



MONO COUNTY HEALTH DEPARTMENT

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HEALTH OFFICER ORDER

(Mandatory COVID-19 Testing, Use of Personal Protective Equipment and Compliance with State Guidance For Restaurants in Mammoth Lakes)

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a state of emergency in response to the COVID-19 pandemic, and on March 17, 2020, Mono County declared a state of local emergency, both of which declarations remain in effect; and

WHEREAS, Executive Order N-33-20 issued by the Governor on March 19, 2020 (EO N-33-20), and a corresponding Order of the State Health Officer (collectively “Stay-at-Home Order”), directed all persons in the State of California to stay at home or in their place of residence in order to reduce the transmission of COVID-19, with limited exceptions; and

WHEREAS, on May 7, 2020, the State Health Officer outlined California’s path towards gradual reopening, referred to as California’s Resilience Roadmap (“Roadmap”). The Roadmap identifies four stages of recovery and reopening: Stage 1 - safety and preparation; Stage 2 - reopening of lower-risk workplaces and other spaces, subject to restrictions; Stage 3 - reopening of higher-risk workplaces and other spaces, subject to restrictions; and Stage 4 - a removal of restrictions culminating in the end of the Stay-at-Home Order; and

WHEREAS, in accordance with the Roadmap, counties attesting to conformance with specified metrics were allowed to move further ahead into Stage 2 beginning June 2, 2020, this included reopening restaurants and similar establishments for indoor dining. Pursuant to these authorities, indoor dining reopened within the Town of Mammoth Lakes on June 19, 2020; and

WHEREAS, due to an increase in the number of COVID-19 cases and hospitalizations statewide, the State Health Officer issued an order on July 13, 2020, closing indoor dining statewide and closing bars, pubs, brewpubs and breweries (with limited exceptions); and

WHEREAS, in the Town of Mammoth Lakes, a significant rise in the number of COVID-19 infections associated with restaurants and other establishments where food is prepared and served has occurred since the June 19 reopening, with many cases involving restaurant staff and those who have been in contact with them; and

WHEREAS, the July 13, 2020 statewide indoor dining closure does not address the spread of COVID-19 among and by restaurant staff, it merely closes indoor dining, while permitting kitchens and delivery, outdoor or take-out meal service to continue; and

WHEREAS, close working conditions in kitchens and food prep areas limit the ability to physically distance and, when indoor dining is authorized, restaurant employees are unable to maintain safe distance from customers who cannot wear face coverings while eating; and

WHEREAS, due to the significant number of recent COVID cases in Mammoth Lakes which originated in or are related to restaurant operations, the Mono County Health Officer finds it necessary for the protection of public health and safety to impose additional requirements on restaurants and other establishments preparing or serving food within the Town, including testing for employees, more protective (higher level) face coverings, and mandatory compliance with State restaurant guidance, including practices which are suggested in that guidance but not made mandatory;

NOW, THEREFORE, under the authority of California Health and Safety Code sections 101040, 101085, 120175 and 120175.5 and Title 17 California Code of Regulations, Section 2501, in addition to existing guidance, the Mono County Health Officer **HEREBY ORDERS** as follows:

1. **Definitions**: For purposes of this Order, the following definitions shall apply:
 - a. **“Restaurant”** means a facility that prepares and serves (whether for onsite dining, takeout or delivery) food and/or beverages for human consumption. Examples include, but are not limited to, restaurants, cafes, bars, breweries, distilleries, coffee shops and other similar establishments.
 - b. **“Employee”** means any person employed onsite at a Restaurant, as defined, including, but not limited to, wait staff, servers, bartenders, cooks, bus persons, hosts, managers, and owners.
 - c. **“Responsible Person”** means the Restaurant’s representative who is listed on the Mono County Public Health Business Portal as the person responsible for ensuring compliance with COVID-19 requirements.
2. **Personal Protective Equipment**. Effective immediately, all Restaurant Employees within the Town of Mammoth Lakes must wear higher level, more protective face coverings at all time while at work, specifically surgical masks. For dishwashers, state rules currently require eye protection and impermeable

aprons. Eye protection is also hereby recommended, but not mandated, for other Employees.

3. **Testing Requirement:** All Restaurants, as defined, within the Town of Mammoth Lakes shall have their Employees tested for COVID-19 as follows:
 - At least thirty percent (30%) of the total number of Employees at each Restaurant shall be tested between July 22, 2020 and July 28, 2020.
 - Employees tested shall be employed full time (at least 20 hours per week) and shall be representative of all sectors of the Restaurant’s operations. In other words, Employees tested shall represent all employment positions within the restaurant in rough proportion to actual number of Employees in each position (e.g., cook, dishwasher, wait person, bus person, cashier, manager).
 - Testing will be provided free of charge by Mono County Public Health at the Mammoth Lakes Community Center (1000 Forest Trail Road) beginning on Wednesday, July 22.
 - The Responsible Person for each Restaurant shall schedule Employees for testing over the three-day period.
4. **Verification.** The Responsible Person for each Restaurant shall attest, through the Mono County Public Health Business Portal, or in such other format as may be authorized by public health, as to the Restaurant’s compliance with the above testing requirements. The attestation shall include the names and total number of Employees of the Restaurant, the names of Employees tested, the date of testing and such other information as may be required to verify compliance. If a Restaurant has not attested and verified that the required percentage of Employees have been tested by midnight on Tuesday, July 28, then the Restaurant shall remain closed until an attestation and appropriate verification are provided.
5. **Mandatory Compliance with State Guidance:** Restaurants, as defined, within Mammoth Lakes shall comply with the State of California’s guidelines for the operation of Take-out, Delivery and Drive-Through Restaurants, as same may be amended, replaced or superseded from time to time by other guidance applicable to such businesses (the “State Guidance”). The State Guidance is located at <https://covid19.ca.gov/industry-guidance/#statewide-guidance>. To the extent that anything contained in the State Guidance may be presented or interpreted as optional (e.g., merely recommended but not

required), it is hereby made mandatory and all Restaurants, as defined, within the Town of Mammoth Lakes shall adhere to it.

6. **Employee Screening.** All Restaurants, as defined, within the Town of Mammoth Lakes, shall screen each Employee at the beginning of the Employee's shift. There is no longer an option to rely on restaurant employees to self-report. Instead, they must be screened by supervisory staff. The screening must be documented and preserved for the duration of the declared emergency. Sick Restaurant Employees must be excluded from work until cleared by public health or a licensed clinician. As applicable to Restaurants within Mammoth Lakes, this requirement shall supersede and replace the Public Health Officer's Order of March 24, 2020, which provides an option for Employees to self-screen.
7. **Violation.** In addition to any other remedy available at law or in equity, failure by a Restaurant within the Town of Mammoth Lakes to comply with this Order, or with applicable State Guidance as herein made mandatory, shall subject the Restaurant to immediate closure as described below.
8. **Immediate Closure.** For a first violation, the Restaurant shall be immediately closed for a period of 72 hours. For a second violation the Restaurant shall be immediately closed for a period of 5 days. For a subsequent violation the Restaurant shall be immediately closed for a period of 7 days.
9. **Education:** All Restaurants, as defined, within the Town of Mammoth Lakes shall provide their Employees with comprehensive training regarding, and shall enforce, safe practices for operation during COVID-19. This training shall include, at a minimum, the following:
 - a. Review of the State Public Health Guidelines for Restaurants
 - b. Review of Cal/OSHA guidance for restaurant operation during COVID-19
 - c. Review of educational materials and requirements available through the Mono County business portal at:
<https://coronavirus.monocounty.ca.gov/pages/businesses>

General Provisions

1. This Order is issued based on evidence of transmission of COVID-19, 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.

2. This Order is intended to reduce the likelihood of exposure to COVID-19, by addressing locations and activities within Mono County where the virus has most aggressively spread.

3. 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; the March 15, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Mono County; the March 17, 2020 Resolution of the Board of Supervisors of the County of Mono proclaiming the existence of a Local Emergency in the County of Mono regarding COVID-19 and ratifying and extending the Declaration of Local Health Emergency due to COVID-19; Governor Newsom’s Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home, except as otherwise authorized, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the State of California’s Resilience Roadmap, and all Guidance related thereto; CDPH’s “COVID-19 Industry Guidance: Restaurants, Bars, and Wineries”; Mono County’s “Interim Guidelines for Businesses During the COVID-19 Pandemic”; “Mono County Health Officer Order Requiring the Wearing of Face Coverings” issued April 30, 2020; the Mono County Business Portal at <https://webapps.mono.ca.gov/covid19-business-reopening/>; and the June 11, 2020 Mono County Health Officer Order Requiring Compliance with Business Guidelines.”

4. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.

5. This Order is made because of the propensity of the virus to spread person-to-person and also because the virus is causing physical property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time.

6. Violation of this Order is a misdemeanor, punishable by fine of up to \$1000, imprisonment for up to 90 days, or both, pursuant to Health and Safety Code section 120295 and Government Code section 8665.

7. Copies of this Order shall be promptly posted on the County of Mono’s Public Health Department’s website (monohealth.com). This Order shall additionally be provided to any member of the public upon request.

IT IS SO ORDERED:

Thomas Boo, MD

Date July 20, 2020

Thomas Boo, MD
Local Health Officer
For Mono County
and the Town of Mammoth Lakes