

HEALTH OFFICER ORDER NO. 20-21a

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: December 6, 2020, revised January 13, 2021

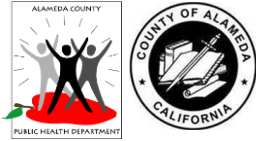
EFFECTIVE DATE: 12:01 a.m. December 7, 2020

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 of Order: This Order supersedes the existing Shelter-in-Place Orders number 20-15 and 20-17 and shall remain in effect until rescinded, amended, or superseded in writing by the Health Officer. The purpose of this Order no. 20-21 is to limit the transmission of Novel Coronavirus Disease 2019 (“COVID-19”). This Order reflects new restrictions imposed by the State of California in its [Blueprint for a Safer Economy](#) for Counties in the Purple Tier of the State’s reopening framework, and adds additional restrictions. For activities and businesses not addressed by this Order, individuals are directed to the [Blueprint](#) to determine the permissions and restrictions applicable to particular activities. The Health Officer may revise this Order as necessary to respond to the conditions in the County of Alameda and may impose greater restrictions than the State.

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 Health Officer Orders no. 20-15 and 20-17, both effective November 18, 2020. Additionally, Appendix C designating permitted businesses and activities is SUSPENDED until further notice. This Order directs all individuals within the County to continue to shelter-in-place and to ensure social distancing and limit person-to-person contact to reduce the rate of transmission of Novel Coronavirus Disease 2019 (“COVID-19”). The State of California has issued a new regional stay-at-home Order effecting all persons and businesses in California. This Order establishes restrictions on individuals, businesses, and activities to bring the County into alignment with the restrictions, terms, and conditions imposed under the new [Regional Stay Home Order](#) of the State’s [Blueprint for a Safer Economy](#). Except as indicated herein, this



Order does not impact any other Health Officer Order issued in response to the COVID-19 pandemic.

2. The primary intent of this Order is for the County of Alameda 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.
3. On Thursday, December 3, 2020, the State of California issued a [Regional Stay Home Order](#) requiring residents of California to shelter-in-place and all businesses other than retail or those in critical infrastructure sectors to close in-person. This Order required compliance once the region's ICU bed availability dropped to 15%.
4. Although the Bay Area region has not yet reached this threshold, to protect the public health and to slow the spread of COVID-19 and to prevent overwhelming the County's hospitals and hospital workers, it is necessary to adopt the restrictions in the [Regional Stay Home Order](#) now. Rising hospitalization rates within the County and across the region threaten not only our community members with severe COVID-19, but anyone who may need care because of a heart attack, stroke, accident, or other critical health need. By acting together now we will have the greatest impact on the surge and save more lives.
5. Beginning at 12:01 a.m. on Monday, December 7, 2020, all activities and businesses currently permitted in Alameda County will be subject to the restrictions imposed by the State of California in its [Regional Stay Home Order](#) of the State's [Blueprint for a Safer Economy](#), unless further restricted by this Order or other Orders of the County's Health Officer.
6. All gatherings with members of other households or living units are prohibited within the County of Alameda unless expressly permitted in this Order. Nothing in this Order prevents any number of persons from the same household from leaving their residence, lodging, or temporary accommodation, as long as they do not engage in any interaction with (or otherwise gather with) any number of persons from any other household, except as specifically permitted herein. Nothing in this Order prevents persons from leaving their household to provide care for children, people with disabilities, or sick or elderly persons who are unable to obtain care from a member of their household.
7. All non-essential travel within or without the County of Alameda is prohibited until further notice. All individuals living in the County must stay at home at their place of residence except as necessary to conduct activities associated with the operation, maintenance, or usage of [critical infrastructure](#) as defined by the State of California or other activity permitted by this Order.
8. The restrictions in Paragraphs 6 and 7 do not apply to persons within the County experiencing homelessness.



9. 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 Paragraph 25, 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”).
10. Nothing in this Order prevents personnel, volunteers, or contractors from performing activities at their own residences (i.e., working from home). All businesses permitted to operate under this Order 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.
11. 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. 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 imposed by the Health Officer, or in industry guidance issued by the California Department of Public Health and Department of Industrial Relations (<https://covid19.ca.gov/industry-guidance/>). A template for the Site-Specific Plan can be found in Appendix A of this Order.
12. Under the direction of the State of California, any educational institution that currently provides in-person education may continue to do so. No additional schools may open for in-person instruction. The County may consider requests for waivers from schools when conditions permit per evolving State guidance. Schools that are not open are encouraged to use the State’s School-Based Small [Cohort Guidance](#).
13. Youth sports and extracurricular activities may take place under the supervision of a childcare or after school program or as part of an organized and supervised extracurricular program. Programs must comply with the requirements of the State’s School-Based Small [Cohort Guidance](#) and [Interim Guidance for Youth Sports](#). Any sport that requires close physical contact among participants is prohibited. For such sports, participants can only engage in appropriately-distanced outdoor physical conditioning and individual skills training.
14. Higher education institutions may offer in-person instruction for clinical training or classes and laboratory or studio classes only. In-person instruction is otherwise prohibited.
15. Notwithstanding any capacities allowed by the State in its [Blueprint for a Safer Economy](#), Places of worship and providers of religious and cultural ceremonies may only perform services outdoors. Post-event receptions are prohibited.



16. [Critical infrastructure](#) retailers are strongly encouraged to provide curbside operations. Such retailers, including grocery stores and pharmacies, may continue to operate indoors, but must ensure that their facilities never reach more than 20% of total capacity, including personnel. Retailers must meter entry and exit to ensure this maximum capacity is maintained. The sale of food, beverages, or alcohol for consumption on-site is prohibited. Retailers are strongly encouraged to designate hours of operation exclusively for seniors and individuals with compromised immune systems. Retailers must comply with the State's [Retail Guidance](#).
17. Medical facilities may continue to provide non-urgent medical and dental care.
18. Childcare and Pre-Kindergarten facilities may remain open, subject to the State of California's Guidance for [Childcare Programs and Providers](#).
19. Restaurants and other food service facilities may only operate for takeout, delivery, and curbside pickup. Indoor and outdoor dining is temporarily prohibited.
20. Outdoor recreational facilities – including sports fields, basketball courts, tennis courts, golf courses, skate parks, and the like – may continue to operate so long as there is no mixing of households and food or beverages are not consumed or sold for consumption on-site. Overnight stays at campgrounds are temporarily prohibited.
21. Entertainment production, including professional sports, is permitted without the attendance of live audiences with the prior written approval of the Health Officer.
22. Hotels and lodging may operate only as necessary for the support of critical infrastructure workers.
23. The following businesses and activities must temporarily close, per the State's [Regional Stay Home Order](#):
 - a. Indoor and outdoor playgrounds
 - b. Indoor recreational facilities
 - c. Hair salons and barbershops
 - d. Personal care services
 - e. Museums, zoos, and aquariums
 - f. Movie theaters
 - g. Wineries
 - h. Bars, breweries, and distilleries, except that alcohol production and bottling, and sales of packaged alcohol may continue curbside.

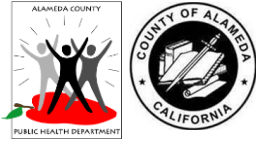


- i. Family entertainment centers
- j. Cardrooms, bingo halls, and satellite wagering
- k. Indoor swimming pools, except for the purposes of drowning prevention courses, including swimming classes with certified instructors
- l. Indoor and outdoor hot tubs, saunas, spas, and steam rooms
- m. Limited services not included in critical infrastructure
- n. Amusement parks
- o. Fitness and dance studios, except for outdoor fitness and dance classes with all participants wearing face coverings, extended physical distancing of 8 feet, and without shared equipment
- p. Low-contact indoor retail services, such as dog grooming and shoe repair and the like, except for curbside pickup and drop-off.

Individuals are directed to the State's [Blueprint for a Safer Economy](#) for further description of these activities and businesses.

24. Offices must close and business must be conducted remotely, except in critical infrastructure sectors where remote work is not possible.
25. For purposes of this Order, "Social Distancing Requirements" means:
 - a. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit.
 - b. Frequently washing hands with soap and water for at least 20 seconds or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19.
 - c. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands).
 - d. Wearing a face covering when outside the home, consistent with the orders or guidance of the Health Officer.
 - e. 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 a



business permitted to operate under this Order; or as otherwise expressly provided in this Order. Businesses must strictly adhere to these Social Distancing Requirements.

26. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; evidence of asymptomatic and presymptomatic transmission by respiratory aerosols and droplets; 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. 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.
27. The collective efforts taken to date regarding this public health emergency have slowed the virus' trajectory in the past, but with cooler weather and holiday gatherings, the rate of infection has spiked. As of December 3, 2020, there are 31,204 confirmed cases of COVID-19 in the County and 522 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 Orders 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.
28. 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.
29. 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.
30. 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.
31. 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.



32. 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.
33. This Order shall become effective at 12:01 a.m. on December 7, 2020 and will continue to be in effect until rescinded, superseded, or amended in writing by the Health Officer.
34. 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.
35. 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 black ink, appearing to read "N. J. Moss".

January 13, 2021

Nicholas J. Moss, MD, MPH
Health Officer County of
Alameda