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ORDER OF THE NEVADA COUNTY PUBLIC HEALTH OFFICER FOR THE WEARING OF FACE COVERINGS IN WORKPLACE AND PUBLIC SETTINGS INSIDE AND STRONGLY RECOMMENDED FOR OUTSIDE IN CROWDED CONDITIONS.

DATE OF ORDER: AUGUST 18, 2021

Please read this Order carefully. Violation of, or failure to comply with, this Order is a public nuisance subject to citation, abatement, or both, as well as a misdemeanor punishable by fine, imprisonment, or both (California Government Code §§ 8634, 8665; California Health and Safety Code §§ 120220, 120275, 120295; California Penal Code §§ 69, 148(a)(1)); Executive Order N-25-20).

SUMMARY OF THIS ORDER This Order requires all individuals, regardless of vaccination status, to wear face coverings when indoors in public settings and businesses, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business. This Order strongly recommends that everyone, regardless of vaccination status, wear face coverings outdoors in crowded settings. In addition, this Order clarifies that all schools, private or public, and settings where students from more than one household gather for purposes of education, must follow the requirements of the California Department of Public Health for wearing face coverings for students, staff, volunteers, and visitors.

BACKGROUND Since the statewide transition to Beyond the Blueprint on June 15, 2021, Nevada County's COVID-19 case rate has risen over eleven-fold from 5.5 to 61.2 per 100,000 residents. This has been followed by increases in COVID-19-positive patients in Sierra Nevada Memorial Hospital. Sierra Nevada Memorial Hospital has been experiencing the highest volume of patients admitted since the beginning of the pandemic. Rising case rates, increasing test positivity, and the high numbers of hospitalizations are largely due to the predominance of the highly infectious Delta variant which has been labeled as "younger, sicker, quicker." The Delta variant is highly contagious and has increased the risk of hospitalization compared to the original virus.

The COVID-19 vaccines currently authorized in the US have been shown to be highly safe and effective at providing protection to individuals and communities, particularly against severe COVID-19 disease and death, and are recommended by the CDC for all populations for whom the vaccine is authorized by the US Food and Drug Administration. In considering options to stem this rapid increase in COVID-19 transmission, a continued increase in the proportion of the population vaccinated is necessary but not sufficient. Universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful additional measure to take. All individuals, especially those who are unvaccinated or at higher risk of severe outcomes from COVID-19, should take personal measures to reduce risk in addition to masking. This Order is necessary to control and reduce the rate of community spread and to reinforce the need for safe interactions. The Public Health Officer will continue to assess the public health situation as it evolves and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

ORDER UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120220, THE PUBLIC HEALTH OFFICER OF NEVADA COUNTY (“HEALTH OFFICER”) HEREBY ORDERS AS FOLLOWS:

1. Except as otherwise set forth herein, the July 28, 2021 Guidance for the Use of Face Coverings issued by the California Department of Public Health (“CDPH”), as may be amended from time to time, continues to apply throughout the County.
2. This Order directs that face coverings shall be worn, regardless of vaccination status, over the mouth and nose, in all indoor public settings, venues, gatherings, and workplaces, such as, but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference centers, and State and local government offices. For purposes of this Order, all non-residential settings are considered public, and common areas within apartments and other multi-household residential settings (e.g., common patios, laundry rooms, lobbies) are also considered public. In addition, face coverings are strongly recommended to be worn, regardless of vaccination status, outdoors in crowded situations when it is not possible to maintain 6-foot distance from others. This Order also clarifies that all schools, private or public, and settings where students from more than one household gather for purposes of education, must follow the requirements of the California Department of Public Health for wearing face coverings for students, staff, volunteers, and visitors.
3. Individuals, businesses, venue operators, hosts, and others responsible for the operation of indoor public settings must:
 - a. Require all patrons to wear face coverings for all indoor settings, regardless of their vaccination status.
 - b. Post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the masking requirements to all patrons. In addition, those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals required to wear them.
4. Exemptions from face covering requirements – individuals are not required to wear face coverings in the following circumstances:
 - a. Persons under the age of two.
 - b. Persons who are working alone in a closed office or room.
 - c. 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.
 - d. Persons who are specifically exempted from wearing face masks pursuant to other CDPH guidance.
 - e. Persons who are actively eating or drinking.
5. Employers and businesses subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (“ETS”) and/or the Cal/OSHA Aerosol Transmissible Diseases Standards should consult the applicable regulations for additional requirements. The ETS allow local health jurisdictions to mandate more protective measures.
 - a. This Order, which requires face coverings for all individuals in indoor settings and businesses, and strongly recommends face coverings for crowded outdoor settings, regardless of vaccination status, takes precedence over the more permissive ETS regarding employee face coverings.
6. This Order shall become effective at 12:01 a.m. on August 20, 2021, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Public Health Officer. The Public Health Officer intends to continually review the need for the Order by monitoring daily COVID-19 case rates, percent positivity, hospitalizations and variants of concern circulating in the County.
7. All State orders and guidance documents referenced in State orders are complementary to this Order. By way of this Order, the Public Health Officer adopts such directives as orders as well.

Where a conflict exists between a local order and any State public health order related to the COVID-19 pandemic, the most restrictive provision controls pursuant to, and consistent with, California Health and Safety Code § 131080, unless the State Health Officer issues an order that expressly determines a provision of a local public health order is a menace to public health.

8. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and pursuant to California Health and Safety Code § 120275, is a misdemeanor punishable by fine, imprisonment, or both. Other administrative and judicial remedies are also available.
9. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 950 Maidu Avenue, Nevada City; (2) posted on the County website (www.mynevadacounty.com); and (3) provided to any member of the public requesting a copy of this Order.
10. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

A handwritten signature in cursive script that reads "Scott Kellermann MD".

Scott Kellermann, MD, MPH&TM

Dated: August 18, 2021