

**EXECUTIVE ORDER 2020-01**

**ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN  
HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES**

**DATE OF ORDER: APRIL 14, 2020**

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 World Health Organization (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 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 City of Los Banos activated its Emergency Operation Center to support ongoing emergency actions in response to the spread of 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 17, 2020, the Los Banos City Manager, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Section 8634 of the California Government Code and Section 4-2.06 of the Los Banos Municipal Code; and

WHEREAS, on March 18, 2020, the Los Banos City Council ratified the proclamation of local emergency made by the Director of Emergency Services; 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 Los Banos 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 to the public Los Banos City Hall, Los Banos Community Center, Los Banos Police Department Building, Los Banos Fire Stations No. 1 and 2, and all other Administrative Offices of the City 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 to the public all City parks 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 transmission of COVID-19; 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 4-2.06 of the Los Banos Municipal Code to issue this regulation related to the protection of life and property.

NOW, THEREFORE, I, Alex Terrazas, the Director of Emergency Services for the City of Los Banos, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council:

### ORDER

In conformance with, and where not 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 additionally specifies and Orders as follows:

1. All individuals, businesses, entities, and government agencies in the City of Los Banos 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 a facility must prepare and post by no later than 12:00 a.m. on April 17, 2020 a "Social Distancing and Sanitation Protocol" on the form attached to this Order as for each of their facilities open to the public in the City of Los Banos.

a. The Social Distancing and Sanitation 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 and Sanitation Protocol must also be provided to each employee performing work at the facility.

b. All businesses shall implement the Social Distancing and Sanitation Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand.

c. The Social Distancing and Sanitation Protocol must ensure all required measures are implemented and must identify and require measures necessary to implement social distancing are implemented at each facility that will ensure social distancing and sanitation at that particular facility.

d. If the measures identified and implemented are not effective in maintaining proper social distancing and sanitation, additional measures shall be identified and implemented or the facility shall be closed.

3. Essential businesses within the City of Los Banos 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, and credit unions 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. A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. All employers of covered businesses shall provide, at their expense, cloth face coverings or alternative 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 cloth face coverings or alternative non-medical grade 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. Further guidance on face coverings could be found here:

- <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>

d. All customers and visitors to any Covered Business shall limit the number of customers accompanying one another into the Covered Business, except for those that need additional assistance. Entry into a Covered Business shall be limited to one adult person per household "one person per cart" at one time. An operator of a Covered Business may refuse admission or service to any individual or individuals who fail(s) to limit the number of customers accompanying one another as required by this Order.

e. Covered Businesses shall limit the number of customers and visitors in the Covered Business to 5 customers or visitors per 1000 square feet of interior space open to the public.

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

4. Except as otherwise ordered to do so by this Order, all residents of the City of Los Banos are encouraged but not required to wear face coverings whenever they go outside their homes to obtain essential services and goods, as defined by the Governor's Stay at Home Order and the County Department of Public Health's April 7, 2020 guidance.

5. This Order shall be effective immediately and will remain in effect until and will continue to be in effect until it is rescinded, superseded, or amended in writing by further Order of the Director of Emergency Services. Notwithstanding the foregoing, the City shall not impose penalties for violations of this Order until Monday, April 20, 2020.

6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the City of Los Banos 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 COVID19, thereby slowing the community spread of COVID-19.

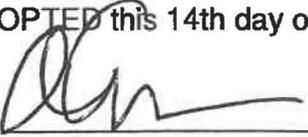
9. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom and subsequent executive orders; the March 13, 2020 Declaration of Local Health Emergency by the Merced County Department of Health and subsequent orders; the March 17, 2020 proclamation by the Director of Emergency Services of the existence of a local emergency pursuant to Section 8630 of the California Government Code; the March 18, 2020 action by the Los Banos City Council ratifying the proclamation of local emergency made by the Director of Emergency Services; 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, Los Banos Municipal Code Sections 4-2.09 and 4.11.01 - 4.11.20.)

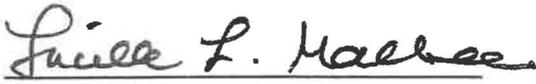
11. Copies of this Order shall promptly be: (1) posted at the City of Los Banos City Hall located at 520 J Street, Los Banos, CA 93635; (2) posted on the City of Los

Banos' website ([www.losbanos.org](http://www.losbanos.org)); and (3) provided to any member of the public requesting a copy of this Order.

ADOPTED this 14th day of April 2020.

By:   
ALEX TERRAZAS  
Director of Emergency Services

ATTEST

  
LUCILLE MALLONEE  
City Clerk

APPROVED AS TO FORM:

  
WILLIAM A. VAUGHN  
City Attorney