

County of Imperial
Order of the Health Officer

Pursuant to sections 101040, 120175, and 120175.5(b) of the California Health and Safety Code, the Imperial County Health Officer (“Health Officer”) hereby **ORDERS AS FOLLOWS:**

WHEREAS, on August 28, 2020 the Acting State Public Health Officer for the State of California (“State”) issued a [Statewide Public Health Officer Order](#) (“August 28th Order”), which went into effect August 31, 2020, and superseded the July 13, 2020 State Public Health Officer Order; and

WHEREAS, the August 28th Order created a new framework for the reopening of businesses under COVID-19, and has been designated California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe, also referred to as the [Blueprint for a Safer Economy](#); and

WHEREAS, over the past several weeks, the COVID-19 positivity rate throughout the State has increased dramatically, resulting in the California Department of Public Health (“CDPH”) issuing several new industry guidelines and other guidance document concerning face coverings, private gatherings, and travel; and

WHEREAS, in order to ensure that new State orders and guidance document are incorporated and implemented within the County of Imperial (“County”) in a timely manner, on November 19, 2020, the Health Officer issued a new Health Order (“November 19th Order”). The November 19th Order requires all residents and visitors of the County to abide by all orders and guidelines issued by the Governor, the Acting State Public Health Officer, or CDPH concerning COVID-19, including any order or guidelines issued after the effective date of the November 19th Order; and

WHEREAS, despite the recent industry guidelines and other orders implemented by the State to address COVID-19, the COVID-19 positivity rate throughout the State has continued to increase. Such an increase presents a significant risk of overwhelming the ability of California hospitals to deliver healthcare to residents suffering from COVID-19 and other illnesses requiring hospital care. Current projections show that without additional intervention to slow the spread of COVID-19, the number of available adult Intensive Care Unit (“ICU”) beds in the State will be at capacity in mid-December; and

WHEREAS, ICU beds are a critical resource for individuals who need the most advanced support and care, and the ability to add additional ICU capacity is limited by the lack of available ICU nurses and physicians resulting from the nationwide surge in hospitalizations and ICU admissions; and

WHEREAS, in response to the risk that rising COVID-19 rates presents to the ICU capacity of California hospitals, on December 3, 2020, the Acting State Public Health Officer issued a [Regional Stay at Home Order](#), which goes into effect on December 6, 2020 at 11:59 p.m. PST; and

WHEREAS, the [Regional Stay at Home Order](#) divides the State into five (5) Regions, as determined by CDPH, for the purpose of tracking ICU bed capacity in each Region. If CDPH [identifies](#) any Region for which ICU bed capacity is less than fifteen percent (15%), then that Region shall adhere to additional COVID-19 conditions and restrictions, as specified within the [Regional Stay at Home Order](#) (“Terms”). The Terms of [Regional Stay at Home Order](#) become effective for a Region twenty-four (24) hours after CDPH makes the determination that the Region’s ICU bed capacity is less than fifteen percent (15%). The Terms include, are not limited to the following:

- (a) All gatherings with members of other households are prohibited in the Region, except as expressly permitted in the [Regional Stay at Home Order](#);
- (b) All individuals living in the Region shall stay home or at their place of residence except as necessary to conduct activities associated with the operation, maintenance, or usage of critical infrastructure, as required by law, or as specifically permitted in the [Regional Stay at Home Order](#);
- (c) All retailers may operate indoors at no more than twenty percent (20%) of their maximum occupancy (as determined in accordance with the California Fire Code), and must follow the [Guidance for Retailers](#). All access to retail must be strictly metered to ensure compliance with the limit on capacity. The sale of food, beverages, and alcohol for in-store consumption is prohibited; and

WHEREAS, when the Terms of the [Regional Stay at Home Order](#) are triggered and become operative within a Region, they shall remain in effect for a minimum of three (3) weeks, and shall continue to be operative until CDPH’s four (4) week projection for the Region’s total available adult ICU bed capacity is greater than or equal to 15%. After the termination of the Terms of the [Regional Stay at Home Order](#) within a Region, each County within the Region will be assigned to a tier based on the State’s [Blueprint for a Safer Economy](#); and

WHEREAS, when operative in a Region, the Terms of the [Regional Stay at Home Order](#) supersede any conflicting terms in other CDPH orders, directives, or guidance. Specifically, for those Regions with ICU bed capacity triggering the [Regional Stay at Home Order](#), the Terms shall supersede the State’s [Blueprint for a Safer Economy](#), and all guidance (other than guidance for critical infrastructure sectors) related thereto during the operative period. In all Regions that are not subject to the Terms of the [Regional Stay at Home Order](#), the [Blueprint for a Safer Economy](#), and all guidance related thereto, shall remain in effect.

THEREFORE, effective 12:00 a.m. PST on Monday, December 7, 2020, and continuing until rescinded, the following will be in effect for the County:

1. The above recitals are hereby adopted and incorporated within this Order.
2. If CDPH determines that ICU bed capacity for the Southern California Region is less than fifteen percent (15%), then all residents and visitors of the County shall adhere to the Terms of the State's [Regional Stay at Home Order](#). The Terms of [Regional Stay at Home Order](#) shall become effective twenty-four (24) hours after CDPH's determination that the Southern California Region's ICU bed capacity is less than fifteen percent (15%).
3. If the Terms of the [Regional Stay at Home Order](#) are triggered and become operative within the Southern California Region, then they shall remain in effect within the County for a minimum of three (3) weeks, and shall continue to be operative until CDPH's four (4) week projection for the Southern California Region's total available adult ICU bed capacity is greater than or equal to 15%.
4. After the termination of the Terms of the [Regional Stay at Home Order](#) within the Southern California Region, the County will be assigned to a tier based on the State's [Blueprint for a Safer Economy](#).
5. When the Terms of the [Regional Stay at Home Order](#) are in effect within the Southern California Region, this Order shall supersede any conflicting terms in other Local Health Officer Orders, including but not limited to the November 19th and November 20th Local Health Officer Orders.
6. During any period in which the Southern California Region is not subject to the Terms of the [Regional Stay at Home Order](#), residents and visitors of the County shall continue to adhere to the November 19th and November 20th Local Health Officer Orders, including all amendments, updates, and supplements thereto, and shall further adhere to any subsequent Local Health Officer Orders adopted after the effective date of this Order.
7. The County shall promptly provide copies of this Order by: (a) posting it on the County's Department of Public Health's website; (b) posting it at the County Administration Center located at 940 W. Main Street, El Centro, California, 92243; and (c) providing it to any member of the public requesting a copy.
8. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, business, structure, gathering, or circumstance is held to be invalid, preempted, or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
9. This Order is issued in accordance with, and incorporates by reference, any applicable federal, State, or local law, regulation, rule, policy, or procedure related to COVID-19, as they may be amended, updated, or supplemented.
10. To protect the public's health, the Health Officer may take additional action(s) for failure to comply with this Order. Violation of this Order is a misdemeanor punishable by imprisonment, fine, or both under sections 120295 et seq. of the California Health and Safety Code. Further, pursuant to sections 26602 and 41601 of the California Government

Code, and section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and the Chiefs of Police in all cities located in the County ensure compliance with and enforcement of this Order.

11. This Order shall remain in effect until rescinded.

IT IS SO ORDERED:

Date: December 5, 2020

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Stephen Munday, M.D., MPH
Health Officer