



ORDER OF THE BI-COUNTY PUBLIC HEALTH OFFICER FOR SUTTER AND YUBA COUNTIES



ORDER TERMINATING CERTAIN PRIOR LOCAL HEALTH ORDERS AND RECOMMENDING PERSONS IN THE COUNTIES OF YUBA AND SUTTER CONTINUE TO LIMIT ACTIVITIES TO REDUCE THE SPREAD OF COVID-19

Effective Date: 12:01 a.m. on October 6, 2020

**By the authority of Dr. Phuong Luu
Yuba-Sutter Health Officer**

Please read this Order carefully. This Order issued by the Bi-County Public Health Officer to terminate certain prior orders shall become effective at 12:01 a.m. October 6, 2020. Orders pertaining to facial coverings by the Bi-County Public Health Officer shall remain in full force or effect. Any and all prior violations of the previous orders remain prosecutable, criminally or civilly. Pursuant to Health and Safety Code section 120295 et seq., California Penal Code sections 69 and 148(a)(1), California Government Code section 8665, violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both.

PURSUANT TO SECTIONS 101040, 101085 AND 120175 OF THE HEALTH AND SAFETY CODE, THE BI-COUNTY PUBLIC HEALTH OFFICER FOR SUTTER AND YUBA COUNTIES HEREBY ORDERS AS FOLLOWS:

Purpose: The current Yuba-Sutter Health Officer Order regarding COVID-19 was issued on May 4, 2020 with four subsequent amendments and no expiration date. In the past four months due to the continually evolving COVID-19 situation with multiple iterations of new and updated guidance from the California Department of Public Health (CDPH), deviations arose between the State Health Officer’s Orders and the local Bi-County Health Officer’s Order. This new local Bi-County Health Officer Order is intended to terminate the May 4, 2020 Order Directing Persons in the Counties of Yuba and Sutter to Continue to Limit Activities to Reduce the Spread of COVID-19 and its four amendments thereby bringing the current status of local regulation into full alignment with the California State Public Health Officer’s Orders. The May 4, 2020 Order Directing Persons in Sutter County and Yuba County to Wear Facial Coverings, Exceptions and Exemptions as Specified, remains in effect.

Please be further advised that notwithstanding anything to the contrary contained herein, all persons in the State of California are required to comply with the Executive Orders of the Governor, the Orders of the State Public Health Officer and any Guidance issued by the California Department of Public Health.

Background: On March 19, 2020 the Governor and the State Public Health Officer issued an order directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors.

On May 8, 2020, the State Public Health Officer issued an order to reintroduce activities and sectors in a phased manner and with necessary modifications, in order to protect public health. For several weeks afterwards, various business sectors were allowed to reopen.

Then, due to rising case counts, hospitalizations, and deaths, on June 28, 2020 CDPH issued guidance setting forth the need to close bars and similar establishments in counties with concerning levels of transmission, and those counties were placed on a County Monitoring List.

On July 1, 2020, further business sectors were asked to close their indoor operations including restaurants, wineries, and certain entertainment venues, as well as bars indoor and outdoor.

On July 9, 2020 Sutter County was placed on the County Monitoring List. On July 11, 2020, Yuba County was placed on the County Monitoring List.

On July 13, 2020, the State Public Health Officer issued an Order to close statewide bars, pubs, brewpubs, and breweries. In addition, counties on the County Monitoring List including Sutter County and Yuba County were instructed to close indoor operations of gyms and fitness centers, places of worships, protests, offices for non-critical infrastructure workers, personal care services, massage parlors, and tattoo parlors, hair salons and barbershops, and malls.

Gradually the case counts and hospitalizations improved in August 2020, thus the Acting State Public Health Officer issued on August 28, 2020 a new State Order to replace the County Monitoring List with a tier framework (“Blueprint for a Safer Economy”) which all counties within the State of California continue to be part of to this day.

Since the start of the tier system, both Sutter County and Yuba County were placed in the most restrictive (purple) tier due to ongoing high community transmission with the case counts being greater than 7 new cases per 100,000 average daily and a test positivity of greater than 8 percent. Fortunately, both of those metrics have been improving in both counties in the past several weeks, and both counties are poised to qualify to proceed to the next, less restrictive (red) tier, with Yuba County qualifying as of October 6, 2020 and Sutter County qualifying as of October 13, 2020.

What is Known. The transmissibility of SARS-COV2, the virus that leads to COVID-19, is high and evidence shows that transmission can occur even while persons are asymptomatic. The duration of exposure to an infected person, the proximity of exposure, and the ventilation of the setting are key factors in determining whether an exposed person will become infected. The Centers for Disease Control and Prevention (CDC) currently defines a close contact of a positive case as anyone who has spent 15 minutes or longer in close proximity (less than 6 feet) with a positive confirmed case during his/her infectious period, regardless of the presence of facial covering or mask usage. Indoor interactions due to its poorer ventilation will be higher risk than outdoor interactions. There are **no** 100% safe interactions when it comes to COVID-19 infection prevention. Rather, it is a continuum of risk and each person will have to carefully weigh the risk and benefits of each social, work, and school interactions through the lens of their own personal underlying health issues, whether the interaction is vitally necessary for them for their physical and mental health, and whether the

activity places them in close proximity for prolonged period of times with multiple individuals not from their household. It is this rational, risk-based calculation for each activity of daily living that needs to occur on a continual basis until a COVID-19 vaccine is readily available and enough members of our community members achieve a safe path to herd immunity.

It is also recognized that the prolonged restrictions to activity have had physical, mental, economic, and social impacts as well.

Scope of this Order:

This Order terminates, rescinds, and supersedes the following:

1. May 4, 2020 Order Directing Persons in the Counties of Yuba and Sutter to Continue to Limit Activities to Reduce the Spread of COVID-19; and
2. Amendment 20-001 Modifying the May 4, 2020 Public Health Order to Conditionally Allow Faith-Based Gatherings with Appropriate Modifications; and
3. Amendment 20-002 Modifying Public Health Order to Conditionally Allow Multiple Sectors to Reopen with Appropriate Modifications; and
4. Amendment 20-003 Modifying the May 4, 2020 Public Health Order to Clarify Reopening of Expanded Personal Care Services with Modifications; and
5. Amendment 20-004 Modifying the May 4, 2020 Public Health order and Amendments Thereto to Close Bars/Pubs Fully and closure of Indoor services for Restaurants, Wineries/Tasting Rooms, Cardrooms, Zoos/Museums, And Family Entertainment Centers.

This Order does not affect the May 4, 2020 Order Directing Persons in Sutter County and Yuba County to Wear Face Coverings, With Exceptions and Exemptions as Specified.

This Order does not operate to revive any local orders that pre-dated the May 4, 2020 Order Directing Persons in the Counties of Yuba and Sutter to Continue to Limit Activities to Reduce the Spread of COVID-19.

Safe Practice Reminders.

As Yuba County and Sutter County continue to move through the State designated tier framework from most restrictive (purple) to least restrictive (yellow) all persons are reminded to practice the following tenets:

- 1) If you have any symptom(s) concerning for COVID-19 which currently includes fever, chills, sore throat, loss of sense of taste and smell, cough, nausea, vomiting or diarrhea, please isolate yourself at home and only go out to get a COVID-19 test.
- 2) If you are a close contact of a positive confirmed COVID-19 case, you must quarantine at home for 14 days from date of last interaction with the individual who tested positive.
- 3) Limit gatherings with members outside of your household as much as possible. Social gatherings are the main drivers of COVID-19 infection, with infected cases subsequently going to work and school to seed and spread the infection to those places.
- 4) Adhere to the mitigating factors grounded in scientific evidence to allow for reduction in COVID-19 exposure to each individual including:
 - a) Socially distance of 6 feet or more from non-household members.

- b) Wear a facial covering if age two years and older when out in public. Please note that the May 4, 2020 Facial Covering Order for Yuba County and Sutter County remains in effect.
- c) Practice good hand hygiene.
- d) Do not touch eyes, nose or mouth as this can introduce the virus to your person.
- e) Regularly clean high use surfaces.

Applicable to entire County. This Order applies to all persons in the cities and the entire unincorporated areas of Sutter County and Yuba County (the “County”).

Compliance. The violation of any provision of this Amendment constitutes a threat to public health and a public nuisance per se. Pursuant to Health and Safety Code sections 101040 and 120175, Civil Code section 3494 and Code of Civil Procedure section 731, the Health Officer or any other authorized County of Sutter or Yuba official may enforce any violation of this Amendment and abate the public nuisance by obtaining injunctive relief from a court of competent jurisdiction. In addition, 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 Amendment.

Effective

time. This Order shall become effective and operative at 12:01 a.m. on October 6, 2020.

Continuing assessment. The Health Officer will continue to assess the quickly evolving situation and may issue additional orders or amendments related to COVID-19.

Copies of Amendment. Copies of this Order shall promptly be made available at www.yuba.org/coronavirus and www.suttercounty.org/doc/government/depts/cao/em/coronavirus and provided to any member of the public requesting a copy of this Order.

Severability. If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, 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.

Except as stated herein, all prior Orders of the Public Health Officer remain in full force and effect.

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read 'Phuong Luu', with a long horizontal flourish extending to the right.

Phuong Luu, MD, MHS, FACP
Bi-County Public Health Officer for the Counties of Sutter and Yuba