

CITY OF SAN JOAQUIN

**ORDER OF THE CITY MANAGER AS DIRECTOR OF CIVIL DEFENSE
AND DISASTER OF THE CITY OF SAN JOAQUIN**

EXTENSION OF EXECUTIVE ORDER DATED APRIL 17, 2020

EFFECTIVE 12:00 A.M. ON FRIDAY, JANUARY 1, 2021

**TO PROMOTE PUBLIC HEALTH AND SUPPORT SAFELY REOPENING OF THE
LOCAL ECONOMY THIS ORDER WILL BE EXTENDED AND REMAIN IN EFFECT
THROUGH JUNE 30, 2021, UNLESS TERMINATED PRIOR TO THAT DATE.**

WHEREAS, there exists a local emergency in the City of San Joaquin pursuant to Resolution No. 2020-09 adopted by the City Council on March 18, 2020, whereby the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, under the authority of Government Code Sections 8610 and 8634 and the San Joaquin Municipal Code Section 32.05, I am empowered, upon declaration of a local emergency, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, on March 4, 2020, Governor Gavin Newsome 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 15, 2020, the Fresno County Administrative Officer as the County's Emergency Services Director proclaimed a Local Health Emergency based on an imminent and proximate threat to public health from introduction of novel COVID-19 in Fresno County; and

WHEREAS, on March 17, 2020, the County of Fresno Board of Supervisors proclaimed and ratified the existence of a Local Emergency and Local Health Emergency; and

WHEREAS, on March 18, 2020, the City of San Joaquin activated its Emergency Operation Center to support ongoing emergency actions in response to the spread of COVID-19; and

WHEREAS, in response to social distancing guidance issued by the CDC, the California Department of Public Health (CDPH), and the Fresno County Department of Public Health, the City of San Joaquin canceled 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 Fresno 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 San Joaquin City Hall, Leo Cantu Community Center Building, Senior Center, Veterans Memorial Hall 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 Fresno 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, the CDC, the CDPH, and the Fresno 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, 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 December 3, 2020, the California Department of Public Health (CDPH) issued a Regional Stay at Home Order which includes the City of San Joaquin's boundaries; and

WHEREAS, on December 29, 2020, the CDPH extended the Regional Stay at Home Order that it had previously issued on December 3, 2020, until the San Joaquin Valley Region's ICU capacity has reached or exceeds 15%; 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 the City of San Joaquin Municipal Code to issue the following order related to the protection of life and property within the City of San Joaquin and the enforcement thereof.

NOW, THEREFORE, I, Elizabeth Nunez, the Director of Civil Defense and Disaster of the City of San Joaquin, issue the following order:

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, the March 27, 2020 Order of the Fresno County Health Officer, and the CDPH Regional Stay at Home Order, this Order additionally specifies and Orders as follows:

1. All individuals, residents, businesses, entities, visitors, and government agencies in the City of San Joaquin are required to follow the provisions of the March 27, 2020 Order of the Fresno County Health Officer and the CDPH Regional Stay at Home Order issued on December 3, 2020, and extended on December 29, 2020.
2. Except as otherwise ordered to do so by this Order, all individuals, residents, businesses, entities, and visitors in the City of San Joaquin are required to wear face coverings whenever they go outside their homes to obtain essential services and goods as defined by the Governor's Executive Order N-33-20 and the Fresno County Department of Public Health Officers Orders and guidance.
3. All 1 individuals, residents, businesses, entities, and visitors in the City of San Joaquin are required to abide by social distancing guidance issued by the CDC, the California Department of Public Health (CDPH), and the Fresno County Department of Public Health.
4. All Essential Businesses that remain in operation in accordance with the March 27, 2020 Order of the Fresno 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 21, 2020, a "Social Distancing and Sanitation Protocol" for each of their places of business that are open to the public in the City of San Joaquin.
 - 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 that all required social distancing and sanitation measures stipulated by the Governor and Fresno 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.

5. Essential businesses within the City of San Joaquin 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 shall 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 1 customers or visitors per 150 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.

6. This Order shall be effective immediately, and if ratified by the City Council, will remain in effect until June 30, 2021, unless it is rescinded, superseded, amended, or extended in writing by the Director of Civil Defense and Disaster of San Joaquin.

7. This Order is issued based on evidence of increasing transmission of COVID-19 both within the City of San Joaquin 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.

8. 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.

9. 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.

10. 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 15, 2020 Declaration of Local Health Emergency by the Fresno County Department of Health and subsequent orders; the March 18, 2020 proclamation by the City Council of the existence of a local emergency pursuant to Section 8630 of the California Government Code; 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); the March 27, 2020 Health Officers Order by the Fresno County Health Officer of any person in violation of isolation orders will be charged with a criminal misdemeanor; and the Regional Stay at Home Orders issued by CDPH.

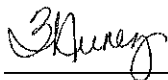
11. Copies of this Order shall promptly be: (1) posted at the City of San Joaquin City Hall located a 21900 W. Colorado Ave, San Joaquin, CA 93660; (2) posted on the City of San Joaquin' website (www.cityofsanjoaquin.org); and (3) provided to any member of the public requesting a copy of this Order.

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.

BE IT FURTHER ORDERED:

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, San Joaquin Municipal Code). Each and every day any violation of any provision of a Local Emergency Order is committed, continued, or permitted in the City shall be considered a separate offense.

The Sheriff's Department, and code enforcement officers along with other law enforcement authorities cooperating with the City are hereby authorized and charged, to the extent provided by law with the responsibility of implementing and enforcing this Order.



Elizabeth Nunez,
City Manager & Director of Civil Defense and Disaster
City of San Joaquin

DATE AND TIME: January 5, 2021, at 1:02 p.m.

ATTEST:



Lupe Estrada, City Clerk