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NEVADA COUNTY and KATHARINE ELLIOTT

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

TUCK'S RESTAURANT AND BAR, a California corporation, KENNETH R. PAIGE; CHAD PAIGE; BUCKMAN ENTERPRISES, LLC, a California limited liability company; ROBIN BUCKMAN; and THE NEVADA COUNTY RESTAURANT COALITION, an unincorporated membership association,

Plaintiffs,

v.

NEVADA COUNTY, CALIFORNIA; KATHARINE ELLIOTT; and DOES 1-10 inclusive,

Defendants.

Case No. 2:20-cv-02256-KJM-CKD

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF NEVADA COUNTY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION [EXHIBITS 1-11]

Judge: Hon. Kimberly J. Mueller

Date: January 26, 2024
Time: 10:00 a.m.
Crtrm: 3

Trial Date: None Set

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendants Nevada County and Katharine Elliott (the "Nevada County Defendants"), pursuant to Federal Rules of Evidence, Rule 201, request that this Court take judicial notice of the following official public documents in support of their concurrently-filed Motion for Summary Judgment or, in the Alternative, Summary Adjudication:

Exhibit 1 State of California Executive Order N-33-20, dated March 19, 2020, available at https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-EO-N-33-20-COVID-19-HEALTH-ORDER-03.19.2020-signed.pdf;

Exhibit 2 Nevada County Public Health Officer Order, Clarification of Stay-at-Home or Place of residence Requirements as They Pertain to Individuals and Businesses in the County, dated April 15, 2020;

Exhibit 3 Nevada County Public Health Officer's Amended Order Regarding Stay-at-Home or Place of Residence Requirements as They Pertain to Individuals and Businesses in the County, dated April 27, 2020, produced in this litigation as Bates Numbers NEVADA-000921-000928;

Exhibit 4 Nevada County Public Health Officer's Order Rescinding the April 27, 2020 Stay-at-Home or Place of Residence Requirements as They Pertain to Individuals and Businesses in the County, dates May 8, 2020, produced in this litigation as Bates Number NEVADA-000929;

Exhibit 5 California Department of Public Health Guidance for the Use of Face Coverings, dated June 18, 2020, produced in this litigation as Bates Numbers NEVADA-000102-000104;

Exhibit 6 California Department of Public Health Statewide Public Health Officer Order, dated July 13, 2020, produced in this litigation as Bates Numbers NEVADA-00930-000934;

Exhibit 7 Nevada County Public Health Department Notice, Statewide Closure of All Bars and Indoor Operations of Restaurants, Wineries, Movie Theaters and

Card Rooms, dated July 13, 2020, produced in this litigation as Bates Numbers NEVADA-001946-001947;

Exhibit 8 California Department of Public Health Statewide Public Health Officer Order, dated August 28, 2020;

Exhibit 9 California Department of Public Health, Guidance for the Use of Face Coverings, dated May 3, 2021;

Exhibit 10 State of California Executive Order N-07-21, dated June 11, 2021, available at https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-07-21-signed.pdf;

Exhibit 11 A Proclamation by the Governor of the State of California Terminating State of Emergency, dated February 28, 2023, available at https://www.gov.ca.gov/wp-content/uploads/2023/02/COVID-SOE-Termination-Proclamation-2.28.23.pdf?emrc=1db54f.

The Nevada County Defendants respectfully submit that the official public documents attached hereto as Exhibits 1-11 are proper subjects for judicial notice as well as for consideration by this Court in connection with the Nevada County Defendants' concurrently filed Motion for Summary Judgment or, in the Alternative, Summary Adjudication.

Pursuant to Federal Rules of Evidence, Rule 201, a court may take judicial notice of relevant matters that are either: (1) "generally known within the [] court's territorial jurisdiction"; or (2) "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). A court "must take judicial notice if a party requests it and the court is supplied with the necessary information." Fed. R. Evid. 201(c).

This Court may take judicial notice of matters of public record, *DeHoog v. Anheuser-Busch InBev SA/NV*, 899 F.3d 758, 763 n.5 (9th Cir. 2018), including "'[p]ublic records and government documents available from reliable sources on the Internet,' such as websites run by governmental agencies." *U.S. ex rel. Modglin v. DJO Global Inc.*, 48 F. Supp. 3d 1362, 1381 (C.D. Cal. 2014). This includes State and local governmental orders and other directives, as well as material on government websites. *See, e.g.*, *Cross Culture Christian Ctr. v. Newsom*, 445 F.

Supp. 3d 758, 764-65 (E.D. Cal. 2020) (taking judicial notice of State of California COVID-19 public health orders and guidance); *Pac. Gas & Elec. Co. v. Lynch*, No. CV 01-1083RSWLSHX, 2001 WL 840611, at *6 (C.D. Cal. May 2, 2001) (taking judicial notice of, inter alia, California Governor Gray Davis's January 17, 2001, Proclamation of a State of Emergency); *Cnty. of Santa Clara v. Trump*, 250 F. Supp. 3d 497, 520 & n.4 (N.D. Cal. 2017) (taking judicial notice of, inter alia, proclamations made by the U.S. Attorney General Jeff Sessions); *Merced Irrigation Dist. v. Cnty. of Mariposa*, 941 F. Supp. 2d 1237, 1261–62 (E.D. Cal. 2013) (taking judicial notice of Board of Supervisors' resolution as matter of public record); *Catholic League for Religious & Civil Rights v. City & Cnty. of San Francisco*, 567 F.3d 595, 606 & n.12 (9th Cir. 2009), on reh'g en banc, 624 F.3d 1043 (9th Cir. 2010) (taking judicial notice of county board of supervisors' actions according to its public resolution); *Elena Selk v. Pioneers Mem'l Healthcare Dist.*, No. 13CV0244 DMS (BGS), 2014 WL 12729166, at *2 (S.D. Cal. Apr. 7, 2014) (taking judicial notice of date entity was established according to board of supervisors' resolution).

Matters that are properly the subject of judicial notice may be considered when deciding a dispositive motion. *See, e.g.*, *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986); *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001). Judicial notice may be taken at any stage of the proceeding. Fed. R. Evid. 201(d).

Here, the attached exhibits are publicly available records whose authenticity is not reasonably questionable, and which are relevant to the disposition of the Nevada County Defendants' Motion for Summary Judgment or, in the Alternative, Summary Adjudication. Accordingly, the Nevada County Defendants ask that this Court take judicial notice of these documents.

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DATED: November 21, 2023

MEYERS NAVE

By: /s/ David Mehretu

DEBORAH J. FOX
DAVID MEHRETU
CATHERINE L. CARLISLE
Attorneys for Defendants
NEVADA COUNTY and KATHARINE ELLIOTT

5509922

EXHIBIT 1

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: https://covid19.ca.gov/. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.

3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.

4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT 2

Ryan Gruver
Health and Human Services Agency Director

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GRASS VALLEY, CA 95945
TELEPHONE (530) 265-1450
(888) 303-1450

Nevada County Health and Human Services Agency

Public Health Department

Jill Blake, MPA
Public Health Director
Ken Cutler, MD, MPH
Public Health Officer

10075 LEVON AVE, STE 202
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ORDER OF THE NEVADA COUNTY PUBLIC HEALTH OFFICER

CLARIFICATION OF STAY-AT-HOME OR PLACE OF RESIDENCE REQUIREMENTS AS THEY PERTAIN TO INDIVIDUALS AND BUSINESSES IN THE COUNTY

DATE OF ORDER: April 15, 2020

This Order is in effect until rescinded in writing by the Nevada County Public Health Officer.

SUMMARY OF FINDINGS AND ORDER

COVID-19 ("Coronavirus") has spread throughout the world constituting a global pandemic, resulting in more than 1.9 million confirmed cases and over 118,000 thousand confirmed deaths. In California there are over 22,000 confirmed cases and over 600 deaths. COVID-19 is easily transmitted between individuals who are in close proximity to one another, thereby creating a substantial danger to the health of the public. As of April 10, 2020, 34 COVID-19 cases have been detected in Nevada County, with transmission expected to increase over the coming days and weeks.

On March 4, 2020, the Governor of the State of California proclaimed a State of Emergency to exist in California due to the current and potential impacts caused by COVID-19 and to combat the spread of COVID-19 broadly. On March 5, 2020, the Public Health Officer for the County of Nevada ("Health Officer") issued a Declaration of Local Health Emergency due to the potential introduction of COVID-19 in Nevada County and associated threat to the public health, which was ratified by the Nevada County Board of Supervisors on March 10, 2020, per Resolution 20-062.

On March 19, 2020, in response to the rapid spread of COVID-19 and to preserve the public health and safety through California, the Governor of the State of California issued Executive Order N-33-20, directing all residents heed the current State public health directives, including all individuals living in the State of California to stay at their home or at their place of residence until further notice, except those Californians working in 16 identified critical infrastructure sectors. On March 20, 2020, the State Public Health Officer provided a list of "Essential Critical Infrastructure Workers" to help state, local, tribal, and industry partners to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security, which is attached hereto and incorporated herein as Exhibit "A".

This Order is issued based on evidence of increasing occurrence of COVID-19 in the surrounding counties and throughout the State of California, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, there is a public health emergency throughout the County. Scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as

possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable.

Accordingly, the intent of this Order is to ensure people stay in their home or place of residence to the maximum extent feasible, while enabling essential services to continue, in order to slow the spread of COVID-19 to the greatest degree possible. Accordingly, this Order is issued to: (1) clarify the Governor's March 19, 2020, stay at home or place of residence order ("Stay-at-Home Order") on behalf of individuals in Nevada County; (2) directing all businesses and governmental agencies to cease non-essential operations at physical locations in Nevada County; (3) prohibit all non-essential gatherings of any number of individuals; and (4) order cessation of all non-essential travel. The Health Officer determines that these measures are necessary and the least restrictive means to further the compelling interest of appropriately protecting the public's health and safety, and to ensure the healthcare system is capable of meeting the healthcare needs of all individuals during the COVID-19 health emergency. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, & 120175, AND TITLE 17 OF CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE PUBLIC HEALTH OFFICER FOR THE COUNTY OF NEVADA HEREBY ORDERS:

1. **STAY AT HOME OR PLACE OF RESIDENCE**

   a. All individuals currently living within Nevada County (the "County ") are ordered to shelter at their home or place of residence. To the extent individuals are using shared or outdoor spaces, they must, at all times as reasonably possible, maintain social distancing of at least six feet from any other person when they are outside their residence.

   b. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 5. Individuals experiencing homelessness are directed to seek out available shelter or temporary housing where Social Distancing Requirements are in operation.

      i. In the event of a question or uncertainty as to whether an individual is considered an "essential worker" or whether a local business is providing an "essential service," a written determination by the Health Officer shall be adequate for such a determination.

   c. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably comply with Social Distancing Requirements as described in Section 5 below.

2. **BUSINESS ACTIVITIES**

   a. All businesses with a facility in the County, except Essential Businesses as defined below in Section 5, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 5. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 5 below, including, but not limited to, when any customers are standing in line. Businesses that include an Essential Business component at their facility alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only.

i. In the event of a question or uncertainty as to whether an individual is considered an "essential worker" or whether a local business is providing an "essential service," a written determination by the Health Officer shall be adequate for such a determination.

3. **PUBLIC AND PRIVATE GATHERINGS**

a. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 5. Nothing in this Order prohibits the gathering of members of a household or living unit.

4. **TRAVEL**

a. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined herein, is prohibited. Travel is authorized for the following purposes:
   i. Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions;
   ii. Travel to care for any elderly, minors, dependents, or persons with disabilities;
   iii. Travel required for non-resident to return to place of residence outside the County. Individuals are strongly encouraged to verify their place of residence outside the County remains available and functional prior to commencing such travel;
   iv. Travel required by law enforcement or court order;
   v. Travel to avoid domestic violence or abuse;
   vi. Travel for parental custody arrangements;
   vii. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as hotel or other facility provided or arranged by a governmental authority for such purposes.

b. Individuals riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

5. **EXEMPTIONS AND DEFINITIONS**

a. **Essential Activities** - For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care. For purposes of this Order, "people at high risk of severe illness from COVID-19 are people who meet the CDC definition of higher risk (https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html).

Essential Activities include:
   i. Engaging in activities or performing tasks essential to one's health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional or facility, or obtaining supplies they need to work from home.
   ii. Obtaining necessary services or supplies for oneself and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh

meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. Engaging in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, biking, or running. Outdoor recreation activity at parks and other open spaces must be in conformance with any restrictions on access and use established by the Health Officer, government, or other entity that manages such access to reduce crowding and risk of transmission of COVID-19.
Use of shared facilities for recreational activities outside of residences is prohibited. These include, but are not limited to, golf courses, tennis, pickleball, basketball, volleyball courts, climbing walls, pools, spas, shooting and archery ranges, and disc golf. These areas shall be closed for recreational use by signage and/or physical barriers.
Sports activities that involve the use of shared equipment, such as balls, may only be engaged by members of the same household.

iv. Performing work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. Caring for a family member or pet in another household.

vi. Attending a funeral with no more than ten individuals present and maintaining physical distancing, as required in subsection i below.

vii. Moving from one primary residence to another when not possible to defer a previously planned move or where the move is necessitated by safety, sanitation, habitability reasons, or where the move is necessary to preserve access to shelter. When moving into Nevada County, individuals are strongly urged to quarantine for 14 days and follow Center for Disease Control (CDC) quarantine guidance.

b. **Healthcare Operations** - For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

c. **Essential Infrastructure** - For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. **Essential Services** – For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental

Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. **Covered Businesses** – For purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. **Essential Businesses** - purposes of this Order, "Essential Businesses" means:
   i. Healthcare Operations and Essential Infrastructure. This includes licensed Cannabis businesses/dispensaries for medicinal needs only, and only by curbside pickup or delivery;
   ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences. Establishments shall comply with California Department of Public Health (CDPH) Guidance regarding Retail Food, Beverage, and Other Related Service Venues issued March 16, 2020. ;
   iii. Agriculture, including but not limited to food and beverage cultivation, including farming, ranching, forestry, livestock, and fishing;
   iv. Businesses that provide food, shelter, and social services, and those that are necessary to supply agriculture or other necessities of life for economically disadvantaged or otherwise needy individuals;
   v. Newspapers, television, radio, and other media services;
   vi. Gas stations and auto-supply, auto-repair, and related facilities;
   vii. Banks and related financial institutions;
   viii. Short-term lodging facility specified uses, as set forth in the Health Officer's March 24, 2020, Order re "Clarification of Governor's and State Health Officer's "Stay-at-Home" Order as Related to Lodging Facilities," available to the public upon request or accessible at www.mynevadacounty.com/coronavirus);
   ix. Hardware stores, home improvement stores and nurseries;
   x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
   xi. Businesses that address and remove hazardous vegetation for wildfire safety purposes. This includes activities including tree trimming, tree removal, brush mastication, chipping services, green waste hauling and dumping services, and other defensible space related services;
   xii. Businesses providing mailing and shipping services, including post office boxes;
   xiii. Educational institutions-including public and private K-12 schools, colleges, and universities - for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
   xiv. Laundromats, drycleaners, and laundry service providers;
   xv. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food

is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xvi. Businesses that supply products needed for people to work from home including internet services;

xvii. Businesses that supply other essential businesses with the support or supplies necessary to operate;

xviii. Firearm and ammunition sales;

xix. Businesses that ship or deliver groceries, food, goods or services directly to residences;

xx. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xxi. Home-based care for seniors, adults, or children;

xxii. Cemetery and funeral service providers.

xxiii. Residential facilities and shelters for seniors, adults, and children;

xxiv. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

xxv. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 12 or fewer ("stable " means that the same 12 or fewer children are in the same group each day).
2. Children shall not change from one group to another.
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. Childcare providers shall remain solely with one group of children.

xxvi. Hazardous materials handling, operations/management and clean up, including nuclear, medical pharmaceutical manufacturing waste.

xxvii. Defense industries required to meet U.S. Military requirements.

xxviii. Essential services required to meet national security commitments to the federal government and U.S. Military.

g. **Minimum Basic Operations** – For purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions.

ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. **Home or Place of Residence** – For purposes of this order, "Home or Place of Residence" includes single family residence, home, residential dwelling, apartment, duplex, hotel/motel or other temporary lodging, including shelters, for stay-at-home, quarantine or isolation purposes, shared rental units and similar facilities.

i. **Social Distancing** – For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six- foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

6. This Order shall be effective immediately and will remain in effect until further Order of the Health Officer.

7. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Nevada and worldwide, substantial guidance from the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world regarding the most effective approach and best practices to slow transmission of communicable diseases generally and COVID-19 specifically.

8. This Order is issued in accordance with, and incorporates by reference, the (1) March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; (2) the March 5, 2020, Declaration of Local Health Emergency in Nevada County based on an imminent and proximate threat to public health from due to the potential introduction of novel COVID-19, as ratified by the Nevada County Board of Supervisors on March 10, 2020 per Resolution 20-062; (3) the March 10, 2020, Resolution of the Board of Supervisors of the County of Nevada proclaiming the existence of a Local Emergency due to the potential introduction of COVID-19; (4) Governor Gavin Newsom's March 12, 2020, Executive Order N-25-20 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; (5) Governor Newsom's March 19, 2020, Executive Order N-33-20 ordering all persons to stay at home 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; and (6) the Health Officer's April 7, 2020, Orders requiring (i) the self-isolation of individuals who test positive for COVID-19, or who have had a high-risk exposure and are likely to have contracted COVID-19, and (ii) the self-quarantine of individuals exposed to a person diagnosed with or likely to have COVID-19 to prevent further spread of the virus.

9. 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.

10. To the extent necessary, pursuant to Government Code sections 26602, 41601 and California Health and Safety Code 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.

11. Copies of this Order shall promptly be: (1) made available at the County Government Center at 950 Maidu Avenue, Nevada City, CA 95959; (2) posted on the County website (available at www.mynevadacounty.com/coronavirus); and (3) provided to any member of the public requesting a copy of this Order.

12. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the reminder 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.

IT IS SO ORDERED:

K Cutler MD

Dated: April 15, 2020

Dr. Ken Cutler
Public Health Officer
County of Nevada

EXHIBIT 3

Ryan Gruver
Health and Human Services Agency
Director

500 CROWN POINT CIRCLE, STE 110
GRASS VALLEY, CA 95945
TELEPHONE (530) 265-1450
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Nevada County Health and Human Services Agency

Public Health Department

Jill Blake, MPA
Public Health Director
Ken Cutler, MD, MPH
Public Health Officer

10075 LEVON AVE, STE 202
TRUCKEE, CALIFORNIA 96161
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ORDER OF THE NEVADA COUNTY PUBLIC HEALTH OFFICER

AMENDED ORDER REGARDING STAY-AT-HOME OR PLACE OF RESIDENCE REQUIREMENTS AS THEY PERTAIN TO INDIVIDUALS AND BUSINESSES IN THE COUNTY

DATE OF ORDER: April 27, 2020

This Amended Order replaces the Public Health Officer's Stay-at-Home or Place of Residence Requirements Order, dated April 15, 2020, and shall remain in effect until May 15, 2020, unless extended, rescinded, or modified in writing by the Nevada County Public Health Officer.

SUMMARY OF FINDINGS AND ORDER

COVID-19 ("Coronavirus") has spread throughout the world constituting a global pandemic, resulting in more than 938,000 confirmed cases and over 53,700 confirmed deaths in the United States. In California there are over 43,000 confirmed cases and over 1,700 deaths. COVID-19 is easily transmitted between individuals who are in close proximity to one another, thereby creating a substantial danger to the health of the public. As of April 24, 2020, 37 COVID-19 laboratory-confirmed cases have been detected in Nevada County, with transmission expected to continue to increase over the coming days and weeks.

On March 4, 2020, the Governor of the State of California proclaimed a State of Emergency to exist in California due to the current and potential impacts caused by COVID-19 and to combat the spread of COVID-19 broadly. On March 5, 2020, the Public Health Officer for the County of Nevada ("Health Officer") issued a Declaration of Local Health Emergency due to the potential introduction of COVID-19 in Nevada County and associated threat to the public health, which was ratified by the Nevada County Board of Supervisors on March 10, 2020, per Resolution 20-062.

On March 19, 2020, in response to the rapid spread of COVID-19 and to preserve the public health and safety through California, the Governor of the State of California issued Executive Order N-33-20, directing all residents heed the current State public health directives, including all individuals living in the State of California to stay at their home or at their place of residence until further notice, except those Californians working in 16 identified critical infrastructure sectors. On March 20, 2020, the State Public Health Officer provided a list of "Essential Critical Infrastructure Workers" to help state, local, tribal, and industry partners to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security, which is included in Exhibit "A" which can be found at www.mynevadacounty.com/coronavirus.

This Order is issued based on evidence of increasing occurrence of COVID-19 in the surrounding counties and throughout the State of California, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, there is a public health emergency throughout the County. Scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as

possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable.

Accordingly, the intent of this Order is to ensure people stay at their home or place of residence to the maximum extent feasible, while allowing for essential activities and enabling essential services to continue, in order to slow the spread of COVID-19 to the greatest degree possible. Accordingly, this Order is issued to: (1) clarify the Governor's March 19, 2020, stay at home or place of residence order ("Stay-at-Home Order") on behalf of individuals in Nevada County; (2) directing all businesses and governmental agencies to cease non-essential operations at physical locations in Nevada County; (3) prohibit all non-essential gatherings of any number of individuals; and (4) order cessation of all non-essential travel (see Section 4 regarding travel). The Health Officer determines that these measures are necessary and the least restrictive means to further the compelling interest of appropriately protecting the public's health and safety, and to ensure the healthcare system is capable of meeting the healthcare needs of all individuals during the COVID-19 health emergency. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health. Persons who, after notice, continue to violate this Order may be subject to civil or criminal penalties.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, & 120175, AND TITLE 17 OF CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE PUBLIC HEALTH OFFICER FOR THE COUNTY OF NEVADA HEREBY ORDERS:

1. **STAY AT HOME OR PLACE OF RESIDENCE**

   a. All individuals currently living within Nevada County (the "County ") are ordered to shelter at their home or place of residence. Some residences have shared indoor or outdoor spaces with persons other than members of their household. To the extent those individuals are using shared or outdoor spaces, they must, at all times as reasonably possible, maintain social distancing of at least six feet from any other person.

   b. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 5. Individuals experiencing homelessness are directed to seek out available shelter or temporary housing where Social Distancing Requirements are in operation.

      i. In the event of a question or uncertainty as to whether an individual is considered an "essential worker" or whether a local business is providing an "essential service," a question can be submitted via the Ask Nevada County tab found at www.mynevadacounty.com, and any clarification captured in the County's FAQ on the Stay-at-Home Order shall be adequate for such a determination.

   c. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably comply with Social Distancing Requirements as described in Section 5 below.

2. **BUSINESS ACTIVITIES**

   a. All businesses with a facility in the County, except Essential Businesses as defined below in Section 5, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 5. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 5 below, including, but not limited to, when any customers are standing in line.

i. In the event of a question or uncertainty as to whether an individual is considered an essential worker" or whether a local business is providing an "essential service," a question can be submitted via the Ask Nevada County tab found at www.mynevadacounty.com, and any clarification captured in the County's FAQ on the Stay-at-Home Order shall be adequate for such a determination.

3. **PUBLIC AND PRIVATE GATHERINGS**

a. All public and private gatherings of any number of people are prohibited, except for the limited purposes as expressly permitted in Section 5. Nothing in this Order prohibits the gathering of members of a household or living unit.

4. **TRAVEL**

a. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined herein, is prohibited. Travel is authorized for the following purposes:

i. Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions;
ii. Travel to local outdoor locations to engage in physical exercise for wellbeing while maintaining social distancing.
iii. Travel to care for any elderly, minors, dependents, or persons with disabilities;
iv. Travel required for non-resident to return to place of residence outside the County. Individuals are strongly encouraged to verify their place of residence outside the County remains available and functional prior to commencing such travel;
v. Travel required by law enforcement or court order;
vi. Travel to avoid domestic violence or abuse;
vii. Travel for parental custody arrangements;
viii. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as hotel or other facility provided or arranged by a governmental authority for such purposes.

b. Individuals riding on public transit must comply with Social Distancing Requirements as defined in Section 5 below, to the greatest extent feasible.

5. **EXEMPTIONS AND DEFINITIONS**

a. **Essential Activities** - For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care. For purposes of this Order, "people at high risk of severe illness from COVID-19 are people who meet the CDC definition of higher risk (https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html).

Essential Activities include:

i. Engaging in activities or performing tasks essential to one's health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional or facility, or obtaining supplies they need to work from home.
ii. Obtaining necessary services or supplies for oneself and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

ii. Engaging in outdoor activity, such as walking, hiking, bicycling, running or fishing provided six feet of spacing is maintained between people who are not members of the same household and with the following limitations:

1. Outdoor recreation activity at parks, beaches and other open spaces must conform with any restrictions on access and use established by the Health Officer, government, or other entity that manages such access to reduce crowding and risk of transmission of COVID-19.
2. Use of recreational areas with high-touch equipment or that encourage gathering, is prohibited outside of residences. These include, but are not limited to, playgrounds, outdoor gym equipment, picnic areas, and barbeque areas. All such areas shall be closed to the public by signage and/or physical barriers. Dog parks may remain open if seating areas are closed, hand sanitizer is provided at the entrance/exit (or users bring their own hand sanitizer), and users bring their own water and waste bags.
3. Use of shared facilities for recreational activities outside of residences is prohibited. These include, but are not limited to, climbing walls, pools, and spas. Golf courses and outdoor shooting and archery ranges may remain open if they follow guidance provided by the Health Officer available at www.mynevadacounty.com/coronavirus. Disc golf courses may remain open if no contact is made with baskets. Tennis, pickleball, basketball, and volleyball courts may remain open for use by members of the same household only.
4. Sports or activities that involve the use of shared equipment, such as balls, may only be engaged in by members of the same household.

iv. Performing work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. Caring for a family member or pet in another household.

vi. Attending a funeral with no more than ten individuals present and maintaining physical distancing, as required in subsection i below.

vii. Moving from one primary residence to another when not possible to defer a previously planned move or where the move is necessitated by safety, sanitation, habitability reasons, or where the move is necessary to preserve access to shelter. When moving into Nevada County, individuals are strongly urged to quarantine for 14 days and follow Center for Disease Control (CDC) quarantine guidance.

b. **Healthcare Operations** - For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

c. **Essential Infrastructure** - For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they

carry out those services that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible. Please see the guidance from the Health Officer for construction sites, which is available at www.mynevadacounty.com/coronavirus.

d. **Essential Services** – For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. **Covered Businesses** – For purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. **Essential Businesses** - purposes of this Order, "Essential Businesses" means:
   i. Healthcare Operations and Essential Infrastructure. This includes licensed Cannabis businesses/dispensaries for medicinal needs only, and only by curbside pickup or delivery;
   ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences. Establishments shall comply with California Department of Public Health (CDPH) Guidance regarding Retail Food, Beverage, and Other Related Service Venues issued March 16, 2020;
   iii. Agriculture, including but not limited to food and beverage cultivation, including farming, ranching, forestry, livestock, and fishing; on site consumption at wineries and breweries is not allowed under this Order.
   iv. Businesses that provide food, shelter, and social services, and those that are necessary to supply agriculture or other necessities of life for economically disadvantaged or otherwise needy individuals;
   v. Newspapers, television, radio, and other media services;
   vi. Gas stations and auto-supply, auto-repair, and related facilities;
   vii. Banks and related financial institutions;
   viii. Short-term lodging facility specified uses, as set forth in the Health Officer's March 24, 2020, Order re "Clarification of Governor's and State Health Officer's "Stay-at-Home" Order as Related to Lodging Facilities," available to the public upon request or accessible at www.mynevadacounty.com/coronavirus;
   ix. Hardware stores, home improvement stores and nurseries;
   x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
   xi. Businesses that address and remove hazardous vegetation for wildfire safety purposes. This includes activities including tree trimming, tree removal, brush mastication, chipping services, green waste hauling and dumping services, and other defensible space related services;
   xii. Arborists, landscapers, gardeners, and similar service professionals, provided physical distancing practices are maintained throughout service and payment, any shared equipment

is cleaned between users, and drivers who are not members of the same household do not travel in the same vehicle;

xiii. Businesses providing mailing and shipping services, including post office boxes;

xiv. Educational institutions-including public and private K-12 schools, colleges, and universities - for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

xv. Laundromats, drycleaners, and laundry service providers;

xvi. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xvii. Businesses that supply products needed for people to work from home including internet services;

xviii. Businesses that supply other essential businesses with the support or supplies necessary to operate;

xix. Firearm and ammunition sales;

xx. Businesses that ship or deliver groceries, food, goods or services directly to residences;

xxi. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xxii. Home-based care for seniors, adults, or children;

xxiii. Cemetery and funeral service providers;

xxiv. Residential facilities and shelters for seniors, adults, and children;

xxv. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

xxvi. Service providers that enable residential transactions such as rentals, leases, and home sales, including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and residential viewings occur only virtually. If a virtual viewing is not feasible, viewings may occur by appointment with no more than two visitors who reside in the same household and one individual showing the unit at a time, and only if the unit is vacant, or the occupant has provided express written consent for the showing, and aside from walking, no surfaces are touched during the showing;

xxvii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 12 or fewer ("stable " means that the same 12 or fewer children are in the same group each day).
2. Children shall not change from one group to another.
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. Childcare providers shall remain solely with one group of children.

xxviii. Hazardous materials handling, operations/management and clean up, including nuclear, medical pharmaceutical manufacturing waste;

xxix. Defense industries required to meet U.S. Military requirements;

xxx. Essential services required to meet national security commitments to the federal government and U.S. Military.

g. **Minimum Basic Operations** – For purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions.

i. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. **Home or Place of Residence** – For purposes of this order, "Home or Place of Residence" includes single family residence, home, residential dwelling, apartment, duplex, hotel/motel or other temporary lodging, including shelters, for stay-at-home, quarantine or isolation purposes, shared rental units and similar facilities.

i. **Social Distancing** – For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six- foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

6. This Order shall be effective immediately and will remain in effect until May 15, 2020.

7. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Nevada and worldwide, substantial guidance from the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world regarding the most effective approach and best practices to slow transmission of communicable diseases generally and COVID-19 specifically.

8. This Order is issued in accordance with, and incorporates by reference, the (1) March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; (2) the March 5, 2020, Declaration of Local Health Emergency in Nevada County based on an imminent and proximate threat to public health from due to the potential introduction of novel COVID-19, as ratified by the Nevada County Board of Supervisors on March 10, 2020 per Resolution 20-062; (3) the March 10, 2020, Resolution of the Board of Supervisors of the County of Nevada proclaiming the existence of a Local Emergency due to the potential introduction of COVID-19; (4) Governor Gavin Newsom's March 12, 2020, Executive Order N-25-20 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; (5) Governor Newsom's March 19, 2020, Executive Order N-33-20 ordering all persons to stay at home 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; and (6) the Health Officer's April 7, 2020, Orders requiring (i) the self-isolation of individuals who test positive for COVID-19, or who have had a high-risk exposure and are likely to have contracted COVID-19, and (ii) the self-quarantine of individuals exposed to a person diagnosed with or likely to have COVID-19 to prevent further spread of the virus.

9. 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.

10. To the extent necessary, pursuant to Government Code sections 26602, 41601 and California Health and Safety Code 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County assist with public outreach, education, and potential enforcement of this Order.

11. Copies of this Order shall promptly be: (1) made available at the County Government Center at 950 Maidu Avenue, Nevada City, CA 95959; (2) posted on the County website (available at www.mynevadacounty.com/coronavirus); and (3) provided to any member of the public requesting a copy of this Order.

12. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the reminder 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.

IT IS SO ORDERED:

Dated: April 27, 2020

Dr. Ken Cutler
Public Health Officer
County of Nevada

EXHIBIT 4

ORDER OF THE NEVADA COUNTY PUBLIC HEALTH OFFICER

ORDER RESCINDING THE APRIL 27, 2020, STAY-AT-HOME OR PLACE OF RESIDENCE REQUIREMENTS AS THEY PERTAIN TO INDIVIDUALS AND BUSINESSES IN THE COUNTY

DATE OF ORDER: May 8, 2020

WHEREAS, in response to the rapid spread of COVID-19 in California, the Governor of the State of California issued Executive Order N-33-20 on March 19, 2020, directing all residents to heed the current State public health directives, including that all individuals living in the State of California stay at their home or at their place of residence until further notice; and

WHEREAS, on April 15, 2020, the Nevada County Public Health Officer issued an Order to clarify Stay-at-Home or Place of Residence Requirements as they Pertain to Individuals and Businesses in the County of Nevada, which was then Amended on April 27, 2020, to provide further guidance and clarifications; and

WHEREAS, in response to the State's progress in fighting COVID-19, on May 7, 2020, the Governor of California issued guidelines to move into the early phase of Stage 2 of a four-stage framework to allow Californians to gradually reopen certain lower-risk business and public spaces, including, *inter alia*, bookstores, clothing stores, florists, and sporting goods, beginning on May 8, 2020; and

WHEREAS, to maximize clarity and guidance pertaining to stay-at-home or place of residence requirements during the four-stage reopening of businesses and public spaces, the Nevada County Public Health Officer has determined that his April 27, 2020, Amended Order Regarding Stay-at-Home or Place of Residence Requirements as they Pertain to Individuals and Business in the County of Nevada is no longer necessary, and that adequate protections remain in place through the Governor's Executive Order regarding stay-at-home or place of residence requirements, which all residents of Nevada County must continue to abide by until further notice by the Governor.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to the authority under Health and Safety Code sections 101030, et seq., and 120100, et seq., and Title 17 of the California Code of Regulations section 2501, that the Nevada County Public Health Officer's April 27, 2020, Amended Order Regarding Stay-at-Home or Place of Residence Requirements as they Pertain to Individuals and Businesses in the County of Nevada is hereby rescinded.

K Cutler

Dr. Ken Cutler
Public Health Officer
County of Nevada

Dated: May 8, 2020

EXHIBIT 5

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

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

GAVIN NEWSOM
Governor

Released June 18, 2020

- Revised on June 29, 2020 to clarify that children under two years old are exempt from wearing face coverings due to risk of suffocation

GUIDANCE FOR THE USE OF FACE COVERINGS

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing.

This document updates existing CDPH guidance for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

Guidance

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;[1]
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;[2]
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
  - Interacting in-person with any member of the public;
  - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

[1] Unless exempted by state guidelines for specific public settings
[2] Unless directed otherwise by an employee or healthcare provider

    - Working in any space where food is prepared or packaged for sale or distribution to others;
    - Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
    - In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

The following individuals are exempt from wearing a face covering:

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Background

What is a cloth face covering?

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.

How well do cloth face coverings work to prevent spread of COVID-19?

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

When should I wear a cloth face covering?

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

How should I care for a cloth face covering?

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric

###

EXHIBIT 6

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

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

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 COIVD-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.

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

EXHIBIT 7

Ryan Gruver
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Statewide Closure of All Bars and Indoor Operations of Restaurants, Wineries, Movie Theaters and Card Rooms

Nevada County is not currently on the State's County Monitoring List; fitness centers, personal services, hair salons, places of worship and offices may remain open with State required modifications in place

Nevada County, CA – Today, Governor Newsom and the California Department of Public Health (CDPH) announced additional statewide closures that impact Nevada County business operations.

What is closing statewide and in Nevada County:

Due to the current rates of disease transmission and the increase in hospitalization and ICU utilization, the California Department of Public Health (CDPH) has announced a statewide closure of the following operations:

- Dine-in Restaurants (indoor closed; to-go, delivery, curbside and outdoor seating with distancing allowed.)
- Wineries and Tasting Rooms (indoor closed; outdoor seating with distancing allowed)
- Movie Theater (indoor closed)
- Family Entertainment Centers (indoor closed)
- Zoos and Museums (indoor closed)
- Cardrooms (indoor closed)
- Brewpubs, breweries, bars, and pubs (indoor and outdoor closed unless an exception below applies):
    - 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.
    - 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.
    - 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.

- 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.

Under the statewide order, this remains in effect until further notice.

Workshop for recent restaurant, winery and brewery modifications

Nevada County will be hosting a workshop for restaurants, wineries and breweries this Thursday, July 16th, at 3:30pm. Register for the workshop at: https://zoom.us/meeting/register/tJwldu2rqzwpH9JZUHdpOH3Cvy-nDmyDkX9T .

What is closing in counties that are on State's County Monitoring List?:

Nevada County is not currently on the State's County Monitoring List, though many neighboring counties are, including Placer, Sutter, Yuba, and Sacramento counties. Should Nevada County end up on that list for three consecutive days, additional closures of indoor operations will be mandated. Those indoor operations include the following:

- Gyms and Fitness Centers
- Places of Worship
- Indoor Protests
- Offices for Non-Critical Infrastructure Sectors as identified at covid19.ca.gov
- Personal Care Services (including nail salons, massage parlors, and tattoo parlors)
- Hair Salons and Barbershops
- Malls

Outdoor operations, however, may be conducted if a business can do so while still taking all infection control measures and while wearing face coverings.

Keep our community safe and businesses open

To-date, Nevada County has had a total of 180 cases with 64 cases that are currently active. To continue to support our local businesses and to protect our community's vulnerable populations, it is important to continue to follow Public Health recommendations for slowing the spread of COVID-19:

- Do not gather with others outside your household. Many of the recent COVID-19 cases in Nevada County have been as a result of social gatherings and the mixing of households.
- Wear a face covering when in public.
- Wash your hands frequently and avoid touching your face.
- Keep your physical distancing of 6 feet or more when in public spaces or with people from outside your household.

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EXHIBIT 8

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

TOMÁS J. ARAGÓN, MD, DrPH
Director and State Public Health Officer

GAVIN NEWSOM
Governor

⚠ **Note:** This Order of the State Public Health Officer is no longer in effect. Visit the California Department of Public Health's COVID-19 website for the current COVID-19 public health guidance. This document is provided only for historical purposes.

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

SANDRA SHEWRY, MPH, MSW
Acting Director

GAVIN NEWSOM
Governor

Statewide Public Health Officer Order,
August 28, 2020

On March 19, 2020, 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 activities or to maintain the continuity of operations of critical infrastructure sectors. (See March 19, 2020 Order.) The scope of activities authorized under this order was subsequently modified in additional state public health directives. Then, consistent with Executive Order N-60-20, the State Public Health Officer set out California's path forward from this "Stay-at-Home" Order in California's Pandemic Resilience Roadmap. That Roadmap identified four stages of the pandemic: safety and preparation (Stage 1), reopening of lower-risk workplaces and other spaces (Stage 2), reopening of higher-risk workplaces and other spaces (Stage 3), and finally an easing of final restrictions leading to the end of the stay-at-home order (Stage 4). On July 13, 2020, in response to a significant increase in the spread of COVID-19, the State Public Health Officer ordered the statewide closure of operations in certain high-risk sectors. (See July 13, 2020 Order.) Counties on the County Monitoring List for three consecutive days were also required to close additional indoor operations for certain sectors in order to further slow community transmission.

Community spread of infection remains a significant concern across the state. 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 vulnerable populations in these settings can be catastrophic. Higher levels of community spread also increase the likelihood of infection among individuals at higher 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. COVID-19 infection is also disproportionately impacting our essential workforce. The anticipated influenza season is likely to impose additional burdens on the healthcare delivery system, increasing demand for space, supplies, and personnel.

The COVID-19 pandemic continues to evolve, and CDPH is continually monitoring new scientific evidence and improving its understanding of the disease. Based on the current state of the pandemic in California and current scientific understanding of transmission, it is my judgment that it is appropriate to further refine the approach in order to gradually reopen businesses and activities while reducing the risk of increased community spread. A targeted system for sector reopenings which considers both current epidemiological conditions and the latest understanding of transmission risk in certain

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sectors will allow CDPH to monitor both counties and sectors for evidence of increased epidemiological risk and will reduce risk as California continues to reopen its economy and protect public health. California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe sets forth in detail the basis for the new Framework.

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

1. The updated framework for reopening, which shall be known as California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe, will rely on a set of Tiers corresponding to specific epidemiological profiles based on indicators of disease burden including case rates per capita and percent of positive covid-19 tests and proportion of testing and other covid-19 response efforts addressing the most impacted populations within a county. For each progressive Tier, this framework will permit a broader range of reopening guided by risk-based criteria pertinent to each sector. I may modify the epidemiological criteria for each Tier as well as the sectors, businesses, establishments, or activities within the Tiers as necessary based on the latest available public health information and research to protect public health and safety. The up-to-date Tier profiles and those sectors, businesses, establishments, or activities that are permitted to open in each Tier will be posted (along with necessary modifications), at https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx.

2. Pursuant to this framework, all local health jurisdictions in the state may reopen specified sectors according to their respective county's Tier. However, a local health jurisdiction that moves to a Tier permitting further reopening must pause for 21 days, or a different period that I identify, before reopening additional sectors.

3. Conversely, a local health jurisdiction must also close sectors according to their respective county's Tier consistent with the timeline and procedures set forth in California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe.

4. A local health jurisdiction may continue to implement or maintain more restrictive public health measures if the jurisdiction's Local Health Officer determines that health conditions in that jurisdiction warrant such measures.

Terms of Orders

5. This order shall go into effect August 31, 2020 and shall supersede the July 13, 2020 State Public Health Officer Order.

6. This order shall remain in effect until I determine it is appropriate to modify the order based on public health conditions.

7. I will continue to monitor the epidemiological data and will modify California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe as required by the evolving public health conditions. If I determine that it is necessary to change what will reopen or close, or otherwise modify the Plan, these modifications will be posted at California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe.

8. Except to the extent this order or other state public health directives expressly provide otherwise, all CDPH guidance continues to apply statewide.

9. All references in CDPH or other State guidance to the County Monitoring List or the County Data Monitoring List shall refer to those counties falling within Tier 1 of California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe.

10. This order is issued pursuant to Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120150, 120175,120195 and 131080; EO N-60-20, N-25-20, and other authority provided for under the Emergency Services Act; and other applicable law.

Erica S. Pan, MD, MPH
Acting State Public Health Officer
California Department of Public Health

EXHIBIT 9

TOMÁS J. ARAGÓN, M.D., Dr.P.H.
State Public Health Officer & Director

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

GAVIN NEWSOM
Governor

May 3, 2021

TO: All Californians

SUBJECT: Guidance for the Use of Face Coverings

This Guidance is no longer in effect and is for historical purposes only. See the updated Face Coverings Guidance that went into effect on June 15, 2021.

Background

The risk for COVID-19 exposure and infection will continue to remain until we reach community immunity from vaccinations. Since the start of the pandemic, we have learned a lot about COVID-19 transmission: a large proportion of people who are infected do not have symptoms (asymptomatic or pre-symptomatic) but play an important part in community spread, and the virus is transmitted through the air and concentrates indoors. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, sneezing, singing, exercising, shouting, or other forms of increased respiration, and reinforce physical distancing by signaling the need to remain apart. A well-fitting face covering can also provide the wearer some protection from COVID-19.

The purpose of this guidance is to provide information about when face coverings are required for members of the general public. It does not substitute for existing guidance about physical distancing and hand hygiene. In the workplace, employers subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS), must ensure that all workers are provided and properly wear face coverings as required by the ETS.

For more information on face mask types, fit, and filtration, refer to the CDPH Face Mask Tips and Resources.

Guidance

1. For **fully vaccinated** persons, face coverings are not required outdoors except when attending crowded outdoor events, such as live performances, parades, fairs, festivals, sports events, or other similar settings.
2. For **unvaccinated** persons, face coverings are **required** outdoors *any time physical distancing cannot be maintained*, including when attending crowded outdoor events, such as live performances, parades, fairs, festivals, sports events, or other similar settings.
3. In indoor settings outside of one's home, including public transportation, face coverings continue to be **required** regardless of vaccination status, except as outlined below.
4. As defined in the CDPH Fully Vaccinated Persons Guidance, fully vaccinated people can*:
    - Visit, without wearing masks or physical distancing, with other fully vaccinated people in indoor or outdoor settings; and
    - Visit, without wearing masks or physical distancing, with unvaccinated people (including children) from a single household who are at low risk for severe COVID-19 disease in indoor and outdoor settings
5. Exemptions:

- The following specific **settings** are exempt from face covering requirements:
    - Persons in a car alone or solely with members of their own household,
    - Persons who are working alone in a closed office or room,
    - Persons who are obtaining a medical or cosmetic service involving the nose or face for which temporary removal of the face covering is necessary to perform the service,
    - Workers who wear respiratory protection, or
    - Persons who are specifically exempted from wearing face coverings by other CDPH guidance.
- The following **individuals** are exempt from wearing face coverings at all times:
    - Persons younger than two years old. Very young children must not wear a face covering because of the risk of suffocation.
    - Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.*
    - Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
    - Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

*Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others must wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Originally published on November 16, 2020

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Department Website (cdph.ca.gov)

EXHIBIT 10

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-07-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives, and to protect the ability of the State's health care system to deliver health care to all people in California who require it; and

WHEREAS the effective actions of Californians over the past fifteen months have successfully curbed the spread of COVID-19, resulting in dramatically lower disease prevalence and death, in the State; and

WHEREAS as of June 9, 2021, 54.3% of eligible Californians have received a full course of COVID-19 vaccination, raising the level of overall immunity in the State; and

WHEREAS the State continues to promote and facilitate vaccination of all eligible Californians; and

WHEREAS given the current outlook, it is appropriate to reevaluate existing public health directives to allow for a full reopening of California while maintaining caution and vigilance as California continues to increase vaccination rates and monitor COVID-19 variants; and

WHEREAS the California Department of Public Health and State Health Officer are empowered to issue mandatory public health directives to protect the public health in response to a contagious disease under existing State law, including, but not necessarily limited to, Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120175,120195 and 131080; and

WHEREAS to preserve the flexibility to modify public health directives and respond to changing conditions and to new and changing health guidance issued by the Centers for Disease Control, and under the provisions of Government Code section 8571, I find that strict compliance with the Administrative Procedure Act, Government Code section 11340 et seq., would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) Executive Order N-33-20, issued on March 19, 2020, setting forth the Stay-at-Home Order is hereby rescinded.

2) Executive Order N-60-20, issued on May 4, 2020, directing the State Public Health Officer to issue a risk-based framework for reopening the economy, and all restrictions on businesses and activities deriving from that framework, including all aspects of the Blueprint for a Safer Economy, is hereby rescinded.

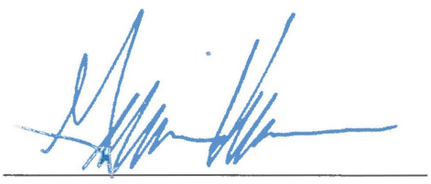
3) Nothing related to the issuance of any Orders, guidance, or directives of the State Public Health Officer relating to COVID-19 shall be subject to the Administrative Procedure Act, Government Code section 11340 et seq.

4) Nothing in this Order shall be construed to limit the existing authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than, or that otherwise exist in addition to, the public health measures imposed on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

EXHIBIT 11

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

A PROCLAMATION
BY THE GOVERNOR OF THE STATE OF CALIFORNIA
TERMINATING STATE OF EMERGENCY

I, **GAVIN NEWSOM**, Governor of the State of California, having found pursuant to Government Code section 8629 that the conditions of extreme peril to the safety of persons and property declared in the State of Emergency proclamation listed below no longer exist, therefore proclaim that the State of Emergency proclaimed on the following date and in the following jurisdiction no longer exists, effective at 11:59 p.m. on February 28, 2023. Accordingly, any Executive Orders related to the terminated State of Emergency will also no longer be in effect as of 11:59 p.m. on February 28, 2023.

PROCLAMATION		
Emergency	**Date Proclaimed**	**Jurisdiction**
COVID-19	March 4, 2020	Statewide

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of February 2023.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State