this SCP Protocol, the stricter standard shall apply.
  - b. Designate a site-specific COVID-19 supervisor or supervisors to enforce this guidance. A designated COVID-19 supervisor must be present on the construction site at all times during construction activities. A COVID-19 supervisor may be an on-site worker who is designated to serve in this role.
  - c. The COVID-19 supervisor must review this SCP Protocol with all workers and visitors to the construction site.
  - d. Establish a daily screening protocol for arriving staff to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exits to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
  - e. Practice social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the construction project.

## Appendix B-1

- f. Where construction work occurs within an occupied residential unit, separate work areas must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.
- g. Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, separate work areas must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.
- h. Prohibit gatherings of any size on the jobsite, including gatherings for breaks or eating, except for meetings regarding compliance with this protocol or as strictly necessary to carry out a task associated with the construction project.
- i. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Sharing of any of any food or beverage is strictly prohibited and if sharing is observed, the worker must be sent home for the day.
- j. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE unless required due to the medical nature of a jobsite. Face coverings must be worn in compliance with Section 5 of the Health Officer's Order No. 20-08, dated April 17, 2020, or any subsequently issued or amended order.
- k. Strictly control "choke points" and "high-risk areas" where workers are unable to maintain six-foot social distancing and prohibit or limit use to ensure that six-foot distance can easily be maintained between individuals.
- l. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- m. Stagger trades as necessary to reduce density and allow for easy maintenance of minimum six-foot separation.



## Appendix B-1

- n. Discourage workers from using others' desks, work tools, and equipment. If more than one worker uses these items, the items must be cleaned and disinfected with disinfectants that are effective against COVID-19 in between use by each new worker. Prohibit sharing of PPE.
- o. If hand washing facilities are not available at the jobsite, place portable wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- p. Clean and sanitize any hand washing facilities, portable wash stations, jobsite restroom areas, or other enclosed spaces daily with disinfectants that are effective against COVID-19. Frequently clean and disinfect all high touch areas, including entry and exit areas, high traffic areas, rest rooms, hand washing areas, high touch surfaces, tools, and equipment
- q. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, phone number, address, and email.
- r. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
  - i. Do not touch your face with unwashed hands or with gloves.
  - ii. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
  - iii. Clean and disinfect frequently touched objects and surfaces such as work stations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
  - iv. Cover your mouth and nose when coughing or sneezing, or cough or sneeze into the crook of your arm at your elbow/sleeve.
  - v. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
  - vi. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six feet at all times when not wearing the necessary PPE for working in close proximity to another person.
  - vii. Do not carpool to and from the jobsite with anyone except members of your own household unit, or as necessary for workers who have no alternative means of transportation.
  - viii. Do not share phones or PPE.

## Appendix B-2

### Large Construction Project Safety Protocol

1. Any construction project meeting any of the following specifications is subject to this Large Construction Project Safety Protocol (“LCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
  - a. For residential construction projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of more than 10 units.
  - b. For commercial construction projects, any construction, renovation, or tenant improvement project consisting of more than 20,000 square feet of floor area.
  - c. For construction of Essential Infrastructure, as defined in section 16.c of the Order, any project that requires five or more workers at the jobsite at any one time.
2. The following restrictions and requirements must be in place at all construction job sites subject to this LCP Protocol:
  - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference or discrepancy between or among applicable laws and regulations and/or this LCP Protocol, the stricter standard will apply.
  - b. Prepare a new or updated Site-Specific Health and Safety Plan to address COVID-19-related issues, post the Plan on-site at all entrances and exits, and produce a copy of the Plan to County governmental authorities upon request. The Plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the Plan.
  - c. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE, unless required due to the medical nature of a job site. Face Coverings must be worn in compliance with Section 5 of the Health Officer Order No. 20-08, dated April 17, 2020, or any subsequently issued or amended order.
  - d. Ensure that employees are trained in the use of PPE. Maintain and make available a log of all PPE training provided to employees and monitor all employees to ensure proper use of the PPE.
  - e. Prohibit sharing of PPE.
  - f. Implement social distancing requirements including, at minimum:

## Appendix B-2

- i. Stagger stop- and start-times for shift schedules to reduce the quantity of workers at the jobsite at any one time to the extent feasible.
- ii. Stagger trade-specific work to minimize the quantity of workers at the jobsite at any one time.
- iii. Require social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the project.
- iv. Prohibit gatherings of any size on the jobsite, except for safety meetings or as strictly necessary to carry out a task associated with the project.
- v. Strictly control “choke points” and “high-risk areas” where workers are unable to maintain minimum six-foot social distancing and prohibit or limit use to ensure that minimum six-foot distancing can easily be maintained between workers.
- vi. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- vii. Prohibit workers from using others’ phones or desks. Any work tools or equipment that must be used by more than one worker must be cleaned with disinfectants that are effective against COVID-19 before use by a new worker.
- viii. Place wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- ix. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, address, phone number, and email.
- x. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
  1. Do not touch your face with unwashed hands or with gloves.
  2. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
  3. Clean and disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
  4. Cover your mouth and nose when coughing or sneezing or cough or sneeze into the crook of your arm at your elbow/sleeve.
  5. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
  6. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six-foot distancing at all times when not wearing the necessary PPE for working in close proximity to another person.
  7. Do not share phones or PPE.
- xi. The notice in section 2.f.x must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.

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- g. Implement cleaning and sanitization practices in accordance with the following:
  - i. Frequently clean and sanitize, in accordance with CDC guidelines, all high-traffic and high-touch areas including, at a minimum: meeting areas, jobsite lunch and break areas, entrances and exits to the jobsite, jobsite trailers, hand-washing areas, tools, equipment, jobsite restroom areas, stairs, elevators, and lifts.
  - ii. Establish a cleaning and decontamination protocol prior to entry and exit of the jobsite and post the protocol at entrances and exits of jobsite.
  - iii. Supply all personnel performing cleaning and sanitization with proper PPE to prevent them from contracting COVID-19. Employees must not share PPE.
  - iv. Establish adequate time in the workday to allow for proper cleaning and decontamination including prior to starting at or leaving the jobsite for the day.
  
- h. Implement a COVID-19 community spread reduction plan as part of the Site-Specific Health and Safety Plan that includes, at minimum, the following restrictions and requirements:
  - i. Prohibit all carpooling to and from the jobsite except by workers living within the same household unit, or as necessary for workers who have no alternative means of transportation.
  - ii. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Prohibit any sharing of any food or beverage and if sharing is observed, the worker must be sent home for the day.
  - iii. Prohibit use of microwaves, water coolers, and other similar shared equipment.
  
- i. Assign a COVID-19 Safety Compliance Officer (SCO) to the jobsite and ensure the SCO's name is posted on the Site-Specific Health and Safety Plan. The SCO must:
  - i. Ensure implementation of all recommended safety and sanitation requirements regarding the COVID-19 virus at the jobsite.
  - ii. Compile daily written verification that each jobsite is compliant with the components of this LCP Protocol. Each written verification form must be copied, stored, and made immediately available upon request by any County official.
  - iii. Establish a daily screening protocol for arriving staff, to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exit to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
  - iv. Conduct daily briefings in person or by teleconference that must cover the following topics:
    - 1. New jobsite rules and pre-job site travel restrictions for the prevention of COVID-19 community spread.
    - 2. Review of sanitation and hygiene procedures.
    - 3. Solicitation of worker feedback on improving safety and sanitation.
    - 4. Coordination of construction site daily cleaning/sanitation requirements.
    - 5. Conveying updated information regarding COVID-19.
    - 6. Emergency protocols in the event of an exposure or suspected exposure to COVID-19.

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- v. Develop and ensure implementation of a remediation plan to address any non-compliance with this LCP Protocol and post remediation plan at entrance and exit of jobsite during remediation period. The remediation plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the document.
  - vi. The SCO must not permit any construction activity to continue without bringing such activity into compliance with these requirements.
  - vii. Report repeated non-compliance with this LCP Protocol to the appropriate jobsite supervisors and a designated County official.
- j. Assign a COVID-19 Third-Party Jobsite Safety Accountability Supervisor (JSAS) for the jobsite, who at a minimum holds an OSHA-30 certificate and first-aid training within the past two years, who must be trained in the protocols herein and verify compliance, including by visual inspection and random interviews with workers, with this LCP Protocol.
- i. Within seven calendar days of each jobsite visit, the JSAS must complete a written assessment identifying any failure to comply with this LCP Protocol. The written assessment must be copied, stored, and, upon request by the County, sent to a designated County official.
  - ii. If the JSAS discovers that a jobsite is not in compliance with this LCP Protocol, the JSAS must work with the SCO to develop and implement a remediation plan.
  - iii. The JSAS must coordinate with the SCO to prohibit continuation of any work activity not in compliance with rules stated herein until addressed and the continuing work is compliant.
  - iv. The remediation plan must be sent to a designated County official within five calendar days of the JSAS's discovery of the failure to comply.
- k. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
  - ii. Each location the infected worker was at must be decontaminated and sanitized by an outside vendor certified in hazmat clean ups, and work in these locations must cease until decontamination and sanitization is complete.
  - iii. The County Public Health Department must be notified immediately and any additional requirements per the County health officials must be completed, including full compliance with any tracing efforts by the County.
- l. Where construction work occurs within an occupied residential unit, any separate work area must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to

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minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.

- m. Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, any separate work area must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.

# **EXHIBIT D**



**ORDER OF THE HEALTH OFFICER NO. 20-11**

**ORDER OF THE HEALTH OFFICER  
OF THE COUNTY OF ALAMEDA DIRECTING  
ALL INDIVIDUALS IN THE COUNTY TO CONTINUE SHELTERING AT  
THEIR PLACE OF RESIDENCE EXCEPT FOR IDENTIFIED NEEDS  
AND ACTIVITIES, IN COMPLIANCE WITH SPECIFIED  
REQUIREMENTS; CONTINUING TO EXEMPT HOMELESS  
INDIVIDUALS FROM THE ORDER BUT URGING GOVERNMENT  
AGENCIES TO PROVIDE THEM SHELTER; REQUIRING ALL  
BUSINESSES AND RECREATION FACILITIES THAT ARE ALLOWED  
TO OPERATE TO IMPLEMENT SOCIAL DISTANCING, FACE  
COVERING, AND CLEANING PROTOCOLS; AND DIRECTING ALL  
BUSINESSES, FACILITY OPERATORS, AND GOVERNMENTAL  
AGENCIES TO CONTINUE THE TEMPORARY CLOSURE OF ALL  
OTHER OPERATIONS NOT ALLOWED UNDER THIS ORDER**

**DATE OF ORDER: MAY 18, 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, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1))**

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

1. This Order supersedes the April 29, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Order”). This Order amends, clarifies, and continues certain terms of the Prior Order to ensure continued social distancing and limit person-to-person contact to reduce the rate of transmission of Novel Coronavirus Disease 2019 (“COVID-19”). This Order continues to restrict most activity, travel, and governmental and business functions to essential needs and to the Outdoor Activities and Outdoor Businesses that the prior Order allowed to resume. But in light of progress achieved in slowing the spread of COVID-19 in the County of Alameda (the “County”) and neighboring counties, the Order allows a limited number of Additional Businesses

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and Additional Activities (as defined in Section 15 below and described in Appendix C-1) to resume operating, subject to specified conditions and safety precautions to reduce associated risk of COVID-19 transmission. This gradual and measured resumption of activity is designed to manage the overall volume, duration, and intensity of person-to-person contact to prevent a surge in COVID-19 cases in the County and neighboring counties. As further provided in Section 11 below, the Health Officer will continue to monitor the risks of the activities and businesses allowed under this Order based on the COVID-19 Indicators (as defined in Section 11) and other data, and may, if conditions support doing so, incrementally add to the list of Additional Businesses and Additional Activities. The activities allowed by this Order will be assessed on an ongoing basis and these activities and others allowed by the Order may need to be modified (including, without limitation, temporarily restricted or prohibited) if the risk associated with COVID-19 increases in the future. As of the effective date and time of this Order set forth in Section 18 below, all individuals, businesses, and government agencies in the County are required to follow the provisions of this Order.

2. 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. This Order allows a limited number of Additional Businesses and Additional Activities to resume while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 and monitors indicators described in Section 11. All provisions of this Order must be interpreted to effectuate this intent. 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. All individuals currently living within the County are ordered to shelter at their place of residence. They may leave their residence only for Essential Activities as defined in Section 15.a, Outdoor Activities as defined in Section 15.m, and Additional Activities as defined in Section 15.X; Essential Governmental Functions as defined in Section 15.d; Essential Travel as defined in Section 15.i; to work for Essential Businesses as defined in Section 15.f, Outdoor Businesses as defined in Section 15.l, and Additional Businesses as defined in Section 15.X; or to perform Minimum Basic Operations for other businesses that must remain temporarily closed, as provided in Section 15.g. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when in the County. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to, as soon as possible, make such shelter available and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.

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4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 15.k, except as expressly provided in this Order, and must wear Face Coverings as provided in, and subject to the limited exceptions in, Health Officer Order No. 20-08 (the “Face Covering Order”).
5. All businesses with a facility in the County, except Essential Businesses, Outdoor Businesses, and Additional Businesses, as defined in Section 15, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 15. For clarity, all businesses may continue operations consisting exclusively of owners, personnel, volunteers, or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. But all businesses are directed to maximize the number of personnel who work from home. Essential Businesses, Outdoor Businesses, and Additional Businesses may only assign those personnel who cannot perform their job duties from home to work outside the home. Outdoor Businesses must conduct all business and transactions involving members of the public outdoors.
6. As a condition of operating under this Order, the operators of all businesses must prepare or update, post, implement, and distribute to their personnel a Social Distancing Protocol for each of their facilities in the County frequented by personnel or members of the public, as specified in Section 15.h. In addition to the Social Distancing Protocol, all businesses allowed to operate under this Order must follow any industry-specific guidance issued by the Health Officer related to COVID-19 and any conditions on operation specified in this Order, including those specified in Appendix C-1. Except as otherwise provided in Appendix C-1, businesses that include an Essential Business or Outdoor Business component at their facilities alongside other components must, to the extent feasible, scale down their operations to the Essential Business and Outdoor Business components only; provided, however, mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products.
7. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits members of a single household or living unit from engaging in Essential Travel, Essential Activities, Outdoor Activities, or Additional Activities together.

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8. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel, as defined below in Section 15.i, is prohibited. People may use public transit only for purposes of performing Essential Activities, Outdoor Activities, or Additional Activities, or to travel to and from Essential Businesses, Outdoor Businesses, or Additional Businesses, to maintain Essential Governmental Functions, or to perform Minimum Basic Operations at businesses that are not allowed to resume operations. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 15.k, to the greatest extent feasible, and personnel and passengers must wear Face Coverings as required by the Face Covering Order. This Order allows travel into or out of the County only to perform Essential Activities, Outdoor Activities, or Additional Activities; to operate, perform work for, or access a business allowed to operate under this Order; to perform Minimum Basic Operations at other businesses; or to maintain Essential Governmental Functions.
  
9. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; 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 the COVID-19 disease in the general public, which is now 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 the COVID-19 disease 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, gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus.
  
10. 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 17, 2020, there are 2,324 confirmed cases of COVID-19 in the County, not including cases in the City of Berkeley (up from 19 on March 15, 2020, just before the first shelter-in-place order) 82 deaths (up from zero on March 15, 2020) The cumulative number of confirmed cases continues to increase, though the rate of increase

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has slowed in the weeks leading up to this Order. 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.

11. The local health officers who jointly issued the Prior Order are monitoring several key indicators (“COVID-19 Indicators”), which are among the many factors informing their decisions whether to modify existing shelter-in-place restrictions. Progress on some of these COVID-19 Indicators—specifically related to the trend of new cases per day and hospital utilization and capacity—makes it appropriate, at this time, to allow certain Additional Businesses to resume operations and Additional Activities to take place under specified conditions, as set forth in Section 15.7. But the continued prevalence of the virus that causes COVID-19 requires most activities and business functions to remain restricted, and those activities that are allowed to occur must do so subject to social distancing and other infection control practices identified by the Health Officer. Evaluation of the COVID-19 Indicators will be critical to determinations by the local health officers regarding whether the restrictions imposed by this Order will be further modified to ease or tighten the restrictions imposed by this Order and augment, limit, or prohibit the Additional Businesses and Additional Activities allowed to resume. 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.

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- 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.
12. 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. Continuation of the Prior Order is necessary to slow the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled. At the same time, since the Prior Order was issued the County has continued to make progress in expanding public health capacity and healthcare resources and in slowing community transmission of COVID-19. In light of progress on these indicators, and subject to continued monitoring and potential public health-based responses, in addition to those already allowed to operate under the Prior Order as Essential Businesses and Outdoor Businesses, it is appropriate at this time to begin allowing operation of specified Additional Businesses. These businesses are identified based on health-related considerations and transmission risk factors including, but not limited to, the intensity and quantity of contacts and the ability to substantially mitigate transmission risks associated with the operations.
  13. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.
  14. 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, and the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order. The May 4, 2020 Executive Order issued by Governor Newsom and May 7, 2020 Order of the State Public Health Officer permit certain businesses to reopen if a local health officer believes the conditions in that jurisdictions warrant it, but expressly acknowledge 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. This Order adopts in certain respects

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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 and the Bay Area. Without this tailored set of restrictions that further reduces the number of 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. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the State Shelter Order; sets forth mandatory Social Distancing Requirements for all individuals in the County when engaged in activities outside their residences; and adds a mechanism to ensure that all businesses with facilities that are allowed to operate under the Order comply with the Social Distancing Requirements. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. In addition, to the extent any federal guidelines allow activities that are not allowed by this Order, this Order controls and those activities are not allowed.

#### 15. Definitions and Exemptions.

- a. For the purposes of this Order, individuals may leave their residence only to perform the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their residence to the extent possible, except as necessary to seek or provide medical care or Essential Governmental Functions. Essential Activities are:
  - i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
  - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, or products necessary to maintain the habitability, sanitation, and operation of residences.

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- iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:
  1. Outdoor recreation activity at parks, beaches, and other open spaces must comply with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking, or closure to all public access;
  2. Use of outdoor recreational areas and facilities with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, gym equipment, climbing walls, picnic areas, dog parks, pools, spas, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers;
  3. Sports or activities that include the use of shared equipment or physical contact between participants may only be engaged in by members of the same household or living unit.
  4. Use of shared outdoor facilities for recreational activities that may occur outside of residences consistent with the restrictions set forth in subsections 1, 2, and 3, above, including, but not limited to, skate parks, athletic fields, and tennis and pickleball courts, must, before they may begin, comply with social distancing and health/safety protocols posted at the site and any other restrictions, including prohibitions, on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Tennis and pickleball courts may be used by members of different households or living units so long as no more than two people are present (i.e., singles tennis or pickleball).
- iv. To perform work for or access an Essential Business, Outdoor Business, or Additional Business; or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.
- v. To provide necessary care for a family member or pet in another household who has no other source of care.
- vi. To attend a funeral with no more than 10 individuals present.

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- vii. To move residences. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.
  - viii. To engage in Additional Activities, as described in this Order.
- b. For the purposes of this Order, individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.
- c. For the purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).
- d. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County. Each governmental entity 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 and its contractors must employ all necessary emergency protective measures to prevent,

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mitigate, respond to, and recover from the COVID-19 pandemic, and all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements to the greatest extent feasible.

- e. For the purposes of this Order, 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.
- f. For the purposes of this Order, “Essential Businesses” are:
  - i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food.
  - iii. Food cultivation, including farming, livestock, and fishing;
  - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
  - v. Construction, but only as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into this Order by this reference. Public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer;
  - vi. Newspapers, television, radio, and other media services;
  - vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services. This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
  - viii. Bicycle repair and supply shops;

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- ix. Banks and money remittance services, financing services at pawn shops, check cashing services, money lenders, and similar financial institutions. For businesses that mix a financial service component with a retail or other component, only the financial service can be open;
- x. Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate 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 present in the residence);
- xi. Hardware stores;
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of residences and Essential Businesses;
- xiii. Businesses providing mailing and shipping services, including post office boxes;
- xiv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning, performing essential functions, performing COVID-19 related medical or sociological research, or as allowed under subparagraph xxvi, provided that social distancing of six feet per person is maintained to the greatest extent possible;
- xv. Laundromats, drycleaners, and laundry service providers;
- xvi. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. 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;
- xvii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
- xviii. Businesses that supply other Essential Businesses, Outdoor Businesses, or Additional Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these businesses. This

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exemption shall not be used as a basis for engaging in sales to the general public from within retail stores;

- xix. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
- xx. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xxi. Home-based care for seniors, adults, children, and pets;
- xxii. Residential facilities and shelters for seniors, adults, and children;
- xxiii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity;
- xxiv. Services to assist individuals in finding employment with Essential Businesses;
- xxv. Moving services that facilitate residential or commercial moves that are allowed under this Order; and
- xxvi. Childcare establishments, summer camps, and other educational or recreational institutions or programs providing care or supervision for children of all ages that enable owners, employees, volunteers, and contractors for Essential Businesses, Essential Governmental Functions, Outdoor Businesses, Additional Businesses, or Minimum Basic Operations to work as allowed under this Order. To the extent possible, these operations must comply with the following conditions:
  - 1. They must be carried out in stable groups of 12 or fewer children (“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 at one facility, each group shall be in a separate room. Groups shall not mix with each other.
  - 4. Providers or educators shall remain solely with one group of children.

The Health Officer will carefully monitor the changing public health situation as well as any changes to the State Shelter Order. In the event that the State relaxes restrictions on childcare and related institutions and programs, the Health Officer will consider whether to similarly relax the restrictions imposed by this Order.

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- g. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, personnel, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
  - i. 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; provide for the delivery of existing inventory directly to residences or businesses; and related functions. For clarity, this section does not permit businesses to provide curbside pickup to customers.
  - ii. The minimum necessary activities to facilitate owners, personnel, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.
  
- h. For the purposes of this Order, all businesses that are operating at facilities in the County visited or used by the public or personnel must, as a condition of such operation, prepare and post a “Social Distancing Protocol” for each of these facilities; provided, however, that construction activities shall instead comply with the Construction Project Safety Protocols set forth in Appendix B and not the Social Distancing Protocol. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A, and it must be updated from prior versions to address new requirements listed in this Order or in related guidance or directives from the Health Officer. 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 personnel. A copy of the Social Distancing Protocol must also be provided to each person performing work at the facility. All businesses subject to this paragraph 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 business is achieving the following, as applicable:
  - i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete Essential Business activity;
  - ii. Requiring face coverings to be worn by all persons entering the facility, other than those exempted from face covering requirements (e.g. young children);

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- iii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
  - iv. 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 personnel, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
  - v. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
  - vi. Regularly disinfecting other high-touch surfaces;
  - vii. Posting a sign at the entrance of the facility informing all personnel and customers that they should: avoid entering the facility if they have any COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact; and
  - viii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).
- i. For the purposes of this Order, "Essential Travel" means travel for any of the following purposes:
- i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Minimum Basic Operations, Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses.
  - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities.
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - iv. Travel to return to a place of residence from outside the County.
  - v. Travel required by law enforcement or court order.
  - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
  - vii. Travel to manage after-death arrangements and burial.
  - viii. Travel to arrange for shelter or avoid homelessness.

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- ix. Travel to avoid domestic violence or child abuse.
  - x. Travel for parental custody arrangements.
  - xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.
- j. For purposes of this Order, “residences” include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- k. For purposes of this Order, “Social Distancing Requirements” means:
- i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit;
  - ii. 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 as effective in combatting COVID-19;
  - iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands);
  - iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer; and
  - v. Avoiding all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.

All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order. Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses must strictly adhere to these Social Distancing Requirements.

- l. For purposes of this Order, “Outdoor Businesses” means:
- i. The following businesses that normally operated primarily outdoors prior to March 16, 2020 and where there is the ability to fully maintain social distancing of at least six feet between all persons:
    - 1. Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers.

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2. Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.

For clarity, “Outdoor Businesses” do not include outdoor restaurants, cafes, or bars. Except as otherwise provided in Appendix C, they also do not include businesses that promote large, coordinated, and prolonged gatherings, such as outdoor concert venues and amusement parks.

- m. For purposes of this Order, “Outdoor Activities” means:
    - i. To obtain goods, services, or supplies from, or perform work for, an Outdoor Business.
    - ii. To engage in outdoor recreation as permitted in Section 15.a.
  - n. For purposes of this Order, “Additional Business” means any business, entity, or other organization identified as an Additional Business in Appendix C-1, which will be updated as warranted based on the Health Officer’s ongoing evaluation of the COVID-19 Indicators and other data. In addition to the other requirements in this Order, operation of those Additional Businesses is subject to any conditions and health and safety requirements set forth in Appendix C-1 and in any industry-specific guidance issued by the Health Officer.
  - o. For purposes of this Order, “Additional Activities” means: To obtain goods, services, or supplies from, or perform work for, Additional Businesses identified in Appendix C-1, subject to requirements in this Order, and any conditions and health and safety requirements set forth in this Order or in any industry-specific guidance issued by the Health Officer.
16. 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. Also, 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 Centers for Disease Control and Prevention 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>).

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- 17. 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.
- 18. This Order shall become effective at 8:00 a.m. on May 18, 2020 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
- 19. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department’s website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.
- 20. 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:**

Dr. Erica Pan  
Interim Health Officer of the County of Alameda

Dated: May 18, 2020

- Attachments:
- Appendix A – Social Distancing Protocol
  - Appendix B-1 – Small Construction Project Safety Protocol
  - Appendix B-2 – Large Construction Project Safety Protocol
  - Appendix C-1 – Additional Businesses

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**Order No. 20-11 – Appendix C-1: Additional Businesses Permitted to Operate**

**[May 18, 2020]**

**General Requirements**

The “Additional Businesses” listed below may begin operating, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate industry-specific guidance by the Health Officer. These businesses were selected to implement an initial measured expansion of commercial activity based on health-related considerations including the risks of COVID-19 transmission associated with types and modes of business operations, the ability to substantially mitigate transmission risks associated with the operations, and related factors, such as the following:

- **Increase in mobility and volume of activity**—the overall impact the reopening will have on the number of people leaving their homes and traveling to work at or access the business;
- **Contact intensity**—the type (close or distant) and duration (brief or prolonged) of the contact involved in the business;
- **Number of contacts**—the approximate number of people that will be in the setting at the same time;
- **Modification potential**—the degree to which mitigation measures can decrease the risk of transmission.

To mitigate the risk of transmission to the greatest extent possible, before resuming operations, each Additional Businesses must:

- a. Prepare, post, implement, and distribute to their Personnel a Social Distancing Protocol as specified in Section 15.h of the Order and set forth in Appendix A for each of their facilities in the County frequented by personnel or members of the public; AND
- b. Prepare, post, implement, and distribute to their Personnel a written Site-Specific Protection Plan as required by the State of California outlined in its [guidance](#) that addresses all applicable best practices set forth in relevant Health Officer directives, including how it will comply with all applicable Statewide guidance issued by the State of California, which is hereby incorporated by reference and should be treated as if issued by the Health Officer. The Site-Specific Plan must include the following elements:
  - a. Name and title of person(s) responsible for implementing plan
  - b. Individual control measures and screenings
  - c. Cleaning and disinfecting protocols
  - d. Physical distancing protocols for employees and customers/visitors
  - e. Industry-specific best practices
  - f. Contact information for the Alameda County Public Health Department to report cases or work-place exposure: (510) 267-3250
  - g. Training for employees on COVID-19 prevention
  - h. Compliance and documentation

As used in this Appendix C-1, “Personnel” means the following people who provide goods or services associated with the Additional Business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); independent contractors (such as “gig workers” who perform work via the Additional Business’s app or other online interface); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Additional Business.

Each Additional Business must comply with Social Distancing Requirements as well as all relevant [state guidance](#) and local directives. Where a conflict exists between the state guidance and local public health directives related to the COVID-19 pandemic, the most restrictive provision controls.

### **List of Additional Businesses**

For purposes of the Order, Additional Businesses include the following based on the summarized health risk related rationale:

- (1) **Retail Stores**. Beginning at 8:00 a.m. on May 18, 2020, retail stores not otherwise authorized to operate by an Order of the Health Officer may operate in the County of Alameda for curbside or storefront pickup and/or delivery only.
  - a. Retail stores must implement measures to prevent customers from blocking pedestrian access or causing vehicle congestion while picking up goods.
  - b. All retail stores must place limitations on the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply with the requirements of the Retail Industry Guidance published by the California Department of Public Health (“CDPH”) and the Department of Industrial Relations (“DIR”) (<https://covid19.ca.gov/pdf/guidance-retail.pdf>), as may be amended from time-to-time. No customer may enter a store authorized to operate under this paragraph at any time.
  - c. Retail stores that do not have direct access to a sidewalk, street, or alley may not allow customers to enter any enclosed or partially enclosed area, but may arrange for pickup of goods at a safe outdoor location in compliance with the requirements of this Paragraph and the Retail Industry Guidance.
  - d. The outdoor display of goods by stores or other vendors is not permitted at this time.
- (2) **Manufacturing**. Beginning at 8:00 a.m. on May 18, 2020, manufacturing businesses permitted to operate under the state Resilience Roadmap (<https://covid19.ca.gov/roadmap/>), as it is amended from time-to-time, may operate in the County of Alameda. Manufacturers must place limitations on the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply

with the requirements of the Manufacturing Industry Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-manufacturing.pdf>), as it is amended from time-to-time.

- (3) **Logistics and Warehousing**. Beginning at 8:00 a.m. on May 18, 2020, logistics and warehousing facilities permitted to operate under the state Resilience Roadmap (<https://covid19.ca.gov/roadmap/>), as it is amended from time-to-time, may operate in the County of Alameda. Logistics and warehousing facilities must place limitations on the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply with the requirements of the Logistics and Warehousing Facility Industry Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-logistics-warehousing.pdf>), as it is amended from time-to-time.

(Added May 18, 2020)

# **EXHIBIT E**



**ORDER No. 20-12 OF THE HEALTH OFFICER  
OF THE COUNTY OF ALAMEDA ALLOWING FOR CERTAIN HIGHLY  
REGULATED VEHICLE-BASED GATHERINGS**

**DATE OF ORDER: May 18, 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, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1))**

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

1. **Modification of Shelter in Place.** This Order does not supersede the May 18, 2020 Order of the Health Officer 20-11 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 Alameda (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

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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 the COVID-19 disease 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 the COVID-19 disease 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 17, 2020, there are 2324 confirmed cases of COVID-19 in the County and 82 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 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 Orders & Declarations.** 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5; the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency; the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency

**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 such 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 current 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. **Definitions and Exemptions.**
- 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:

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1. For gatherings of more than 10 vehicles, request security staffing provided by the local law enforcement agency with primary jurisdiction for the location of the event (the “Agency”) and pay reasonable costs as established by the Agency. If the Agency declines to provide such security, the Host is responsible for acquiring private security sufficient to ensure compliance with the Order and address any traffic and safety issues at its own cost. 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. For clarity, if the Host already employs security, it may use its existing security officers.
  2. Develop and provide the local law enforcement, upon request, with 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.
  3. 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 3 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 the bathroom in Section 8(b)(x) or for an emergency, occupants of a vehicle may only exit the vehicle 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.** The gathering must comply with general requirements of the jurisdiction where it occurs, including any permit program established by a jurisdiction. Jurisdictions that require a permitting process must be provided a copy of the Gathering Plan as described in Section 8(c).
- ix. **Prohibition on Providing, Selling, or Exchanging.** No sales or exchanges of any items or food or drink 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 bathrooms available during the event, bathrooms must be disinfected by the Host or Personnel between uses. 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. The Host must also make hand sanitizer or a hand washing station available to the users of the bathrooms.
- c. **The Gathering Plan.** The Gathering Plan must be provided, upon request, to local law enforcement 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, or upon request. The Gathering Plan must be substantially in the form attached to this Order as Appendix A. 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 exit;



- 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 bathroom 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 8:00 a.m. on May 18, 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 County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.
  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:**

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A handwritten signature in blue ink that reads "Erica Pan".

Erica Pan, MD  
Interim Health Officer of the County of Alameda

Dated: May 18, 2020

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

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# **EXHIBIT F**



## ORDER OF THE HEALTH OFFICER No. 20-13

### ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA GENERALLY REQUIRING MEMBERS OF THE PUBLIC AND WORKERS TO WEAR FACE COVERINGS

DATE OF ORDER: June 5, 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, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1))**

Summary: Since March 2020, the County of Alameda (the “County”), its citizens, and the Bay Area have collectively worked together to reduce the spread of SARS-CoV-2, the virus that causes coronavirus disease 2019 (“COVID-19”) and that is the cause of the global pandemic. These efforts have shown enough success that the County’s Health Officer continues to allow the careful, gradual return of more business, social, and other activities. As the County adds these additional components, people will be increasingly interacting in person, creating a risk that viral transmission will increase. One of the strongest protections we, as a society, can implement as we continue to interact more in person is to increase our use of Face Coverings. Substantial scientific evidence shows that when combined with physical distancing and other health and safety practices like handwashing and regular disinfection of surfaces, wearing Face Coverings permits additional activities to be resumed in the safest possible way.

As we collectively go out into the community more, we need to have a corresponding increase in the steps we take to protect those around us. By doing so, we not only protect our fellow community members, but ultimately ourselves and our loved ones, especially those who are vulnerable due to age or health conditions. And in wearing a Face Covering around others, we show that we care for those around us. “My mask protects you, and yours protects me.” By ensuring that people generally wear Face Coverings when in public, the County is better able to continue to open businesses and resume activities in a safer manner to the benefit of all.

For these reasons, the County’s Health Officer is now revising the Face Covering Order to more generally require wearing Face Coverings when people are outside their homes. The Order also provides simpler guidance for when to wear a Face Covering as activities increase, such as when working or engaging in face-to-face transactions. The goal is to provide simple rules that we must all follow in the months to come.

In sum, going forward and for as long as this Order remains in effect as needed to address the pandemic, people must, unless an exception applies, wear a Face Covering when outside and when anyone else other than just members of their Social Bubble (as defined in Paragraph 7 of Health Officer Order No. 20-14) is within 30 feet (10 yards). They must wear a Face Covering when in the workplace except when in a private space or area

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not regularly used by others. They must wear a Face Covering when preparing food or other items for sale or distribution to people who are not members of their household or living unit. They may remove their Face Covering when eating or drinking if they are alone or with only members of their Social Bubble and nobody else is within six feet. And a person who is alone or with only members of their household or living unit, is stationary in an outdoor area such as a park or patio, and is maintaining at least six feet of distance between them and the nearest people who do not live with them does not need to wear a Face Covering so long as they have one readily accessible.

This Order includes certain exceptions. For instance, this Order does not require that any child aged 12 years or younger wear a Face Covering and requires that any child aged two years or younger not wear one because of the risk of suffocation. This Order also does not apply to people who are in their own cars alone or with members of their own household or living unit except if they operate the vehicle to transport others. And anyone who has a written exemption from a healthcare provider based on a disability, medical condition, or other condition that prevents them from wearing a Face Covering does not need to wear one.

This Order is issued in support of Health Officer Order No. 20-11 issued on June 5, 2020 (the “Stay-Safe-At-Home Order”) and any amendments to that order, as well as guidance issued by the United States Centers for Disease Control and Prevention (“CDC”), the California Department of Public Health (“CDPH”), and the Alameda County Public Health Department (“ACPHD”) regarding COVID-19, including as such guidance is amended.

The Order replaces the prior Face Covering order (Health Officer Order No. 20-08) issued on April 17, 2020. Beginning at 11:59 p.m. on June 7, 2020, all people in the County must comply with this new Order. This Order is in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. The Health Officer will continue to carefully monitor the evolving situation and will periodically revise this Order as conditions warrant to protect the public and limit the spread of the virus.

This summary is for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary and the text of this Order below, the text will control.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120220, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA (“HEALTH OFFICER”) ORDERS:**

- 1. This Order will take effect at 11:59 p.m. on June 7, 2020, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. Effective as of 11:59 p.m. on June 7, 2020, this Order revises and replaces Order Number 20-08, issued April 17, 2020. Any capitalized terms in this Order that are defined in the Stay-Safe-At-Home Order incorporate the definitions from that order and are automatically updated to incorporate revisions to that order without a need to update this Order.**

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2. As used in this Order, a “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer’s eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical grade. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe through the nose and does not have to adjust it frequently, so as to avoid touching the face. For Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use. Information on cleaning a Face Covering is available from the CDC at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wash-cloth-face-coverings.html>.

For as long as medical-grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks for use as Face Coverings under this Order; those medical-grade masks should be reserved for health care providers and first responders.

Any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling allows droplets to be released from the mask, putting others nearby at risk. As a result, these masks are not a Face Covering under this Order and must not be used to comply with this Order’s requirements.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the CDC website, at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

3. Each person in the County must wear a Face Covering when outside the person’s household, living unit, or other place they reside (when “Outside the Residence”) at all times except as follows:
  - a. A person does not need to wear a Face Covering when allowed by another Health Officer order or directive not to wear a Face Covering. In such instances, the other order or directive will describe the specific conditions that permit the person not to wear a Face Covering.
  - b. A person does not need to wear a Face Covering when outdoors alone or with a member of their Social Bubble and they have a Face Covering visible and immediately ready to cover the nose and mouth (such as hanging around their neck) and nobody else (other a member of their own Social Bubble) is outdoors within 30 feet (10 yards) of them. It is recommended that people from the same household or living unit wear a Face Covering when outside, even if others are not nearby, any time others may appear without much notice. For reference, 30 feet is around the length of two cars end-to-end. When people are approaching each other and likely

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to pass in the coming seconds, they must put on their Face Coverings when they are within 30 feet. This 30-foot rule applies whether people are on the sidewalk, in a park, on a path or trail, or in any other outdoor area, and whether they are walking, running, biking, otherwise exercising, standing, or engaged in transportation such as using a motorcycle, skateboard, moped, or scooter. But the requirement to put on a Face Covering within 30 feet of others does not apply to people excepted from wearing a Face Covering under this Order due to age or medical condition or because they are eating or drinking or are stationary outside in a way that meets the requirements of Sections 3.e or 3.f below.

The 30 feet (10 yard) distance is used here to give people adequate time to put on a Face Covering before the distance closes and the people are within six feet of each other, which puts them at greater risk for transmission of the virus. As more activities are permitted, more people will be near each other without much advance warning, making wearing a Face Covering essential when people are within 30 feet.

- c. A person does not need to wear a Face Covering when wearing personal protective equipment (“PPE”) such as a medical-grade N95 mask or a similar mask that is more protective than a Face Covering, as required by (i) any workplace policy or (ii) any local, state, or federal law, regulation, or other mandatory guidance. When a person is not required to wear such PPE, they must wear a Face Covering unless otherwise exempted from this Order.
- d. A person does not need to wear a Face Covering when (i) alone or only with others from their household or living unit in any building or enclosed space, such as when at work, (ii) there is nobody else within six feet, and (iii) others, whether coworkers, customers, building staff, or members of the public, are not likely to be in the same space for more than a few minutes in the following few days. A Face Covering must be worn if the person is working or engaged in activities where others routinely are present, even if the person is alone at the time, due to the risk of contaminating surfaces that others may soon touch. By way of example and without limitation, a Face Covering must be worn if a person shares a desk or individual office with co-workers on an alternating schedule or in a space where equipment such as tools, supplies, copiers, or computers are shared. A Face Covering must also be worn by someone like a plumber, teacher, care assistant, or housecleaner who visits someone else’s house or living space to perform work, and anyone who lives there should also wear a Face Covering when near the visitor.

A Face Covering does not need to be worn in such spaces by someone who is eating or drinking so long as that person complies with Section 3.e below. A Face Covering need not be worn when a person is alone in a private office or area that is not shared and not likely to be visited by others without prior warning, but if another person enters the immediate area and is likely to remain nearby, both people must put on a Face Covering for the duration of the interaction. And anyone who is preparing food or other items for sale or distribution to others is required by Section 4.b below to wear a Face Covering at all times when preparing such food or other items, even if they are alone when doing so.



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- e. A person does not need to wear a Face Covering when (i) alone or only with members of their Social Bubble, (ii) they are eating or drinking, whether indoors or outdoors, and (iii) nobody else is within six feet. In the context of foodservice such as a restaurant, guidelines issued by the state or in a separate Health Officer order or directive must be followed and may require servers to wear a Face Covering.
  - f. A person does not need to wear a Face Covering when (i) outdoors alone or with members of their Social Bubble, (ii) they are stationary, and (iii) they are maintaining at least six feet between the edge of the area they are in and the edge of next closest person's area. By way of example, this means that when someone is sitting with only members of their Social Bubble and they are entirely within a distancing circle that is painted on the grass in a public park or on a picnic blanket that is at least six feet from the nearest picnic blanket, a Face Covering is not required to be worn while eating or drinking. But the individuals must have a Face Covering readily available, and anyone walking to or from the location must wear a Face Covering when within six feet of anyone else.
  - g. Children 12 years old or younger are not required by this Order to wear a Face Covering, and any child two years old or younger must not wear a Face Covering because of the risk of suffocation. Parents and caregivers must supervise use of Face Coverings by children to ensure safety and avoid misuse.
  - h. A person does not need to wear a Face Covering when they can show either: (1) a medical professional has provided a written exemption to the Face Covering requirement, based on the individual's medical condition, other health concern, or disability; or (2) wearing a Face Covering while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.
  - i. A person does not need to wear a Face Covering when in a motor vehicle and either alone or exclusively with other members of the same household or living unit. But a Face Covering is required when alone in the vehicle if the vehicle is used as a taxi or for any private car service or ride-sharing vehicle as outlined in Section 4.c below.
4. Regardless of the exceptions listed above, a Face Covering is required as follows:
- a. A person must wear a Face Covering when they are required by another Health Officer order or directive to wear a Face Covering, including when the requirement of the other order or directive is more restrictive than this Order.
  - b. A person must wear a Face Covering when they are working in any space where food or other goods are handled, prepared, or packaged for sale or distribution to others. This requirement does not apply when preparing food or items for members of a person's own household or living unit.

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- c. A driver or operator of any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle must wear a Face Covering when driving, operating, standing, or sitting in such vehicle, regardless of whether anyone else is in the vehicle, due to the need to reduce the spread of respiratory droplets in the vehicle at all times. But drivers or operators of public transportation vehicles are permitted to remove a Face Covering when seated in the operator compartment of the vehicle at terminals, the vehicle is stopped, and there are no passengers onboard due to the physical separation of the operator compartment and cleaning protocols between drivers.
5. People in the County are encouraged to consider whether wearing a Face Covering in their household or living unit would protect someone else living there who is vulnerable to COVID-19. Vulnerable people include: people 60 years old and older; people with serious heart conditions, hypertension, severe obesity, diabetes, chronic lung disease, chronic kidney disease being treated by dialysis, and moderate-to-severe asthma; and those who are immunosuppressed. A full list of populations that are vulnerable to COVID-19 and which should accordingly take extra precautions is available online at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>. This determination is left to the individual, but if anyone who lives with a vulnerable person is engaged in frequent out-of-home activity under the Stay-Safe-At-Home Order, wearing a Face Covering when home may reduce the risk to the vulnerable person.
  6. By way of example and without limitation, this Order requires a Face Covering when a person is Outside the Residence in all of the following circumstances unless an exception applies:
    - a. When working at, engaged in, in line at, or seeking services or goods from any Essential Business, Outdoor Business, or Additional Business;
    - b. When inside or at any location or facility engaging in Minimum Basic Operations or when seeking, receiving, or providing Essential Government Functions;
    - c. When engaged in Essential Infrastructure work;
    - d. When engaged in any Outdoor Activity or Additional Activity;
    - e. When providing or obtaining services at Healthcare Operations unless permitted by this Order or a directive not to wear a Face Covering for a limited amount of time;
    - f. When at or near a transit stop, station, or terminal and when waiting for or riding on public transportation (including without limitation any bus, BART, street car, cable car, or CalTrain) or in a paratransit vehicle, taxi, private car service, or ride-sharing vehicle; and
    - g. When in or walking through common areas such as hallways, stairways, elevators, and parking facilities.

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7. **All Essential Businesses, Outdoor Businesses, Additional Businesses, as well as entities and organizations with people engaged in Essential Infrastructure work, Minimum Basic Operations, Essential Government Functions, Outdoor Activities, Additional Activities, or Healthcare Operations, must:**
  - a. **Require their employees, contractors, owners, volunteers, gig workers, and other personnel to wear a Face Covering at the workplace and when performing work off-site at all times as required by this Order and with allowance for exceptions included in the order.**
  - b. **Take reasonable measures, such as posting signs, to remind customers, clients, visitors, and others of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses, Outdoor Businesses, Additional Businesses, and entities or organizations that are engaged in Essential Infrastructure work, Minimum Basic Operations, Essential Government Functions, or Healthcare Operations or that facilitate Outdoor Activities or Additional Activities must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from waiting in line or entering, must not serve that person if those efforts are unsuccessful, and seek to remove that person.**

A sample sign to be used for notifying customers can be found at the Department of Public Health website, at <https://covid-19.acgov.org/face-covering-faqs.page>.

8. **The intent of this Order is to ensure that all people when Outside the Residence in the County as permitted by the Stay-Safe-At-Home Order wear a Face Covering to reduce the likelihood that they may transmit or contract the virus that causes COVID-19. In so doing, this Order will help reduce the spread of the virus and mitigate its impact on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent.**
9. **This Order is issued based on evidence of ongoing occurrence of COVID-19 and transmission of the SARS-CoV-2 virus within the County, the Bay Area, and the United States of America and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of the virus in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the County. People can be infected with the virus and be contagious and not have any symptoms, meaning they are asymptomatic. People can also be infected and contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the SARS-CoV-2 virus also have only mild symptoms and do not realize they are infected and contagious. Asymptomatic and pre-symptomatic people and those with only mild symptoms can unintentionally infect others. Evidence shows that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, significantly reduces the risk of transmitting coronavirus when in public and engaged in activities. And because it is not always possible to maintain at least 6 feet of distance, all people must wear a Face Covering when outdoors near others or engaged in work and other activities when others are nearby or likely to touch shared**

**ORDER OF THE HEALTH OFFICER No. 20-13**

surfaces or use shared equipment. For clarity, although wearing a Face Covering is one tool for reducing the spread of the virus, doing so is not a substitute for staying at home, physical distancing of at least 6 feet, and frequent hand washing.

10. This Order is also issued in light of the existence, as of June 4, 2020, of 3,542 confirmed cases of infection by the virus that causes COVID-19 in the County (excluding the City of Berkeley, which has its own Public Health Department), primarily by way of community transmission, and 96 deaths. This Order is necessary to slow the rate of spread, and the Health Officer will continue to assess the quickly evolving situation and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.
11. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5; the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency; the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency; all other orders and directives issued by the Health Officer and guidance issued by the CDPH and the CDC, as each of them have been and may be amended or supplemented.
12. Failure to comply with any of the provisions of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
13. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order
14. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people 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:**



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Dr. Erica Pan,  
Interim Health Officer of the  
County of Alameda

June 5, 2020

# **EXHIBIT G**



## HEALTH OFFICER ORDER NO. 20-14

# ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA DIRECTING ALL INDIVIDUALS IN THE COUNTY TO CONTINUE TO COMPLY WITH SOCIAL DISTANCING MEASURES AND OTHER RESTRICTIONS NECESSARY TO CONTROL THE SPREAD OF COVID- 19

DATE OF ORDER: JUNE 5, 2020

**Summary of Order:** This Order of the County of Alameda’s Public Health Officer continues to maintain restrictions on movement and public and private gatherings set forth in the Health Officer’s May 18, 2020 Shelter in Place Order. However, in light of the continued progress toward controlling the spread of COVID-19 in the County of Alameda and neighboring jurisdictions, this Order allows certain additional business, recreational, social, and cultural activities to resume. The Order:

1. Allows for small gatherings of individuals from different households or living units to take place in outdoor spaces, subject to certain conditions;
2. Allows childcare providers to provide care to all children, not just children of essential workers, and establishes conditions under which youth extracurricular activities may resume;
3. Allows educational institutions to offer career internship and pathways programs;
4. Allows libraries to open for curbside pickup of books and other media;
5. Replaces the Prior Order’s Social Distancing Protocol with a Site-Specific Protection Plan (Appendix A) for businesses allowed to operate under the Order; and
6. Allows certain business providing services with limited person-to-person contact, including appliance repair and pet grooming services, to resume operations.

**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 101475 AND 120175, THE HEALTH OFFICER OF THE CITY OF BERKELEY (“HEALTH OFFICER”) ORDERS:

1. This Order supersedes the May 18, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Order”). This Order amends, clarifies, and

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continues certain terms of the Prior Order to ensure continued social distancing and limit person-to-person contact to reduce the rate of transmission of Novel Coronavirus Disease 2019 (“COVID-19”). This Order continues to restrict activity, travel, and governmental and business functions. But in light of progress achieved in slowing the spread of COVID-19 in the County of Alameda (the “County”) and neighboring jurisdictions, the Order allows certain additional business, recreational, social, and cultural activities to resume, subject to the limitations set forth herein.

2. The primary intent of this Order is for Alameda County to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate this intent. However, this Order allows a limited number of business, recreational, social, and cultural activities to resume while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 and monitors indicators described in Section 11. 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. Except as otherwise provided in this Order, no public or private gathering of individuals who are not members of the same household or living unit is permitted. Individuals who do not currently reside in the County must comply with all applicable requirements of the Order when in the County. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter. Governmental and other entities are strongly urged to, as soon as possible, make such shelter available and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.
4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 15.k, except as expressly provided in this Order, and must wear Face Coverings as provided in, and subject to the limited exceptions in, the Health Officer Order 20-13 dated June 5, 2020 (the “Face Covering Order”).
5. The following business and activities are permitted within the County of Alameda and may operate or be carried out consistent with the requirement of this Order:
  - a. Essential Activities, as defined in Section 15.a.
  - b. Healthcare Operations, as defined in Section 15.b.
  - c. Essential Infrastructure, as defined in Section 15.c.
  - d. Essential Governmental Functions, as defined in Section 15.d
  - e. Essential Businesses, as defined in Section 15.f.

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- f. Essential Travel, as defined in Section 15.i.
- g. Outdoor Businesses, as defined in Section 15.l.
- h. Outdoor Activities, as defined in Section 15.m.
- i. Additional Businesses and Additional Activities, as set forth in Section 15.n-15.o and Appendix C.

Nothing in this Order prevents personnel, volunteers, or contractors from performing activities at their own residences (i.e., working from home). Further, businesses not otherwise permitted to operate under this Order may perform Minimum Basic Operations as defined in Section 15.g. All businesses, including Essential Businesses, must maximize the number of personnel who work from home, and may only assign those personnel who cannot perform their job duties from home to work outside the home.

- 6. All businesses operating under this Order must prepare or update, post, implement, and distribute to their personnel a Site-Specific Protection Plan for each of their facilities in the County frequented by personnel or members of the public, as specified in Section 15.h. In addition to the Site-Specific Protection Plan, all businesses allowed to operate under this Order must follow any industry-specific guidance issued by the Health Officer related to COVID-19 and any conditions on operation specified in this Order, including those specified in Appendix C, or in industry guidance issued by the California Department of Public Health and Department of Industrial Relations (<https://covid19.ca.gov/industry-guidance/>). Except as otherwise provided in this Order, businesses that include an Essential Business or Outdoor Business component at their facilities alongside other components must, to the extent feasible, scale down their operations to the Essential Business and Outdoor Business components only; provided, however, mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products.
- 7. Notwithstanding the requirements of Section 3, small public and private gatherings comprised of individuals within a Social Bubble, or comprised of children and adults within a single Childcare or Youth Extracurricular Activity Unit, are permitted, subject to the requirements of this Order. For purposes of this Section:
  - a. A “Social Bubble” means a stable group of not more than 12 individuals, who may attend outdoor social or other events together. A Social Bubble may be comprised of a combination of households, but no household or individual may participate in more than one Social Bubble, except as described in this Paragraph 7.
  - b. A Childcare or Youth Extracurricular Activity Unit means a group of not more than 12 individuals (including children and adults) that is formed for the purpose





of providing childcare or for the purpose of allowing children and youth to engage in extracurricular activities. If more than one group of children or youth is at one facility, each group shall be in a separate room. Groups shall not mix with each other.

- c. No person may be a member of more than one Social Bubble during any three-week period, except that a child who resides in more than one dwelling unit as part of a shared custody arrangement may be part of the Social Bubble of each of the child's parents or guardians.
- d. No person may be a member of more than one Childcare or Youth Extracurricular Activity Unit during any three-week period.
- e. Members of a Social Bubble or Childcare or Youth Extracurricular Activity Unit are strongly encouraged to comply with Social Distancing Requirements and wear face covering to the extent feasible. Children 2 years or younger should not wear face coverings, and the use of face coverings in children under the age of 12 must be subject to adult supervision.

Nothing in this Order prevents any person from being a member of both a Social Bubble and a Childcare or Youth Extracurricular Activity Unit during any three-week period. Further, nothing in this Order prohibits members of a Social Bubble from engaging in Essential Travel, Essential Activities, Outdoor Activities, or Additional Activities together.

8. All travel, except Essential Travel, as defined below in Section 15.i, is prohibited. People may use public transit only for purposes of performing activities permitted under this Order. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 15.k, to the greatest extent feasible, and personnel and passengers must wear Face Coverings as required by the Face Covering Order. Any travel into or out of the County not expressly permitted by this Order is prohibited.
9. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; 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 the COVID-19 disease 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

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contract the virus causing the COVID-19 disease 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, gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus.

10. 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 June 4, 2020, there are 3,542 confirmed cases of COVID-19 in the County and 96 deaths. 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 continue to be necessary to slow 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.
11. The Health Officer will continue to monitor several key indicators (“COVID-19 Indicators”) to inform their decision as to whether to modify the restrictions in this Order. 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.

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- 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.
12. 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. This Order is necessary to slow the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled. At the same time, since the Prior Order was issued, the County has continued to make progress in expanding health system capacity and healthcare resources and in controlling community transmission of COVID-19. In light of progress on these indicators, and subject to continued monitoring and potential public health-based responses, the Health Officer has identified additional business and activities that may resume operations under this Order, taking into account health-related considerations and transmission risk factors including, but not limited to, the intensity and quantity of contacts and the ability to substantially mitigate transmission risks associated with the operations.
  13. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.
  14. 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, and subsequent orders and guidance issued by the Governor, the State Health Officer, and the California Department of Public Health and Department of Industrial Relations. This Order adopts in certain respects 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 and the Bay Area. Without this tailored set of restrictions that further reduces the number of 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 a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls.



15. Definitions and Exemptions.

- a. Individuals may leave their residence to perform the following “Essential Activities.” However, people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their residence to the extent possible, except as necessary to seek or provide medical care or Essential Governmental Functions. Essential Activities are as follows:
  - i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
  - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, or products necessary to maintain the habitability, sanitation, and operation of residences.
  - iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:
    1. Outdoor recreation activity at parks, beaches, and other open spaces must comply with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking.
    2. Use of outdoor recreational areas and facilities with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, gym equipment, climbing walls, picnic areas, dog parks, pools, spas, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers.



3. Except as expressly allowed under this Order, sports or activities that include the use of shared equipment or physical contact between participants may only be engaged in by members of the same household or living unit.
  4. Use of shared outdoor facilities for recreational activities that may occur outside of residences consistent with the restrictions set forth in subsections 1, 2, and 3, above, including, but not limited to, skate parks, athletic fields, and tennis and pickleball courts, must, before they may begin, comply with social distancing and health/safety protocols posted at the site and any other restrictions, including prohibitions, on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Tennis and pickleball courts may be used by members of different households or living units so long as no more than two people are present (i.e., singles tennis or pickleball).
- iv. To perform work for or access an Essential Business, Outdoor Business, or Additional Business; or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.
  - v. To provide necessary care for a family member or pet in another household who has no other source of care.
  - vi. To attend a funeral with no more than 10 individuals present.
  - vii. To move residences. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.
- b. Individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.



- c. Individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).
- d. Individuals may leave their residences to perform or access “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County, including election related activities such as signature gathering. Each governmental entity 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 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 performed in compliance with Social Distancing Requirements to the greatest extent feasible. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services.
- e. For the purposes of this Order, 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.
- f. Essential Businesses may operate in the County of Alameda. For the purposes of this Order, “Essential Businesses” are as follows:
  - i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure.
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability,

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sanitation, or operation of residences, or to enable work from home. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food.

- iii. Food cultivation, including farming, livestock, and fishing.
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- v. Construction, but only as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into this Order by this reference. Public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer.
- vi. Newspapers, television, radio, and other media services.
- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services. This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business.
- viii. Bicycle repair and supply shops.
- ix. Banks and money remittance services, financing services at pawn shops, check cashing services, money lenders, and similar financial institutions. For businesses that mix a financial service component with a retail or other component, only the financial service can be open.
- x. Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate 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 present in the residence).
- xi. Hardware stores.

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- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of residences and Essential Businesses.
- xiii. Businesses providing mailing and shipping services, including post office boxes.
- xiv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or career internship and pathways, conducting or participating in COVID-19 related research, or performing essential functions, or as allowed under subparagraph xxvi, provided that social distancing of six feet per person is maintained to the greatest extent possible.
- xv. Laundromats, drycleaners, and laundry service providers.
- xvi. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. 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.
- xvii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains.
- xviii. Businesses that supply other Essential Businesses, Outdoor Businesses, or Additional Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts that are not otherwise authorized under this Order.
- xix. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for other functions besides those necessary to the delivery operation.
- xx. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers





providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order.

- xxi. Home-based care for seniors, adults, children, and pets.
  - xxii. Residential facilities and shelters for seniors, adults, and children.
  - xxiii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity.
  - xxiv. Services to assist individuals in finding employment with Essential Businesses.
  - xxv. Moving services that facilitate residential or commercial moves that are allowed under this Order.
  - xxvi. Childcare establishments, summer camps, and other educational or recreational institutions or programs providing care or supervision for children of all ages, subject to the requirements of Section 7. Childcare establishments may also be required to comply with other applicable federal, state, and local requirements. To the extent there is any inconsistency between the different regulations, the strictest rule governs. For additional guidance from the state regarding childcare licensing, please visit:  
[https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN\\_20-06-CCP.pdf](https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN_20-06-CCP.pdf).
  - xxvii. The operation of public libraries for curbside pickup of books and other media.
- g. Businesses not otherwise permitted to operate under this Order may nonetheless carry out Minimum Basic Operations. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, personnel, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- i. 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; provide for the delivery of existing inventory directly to residences or businesses; and related functions. Curbside pickup to goods is permitted only to the extent permitted and subject to the conditions set forth in Appendix C.

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- ii. The minimum necessary activities to facilitate owners, personnel, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.
  
- h. For the purposes of this Order, all businesses that are operating at facilities in the County visited or used by the public or personnel must, as a condition of such operation, prepare and post a “Site-Specific Protection Plan ” for each of these facilities; provided, however, that construction activities shall instead comply with the Construction Project Safety Protocols set forth in Appendix B and not the Site-Specific Protection Plan . The Site-Specific Protection Plan must be substantially in the form attached to this Order as Appendix A, and it must be updated from prior versions to address new requirements listed in this Order or in related guidance or directives from the Health Officer. The Site-Specific Protection Plan must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and personnel. A copy of the Site-Specific Protection Plan must also be provided to each person performing work at the facility. All businesses subject to this paragraph shall implement the Site-Specific Protection Plan and provide evidence of its implementation to any authority enforcing this Order upon demand. The Site-Specific Protection Plan must explain how the business is achieving the following, as applicable:
  - i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete Essential Business activity.
  - ii. Requiring face coverings to be worn by all persons entering the facility, other than those exempted from face covering requirements (e.g., young children).
  - iii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing.
  - iv. 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 personnel, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers).
  - v. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use.

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- vi. Regularly disinfecting other high-touch surfaces.
- vii. Posting a sign at the entrance of the facility informing all personnel and customers that they should: avoid entering the facility if they have any COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact.
- viii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).
- i. Essential Travel is permitted within, or to or from, the County of Alameda. For the purposes of this Order, "Essential Travel" means travel for any of the following purposes:
  - i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Minimum Basic Operations, Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses.
  - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities.
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - iv. Travel to return to a place of residence from outside the County.
  - v. Travel required by law enforcement or court order.
  - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
  - vii. Travel to manage after-death arrangements and burial.
  - viii. Travel to arrange for shelter or avoid homelessness.
  - ix. Travel to avoid domestic violence or child abuse.
  - x. Travel for parental custody arrangements.

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- xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.
- j. For purposes of this Order, “residences” include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- k. For purposes of this Order, “Social Distancing Requirements” means:
  - i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit.
  - ii. 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 as effective in combatting COVID-19.
  - iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands).
  - iv. Wearing a face covering when outside the home, consistent with the orders or guidance of the Health Officer.
  - v. Avoiding all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.

All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order. Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses must strictly adhere to these Social Distancing Requirements, except as otherwise permitted in this Order.

- l. Outdoors Businesses are permitted to operate in the County of Alameda consistent with the requirements of this Order. For purposes of this Order, “Outdoor Businesses” means businesses that normally operated primarily outdoors on or prior to March 16, 2020 and where there is the ability to fully maintain social distancing of at least six feet between all persons, and includes the following:



- i. Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers.
- ii. Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.

“Outdoor Businesses” do not include outdoor restaurants, cafes, or bars. Except as otherwise provided in Appendix C, Outdoor Businesses also do not include businesses that promote large, coordinated, and prolonged gatherings, such as outdoor concert venues and amusement parks.

- m. Individuals may leave their residence to engage in Outdoor Activities consistent with the requirements of this Order. For purposes of this Order, “Outdoor Activities” means:
  - i. To obtain goods, services, or supplies from, or perform work for, an Outdoor Business.
  - ii. To engage in outdoor recreation activity as permitted in Section 15.a.iii.
  - iii. Outdoor social, childcare, or youth extracurricular activities permitted under Section 7.
- n. Additional Businesses are permitted to operate in the County of Alameda consistent with the requirements of this Order. For purposes of this Order, “Additional Business” means any business, entity, or other organization identified as an Additional Business in Appendix C, which will be updated as warranted based on the Health Officer’s ongoing evaluation of the COVID-19 Indicators and other data. In addition to the other requirements in this Order, operation of those Additional Businesses is subject to any conditions and health and safety requirements set forth in Appendix C and in any industry-specific guidance issued by the Health Officer or by the California Department of Public Health and/or the Department of Industrial Relations.
- o. Individuals may leave their residence to engage in Additional Activities consistent with the requirements of this Order. For purposes of this Order, “Additional Activities” means to obtain goods, services, or supplies from, or perform work for, Additional Businesses identified in Appendix C, subject to requirements in this Order, and any conditions and health and safety requirements set forth in this Order or in any industry-specific guidance issued by the Health Officer or by the California Department of Public Health and/or the Department of Industrial Relations.



16. 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. Also, 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 Centers for Disease Control and Prevention 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>).
17. 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.
18. This Order shall become effective at 11:59 p.m. on June 7, 2020 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
19. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.
20. 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:**

A handwritten signature in blue ink that reads "Erica Pan".

Dr. Erica Pan                                      Dated: June 5, 2020  
Interim Health Officer of the County of Alameda

Attachments: Appendix A – Site-Specific Protection Plan

Appendix B-1 – Small Construction Project Safety Protocol

Appendix B-2 – Large Construction Project Safety Protocol

Appendix C – Additional Businesses

# **EXHIBIT H**





## HEALTH OFFICER ORDER NO. 20-14a

# ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA DIRECTING ALL INDIVIDUALS IN THE COUNTY TO CONTINUE TO COMPLY WITH SOCIAL DISTANCING MEASURES AND OTHER RESTRICTIONS NECESSARY TO CONTROL THE SPREAD OF COVID- 19

**DATE OF ORDER: JUNE 5, 2020 (Revised June 18, 2020)**

**Summary of Order:** This Order of the County of Alameda’s Public Health Officer continues to maintain restrictions on movement and public and private gatherings set forth in the Health Officer’s May 18, 2020 Shelter in Place Order. However, in light of the continued progress toward controlling the spread of COVID-19 in the County of Alameda and neighboring jurisdictions, this Order allows certain additional business, recreational, social, and cultural activities to resume. The Order:

1. Allows for small gatherings of individuals from different households or living units to take place in outdoor spaces, subject to certain conditions;
2. Allows childcare providers to provide care to all children, not just children of essential workers, and establishes conditions under which youth extracurricular activities may resume;
3. Allows educational institutions to offer career internship and pathways programs;
4. Allows libraries to open for curbside pickup of books and other media;
5. Replaces the Prior Order’s Social Distancing Protocol with a Site-Specific Protection Plan (Appendix A) for businesses allowed to operate under the Order; and
6. Allows certain business providing services with limited person-to-person contact, including appliance repair and pet grooming services, to resume operations.

**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 101475 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA (“HEALTH OFFICER”) ORDERS:

1. This Order supersedes the May 18, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Order”). This Order amends, clarifies, and continues certain terms of the Prior Order to ensure continued social distancing and limit

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person-to-person contact to reduce the rate of transmission of Novel Coronavirus Disease 2019 (“COVID-19”). This Order continues to restrict activity, travel, and governmental and business functions. But in light of progress achieved in slowing the spread of COVID-19 in the County of Alameda (the “County”) and neighboring jurisdictions, the Order allows certain additional business, recreational, social, and cultural activities to resume, subject to the limitations set forth herein.

2. The primary intent of this Order is for Alameda County to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate this intent. However, this Order allows a limited number of business, recreational, social, and cultural activities to resume while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 and monitors indicators described in Section 11. 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. Except as otherwise provided in this Order, no public or private gathering of individuals who are not members of the same household or living unit is permitted. Individuals who do not currently reside in the County must comply with all applicable requirements of the Order when in the County. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter. Governmental and other entities are strongly urged to, as soon as possible, make such shelter available and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.
4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 15.k, except as expressly provided in this Order, and must wear Face Coverings as provided in, and subject to the limited exceptions in, the Health Officer Order 20-13 dated June 5, 2020 (the “Face Covering Order”).
5. The following business and activities are permitted within the County of Alameda and may operate or be carried out consistent with the requirement of this Order:
  - a. Essential Activities, as defined in Section 15.a.
  - b. Healthcare Operations, as defined in Section 15.b.
  - c. Essential Infrastructure, as defined in Section 15.c.
  - d. Essential Governmental Functions, as defined in Section 15.d
  - e. Essential Businesses, as defined in Section 15.f.
  - f. Essential Travel, as defined in Section 15.i.

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- g. Outdoor Businesses, as defined in Section 15.l.
- h. Outdoor Activities, as defined in Section 15.m.
- i. Additional Businesses and Additional Activities, as set forth in Section 15.n-15.o and Appendix C.

Nothing in this Order prevents personnel, volunteers, or contractors from performing activities at their own residences (i.e., working from home). Further, businesses not otherwise permitted to operate under this Order may perform Minimum Basic Operations as defined in Section 15.g. All businesses, including Essential Businesses, must maximize the number of personnel who work from home, and may only assign those personnel who cannot perform their job duties from home to work outside the home.

6. All businesses operating under this Order must prepare or update, post, implement, and distribute to their personnel a Site-Specific Protection Plan for each of their facilities in the County frequented by personnel or members of the public, as specified in Section 15.h. In addition to the Site-Specific Protection Plan, all businesses allowed to operate under this Order must follow any industry-specific guidance issued by the Health Officer related to COVID-19 and any conditions on operation specified in this Order, including those specified in Appendix C, or in industry guidance issued by the California Department of Public Health and Department of Industrial Relations (<https://covid19.ca.gov/industry-guidance/>). Except as otherwise provided in this Order, businesses that include an Essential Business or Outdoor Business component at their facilities alongside other components must, to the extent feasible, scale down their operations to the Essential Business and Outdoor Business components only; provided, however, mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products.
7. Notwithstanding the requirements of Section 3, small public and private gatherings comprised of individuals within a Social Bubble, or comprised of children and adults within a single Childcare or Youth Extracurricular Activity Unit, are permitted, subject to the requirements of this Order. For purposes of this Section:
  - a. A “Social Bubble” means a stable group of not more than 12 individuals, who may attend outdoor social or other outdoor events together. A Social Bubble may be comprised of a combination of households, but no household or individual may participate in more than one Social Bubble, except as described in this Paragraph 7.
  - b. A Childcare or Youth Extracurricular Activity Unit means a group of not more than 12 children/youth and an appropriate number of supervising adults that is formed for the purpose of providing childcare or for the purpose of allowing children and youth to engage in extracurricular activities. If more than one group



of children or youth is at one facility, each group shall be in a separate room or area. Groups shall not mix with each other.

- c. No person may be a member of more than one Social Bubble during any three-week period, except that a child who resides in more than one dwelling unit as part of a shared custody arrangement may be part of the Social Bubbles of each of the child's parents or guardians.
- d. No person may be a member of more than one Childcare or Youth Extracurricular Activity Unit during any three-week period.
- e. Members of a Social Bubble or Childcare or Youth Extracurricular Activity Unit are strongly encouraged to comply with Social Distancing Requirements and wear face covering to the extent feasible. Children 2 years or younger should not wear face coverings, and the use of face coverings in children under the age of 12 must be subject to adult supervision.

Nothing in this Order prevents any person from being a member of both a Social Bubble and a Childcare or Youth Extracurricular Activity Unit during any three-week period. Further, nothing in this Order prohibits members of a Social Bubble from engaging in Essential Travel, Essential Activities, Outdoor Activities, or Additional Activities together.

8. All travel, except Essential Travel, as defined below in Section 15.i, is prohibited. People may use public transit only for purposes of performing activities permitted under this Order. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 15.k, to the greatest extent feasible, and personnel and passengers must wear Face Coverings as required by the Face Covering Order. Any travel into or out of the County not expressly permitted by this Order is prohibited.
9. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; 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 the COVID-19 disease 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 the COVID-19 disease 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

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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, gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus.

10. 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 June 4, 2020, there are 3,542 confirmed cases of COVID-19 in the County and 96 deaths. 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 continue to be necessary to slow 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.
11. The Health Officer will continue to monitor several key indicators (“COVID-19 Indicators”) to inform their decision as to whether to modify the restrictions in this Order. 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.
12. 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

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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. This Order is necessary to slow the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled. At the same time, since the Prior Order was issued, the County has continued to make progress in expanding health system capacity and healthcare resources and in controlling community transmission of COVID-19. In light of progress on these indicators, and subject to continued monitoring and potential public health-based responses, the Health Officer has identified additional business and activities that may resume operations under this Order, taking into account health-related considerations and transmission risk factors including, but not limited to, the intensity and quantity of contacts and the ability to substantially mitigate transmission risks associated with the operations.

13. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.
14. 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, and subsequent orders and guidance issued by the Governor, the State Health Officer, and the California Department of Public Health and Department of Industrial Relations. This Order adopts in certain respects 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 and the Bay Area. Without this tailored set of restrictions that further reduces the number of 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 a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls.
15. Definitions and Exemptions.
  - a. Individuals may leave their residence to perform the following “Essential Activities.” However, people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their residence to the extent possible, except as necessary to seek or provide medical care or Essential Governmental Functions. Essential Activities are as follows:



- i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, or products necessary to maintain the habitability, sanitation, and operation of residences.
- iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:
  1. Outdoor recreation activity at parks, beaches, and other open spaces must comply with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking.
  2. Use of outdoor recreational areas and facilities with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, gym equipment, climbing walls, picnic areas, pools, spas, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers.
  3. Except as expressly allowed under this Order, sports or activities that include the use of shared equipment or physical contact between participants may only be engaged in by members of the same household or living unit.
  4. Use of shared outdoor facilities for recreational activities that may occur outside of residences consistent with the restrictions set forth in subsections 1, 2, and 3, above, including, but not limited to, skate parks, athletic fields, and tennis and pickleball courts, must, before they may begin, comply with social distancing and



health/safety protocols posted at the site and any other restrictions, including prohibitions, on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Tennis and pickleball courts may be used by members of different households or living units so long as no more than two people are present (i.e., singles tennis or pickleball).

- iv. To perform work for or access an Essential Business, Outdoor Business, or Additional Business; or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.
  - v. To provide necessary care for a family member or pet in another household who has no other source of care.
  - vi. To attend a funeral with no more than 25 individuals present.
  - vii. To move residences. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.
- b. Individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.
- c. Individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).





- d. Individuals may leave their residences to perform or access “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County, including election related activities such as signature gathering. Each governmental entity 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 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 performed in compliance with Social Distancing Requirements to the greatest extent feasible. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services.
- e. For the purposes of this Order, 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.
- f. Essential Businesses may operate in the County of Alameda. For the purposes of this Order, “Essential Businesses” are as follows:
  - i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure.
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences, or to enable work from home. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food.
  - iii. Food cultivation, including farming, livestock, and fishing.
  - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

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- v. Construction, but only as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into this Order by this reference. Public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer.
- vi. Newspapers, television, radio, and other media services.
- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services. This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business.
- viii. Bicycle repair and supply shops.
- ix. Banks and money remittance services, financing services at pawn shops, check cashing services, money lenders, and similar financial institutions. For businesses that mix a financial service component with a retail or other component, only the financial service can be open.
- x. Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate 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 present in the residence).
- xi. Hardware stores.
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of residences and Essential Businesses.
- xiii. Businesses providing mailing and shipping services, including post office boxes.
- xiv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of conducting in-class summer school instruction, facilitating distance learning or career internship and pathways, conducting or participating in COVID-19 related research, or performing essential functions, or as allowed under subparagraph xxvi,



provided that social distancing of six feet per person is maintained to the greatest extent possible.

- xv. Laundromats, drycleaners, and laundry service providers.
- xvi. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. 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.
- xvii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains.
- xviii. Businesses that supply other Essential Businesses, Outdoor Businesses, or Additional Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts that are not otherwise authorized under this Order.
- xix. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for other functions besides those necessary to the delivery operation.
- xx. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order.
- xxi. Home-based care for seniors, adults, children, and pets.
- xxii. Residential facilities and shelters for seniors, adults, and children.
- xxiii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity.
- xxiv. Services to assist individuals in finding employment with Essential Businesses.



- xxv. Moving services that facilitate residential or commercial moves that are allowed under this Order.
  - xxvi. Childcare establishments, summer camps, and other educational or recreational institutions or programs providing care or supervision for children of all ages, subject to the requirements of Section 7. Childcare establishments may also be required to comply with other applicable federal, state, and local requirements. To the extent there is any inconsistency between the different regulations, the strictest rule governs. For additional guidance from the state regarding childcare licensing, please visit:  
[https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN\\_20-06-CCP.pdf](https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN_20-06-CCP.pdf).
  - xxvii. The operation of public libraries for curbside pickup of books and other media.
- g. Businesses not otherwise permitted to operate under this Order may nonetheless carry out Minimum Basic Operations. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, personnel, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- i. 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; provide for the delivery of existing inventory directly to residences or businesses; and related functions. Curbside pickup to goods is permitted only to the extent permitted and subject to the conditions set forth in Appendix C.
  - ii. The minimum necessary activities to facilitate owners, personnel, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.
- h. For the purposes of this Order, all businesses that are operating at facilities in the County visited or used by the public or personnel must, as a condition of such operation, prepare and post a “Site-Specific Protection Plan ” for each of these facilities; provided, however, that construction activities shall instead comply with the Construction Project Safety Protocols set forth in Appendix B and not the Site-Specific Protection Plan . The Site-Specific Protection Plan must be substantially in the form attached to this Order as Appendix A, and it must be updated from prior versions to address new requirements listed in this Order or in related guidance or directives from the Health Officer. The Site-Specific Protection Plan must be posted at or near the entrance of the relevant facility, and



shall be easily viewable by the public and personnel. A copy of the Site-Specific Protection Plan must also be provided to each person performing work at the facility. All businesses subject to this paragraph shall implement the Site-Specific Protection Plan and provide evidence of its implementation to any authority enforcing this Order upon demand. The Site-Specific Protection Plan must explain how the business is achieving the following, as applicable:

- i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete Essential Business activity.
- ii. Requiring face coverings to be worn by all persons entering the facility, other than those exempted from face covering requirements (e.g., young children).
- iii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing.
- iv. 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 personnel, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers).
- v. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use.
- vi. Regularly disinfecting other high-touch surfaces.
- vii. Posting a sign at the entrance of the facility informing all personnel and customers that they should: avoid entering the facility if they have any COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact.
- viii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).
- i. Essential Travel is permitted within, or to or from, the County of Alameda. For the purposes of this Order, "Essential Travel" means travel for any of the following purposes:

Order of the County of Alameda's Health Officer  
(Revised June 18, 2020)



- i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Minimum Basic Operations, Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses.
  - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities.
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - iv. Travel to return to a place of residence from outside the County.
  - v. Travel required by law enforcement or court order.
  - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
  - vii. Travel to manage after-death arrangements and burial.
  - viii. Travel to arrange for shelter or avoid homelessness.
  - ix. Travel to avoid domestic violence or child abuse.
  - x. Travel for parental custody arrangements.
  - xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.
- j. For purposes of this Order, “residences” include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- k. For purposes of this Order, “Social Distancing Requirements” means:
- i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit.
  - ii. 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 as effective in combatting COVID-19.



- iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands).
- iv. Wearing a face covering when outside the home, consistent with the orders or guidance of the Health Officer.
- v. Avoiding all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.

All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order. Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses must strictly adhere to these Social Distancing Requirements, except as otherwise permitted in this Order.

- I. Outdoors Businesses are permitted to operate in the County of Alameda consistent with the requirements of this Order. For purposes of this Order, “Outdoor Businesses” means businesses that normally operated primarily outdoors on or prior to March 16, 2020 and where there is the ability to fully maintain social distancing of at least six feet between all persons, and includes the following:
  - i. Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers.
  - ii. Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.

“Outdoor Businesses” do not include outdoor restaurants, cafes, or bars. Except as otherwise provided in Appendix C, Outdoor Businesses also do not include businesses that promote large, coordinated, and prolonged gatherings, such as outdoor concert venues and amusement parks.

- m. Individuals may leave their residence to engage in Outdoor Activities consistent with the requirements of this Order. For purposes of this Order, “Outdoor Activities” means:
  - i. To obtain goods, services, or supplies from, or perform work for, an Outdoor Business.
  - ii. To engage in outdoor recreation activity as permitted in Section 15.a.iii.



- iii. Outdoor social, childcare, or youth extracurricular activities permitted under Section 7.
  - n. Additional Businesses are permitted to operate in the County of Alameda consistent with the requirements of this Order. For purposes of this Order, “Additional Business” means any business, entity, or other organization identified as an Additional Business in Appendix C, which will be updated as warranted based on the Health Officer’s ongoing evaluation of the COVID-19 Indicators and other data. In addition to the other requirements in this Order, operation of those Additional Businesses is subject to any conditions and health and safety requirements set forth in Appendix C and in any industry-specific guidance issued by the Health Officer or by the California Department of Public Health and/or the Department of Industrial Relations.
  - o. Individuals may leave their residence to engage in Additional Activities consistent with the requirements of this Order. For purposes of this Order, “Additional Activities” means to obtain goods, services, or supplies from, or perform work for, Additional Businesses identified in Appendix C, subject to requirements in this Order, and any conditions and health and safety requirements set forth in this Order or in any industry-specific guidance issued by the Health Officer or by the California Department of Public Health and/or the Department of Industrial Relations.
16. 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. Also, 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 Centers for Disease Control and Prevention 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>).
17. 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.
18. This Order shall become effective at 8:00 a.m. on June 19, 2020 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.





19. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.
  
20. 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:**

A handwritten signature in blue ink, appearing to read "Erica Pan".

Dr. Erica Pan                                      Dated: June 18, 2020  
Interim Health Officer of the County of Alameda

- Attachments: Appendix A – Site-Specific Protection Plan
- Appendix B-1 – Small Construction Project Safety Protocol
- Appendix B-2 – Large Construction Project Safety Protocol
- Appendix C – Additional Businesses & Activities Permitted



Alameda County Health Care Services Agency  
Public Health Department

Colleen Chawla, Director  
Kimi Watkins-Tartt, Director  
Erica Pan, MD, Interim Health Officer

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## COVID-19 SITE-SPECIFIC PROTECTION PLAN GUIDANCE & TEMPLATE FOR DEVELOPING YOUR OWN PLAN

Order No. 20-14a - Appendix A

Updated on June 18, 2020

### PURPOSE OF THIS DOCUMENT

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The purpose of this document is to provide each business with clear guidance for reopening in a manner that provides a safe, clean environment for employees and customers.

**This COVID-19 Site-Specific Protection Plan (Appendix A) applies to all businesses except construction projects. Construction projects must follow Appendix B-1 or Appendix B-2.**

Businesses and organizations allowed to reopen in Alameda County are **not** required to submit their COVID-19 Site-Specific Protection Plan to the State or the Alameda County Public Health Department for review and approval before reopening. Businesses and organizations may reach out to [COVIDRecovery@acgov.org](mailto:COVIDRecovery@acgov.org) for technical assistance.

### DESCRIPTION OF A COVID-19 SITE-SPECIFIC PROTECTION PLAN (SPP)

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The Site-Specific Protection Plan (SPP) template below combines state-level guidance published in the California State [Resilience Roadmap](#) and guidance from the Alameda County Public Health Department.

The State of California requires all businesses to:

1. Perform a detailed risk assessment and implement a site-specific protection plan (SPP)
2. Train employees on how to limit the spread of COVID-19, including how to screen themselves for symptoms and stay home when symptomatic
3. Implement individual control measures and screenings
4. Implement cleaning and disinfecting protocols
5. Implement physical distancing guidelines

As the COVID-19 pandemic evolves and new local or state Public Health Orders are issued, businesses may need to amend their Site-Specific Protection Plans from time to time to incorporate new requirements. The Alameda County Public Health Department's [COVID-19 website](#) will host updated information and guidance.

## GUIDANCE FOR DEVELOPING YOUR BUSINESSES' COVID-19 SITE-SPECIFIC PROTECTION PLAN (SPP)

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1. Perform a risk assessment of your business practices.
2. Use the template below to create your own SPP by filling in the required details, based on your individual business model, to ensure your business can protect the safety of employees and customers.
3. Finalize your SPP and physically post it at your place of business at a visible location near the entrance where staff and customers can easily review it without touching the document; and distribute copies of the SPP to all employees.
4. Signage also needs to be posted at each public entrance of each worksite to inform all employees and customers that they should:
  - Avoid entering or using the facility if you have COVID-19 symptoms;
  - Maintain a minimum six-foot distance from one another;
  - Sneeze and cough into a cloth or tissue or, if not available, into one's elbow;
  - Wash hands often;
  - Wear face coverings; and
  - Do not shake hands or engage in any unnecessary physical contact.

## TOOLS FOR DEVELOPING YOUR SITE SPECIFIC PROTECTION PLAN

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### **1. COVID-19 Site-Specific Protection Plan (SPP) Template**

The Alameda County Public Health Department is providing a template that can be used by any business in Alameda County to create their own Site-Specific Protection Plan (SPP). It contains all of the standard content already written for you to re-open your business and prompts you to “fill in the blank” where unique information is required in order to complete your SPP. The template has been authorized by the County's Public Health Officer, so you can be confident you are safely re-opening your business if you use this template.

### **2. California COVID-19 Industry Guidance**

Industry-specific guidance has been developed by California for businesses permitted to open per county health rules can be found [here](#).

### **3. Alameda County COVID Recovery**

The Alameda County Public Health Department will be developing safe reopening guidance for businesses, employers, and employees, along with industry specific guidance and best practices. Guidance and resources will be posted [here](#).

## GENERAL EMPLOYEE PROTECTIONS

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Employers have an important role in slowing the community spread of COVID-19 by implementing measures to reduce the risk of workplace exposure. Administrative controls, such as remote work and paid sick leave are important preventive measures for controlling the overall spread of COVID-19. Employers should follow [Cal/OSHA](#) and [CDC guidance](#) regarding workplace measures to reduce the spread of COVID-19, make reasonable accommodations for people with underlying health conditions, and provide necessary equipment and supplies to prevent illness and injury--including access to cleaning and handwashing supplies and breaks for handwashing, provision of personal protective equipment if required by your industry, and appropriate training. All employers must comply with guidance issued by the [California Resilience Roadmap](#), all [Local Health Officer Orders](#), and applicable federal, California, and local provisions for paid sick leave for individuals who cannot safely work for reasons related to the COVID-19 pandemic. If you fail to do so, you may considered to be out of compliance with this Health Order.

## RETURN TO WORK

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The Alameda County Public Health Department (ACPHD) has a blanket [Isolation/Quarantine Order](#) in place. This means that someone testing positive for COVID-19 is required to isolate, meaning they MUST stay home and away from others for a period of at least 10 days based on the [Isolation instructions](#). ACPHD will follow up with every case reported to identify their contacts, and those contacts are required to quarantine, meaning they MUST stay home and monitor themselves for symptoms for 14 days after their last exposure. ACPHD is not providing return to work documentation for cases or contacts. To facilitate a faster return to work, employers should not require employees who have been isolated/ quarantined under the Isolation/Quarantine Order to provide test results or a doctor's note to [return to work](#).

## COVID-19 SITE-SPECIFIC PROTECTION PLAN (SPP)

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Business name:

Facility address:

Approximate gross square footage of space open to the public:

This COVID-19 Site-Specific Protection Plan (SPP) was most recently updated on:

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The person(s) responsible for implementation of this Plan is:

Name:

Title:

I, \_\_\_\_\_ certify that all employees have been provided a copy of it and have reviewed it and received training as required in this SPP.

Name:

Signature:

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### **Alameda County Shelter in Place Order & Face Coverings Order**

- Employer has read the [Alameda County Shelter in Place Order](#) to determine if the business is allowed to reopen.
  - Employer has read the [Alameda County Face Coverings Order](#) and is complying with and implementing measures identified in the Order.
- 

### **Individual Control Measures and Screenings**

- Employees whose work duties can be conducted remotely are doing so and will continue to do so until the Shelter in Place Order is lifted, with particular consideration for employees above the age of 60 and those with underlying health issues who are at increased risk for more severe disease if infected.
- All employees have been provided with temperature and/or symptom screenings at the beginning of their shift and all other employees entering the worksite at all times. The individual conducting the temperature/

symptom screening will avoid close contact with employees to the extent possible. Both screeners and employees wear face coverings during each screening. See screening guidance [here](#).

- Employees should be provided with all required protective equipment (i.e., face coverings) and the employer ensures this equipment is worn properly at all times.
- Employees are provided with and use protective equipment when offloading and storing delivered goods.
- Employees inspect deliveries and perform disinfection measures prior to storing goods in warehouses and facilities.
- Face coverings are required when employees are in the vicinity of others. Face coverings are not shared at this worksite.
- Employees take reasonable measures to communicate with the public that they are required to wear face coverings.  
\*Please note that children 12 years old or younger and those who cannot wear one because of medical reasons are exempt from wearing a face covering.
- Employees who are sick or exhibiting symptoms of COVID-19 are directed to stay home and follow the Alameda County Public Health Department's Criteria for Returning to Work after Isolation or Quarantine guidelines located [here](#).  
\*Please note that employees who self-quarantine and who are not ill do not need a doctor's note to return to work after staying home for 14 days. Requiring employees to obtain a doctor's note is impacting the medical system and preventing doctors from seeing patients who are ill. If any employee has been isolated because they were diagnosed with COVID-19, they may return to work once they meet the criteria described in ACPHD's return to work policy [here](#). Repeat testing for COVID-19 is not required before an employee can return to work.

Types of protective equipment provided to employees at this worksite location include:

Additional control measure you are implementing at this worksite include:

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## **Cleaning and Disinfecting Protocols**

- Thorough cleaning in high traffic areas is performed regularly. Commonly used surfaces are frequently disinfected.
- All shared equipment and touchable surfaces are cleaned and sanitized between each use.
- Customer entrances and exits, and points of sale are equipped with proper sanitation products, including hand sanitizer and/or sanitizing wipes.
- Hand washing facilities will be made available and will stay operational and stocked at all times and additional soap, paper towels, and hand sanitizer are supplied when needed.
- Hand sanitizer will be provided where businesses do not have indoor plumbing.
- Sanitizing supplies are provided to promote employees' personal hygiene. This may include tissues, no-touch trash cans, hand soap, adequate time for hand- washing, alcohol-based hand sanitizers, disinfectants, and disposable towels.
- Cleaning products are used that meet the Environmental Protection Agency (EPA)'s- approved for use against [COVID-19 list](#).
- Business hours and/ or other procedures have been modified to provide adequate time for regular, thorough cleaning, product stocking, or other measures.
- Employees are provided adequate time to implement cleaning practices before and after shifts.
- Hands-free devices have been installed, if possible, including motion sensor lights, contact-less payment systems, automatic soap and paper towel dispensers, and timecard systems.

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## **Schedule for Disinfecting High Traffic Areas and Commonly Used Surfaces**

Fill in the fields below with the schedule for how often each area is disinfected.

Mark N/A for all that do not apply to your specific worksite and add any that are missing to "Other".

Break rooms:

Restrooms:

Handrails/door handles/counters/shelving/buttons (elevator/door):

Shopping carts/baskets:

Handheld devices (payment portals, including ATM PIN pads, stylus):

Registers:

Scanners:

Telephones:

Time clocks:

Handwashing facilities:

Custom equipment and tools (i.e. pallet jacks, ladders, supply carts):

Conveyor belts:



Others:

Description of specific operational procedures being implemented to ensure there is adequate time for cleaning/disinfecting:

Additional measures that have been taken at this business location:

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## Physical Distancing Guidelines

- Employee breaks and break rooms are managed to allow employees to eat on premises in designated areas where they can remain 6 feet apart.
- 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.
- Customers are permitted to bring their own bags, mugs, or other reusable items from home if they do not require handling by employees.
- Tape or other markings have been placed at least six feet apart in customer line areas on sidewalks or other walkways near public entrances with signs directing customers to use the markings to maintain distance.
- Limit the number of customers in the store at any one time to \_\_\_\_\_, which allows for customers and employees to easily maintain at least six feet distance from one another at all practicable times.
- All desks or individual workstations are separated by at least six feet or employees otherwise maintain six feet if workspace is limited. Physical partitions can be used if workstations and/or employees cannot physical distance.
- Employees are informed that they should not carpool to and from the jobsite except by workers living within the same household unit, or as necessary for workers who have no alternative means of transportation.
- If employers provide shuttles, symptom checks should be conducted before employees board the shuttle, and employees should physical distance while waiting in line and on the shuttle. Physical distancing on the shuttle can include reducing the shuttle capacity.

The following per-person limits have been placed on goods that are selling out quickly to reduce crowds and lines. If not applicable mark as "N/A".

Description of the layout of your worksite and how we accomplish physical distancing measures:

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## **Food Facilities Guidance including Restaurants, Mobile Food Facilities, Stores/Convenience Stores**

- Go to the Alameda County Department of Environmental Health [website](#) and review the Guidance for Food Facilities and Food Safety for Food Delivery and Pickup Guidance.
- Complete and implement the Restaurant Operating Procedures posted on the Alameda County Department of Environmental Health [website](#).
- If you've implemented additional measures specific to your food facilities business, include them below.

Additional measures taken:

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## Notification of COVID-19 Positive Case at your Worksite

- Alameda County Public Health is notified of all positive COVID-19 cases.
- If an employee is diagnosed with COVID-19, Alameda County Public Health will provide assistance in the assessment of potential worksite exposures, and any recommended testing, quarantine, or isolation instructions.
- Employers and employees are aware that they can contact Alameda County Public Health if a suspected exposure has occurred at:  
Alameda County Public Health Department  
(510) 764-7836  
COVIDWorkplace@acgov.org

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## Training

Employees have been trained on the following topics:

- Information from the [Centers for Disease Control and Prevention \(CDC\)](#) on COVID-19, how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using CDC guidelines.
- The importance of not coming to work if employees have a frequent cough, fever, difficulty breathing, chills, muscle pain, headache, sore throat, recent loss of taste or smell, or if they or someone they live with have been diagnosed with COVID-19.
- The importance of seeking medical attention if an employees' symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on the CDC's webpage.
- The vulnerability of those 60 years of age or older and people with chronic medical conditions, and the need to practice particular caution to protect these groups.
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol or 70% isopropanol when employees cannot get to a sink or handwashing station, per CDC guidelines).
- Manufacturer's directions and Cal/OSHA requirements for safe use of personal hygiene and cleaning products.
- The importance of physical distancing, both at work and off work time (see Physical Distancing section above).
- Proper use of face coverings, including:**
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - The importance of washing and/or sanitizing hands before and after using or adjusting face coverings.
  - Avoid touching eyes, nose, and mouth.
  - Face coverings to be washed after each shift.

Other worksite training measures taken:

**Order No. 20-14a - Appendix B-1  
Updated 6/18/20**

**Small Construction Project Safety Protocol**

1. Any construction project meeting any of the following specifications is subject to this Small Construction Project Safety Protocol (“SCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
  - a. For residential projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of 10 units or less. This SCP Protocol does not apply to construction projects where a person is performing construction on their current residence either alone or solely with members of their own household.
  - b. For commercial projects, any construction, renovation, or tenant improvement project consisting of 20,000 square feet of floor area or less.
  - c. For mixed-use projects, any project that meets both of the specifications in subsection 1.a and 1.b.
  - d. All other construction projects not subject to the Large Construction Project Safety Protocol set forth in Appendix B-2.
2. The following restrictions and requirements must be in place at all construction job sites subject to this SCP Protocol:
  - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference, or discrepancy between or among applicable laws and regulations and/or this SCP Protocol, the stricter standard shall apply.
  - b. Designate a site-specific COVID-19 supervisor or supervisors to enforce this guidance. A designated COVID-19 supervisor must be present on the construction site at all times during construction activities. A COVID-19 supervisor may be an on-site worker who is designated to serve in this role.
  - c. The COVID-19 supervisor must review this SCP Protocol with all workers and visitors to the construction site.
  - d. Establish a daily screening protocol for arriving staff to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exits to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
  - e. Practice social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the construction project.
  - f. Where construction work occurs within an occupied residential unit, separate work areas must be sealed off from the remainder of the unit with physical barriers such as plastic

**Order No. 20-14a - Appendix B-1**  
**Updated 6/18/20**

sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.

- g. Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, separate work areas must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.
- h. Prohibit gatherings of any size on the jobsite, including gatherings for breaks or eating, except for meetings regarding compliance with this protocol or as strictly necessary to carry out a task associated with the construction project.
- i. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Sharing of any of any food or beverage is strictly prohibited and if sharing is observed, the worker must be sent home for the day.
- j. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE unless required due to the medical nature of a jobsite. Face coverings must be worn in compliance with Section 7 of the Health Officer's Order No. 20-13, dated June 5, 2020, or any subsequently issued or amended order.
- k. Strictly control "choke points" and "high-risk areas" where workers are unable to maintain six-foot social distancing and prohibit or limit use to ensure that six-foot distance can easily be maintained between individuals.
- l. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- m. Stagger trades as necessary to reduce density and allow for easy maintenance of minimum six-foot separation.
- n. Discourage workers from using others' desks, work tools, and equipment. If more than one worker uses these items, the items must be cleaned and disinfected with disinfectants that are effective against COVID-19 in between use by each new worker. Prohibit sharing of PPE.



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- o. If hand washing facilities are not available at the jobsite, place portable wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- p. Clean and sanitize any hand washing facilities, portable wash stations, jobsite restroom areas, or other enclosed spaces daily with disinfectants that are effective against COVID-19. Frequently clean and disinfect all high touch areas, including entry and exit areas, high traffic areas, rest rooms, hand washing areas, high touch surfaces, tools, and equipment
- q. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, phone number, address, and email.
- r. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
  - i. Do not touch your face with unwashed hands or with gloves.
  - ii. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
  - iii. Clean and disinfect frequently touched objects and surfaces such as work stations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
  - iv. Cover your mouth and nose when coughing or sneezing, or cough or sneeze into the crook of your arm at your elbow/sleeve.
  - v. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
  - vi. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six feet at all times when not wearing the necessary PPE for working in close proximity to another person.
  - vii. Do not carpool to and from the jobsite with anyone except members of your own household unit, or as necessary for workers who have no alternative means of transportation.
  - viii. Do not share phones or PPE.
- s. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
  - i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
  - ii. Each location the infected worker was at must be decontaminated and sanitized and work in these locations must cease until decontamination and sanitization is complete.
  - iii. The Alameda County Public Health Department must be notified immediately by email at [COVIDWorkplace@agov.org](mailto:COVIDWorkplace@agov.org) or by phone at (510) 764-7836. Any requirements specified by the County health officials must be completed, including full compliance with any tracing efforts by the County.

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**Large Construction Project Safety Protocol**

1. Any construction project meeting any of the following specifications is subject to this Large Construction Project Safety Protocol (“LCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
  - a. For residential construction projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of more than 10 units.
  - b. For commercial construction projects, any construction, renovation, or tenant improvement project consisting of more than 20,000 square feet of floor area.
  - c. For construction of Essential Infrastructure, as defined in section 15.c of the Order, any project that requires 20 or more workers at the jobsite at any one time.
2. The following restrictions and requirements must be in place at all construction job sites subject to this LCP Protocol:
  - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference or discrepancy between or among applicable laws and regulations and/or this LCP Protocol, the stricter standard will apply.
  - b. Prepare a new or updated Site-Specific Health and Safety Plan to address COVID-19-related issues, post the Plan on-site at all entrances and exits, and produce a copy of the Plan to County governmental authorities upon request. The Plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the Plan.
  - c. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE, unless required due to the medical nature of a job site. Face Coverings must be worn in compliance with Section 7 of the Health Officer Order No. 20-13, dated June 5, 2020, or any subsequently issued or amended order.
  - d. Ensure that employees are trained in the use of PPE. Maintain and make available a log of all PPE training provided to employees and monitor all employees to ensure proper use of the PPE.
  - e. Prohibit sharing of PPE.
  - f. Implement social distancing requirements including, at minimum:

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- i. Stagger stop- and start-times for shift schedules to reduce the quantity of workers at the jobsite at any one time to the extent feasible.
- ii. Stagger trade-specific work to minimize the quantity of workers at the jobsite at any one time.
- iii. Require social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the project.
- iv. Prohibit gatherings of any size on the jobsite, except for safety meetings or as strictly necessary to carry out a task associated with the project.
- v. Strictly control “choke points” and “high-risk areas” where workers are unable to maintain minimum six-foot social distancing and prohibit or limit use to ensure that minimum six-foot distancing can easily be maintained between workers.
- vi. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- vii. Prohibit workers from using others’ phones or desks. Any work tools or equipment that must be used by more than one worker must be cleaned with disinfectants that are effective against COVID-19 before use by a new worker.
- viii. Place wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- ix. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, address, phone number, and email.
- x. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
  1. Do not touch your face with unwashed hands or with gloves.
  2. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
  3. Clean and disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
  4. Cover your mouth and nose when coughing or sneezing or cough or sneeze into the crook of your arm at your elbow/sleeve.
  5. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
  6. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six-foot distancing at all times when not wearing the necessary PPE for working in close proximity to another person.
  7. Do not share phones or PPE.
- xi. The notice in section 2.f.x must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.

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- g. Implement cleaning and sanitization practices in accordance with the following:
  - i. Frequently clean and sanitize, in accordance with CDC guidelines, all high-traffic and high-touch areas including, at a minimum: meeting areas, jobsite lunch and break areas, entrances and exits to the jobsite, jobsite trailers, hand-washing areas, tools, equipment, jobsite restroom areas, stairs, elevators, and lifts.
  - ii. Establish a cleaning and decontamination protocol prior to entry and exit of the jobsite and post the protocol at entrances and exits of jobsite.
  - iii. Supply all personnel performing cleaning and sanitization with proper PPE to prevent them from contracting COVID-19. Employees must not share PPE.
  - iv. Establish adequate time in the workday to allow for proper cleaning and decontamination including prior to starting at or leaving the jobsite for the day.
  
- h. Implement a COVID-19 community spread reduction plan as part of the Site-Specific Health and Safety Plan that includes, at minimum, the following restrictions and requirements:
  - i. Prohibit all carpooling to and from the jobsite except by workers living within the same household unit, or as necessary for workers who have no alternative means of transportation.
  - ii. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Prohibit any sharing of any food or beverage and if sharing is observed, the worker must be sent home for the day.
  - iii. Prohibit use of microwaves, water coolers, and other similar shared equipment.
  
- i. Assign a COVID-19 Safety Compliance Officer (SCO) to the jobsite and ensure the SCO's name is posted on the Site-Specific Health and Safety Plan. The SCO must:
  - i. Ensure implementation of all recommended safety and sanitation requirements regarding the COVID-19 virus at the jobsite.
  - ii. Compile daily written verification that each jobsite is compliant with the components of this LCP Protocol. Each written verification form must be copied, stored, and made immediately available upon request by any County official.
  - iii. Establish a daily screening protocol for arriving staff, to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exit to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
  - iv. Conduct daily briefings in person or by teleconference that must cover the following topics:
    - 1. New jobsite rules and pre-job site travel restrictions for the prevention of COVID-19 community spread.
    - 2. Review of sanitation and hygiene procedures.
    - 3. Solicitation of worker feedback on improving safety and sanitation.
    - 4. Coordination of construction site daily cleaning/sanitation requirements.
    - 5. Conveying updated information regarding COVID-19.
    - 6. Emergency protocols in the event of an exposure or suspected exposure to COVID-19.

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- v. Develop and ensure implementation of a remediation plan to address any non-compliance with this LCP Protocol and post remediation plan at entrance and exit of jobsite during remediation period. The remediation plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the document.
  - vi. The SCO must not permit any construction activity to continue without bringing such activity into compliance with these requirements.
  - vii. Report repeated non-compliance with this LCP Protocol to the appropriate jobsite supervisors and a designated County official.
- j. Assign a COVID-19 Third-Party Jobsite Safety Accountability Supervisor (JSAS) for the jobsite, who at a minimum holds an OSHA-30 certificate and first-aid training within the past two years, who must be trained in the protocols herein and verify compliance, including by visual inspection and random interviews with workers, with this LCP Protocol.
- i. Within seven calendar days of each jobsite visit, the JSAS must complete a written assessment identifying any failure to comply with this LCP Protocol. The written assessment must be copied, stored, and, upon request by the County, sent to a designated County official.
  - ii. If the JSAS discovers that a jobsite is not in compliance with this LCP Protocol, the JSAS must work with the SCO to develop and implement a remediation plan.
  - iii. The JSAS must coordinate with the SCO to prohibit continuation of any work activity not in compliance with rules stated herein until addressed and the continuing work is compliant.
  - iv. The remediation plan must be sent to a designated County official within five calendar days of the JSAS's discovery of the failure to comply.
- k. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
  - ii. Each location the infected worker was at must be decontaminated and sanitized, and work in these locations must cease until decontamination and sanitization is complete.
  - iii. The Alameda County Public Health Department must be notified immediately by email at [COVIDWorkplace@agov.org](mailto:COVIDWorkplace@agov.org) or by phone at (510) 764-7836. Any requirements specified by the County health officials must be completed, including full compliance with any tracing efforts by the County.
- l. Where construction work occurs within an occupied residential unit, any separate work area must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to

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**Updated 6/18/2020**

minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.

- m. Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, any separate work area must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.



## **Order No. 20-14a – Appendix C: Additional Businesses & Activities Permitted**

**[Revised June 18, 2020]**

### **General Requirements**

The “Additional Businesses” listed below may begin operating, subject to the requirements set forth in the Health Officer Order no. 20-14a (the “Order”) and to any additional requirements set forth below or in separate industry-specific guidance by the Health Officer. These businesses were selected to implement a measured expansion of commercial activity based on health-related considerations including the risks of COVID-19 transmission associated with types and modes of business operations, the ability to substantially mitigate transmission risks associated with the operations, and related factors, such as the following:

- **Increase in mobility and volume of activity**—the overall impact the reopening will have on the number of people leaving their homes and traveling to work at or access the business;
- **Contact intensity**—the type (close or distant) and duration (brief or prolonged) of the contact involved in the business;
- **Number of contacts**—the approximate number of people that will be in the setting at the same time;
- **Modification potential**—the degree to which mitigation measures can decrease the risk of transmission.

To mitigate the risk of transmission to the greatest extent possible, before resuming operations, each Additional Business must:

**Prepare, post, implement, and distribute to their Personnel a written Site-Specific Protection Plan** as specified in Section 15.h of the Order and set forth in Appendix A, and required by the State of California outlined in its [guidance](#) that addresses all applicable best practices set forth in relevant Health Officer directives, including how it will comply with all applicable Statewide guidance issued by the State of California, which is hereby incorporated by reference and should be treated as if issued by the Health Officer.

As used in this Appendix C-1, “Personnel” means the following people who provide goods or services associated with the Additional Business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); independent contractors (such as “gig workers” who perform work via the Additional Business’s app or other online interface); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Additional Business.

**Each Additional Business must comply with Social Distancing Requirements as well as all relevant [state guidance](#) and local directives.** Where a conflict exists between the state guidance and local public health directives related to the COVID-19 pandemic, the most restrictive provision controls.



## List of Additional Businesses

For purposes of the Order, Additional Businesses include the following based on the summarized health risk related rationale:

- (1) **Retail Stores.** Retail stores not otherwise authorized to operate by an Order of the Health Officer may operate in the County of Alameda, subject to applicable industry guidance issued by the State of California (<https://covid19.ca.gov/pdf/guidance-retail.pdf>), and all of the following conditions:
  - a. **Curbside/Outside Pickup.** All retail stores may, and are encouraged to, operate for curbside or other outdoor pickup in lieu of or in addition to indoor retail as allowed below, subject to applicable industry guidance issued by the State of California (<https://covid19.ca.gov/pdf/guidance-retail.pdf>) and all of the following conditions:
    - i. If a store is not open for indoor shopping, it may display and sell goods on tables outside the store with required permits and licensing, subject to safety protocols and provided that such displays do not cause congestion or block the path of travel. Customers may not enter a store not open for indoor shopping.
    - ii. The store must implement measures to prevent customers from blocking pedestrian access or causing vehicle congestion while picking up goods.
    - iii. The store must employ reasonable measures to require customers to comply with Social Distancing Requirements at the pickup areas, including but not limited to marking locations at six-foot intervals for customers to stand while waiting in line.
    - iv. The store must limit the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply with the requirements of the Retail Industry Guidance published by the California Department of Public Health (“CDPH”) and the Department of Industrial Relations (“DIR”) (<https://covid19.ca.gov/pdf/guidance-retail.pdf>), as may be amended from time-to-time.
  - b. **Indoor Retail.** Beginning at 8:00 a.m. on June 19, 2020, all retail stores may open for indoor shopping, subject to applicable industry [guidance](#) issued by the State of California and the following conditions:
    - i. The store must limit its indoor occupancy to the lower of 50% of the store’s normal maximum occupancy or the number of people who can maintain at least six feet of physical distance from each other in the store at all times.
    - ii. The store must employ reasonable efforts to ensure that its customers and employees comply with Face Coverings and Social Distancing Requirements while in the store.
    - iii. The store must limit the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply with the requirements of the Retail Industry Guidance published by the California Department of Public Health (“CDPH”) and the Department of Industrial Relations (“DIR”) (<https://covid19.ca.gov/pdf/guidance-retail.pdf>), as may be amended from time-to-time.





- iv. Stores open for indoor shopping may move their goods outside for display and sale with required permits and licensing, subject to safety protocols and provided that such displays do not cause congestion or block the path of travel.

(Added May 18, 2020; Amended to add Indoor Retail June 18, 2020)

- (2) **Manufacturing.** Manufacturing businesses permitted to operate under the state Resilience Roadmap (<https://covid19.ca.gov/roadmap/>), as it is amended from time-to-time, may operate in the County of Alameda. Manufacturers must place limitations on the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply with the requirements of the Manufacturing Industry Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-manufacturing.pdf>), as it is amended from time-to-time.

(Added May 18, 2020)

- (3) **Logistics and Warehousing.** Logistics and warehousing facilities permitted to operate under the state Resilience Roadmap (<https://covid19.ca.gov/roadmap/>), as it is amended from time-to-time, may operate in the County of Alameda. Logistics and warehousing facilities must place limitations on the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply with the requirements of the Logistics and Warehousing Facility Industry Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-logistics-warehousing.pdf>), as it is amended from time-to-time.

(Added May 18, 2020)

- (4) **Limited Services.** Businesses providing “limited services,” with limited person-to-person contact and permitted to operate under the State Resilience Roadmap, including dog walkers and pet grooming services, may operate in the County of Alameda. Limited services providers shall comply with Site-Specific Protection Plan set forth in the Order and with the requirements set forth in the Limited Services Industry Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-limited-services.pdf>).

(Added June 5, 2020)

- (5) **Places of Worship and Providers of Religious Services and Cultural Ceremonies.** Beginning at 8:00 a.m. on June 19, 2020, places of worship may hold in-person religious services and cultural ceremonies, subject to applicable guidance issued by the State of California (<https://covid19.ca.gov/pdf/guidance-places-of-worship.pdf>) and the County of Alameda incorporated into this Appendix C-1 by this reference, and in accordance with the following:
  - a. Providers of religious services and cultural ceremonies are strongly encouraged to continue to provide streaming services to allow remote participation by vulnerable populations and those that choose not to come in person to services and ceremonies.
  - b. In-person religious services and cultural ceremonies may be held indoors and outdoors, provided that the number of attendees does not exceed 100 persons, or 25 percent of the capacity of the area in which the gatherings take place (e.g., the nave of the church or an outdoor enclosure), whichever is less. Providers of religious services and cultural ceremonies are strongly encouraged to limit in-person participation to outdoor services and smaller numbers, e.g., as little as 25 or fewer.



- c. In-person religious services and cultural ceremonies can involve extended periods of close contact, increasing the risk of transmission of COVID-19 at these events. As such, it is recommended that event organizers consider maintaining contact information of attendees at services or ceremonies and that this information be kept by the event's organizer for at least 21 days after the event. The purpose of this recommendation is to assist ACPHD with effective contact tracing in case of an outbreak that may have affected people attending the event.

(Added June 18, 2020)

- (6) **First Amendment Activities.** Individuals may participate in in-person, outdoor political gathering or protests as long as physical distancing of six feet between persons or groups of persons from different households or Social Bubbles is maintained at all times. All persons participating in permitted constitutionally protected activities should comply with Health Officer Order No. 20-13 (the "Face Covering Order").

(Added June 18, 2020)

- (7) **Outdoor Dining.** Beginning at 8:00 a.m. on June 19, 2020, restaurants and other food facilities may provide outdoor sit-down meals, subject to the applicable requirements set forth in the Dine-In Restaurants Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf>), and the following requirements and limitations in addition to those required elsewhere in the currently operative Order:

- a. Restaurants providing outdoor dining must have all necessary permits required to provide outdoor food service. Outdoor seating arrangements must limit the number of patrons at a single table to no more than six individuals who are part of a single household, living unit, or Social Bubble.
- b. Tables must be arranged to ensure at least six feet distance between each table, such that no customer is sitting within six feet of any other customer at a separate table.
- c. Lounge areas, like fire pits, can be occupied as long as six-foot distancing between separate households, living units, or Social Bubbles can be maintained at all times.
- d. Entertainment events are not allowed.
- e. Outdoor dining, placement of outdoor seating arrangements, and food service must be in compliance with local laws, regulations, and permitting requirements, including:
  - i. For restaurants and other food facilities reopening after having been completely closed for a month or longer, the operator will ensure prior to opening that:
    1. All equipment, plumbing, and ventilation systems are operational.
    2. All food stored on-site during closure has been maintained at proper temperatures and is not contaminated (if in doubt, food shall be discarded).
    3. All expired food shall be discarded.
    4. Any insect or rodent infestation is abated.
    5. The facility is thoroughly cleaned.
    6. Staff are up-to-date on food handler training or certification.



- ii. For all restaurants and other food facilities regardless of whether they were ever closed:
  - 1. If not previously performed, clean and sanitize dining areas and all other areas that have not been in use.
  - 2. Post near each entrance door(s) and near restroom door(s) in a manner readily visible to the public and employees both the written Site-Specific Protection Protocol required by this Order. Food facilities may use the “Cal/OSHA COVID-19 General Checklist for Dine-in Restaurants” (“General Checklist”) found at <https://covid19.ca.gov/pdf/checklist-dine-in-restaurants.pdf> as the framework for the written health and safety plan, checking the applicable boxes. The Site-Specific Protection Plan (Appendix A) can be found at <http://acphd.org/media/587169/health-officer-order-20-14-a-appendix-a-protection-plan-guidance-and-template-english.pdf>
  - 3. Designate COVID-19 supervisor/person(s) in charge to ensure the implementation of the food facilities’ Site-Specific Protection Plan. The designated COVID-19 supervisor/person(s) in charge must always be present on-site during business hours.
- f. Facilities that currently offer curbside pickup, takeaway, and/or delivery service are strongly encouraged to continue that practice in addition to providing outdoor dining. Lines for pickup or takeaway must be in a separate area other than the outdoor dining area and must prevent patrons from unnecessarily accessing the outdoor dining area.
- g. If the restaurant has a host stand, it must be located at the entry of the outdoor dining area so as to prohibit patrons from unnecessarily walking through the outdoor dining area.
- h. Guardians of children twelve or younger are required to ensure their children comply with Social Distancing Requirements at all times.
- i. Alcohol may be sold to patrons in conjunction with a meal, but it may not be sold independently.
- j. Bar areas must remain closed to customers, except that restaurants with outdoor, unenclosed bar areas may use those areas for additional outdoor dining space, provided that they do not keep or serve alcohol from an outdoor bar.
- k. Bathrooms should be sanitized frequently.
- l. Hand sanitizer or hand washing stations should be made available in the outdoor dining area.
- m. Patrons are required to wear a face covering except when eating or drinking at a dining table.

(Added June 18, 2020)

**(8) Outdoor Non-Contact Fitness Classes.** Beginning at 8:00 a.m. on June 19, 2020, outdoor fitness classes with up to 12 people, including the instructor are allowed under the following conditions:

- a. The instructor and all participants must wear face coverings at all times, except when engaged in high-intensity aerobic activity.



- b. The instructor and all participants must arrange themselves to provide adequate social distancing of at least 6 feet at all times. Greater distance is recommended for high-intensity aerobic activity.
- c. No member of the class may share equipment, and equipment should be sanitized between uses.
- d. The instructor of or organizer for the classes must obtain any required use authorizations from the owner or manager of the outdoor space, including permits for using parks required by any city, county, or district before undertaking the fitness classes.
- e. It is recommended that the instructor of or organizer for fitness classes consider maintaining contact information of attendees and that this information be kept by the event's organizer for at least 21 days after the event. The purpose of this recommendation is to assist ACPHD with effective contact tracing in case of an outbreak that may have affected people attending the event.

(Added June 18, 2020)

(9) **Outdoor Museums, Outdoor Historical Sites, and Publicly Accessible Gardens.** Beginning at 8:00 a.m. on June 19, 2020, outdoor museums, outdoor historical sites, and publicly accessible gardens may open subject to applicable requirements set forth in the Outdoor Museums Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-outdoor-museums.pdf>) and the following limitations in addition to those required elsewhere in the Order:

- a. Members of the public are not allowed to access any indoor facilities associated with outdoor museums, outdoor historical sites, or publicly accessible gardens, except to use restrooms, which must be frequently cleaned. All business and transactions involving members of the public must occur outdoors.
- b. Businesses operating under this category must implement measures to ensure that social distancing of at least six feet is maintained at all times other than between members of the same household.

(Added June 18, 2020)

(10) **Dog Parks.** Beginning at 8:00 a.m. on June 19, 2020, individuals may take their dogs to dog parks (both enclosed and unenclosed), and all dog parks may open, subject to the following conditions:

- a. Face coverings must be worn by all people in the dog park, subject to the limited exceptions in the Face Covering Order (e.g., for young children over the age of 2), including as that order is amended from time to time;
- b. Pet owners are urged to use on-leash dog parks or keep their dogs on a leash, particularly if the dog is not under voice control—pet owners who choose to let their dogs be off leash in an off-leash dog park should prevent their dog from interacting with other people or animals to the greatest extent feasible;
- c. People in the dog park should maintain at least six feet of physical distance from people or animals other than those in their same household, living unit, or Social Bubble;



- d. People must bring their own water for themselves and their pets, and must not use common water facilities in the park;
- e. People should bring their own bags for picking up and disposing of pet waste;
- f. Signage must be posted at each dog park to inform people that they must: avoid entering the location if they have a cough or fever, maintain a minimum six-foot distance from one another, wear a face covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://covid-19.acgov.org/covid19-assets/docs/business-flyer-covering-order-2020.04.20.pdf>); and
- g. People must follow any other rules and regulations adopted by the operator of the dog park.

(Added June 18, 2020)

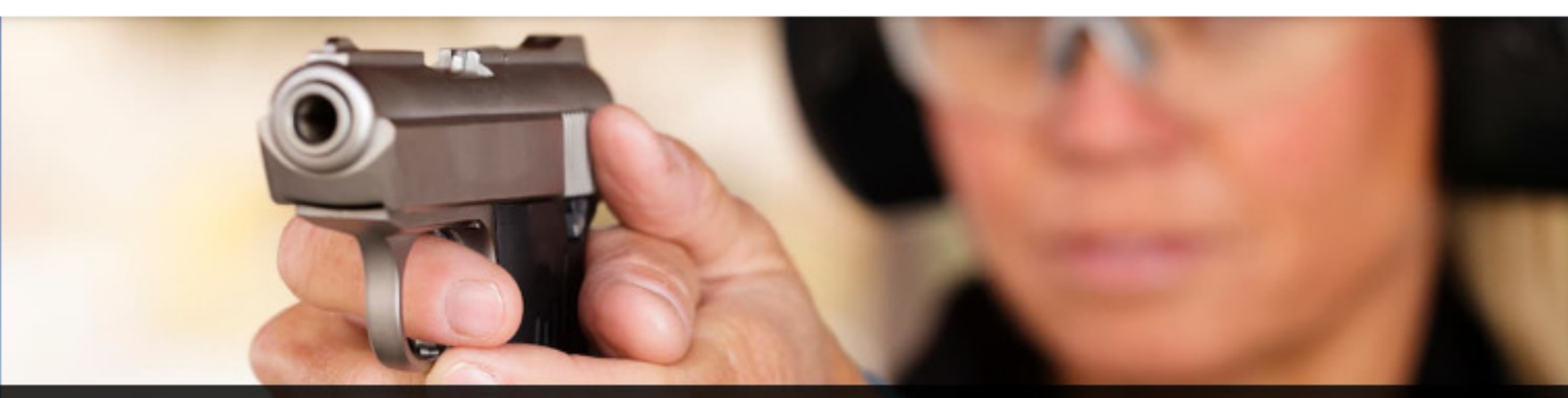
- (11) **College Sports.** Beginning at 8:00 a.m. on June 19, 2020, college sports teams may train or hold non-contact practices, conditioning, or drills outdoors in groups of up to 12 team members and one coach.
- a. Team members and coaches should maintain a separation of at least six feet from other individuals and avoid the use of shared equipment, and all shared equipment should be sanitized between uses.
  - b. Coaches shall wear face coverings at all times. Team members shall wear face coverings except when engaged in distance running or other high-intensity aerobic activity.
  - c. Participants should limit their participation to one sport or activity and shall remain members of one stable group of up to 12 team members and one coach.
  - d. Locker rooms, weight rooms, or other indoor facilities may not be used at this time.

(Added June 18, 2020)

# **EXHIBIT I**



Trap / Bunker Ranges [Learn more](#)



Rifle/Pistol Ranges [Learn more](#)

IMPORTANT NEWS [click here](#) for ALL news • Check our [FAQs](#) for rule changes

Upcoming Range Closures

Nothing to report - but keep checking

**New Range opening times and rules - UPDATED**

LPRG is pleased to announce that the range will be reopening with new range opening times and guidelines TRAP: 10am-5pm Saturdays and Sundays beginning May 23 10:00am to 4:00pm ..... Wednesday beginning June 17th Rifle/Pistol: May hours 10am-5pm Friday May 22,...

[Read More](#)

**LPRG News**

[Sign our waiver +](#)

We Thank Our Supporters



LPRG at a Glance

Your Questions Answered

What credentials must be shown when shooting at LPRG ranges?

In order to shoot at any of the ranges at LPRG you must produce one of the following credentials:

- Valid US Passport
- Valid US Driver's License
- Valid California Identification Card
- US State issued Hunting License or Permit
- US Permanent Resident Green Card

For the answers to more frequently asked question – please go to [FAQs](#)

About the Livermore Pleasanton Rod & Gun Club

We offer one of the best shooting facilities in the Bay Area for Trap, Rifle and Pistol with a focus on safety.

[Read more](#)

Monthly LPR&G Club Meeting:

There is one Club meeting per month, the Board of Directors meeting, which is held on the third Monday of each month at 7 PM in the Clubhouse. All members and guests are invited to attend.



Trap Range

With ten voice actuated fields, equipped with lights for night shooting we offer some of the best trap shooting in the area. Doubles and Continental (wobble) trap are usually available. **Come and experience it for yourself!**

[Trap Range Info • Fees • Hours](#)



Rifle/Pistol Range

The rifle/pistol and pistol only ranges offer a safe place to enjoy shooting your firearm and hone your marksmanship skills. The combination range offers 29 shooting stations with 25, 50, and 100 yard ranges at each station. The 11 station pistol only range has target stands at 10yds, 50ft, and 25 yds. **We pride ourselves on a safe, friendly place to shoot.**

[Rifle/Pistol Range Info • Fees • Hours](#)



Firearm Rentals

Please Note: We **DO NOT** have firearms available to rent at any of the ranges.

What some of our customers say...



Great place to shoot

I shoot at both the trap and the rifle/pistol ranges and it's always great. The staff are friendly and always willing to help if there's a problem.

Jeremy K

Check what's happening at the range this week

[Check the Range Calendar](#)

# **EXHIBIT J**





4000 Dagnino Rd  
Livermore, CA 94551

Rifle/Pistol Range  
(925) 449 3616

Trap Range  
(925) 449 8780



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## New Range opening times and rules - UPDATED

by LPRG Team | May 16, 2020 | Featured, LPRG News

### LPRG is pleased to announce that the range will be reopening with new range opening times and guidelines

#### TRAP:

10am-5pm Saturdays and Sundays beginning May 23  
10:00am to 4:00pm ..... Wednesday beginning June 17th

#### Rifle/Pistol:

May hours  
10am-5pm Friday May 22, Saturday May 23 and Sunday May 24  
10am-5pm Thursday-Sunday May 28-May 31

#### June hours

10am-5pm on Tuesdays, Thursday-Sundays

The range will be closed on Wednesdays except on June 17 when the combination Rifle/Pistol Range and the Steel Challenge shooting will be open from 5pm-8:45pm.

[Sign our waiver +](#)

### We will be observing all the Alameda County Social Distancing Guidelines (<http://acphd.org/>)

- We will require face coverings at all times, 6 foot social distancing, etc.
- We will only assign two shooters per bench maximum (one at bench and one 6 feet or more away) and no spectators.
- You should bring your own mask/ppe, gloves, sanitizer, etc. when you come.

Also, there will be no outdoor benches for customers waiting to shoot, so you should bring your own folding chair (to minimize viral contamination).



#### Office Information

4000 Dagnino Rd, Livermore CA 94551  
----- [Get Directions](#) -----  
See range details  
Trap: (925) 449 8780  
Rifle/Pistol: (925)449 3616

#### Resources

- Membership Application
- Firearm Safety
- Links
- RSO Resources

