

EXECUTIVE ORDER 2020-03

**ORDER OF THE CITY MANAGER OF THE CITY OF LIVINGSTON IN HIS
CAPACITY AS DIRECTOR OF THE DISASTER COUNCIL OF THE CITY OF
LIVINGSTON**

DATE OF ORDER: APRIL 17, 2020

Pursuant to Government Code section 8363 and Livingston Municipal Code section 1-20-9(B), the Director of the Disaster Council of the City of Livingston Orders:

WHEREAS, the Coronavirus Disease 2019 (“COVID-19”), a severe acute respiratory illness caused by a novel (new) coronavirus was first detected in Wuhan, Hubei Province, People’s Republic of China and the first case was reported on December 31, 2019, in China; and

WHEREAS, the Merced County Public Health Department Operations Center was opened January 27, 2020, in order to prepare for the potential of COVID-19 in and around our community; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared the COVID-19 outbreak a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency to aid the nation in responding to COVID-19; and

WHEREAS, on February 26, 2020, the Centers for Disease Control and Prevention (“CDC”) confirmed the first case of local person-to-person transmission of COVID-19 in the United States, and this case raised the possibility of community transmission occurring in the general public; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California; and

WHEREAS, on March 11, 2020, the WHO characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, Governor Gavin Newsom issued Executive Order N-25-20 further enhancing California’s ability to respond to the COVID-19 pandemic; directing Californians to follow public health directives, including canceling large gatherings of more than two hundred and fifty (250) people, removing the waiting period for unemployment and disability insurance for Californians who lose work as a result of the COVID-19 outbreak, and allowing local and state legislative bodies to hold meetings via conference calls while still meeting state transparency requirements; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to COVID-19; and

WHEREAS, on March 13, 2020, the Health Officer for the County of Merced declared that the imminent introduction of COVID-19 to Merced County was a threat to the public health and declared a local health emergency; and

WHEREAS, on March 13, 2020, the Merced County Director of Emergency Services proclaimed a local emergency to exist throughout Merced County; and

WHEREAS, on March 14, 2020, the City of Livingston activated its Emergency Operation Center to support ongoing emergency actions in response to the spread of COVID-19; and

WHEREAS, on March 17, 2020, the Livingston City Council, proclaimed the existence of a local emergency pursuant to Section 8634 of the California Government Code and Section 1-20-5 of the Livingston Municipal Code; and

WHEREAS, on March 25, 2020, the Director of the Disaster Council of the City of Livingston adopted an emergency order requiring residents to comply with the County Order and establishing penalties for violations of the Order

WHEREAS, on March 26, 2020, the Livingston City Council ratified the proclamation of local emergency made by the Director of the City’s Disaster Council; and

WHEREAS, in response to social distancing guidance issued by the CDC, the California Department of Public Health (“CDPH”), and the Merced County Department of Public Health, the City of Livingston cancelled all social gatherings (events, activities, programs, and gatherings) in the City in accordance with the guidance and directives of public health authorities until further notice; and

WHEREAS, in response to social distancing guidance issued by the CDC, the CDPH, and the Merced County Department of Public Health, and to protect the health and safety of the City workforce, and all members of the community, the City closed Livingston City Hall, Livingston Police Department Building, Livingston Fire Station, and all other Administrative Offices of the City to the public until further notice; and

WHEREAS, in response to social distancing guidance issued by the CDC, the CDPH, and the Merced County Department of Public Health, and to protect the health and safety of all members of the community, the City closed all City parks to the public until further notice: and

WHEREAS, on March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 directing all residents of the State of California to heed directives issued by the State Health Officer on the same date instructing all Californians to stay home except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, on March 20, 2020, the Merced County Department of Public Health issued a Health Officer Stay at Home Order directing all individuals living in the County of Merced 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 of Merced; prohibiting all non-essential gatherings of any number of individuals; and ordering cessation of all nonessential travel (“Stay at Home Order”); and

WHEREAS, the CDC, the CDPH, and the Merced County Department of Public Health have all issued public health recommendations to the community including but not limited to staying home if sick, social distancing from non-family members, canceling or postponing events and gatherings, and taking other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, federal, state, and local health authorities have recommended that medical workers and first responders wear, where available, hospital grade masks, such as surgical masks or N95 respirators; and

WHEREAS, on April 1, 2020, the CDPH issued guidance recommending the use of face coverings while in public; and

WHEREAS, on April 4, 2020, the CDC recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission of COVID-19; and

WHEREAS, on April 7, 2020, the Merced County Department of Public Health issued the following guidance: “All residents are strongly encouraged to wear a cloth face covering whenever they must be out of the home to reduce the spread of the illness from infected individuals that have no symptoms. This is in addition to the continued requirement of at least 6 feet of social distancing”. “Cloth face covering is defined as any cloth that can be used to cover as tightly as possible the mouth and nose of the wearer. It is NOT a surgical mask or respirator (which must be reserved for health care professionals in their work treating COVID-19 patients). It should be washed at least daily and the wearer should wash their hands before putting it on and after taking it off. Additionally, the wearer should avoid touching the covering as much as possible while wearing it;” and

WHEREAS, on April 8, 2020, the Merced County Department of Public Health issued an enhanced Health Officer Order. This Order supersedes the March 20, 2020 Order of the Health Officer, directing all individuals to stay at home. 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 the transmission of COVID-19; and

WHEREAS, it has become discovered that COVID-19 is spread through respiratory droplets that are produced when an infected person coughs, sneezes, or talks. These droplets have the ability to land in the mouths or noses of others who are nearby and can also be inhaled into their lungs. COVID-19 has been shown to attach to a variety of surfaces for prolonged periods of time. If properly worn and cleaned, cloth face coverings have the potential to greatly slow the transmission and spread of COVID-19; and

WHEREAS, even a small reduction in COVID-19 transmissions could make a significant difference in the demand and strain on the healthcare system in Merced County and neighboring jurisdictions; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19 in our community, it is necessary to exercise my authority pursuant to Section 8634 of the California Government Code and Section 1-20-9(B) of the Livingston Municipal Code to issue the following order related to the protection of life and property within the City of Livingston.

NOW, THEREFORE, I, Jose Antonio Ramirez, the Director of the Disaster Council of the City of Livingston, do hereby issue the following Amended Order to become effective immediately, subject to ratification as soon as practicable by the City Council:

ORDER

In conformance with, and where not otherwise superseded by the Executive Order N-33-20 issued by the Governor of the State of California and guidance from the CDC, CDPH, and the April 8, 2020 Order of the Merced County Health Officer, this Order rescinds and replaces the previously issued Executive Order 2020-2, and additionally specifies and Orders as follows:

1. All individuals, businesses, entities, and government agencies in the City of Livingston are required to follow the provisions of the April 8, 2020 Order of the Merced County Health Officer.

2. All Essential Businesses that remain in operation in accordance with the April 8, 2020 Order of the Merced County Health Department and that allow members of the public to enter their place of business, must prepare and post by no later than **12:00 a.m. on April 22, 2020**, a "Social Distancing and Sanitation Protocol" on the form attached to this Order for each of their places of business that are open to the public in the City of Livingston.

a. The Social Distancing and Sanitation Protocol must be posted at or near the entrance of the place of business where the public is allowed, and shall be easily viewable by the public and employees. A copy of the Social Distancing and Sanitation Protocol must also be provided to each employee performing work at the business.

b. The Social Distancing and Sanitation Protocol must ensure all required social distancing and sanitation measures stipulated by the Governor and Merced County Health Officer are implemented and adhered to.

c. All Essential Businesses shall provide evidence of the implementation of the Social Distancing and Sanitation Protocol to any authority enforcing this Order upon demand.

d. If the measures identified and implemented in the Essential Business' Social Distancing and Sanitation Protocol are not effective in maintaining the required social distancing and sanitation measures, additional measures shall be identified and implemented or the Essential Business shall be closed to the public, and/or entirely.

3. Essential businesses within the City of Livingston that provide sales of retail goods and/or food and/or banking services including without limitation, grocery stores, pharmacies, home improvement stores, gas station convenience stores, restaurants providing take-out or delivery services, banks, savings and loans, that remain in operation during the term of this Order ("Covered Businesses") shall implement and comply with the following:

a. Covered Businesses shall cause their employees to wear cloth face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiter, or other fabric face coverings. All such employers must provide, at their expense, non-medical grade face coverings for their employees. All persons, including Essential Workers, are discouraged from using medical grade personal protective equipment, such as N95 masks, for non-medical reasons.

b. All customers of and visitors to any Covered Business shall wear face coverings to provide additional protection for workers and other customers of and visitors to the Covered Business. An operator of a Covered Business may refuse admission or service to any individual who fails to wear a face covering as required by this Order.

c. Covered Businesses shall limit the number of customers and visitors in the Covered Business to five (5) customers or visitors per one thousand (1000) square feet of interior space open to the public.

d. Covered Businesses are encouraged, but not required to, install plexiglass to separate cashiers and customers at all points of sale.

4. All persons are required to wear face coverings before entering any indoor facility besides their residence, any enclosed open space, or while outdoors when the person is unable to maintain a six (6) foot distance from another person at all times.

a. Face coverings shall mean any fabric or cloth that covers the mouth and nose, and can be made using household items, including scarves, bandanas, t-shirts, sweatshirts, towels, or other fabric.

b. Pursuant to the Centers for Disease Control and Prevention guidelines, face coverings should not be placed on young children younger than two (2) years of age, anyone who has trouble breathing or is unconscious, incapacitated or otherwise unable to remove the face covering without assistance.

c. For further guidance on face coverings, please refer to:

- <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

and

- <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>

5. This Order shall be effective immediately, and if ratified by the City Council, will remain in effect until May 31, 2020, unless it is rescinded, superseded, amended or extended in writing by the Director of the Disaster Council of the City of Livingston. Notwithstanding the foregoing, the City shall not impose penalties for violations of this Order until **Thursday, April 23, 2020**.

6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the City of Livingston and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in this community. This Order is issued to prevent circumstances often present in Covered Businesses that may exacerbate the spread of COVID-19, such as: (1) the increased likelihood that retail, restaurant, and banking transactions attract people from a broad geographic area; (2) the prolonged time period in which large numbers of people are in close proximity; and (3) difficulty ensuring that such persons (patrons and employees) follow adequate social distancing.

8. This Order is intended to address the strain upon the health care system from the effects of the COVID-19 virus. Similarly, this Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the community spread of COVID-19.


9. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom and subsequent executive orders; the March 13, 2020 Declaration of Local Health Emergency by the Merced County Department of Health and subsequent orders; the March 17, 2020 proclamation by the City Council of the existence of a local emergency pursuant to Section 8630 of the California Government Code; the March 26, 2020 action by the Livingston City Council ratifying the proclamation of local emergency made by the Director of the Disaster Council of the City of Livingston; the April 1, 2020 guidance from the CPDH recommending the use of face coverings while in public; and the April 4, 2020 guidance issued by the CDC recommending wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies); and the April 7, 2020 guidance issued by the Merced County Health Officer recommending the use of a cloth face covering when leaving the house for essential activities.

10. Violation of this Order is a crime and may also be pursued as an administrative fine, an infraction, or a misdemeanor, in the City's sole and absolute discretion. (California Government Code Section 8665, Livingston Municipal Code Section 1-20-26).

11. Copies of this Order shall promptly be: (1) posted at the City of Livingston City Hall located at 1416 C Street, Livingston, CA 95334; (2) posted on the City of Livingston' website (www.livingstoncity.com); and (3) provided to any member of the public requesting a copy of this Order.

12. If any provision of this Order or 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:



José Antonio Ramírez
City Manager & Director of Disaster Council
City of Livingston
3511248.6

Dated: 4-17-20

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.

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.

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):

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

Soap and water are available to all employees at the following location(s):

Copies of this Protocol have been distributed to all employees.

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

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 _____ (or other enter _____), 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:

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

Appendix A: Social Distancing Protocol

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.](#)

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

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.](#)