

ORDER OF THE HEALTH OFFICER
OF THE COUNTY OF MERCED DIRECTING ALL INDIVIDUALS LIVING
IN THE COUNTY TO CONTINUE TO STAY AT HOME OR 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; 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; ORDERING CESSATION OF ALL NON-ESSENTIAL TRAVEL;
RESTRICTING ACCESS TO CERTAIN RECREATION AREAS; AND ORDERING
MINIMUM REQUIREMENTS FOR BUSINESS SOCIAL DISTANCING AND SAFETY
PLANS

DATE OF ORDER: April 24, 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, Section 120295, *et seq.*; Government Code, Section 8665; Penal Code, Section 148(a)(1)]

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

1. This Order supersedes the April 17, 2020, Order of the Health Officer directing all individuals to stay at home (“Prior Stay at Home Order”). This Order clarifies, strengthens, and extends certain terms of the Prior Stay at Home 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, entities, and government agencies in the County of Merced (the “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 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 13 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.

3. In accordance with the Order of the State Public Health Officer and the California Governor's Executive Order N-33-20 both issued on March 19, 2020, all individuals currently living within 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 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 make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

Further, the State of California issued a clarification of the Governor's Order on April 17, 2020. More specifically, the State confirmed that in-person services are prohibited but clarified that "...drive-in worship services are permitted under the existing Executive Order, which expressly allows "[f]aith based services that are provided through...other technology," as long as the individuals engaged in such services abide by physical distancing guidelines and refrain from direct and indirect physical touching of others." In other words, faith-based services that are provided through streaming or other technology including drive-in services are considered essential under the Governor's Order. Faith-based services shall follow approved operational guidelines provided by the Merced County Department of Public Health.

4. All businesses with a facility in the County, except Essential Businesses as defined below in Section 13, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 13. 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 13 below, including, but not limited to, when any customers are standing in line.
5. All essential businesses shall be required to develop a Social Distancing and Safety Plan. This section shall become effective immediately and will be enforced effective Friday, May 1, 2020, at 8:00 a.m. Individual jurisdictions may create stricter guidelines for implementation. The following minimum requirements must be included within each Social Distancing and Safety Plan:
 - a. Limitation of capacity of business to 5 people per 1,000 square feet.

- b. Door monitoring of individuals in and out of doors to ensure appropriate numbers are maintained.
 - c. One adult may enter the business per party/cart. One additional person may accompany an individual with disabilities or otherwise requires assistance with shopping. No large family visits.
 - d. Provide hand sanitizer or disinfecting wipes at all entrances and exits.
 - e. Social distancing must be ensured through:
 - i. Clearly marked one-way aisles
 - ii. Clearly marked check-out lines with at least 6 feet in between customers
 - iii. Clearly marked lines for entry into the business with at least 6 feet in between customers
 - f. Employees shall wipe down all carts and baskets using disinfectant.
 - g. Provide adequate handwashing facilities for employees.
 - h. All employees must wear cloth masks, to be provided by the employer.
 - i. All visitors to a business should wear a cloth mask. Individuals not wearing a mask may be denied entry into the business.
 - j. Customers must bag their own groceries/items when bringing reusable bags. Employees shall use new bags when bagging customer groceries/items.
 - k. All workers who are able to telecommute should be allowed to do so.
 - l. All workers must be given adequate protections whenever possible, including social distancing of employees at least 6 feet from each other, and/or shields between employees and customers.
 - m. Universal screening of all employees for fever, cough, and shortness of breath shall occur (already included in the Febrile Respiratory Illness Health Officer Order dated April 7, 2020).
6. 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 13. All bars, wineries and brew-pubs should be closed, all in-dining at restaurants should cease, with the exception of home delivery and takeout, and all gyms, bingo halls, and card rooms should close. Nothing in this Order prohibits the gathering of members of a household or living unit.
7. All agencies, jurisdictions, entities, individuals, businesses, companies, private or public, owning or operating parks are hereby directed to cease all operations and services of certain park facilities within the County, closing all park picnic areas, lake facilities, playgrounds, skateboard parks, basketball courts, volleyball courts, and indoor facilities in parks, and shall prevent all public and motorized access by use of signage and physical barrier wherever possible, except access to walking trails, bicycle paths, and green spaces is allowed. Golf courses will only be allowed to operate if following approved operational guidelines provided by the Merced County Department of Public Health. Individuals accessing walking trails, bicycle paths, or green spaces in parks, and golf courses, shall follow Social Distancing Requirements.

- a. Such access to walking trails, bicycle paths, and green spaces shall be exclusively by non-motorized means, except that disabled persons with vehicles possessing current and valid disabled person parking placards or disabled person license plates may continue to access parks by motorized means but only to the minimum extent necessary to engage in Essential Activities at walking trails, bicycle paths, and green spaces.
 - b. All park facilities, including green spaces and golf courses, must be fully closed on major holiday weekends, including Mother's Day weekend, Memorial Day weekend, Father's Day weekend, and 4th of July weekend.
8. 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 13, 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 13 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.
9. This Order is issued based on evidence of increasing occurrence of COVID-19 throughout the state, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID19 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 the 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 reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.
10. This Order also is issued in light of 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.

11. This Order is issued in accordance with, and incorporates by reference, the following:
 - a) The Proclamation of the State of Emergency issued by Governor Gavin Newsom on March 4, 2020.
 - b) Executive Order N-25-20 issued by Governor Gavin Newsom on March 12, 2020.
 - c) Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak issued by the President of the United States on March 13, 2020.
 - d) Order of the Merced County Health Officer on March 13, 2020.
 - e) Executive Order N-33-20 issued by Governor Gavin Newsom on March 19, 2020.
 - f) Order of the State Public Health Officer issued on March 19, 2020.

12. This Order comes after the release of substantial guidance from the County Health Department, 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.

13. 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 residence.

- iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section and all requirements of this Order.
 - 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, residential and commercial construction, 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, nonprofit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- 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. Agriculture, food, and beverage cultivation, processing, testing and distribution, including but not limited to, farming, ranching, fishing, dairies, creameries, wineries and breweries in order to preserve inventory and production (not for retail business), as well as business activities that support production and processing by providing essential agricultural supplies and services, including but not limited to, transportation, manufacturing, chemicals, equipment, and services such as cooling, storing, packing, and distribution of such products for wholesale or retail sale;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Newspapers, television, radio, and other media services;
 - vi. Gas stations and auto-supply, sales and auto-repair, and related facilities;
 - vii. Banks and related financial institutions;
 - viii. Hardware stores;
 - ix. Animal care facilities that provide food, shelter, veterinary and/or routine care and other necessities of life for animals including dog grooming facilities, dog day care facilities, animal rescue facilities, and boarding facilities when keeping a six-foot distance between customers and

- employees/owners and properly disinfecting affected surfaces and equipment;
- x. Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetations services, tree maintenance, landscapers, gardeners, pool maintenance, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses.
 - xi. Drive-thru automatic car wash businesses where customers remain in their cars and where the vacuum centers are closed, and mobile detailing services, keeping a six-foot distance between customers and employees with no cash exchange;
 - xii. Businesses providing mailing and shipping services, including post office boxes;
 - xiii. 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;
 - xiv. Laundromats, drycleaners, and laundry service providers;
 - xv. 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;
 - xvi. Businesses that supply products needed for people to work from home;
 - xvii. Businesses that supply other essential businesses with the support or supplies necessary to operate;
 - xviii. Businesses that ship or deliver groceries, food, goods or services directly to residences;
 - xix. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - xx. Home-based care for seniors, adults, or children;

- xxi. Residential facilities and shelters for seniors, adults, and children;
 - xxii. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
 - xxiii. Delivery services that provide transport of essential products, such as water, food and household products;
 - xxiv. 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.
- 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.
14. Pursuant to Government Code Sections 26602 and 41601 and Health and Safety Code Sections 101029 and 131080, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat to public health.
15. In accordance with California Health and Safety Code section 131080, the Health Officer will follow the guidance of the California Department of Public Health and may modify or extend this Order, or issue additional Orders.
16. This Order shall become effective immediately and continue until it is 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 2222 M Street, Merced, California 95340; (2) posted on the County Public Health Department’s website (countyofmerced.com); and (3) provided to any member of the public requesting a copy of this Order.
18. 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:



Kenneth Bird, MD, MPH
Merced County Health Officer

Dated: April 24, 2020