

EXECUTIVE ORDER NO. 1 OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF ALISO VIEJO REQUIRING FACE COVERINGS AND COMPLIANCE WITH SOCIAL DISTANCING AND INFECTION CONTROL GUIDELINES FOR ESSENTIAL BUSINESSES

SECTION 1. Findings.

- A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19").
- B. On February 26, 2020, the Orange County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- C. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.
- D. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- E. On March 16, 2020, the Aliso Viejo City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and support an expedient response to the novel coronavirus ("COVID-19") pandemic.
- F. On March 19, 2020, California Governor Newsom issued Executive Order N-33-20, which mandates that all individuals living in the State of California stay home or at their place of residence, except as needed, to maintain continuity of operations of essential services sectors.
- G. On April 1, 2020, the California Department of Public Health ("CDPH") issued guidance regarding the use of face coverings in public.
- H. On April 4, 2020, the Centers for Disease Control and Prevention ("CDC") recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain, especially in areas of significant community-based transmission.
- I. On April 9, 2020, the Orange County Health Officer issued a face covering recommendation for essential businesses, encouraging all employees at essential businesses to wear a face covering while at work and that all residents engaged in essential activities outside the home to do the same.

- J. Guidance on face coverings from multiple sources indicate that face coverings should be used in conjunction with, and are not a substitute for, social distancing and proper hygiene and handwashing.
- K. The elderly, disabled and at-risk residents of the City of Aliso Viejo who must leave their homes to buy groceries are at a greater risk of COVID-19 infection and should be afforded the opportunity to shop during hours dedicated to service these populations.
- L. As of April 16, 2020, Orange County has had 1,425 cases of COVID-19 and 25 deaths; the City of Aliso Viejo has had 15 such cases.
- M. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise authority to adopt this Order related to the protection of life and property, to protect the public, individuals providing essential services, and individuals running essential errands and to prevent or lessen the further spread of COVID-19.
- N. This Order is adopted pursuant to the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution and the Aliso Viejo Municipal Code to protect the peace, health, and safety of the public. This Order is necessary for the preservation of the public peace, health, and safety of residents living within the City. Under Government Code Section 8634, this Order is necessary to provide for the protection of life and property.

NOW, THEREFORE, I, David Doyle, the Director of Emergency Services for the City of Aliso Viejo, do hereby issue the following order, in conformance with and where not superseded by an Executive Order from the Governor and guidance from the CDC, CDPH, and the Orange County Health Officer, to become effective immediately:

IT IS HEREBY ORDERED THAT:

SECTION 2. All employers within the City of Aliso Viejo, employing four or more employees to perform duties for Essential Businesses and whose employees come into contact with members of the public while performing their duties, **shall cause their employees to wear face coverings**, such as those outlined in the CDC, CDPH and Orange County Health Officer guidance (generally made of multiple layers of cloth, covering the nose and mouth, and secured with ties or ear loops).

Essential Businesses include any business maintaining the continuity of operations of the federal critical infrastructure sectors as outlined in Governor Newsom's Stay-at-Home Order (Executive Order N-33-20) and the Orange County Health Officer's Order dated March 17, 2020 as amended or any written order or guidance issued by the City.

SECTION 3. All business owners and operators of Essential Businesses within the City of Aliso Viejo, providing services or sales of retail goods and/or food and/or banking services - including without limitation, grocery stores, food banks, laundromats, dry cleaners, pharmacies, home improvement stores, gas stations, convenience stores, restaurants providing take-out or delivery services, banks, savings and loans, and credit unions, requiring employees to come into close contact with the public **are strongly encouraged to require their customers to wear face coverings**, such as those outlined in the CDC, CDPH and Orange County Health Officer guidance (generally made of multiple layers of cloth, covering the nose and mouth, and secured with ties or ear loops). This section of the Order is for the protection of employees and customers in Essential Businesses.

SECTION 4: All business owners and operators of grocery stores and big box retail stores that sell groceries to the public **are strongly encouraged to establish and publicly announce dedicated shopping hours for senior citizens aged 60 and older and other at-risk populations**, such as those with physical disabilities, pregnant women, or those with compromised immune systems, who have been advised to avoid leaving home as much as possible.

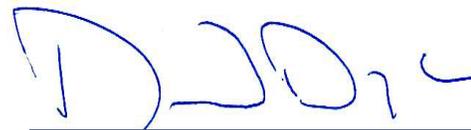
SECTION 5. Violations of this Order are not citable offenses, but beginning on April 20, 2020, in responses to complaints of violations by a business, City Code Enforcement will communicate to the business in question notifying them of the Order and encouraging compliance.

SECTION 6. This Order shall be superseded by a duly enacted Ordinance of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency expressly superseding this Order.

SECTION 7. This Order shall become effective immediately, and shall remain in effect until May 31, 2020, or longer if extended by the Director of Emergency Services or City Council.

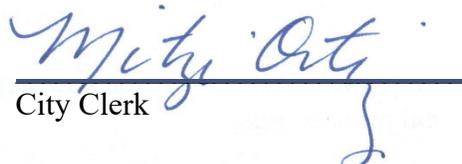
SECTION 8. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

PASSED, APPROVED AND ADOPTED this 16th day of April, 2020.



Director of Emergency Services
and City Manager

ATTEST:



City Clerk