



**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF
SALINAS – EXECUTIVE ORDER NO. 05-2020
OUTDOOR RESTAURANT OPERATIONS**

WHEREAS, on March 17, 2020, the Salinas City Council declared the existence of a local emergency (Resolution No. 21805 N.C.S.) for the protection of persons and property within the city caused by the spread of a severe acute respiratory illness caused by a novel (new) coronavirus named “SARS-CoV-2” (coronavirus disease 2019, abbreviated “COVID-19”); and

WHEREAS, Resolution No. 21805, consistent with Government Code section 8634, vested authority in the Director of Emergency Services (City Manager) to issue and to enforce orders and regulations to mitigate the effects of the local emergency on and as necessary for the protection of life and property during the local emergency; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence, except as outlined by the California Department of Public Health, during the COVID-19 pandemic for the preservation of public health and safety throughout California. Executive Order N-33-20 requires all Californians to heed the state public health directives; and

WHEREAS, the County of Monterey Health Officers, on March 17, 2020, issued a shelter in place order that was amended on April 3, 2020; April 28, 2020; May 1, 2020; and May 8, 2020; and

WHEREAS, the County of Monterey Health Officer on May 26, 2020 issued an amended order that was effective upon the posting by the California Department of Public Health on its website the County Health Officer’s Attestation for a Variance through Stage 2 of the State’s Roadmap to Pandemic Resilience; and

WHEREAS, the May 26, 2020 order suspended the May 1, 2020 and May 8, 2020 Orders of the Health Officer and left the April 28, 2020 (facial coverings) and May 3, 2020 (short term lodging facilities) in effect; and

WHEREAS, the County and the State have issued orders relaxing restrictions and allowing restaurants, retail, and other businesses to reopen, with modifications and pursuant to COVID-19 Industry Guidance issued by the California Department of Public Health; and

WHEREAS, on July 2, 2020, the California Department of Public Health placed Monterey County on the COVID-19 County Data Monitoring Project watch list in response to elevated disease transmission as indicated by the Monterey County exceeding the state's 14-day case threshold of 100 cases per 100,000 residents and by exceeding the state's threshold for percent change in 3-day average COVID-19 hospitalizations; and

WHEREAS, due to Monterey County's placement on the watch list, on July 6, 2020, the State's Governor indicated that the state has ordered Monterey County to close bars (all operations) and indoor operations for the following sectors: restaurants, wineries, movie theaters, zoos, museums, and card rooms; and

WHEREAS, on July 13, 2020, due to the continued spread of COVID-19 across the state, Governor Newsom further rolled-back the state's reopening and ordered *all* counties in California to close indoor and outdoor operations of all bars, brewpubs, and public and ordered all counties in California to close indoor operations these sectors: dine-in restaurants; wineries and tasting rooms; movie theaters; family entertainment centers; zoos and museums; and cardrooms; and

WHEREAS, also on July 13, 2020, Governor Newsom ordered counties that have remained on the County Monitoring List for three (3) consecutive days (the County of Monterey among them) to close the following sectors unless they can be modified to operate outside or by pick-up: fitness centers; worship services; protests; offices for non-essential sectors; personal care services; hair salons and barbershops; and malls; and

WHEREAS, on July 13, 2020, the CDPH issues an Order Relative to Bars, Pubs, Brewpubs, and Breweries ("CDPH Guidance") (a copy of which is attached hereto and incorporated herein by this reference); and

WHEREAS, according to Monterey County Daily Situational Report dated July 13, 2020, there are 2,790 confirmed cases of COVID-19, 178 cumulative hospitalizations, 18 fatalities, 1,488 recoveries, 7,445 contacts, and a test positivity rate of 8.23%; and

WHEREAS, of the 2,790 confirmed cases 1,650 are from Salinas; and

WHEREAS, Salinas businesses—including restaurants—have been severely impacted by closures due to COVID-19 and the associated inability to conduct business and serve patrons; and

WHEREAS, restaurants must close in-door operations, but may conduct outdoor operations or pick-up operations.

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this Executive Order.

2. Restaurants may conduct outdoor operations, including outdoor dining, and pick-up operations provided they have comply with the CDPH Guidance and all CDC and all other CDPH Guidelines and recommendations regarding outdoor operations including, but not limited to, social distancing, and with all local Orders including, but not limited to Executive Order 04-2020 requiring face coverings.

3. Any restaurant conducting outdoor operations must also comply with all local laws, rules, and regulations regarding outdoor operations and operations within the public right-of-way including and must obtain all prior approvals and permits necessary for such outdoor operations including, but not limited to a Temporary Use of Land Permit and/or an Encroachment Permit.

4. The fees associated with a City of Salinas Temporary Land Use Permit and/or Encroachment Permit for outdoor restaurant operations consistent with this Order are hereby deferred until October 1, 2020, at which time they shall become due and payable in full. If such fees are not paid on or before October 1, 2020, the associated Temporary Use of Land Permit or Encroachment Permit shall become immediately null and void and all outdoor restaurant activity must immediately cease. Unpaid fees shall become a debt owed to and recoverable by the City.


5. Enforcement. Any person, as that term is defined in Salinas Municipal Code section 1-01.02, who violates the Guidance is in violation of this Order and is subject to administrative citations under Division 1 of Article 5 of Chapter 1 of the Salinas Municipal Code. The fine amount for the first violation is \$100, with subsequent violations being \$500 and \$1,000.

6. This Executive Order shall be liberally construed to provide the best possible protection for the Citizens of the City.

7. If any provision of this Executive Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Executive 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 Executive Order are severable.

8. This Executive Order shall become effective immediately, subject to ratification as soon as practicable by the Salinas City Council.


ADOPTED this 16th day of July 2020.

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Ray Corpuz, City Manager
Director of Emergency Services

7/16/2020 | 1:29 PM PDT

Date

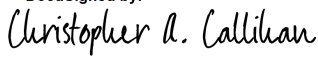
ATTEST:

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Patricia M. Barajas, City Clerk

7/16/2020 | 1:38 PM PDT

Date

Approved as to Form:

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Christopher A. Callihan, City Attorney

7/16/2020 | 1:17 PM PDT

Date



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency California Department of Public Health



GAVIN NEWSOM
Governor

Statewide Public Health Officer Order, July 13, 2020

On March 19, 2020, I 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. I then set out California's path forward from this "Stay-at-Home" Order in California's [Pandemic Resilience Roadmap](#). On May 7th, I [announced](#) that statewide data supported the gradual movement of the entire state into Stage 2 of the Pandemic Resilience Roadmap. On May 8th, the Governor outlined a process where counties that met specific criteria could move more quickly than other parts of the state through Stage 2 of modifying the Stay-at-Home order, including certain businesses deemed higher risk.

The statewide data has since demonstrated a significant increase in the spread of COVID-19, resulting in public health conditions that demand measures responsive to those conditions be put into place with haste. On June 28, 2020, the California Department of Public Health (CDPH) issued [guidance](#) setting forth the need to close bars and similar establishments in counties that – due to concerning levels of disease transmission, hospitalizations, or insufficient testing – had been on the County Monitoring List, which includes counties that show concerning levels of disease transmission, hospitalizations, insufficient testing, or other critical epidemiological markers, for 14 days. On July 1, 2020, CDPH issued [guidance](#) specific to counties on the County Monitoring List for three consecutive days, requiring closure of the indoor operations of various sectors, including restaurants, wineries, and certain entertainment venues, as well as all bars indoor and outdoor. Based on my judgment as the State Public Health Officer, it is now necessary to take these steps statewide, to take additional steps for counties on the County Monitoring List, and to continue to monitor and modify the process of reopening.

The current data reflect that community spread of infection is of increasing concern across the state. On July 1, 2020, there were 19 counties on the County Monitoring List. As of July 13, 2020, there are 32 counties on the list, and additional counties may soon be added as data warrants. In addition to the impact on the general population, community spread increases the likelihood of expanded transmission of COVID-19 in congregate settings such as nursing homes, homeless shelters, jails and prisons. Infection of these vulnerable populations in these settings can be catastrophic. Higher



levels of community spread also increase the likelihood of infection among individuals at high risk of serious outcomes from COVID-19, including the elderly and those with underlying health conditions who might live or otherwise interact with an infected individual.

The Pandemic Resilience Roadmap classifies bars, pubs, breweries, brewpubs, dine-in restaurants, wineries and tasting rooms, family entertainment centers, zoos, museums, and cardrooms as Stage 2 or Stage 3 sectors with high risk of transmission due to a number of features of the businesses and the behaviors that occur within them. Public health studies have shown that the risk of transmission is exacerbated in indoor spaces, particularly when lacking appropriate ventilation. These sectors are settings where groups convene and may mix with others for a prolonged period of time, increasing the risk of escalating the transmission rate of COVID-19. While physical distancing is critical to mitigating exposure, it is more effective at protecting an individual with brief exposures or outdoor exposures. In contrast to indoor spaces, wind and the viral dilution in outdoor spaces can help reduce viral load.

Bars, both indoor and outdoor, have additional risk factors. A bar, foundationally, is a social setting where typically not only small groups convene, but also where groups mix with other groups. Bars also have an added risk imposed by the consumption of alcohol as a primary activity offered in such venues. Alcohol consumption slows brain activity, reduces inhibition, and impairs judgment, factors which contribute to reduced compliance with recommended core personal protective measures, such as the mandatory use of face coverings and maintaining six feet of distance from people in different households, both indoors and outdoors. Louder environments and the cacophony of conversation that are typical in bar settings also require raised voices and greater projection of orally emitted viral droplets.

For counties on the County Monitoring List, the risks and impacts of disease transmission are even greater. The science suggests that for indoor operations the odds of an infected person transmitting the virus are dramatically higher compared to an open-air environment. Thus, for those counties on the list, it is necessary to close indoor operations for additional sectors which promote the closed-space mixing of populations beyond households and/or make adherence to physical distancing with face coverings difficult, including: gyms and fitness centers, places of worship, protests, offices for non-Critical Infrastructure sectors as designated on covid19.ca.gov, personal care services (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops, and malls.

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NOW, THEREFORE, I, as State Public Health Officer and Director of the California Department of Public Health, order all of the following:

Statewide Order Relative to Bars, Pubs, Brewpubs, and Breweries

1. Bars, pubs, brewpubs, and breweries, whether operating indoors or outdoors, shall be closed across the state, unless an exception below applies.

- a. Bars, pubs, brewpubs, and breweries, may operate outdoors if they are offering sit-down, outdoor, dine-in meals. Alcohol can be sold only in the same transaction as a meal. When operating outdoors, they must follow the [dine-in restaurant guidance](#) and should continue to encourage takeout and delivery service whenever possible.
- b. Bars, pubs, brewpubs, and breweries that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals when operating outdoors provided both businesses follow the [dine-in restaurant guidance](#) and alcohol is sold only in the same transaction as a meal.
- c. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals must follow the [guidance for retail operations](#) and offer curbside sales only.
- d. Concert, performance, or entertainment venues must remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation.

2. Indoor operations shall be restricted across the state as specified below:

- a. Dine-in restaurants must close indoor seating to customers. During this closure all dine-in restaurants may continue to utilize outdoor seating and must comply with the [guidance for outdoor dining](#). Restaurants should continue to encourage takeout and delivery service whenever possible.
- b. Wineries and tasting rooms must close indoor services to customers. During this closure all wineries and tasting rooms operating outdoors must comply with the [guidance for restaurants, wineries, and bars](#).
- c. Family entertainment centers and movie theaters must close indoor services and attractions to customers.
 1. Family entertainment centers may continue to provide outdoor services and attractions to customers, and must comply with the guidance for [movie theaters and family entertainment centers](#).

2. Drive-in movie theaters may continue to operate and should follow additional applicable guidance for [drive-in movie theaters](#).
- d. Indoor attractions at zoos and museums must close to visitors.
 1. Zoos and museums may continue to operate outdoor attractions and must follow the [guidance for zoos and museums](#).
- e. Cardrooms must close indoor services to customers and must follow the [guidance for cardrooms](#).

Order for Closure of Additional Indoor Sectors for Counties on Monitoring List

3. Counties that currently appear on CDPH's County Monitoring List and have been on the list for three consecutive days, and counties that subsequently appear for three consecutive days or more while this order remains effective, must close all indoor operations of the following types of businesses/events/activities:

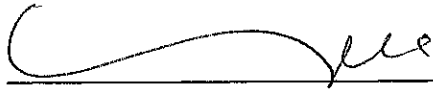
- a. Gyms and Fitness Centers
- b. Places of Worship
- c. Protests
- d. Offices for [Non-Critical Infrastructure Sectors](#)
- e. Personal Care Services (including nail salons, massage parlors, and tattoo parlors)
- f. Hair salons and barbershops
- g. Malls

Terms of Orders

4. This order shall go into effect immediately.
5. These closures shall remain in effect until I determine it is appropriate to modify the order based on public health conditions.
6. Outdoor operations may be conducted under a tent, canopy, or other sun shelter but only as long as no more than one side is closed, allowing sufficient outdoor air movement.
7. I will continue to monitor the epidemiological data and will modify the sectors that may be open both statewide and in counties on the Monitoring List as required by the evolving public health conditions. If I determine that it is appropriate to reopen, close, or modify the operations of any additional sectors, those sectors will be posted at: <https://covid19.ca.gov/roadmap-counties/>.
8. My [guidance](#) mandating the wearing of face coverings and my [guidance](#) prohibiting gatherings continue to apply statewide, except as specifically permitted in other orders or guidance documents. To prevent further spread of COVID-19 to and within other

jurisdictions within the State, Californians should not travel significant distances and should stay close to home.

9. This order is issued pursuant to the authority under EO N-60-20, and Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120150, 120175, 120195 and 131080.

A handwritten signature in black ink, appearing to read 'S. Angell', is written over a horizontal line.

Sonia Y Angell, MD, MPH
State Public Health Officer & Director
California Department of Public Health