



WILMA QUAN

City Manager

EMERGENCY ORDER 2020-16

**MODIFIED AND EXTENDED SHELTER IN PLACE FOR A SAFER COMMUNITY
INCLUDING PROTECTIVE FACIAL COVERING REQUIREMENTS AND PLANS FOR
PHASED RE-OPENING OF BUSINESSES**

ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO DIRECTING ALL INDIVIDUALS LIVING IN THE CITY TO CONTINUE SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL AND AUTHORIZED SERVICES OR ENGAGE IN CERTAIN ESSENTIAL AND AUTHORIZED ACTIVITIES AND WORK FOR ESSENTIAL AND AUTHORIZED BUSINESSES AND GOVERNMENT SERVICES; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE CITY UNTIL FURTHER NOTICE FROM THE CITY; RESTRICTING ACCESS TO RECREATION AREAS; REQUIRING ESSENTIAL AND AUTHORIZED BUSINESSES TO IMPLEMENT SOCIAL DISTANCING REQUIREMENTS; REQUIRING RESIDENTS TO WEAR PROTECTIVE FACIAL COVERINGS WHEN IN BUSINESSES AND PUBLIC PLACES; AND PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS.

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, in response to the public health threat of COVID-19, I hereby issue the following orders:

1. This Order is effective 12:01am on Wednesday, May 7, 2020, and supersedes Emergency Order 2020-13. This Order extends and modifies certain terms of Emergency Order 2020-13. This Order shall remain in effect through 11:59pm on Sunday, May 31, 2020, but is subject to extension, rescission or modification.

City of Fresno

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2. This Order is issued in light of evidence that the prior Order has been effective in slowing the spread of COVID-19. This Order modifies certain elements of prior Shelter Orders in accordance with the State of California’s “Roadmap to Modify the Stay-at-Home Order,” “Update on California’s Pandemic Roadmap” and may also include subsequent guidance.
 - 2.1. The intent of this Order is to protect the health of everyone in our community while also providing for the safe phased resumption of economic and other activities. This Order comes after the release of substantial guidance from the Fresno County Department of Public Health, the California Department of Public Health, the Centers for Disease Control and Prevention, and other public health officials throughout the United States. All decisions contemplated by this Order will be guided by public health data and the protection of the health of the community.
 - 2.2. This Order adds a third category of “Authorized Businesses” in addition to “Essential Businesses” and “Non-Essential Businesses.” Authorized Businesses are generally defined as those businesses and activities which are not considered essential within current generally accepted definitions, but which are still important to the economic and social well-being of the community.
 - 2.3. The first phases of the re-opening of Authorized Businesses will be those considered to be low and lower risk businesses. The second phases of the re-opening of Authorized Businesses will consist of higher risk businesses. Each particular phase of re-opening will be evaluated after two weeks of operation to measure the impacts on public health indicators. Phases may be rolled back if public health indicators show worsening impacts on the community.
 - 2.4. The process for the creation of Authorized Businesses will occur in the following general manner:
 - 2.4.1. The Mayor’s Fresno Recovery Committee will make recommendations to the Director of Emergency Services (Director) of the types of businesses that may be included within the first and second phases of re-opening.
 - 2.4.2. The Director will consult with and receive input from the Mayor and City Council, the Emergency Operations Management Team, public health officials, and others and then make a determination of which types of businesses may be considered eligible as Authorized Businesses for individual phases.
 - 2.4.3. The Director shall develop a certification process for Authorized Businesses to provide for the maximum level of Social Distancing, as defined within this Order and with additions that may apply to particular types of businesses. Certification may be provided by approved contractors and will be done in conjunction with Code Enforcement officials.
 - 2.4.4. The Director will announce the date(s) and time(s) when and which Authorized Businesses may safely re-open.

3. This Order is issued in accordance with, and incorporates by reference, the March 19, 2020, Stay at Home Order issued by Governor Gavin Newsom, the March 4, 2020, Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 17, 2020, Local Emergency Resolution adopted by the Fresno County Board of Supervisors, and the March 16, 2020, Proclamation Declaring a Local Emergency by Mayor Lee Brand.
 - 3.1. The intent of this Order is to protect the health of everyone in our community by ensuring the maximum number of people self-isolate in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact of delivery of critical healthcare services to those in need. 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 possible comply with Social Distancing Requirements as defined below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat, menace to public health and constitutes a public nuisance. Egregious or persistent violators are subject to penalties in accordance with state and local laws.
 - 3.2. All individuals currently residing within the City are directed to shelter at their place of residence. To the extent individuals are using shared or outdoor places, they must at all times as reasonably possible maintain Social Distancing Requirements of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential and Authorized Activities, Essential Governmental Functions, or to operate Essential and Authorized Businesses, all as defined in this Order. Individuals experiencing homelessness are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation). All businesses with a facility in the City, except Essential and Authorized Businesses (as defined below), should cease all activities at facilities located within the City except Minimum Basic Operations, as defined in this Order. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (e.g., teleworking). All Essential Businesses are strongly encouraged to remain open.
 - 3.3. Use of protective facial coverings is required when visiting businesses and public places, as defined in this Order. Protective facial coverings must not be worn by children under age two, or by anyone with a medical condition that precludes wearing of a mask.
 - 3.4. Essential and Authorized Businesses are directed to maximize the number of employees who telework.
 - 3.5. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only; provided, however, that

mixed retail and wholesale businesses that are otherwise under this Order may continue to stock and sell non-essential products.

- 3.6. All Government Buildings, Essential and Authorized Businesses, including, but not limited to retailers, manufacturers and all other Essential and Authorized Businesses (excluding hospitals) shall prepare and post at each of their facilities at which they are maintaining operations, by no later than 11:59pm on Wednesday, May 7, 2020, a Social Distancing Protocol at all entrances to facilities in the City of Fresno that are frequented by the public and employees. For businesses that will be authorized to re-open by the processes described in this Order, the posting is required prior to re-opening. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A Modified and must be, at a minimum, 11 inches by 17 inches. All Essential and Authorized Businesses shall implement the Social Distancing Protocol and, upon demand, provide evidence of it implementation to any authority enforcing this Order. The Social Distancing protocol must explain how the business is achieving the following, as applicable:
 - 3.6.1. Limiting the number of people who can enter the facility at any time to ensure people in the facility can easily maintain a minimum six-foot distance of one another at all times, except as required to complete the Essential and Authorized Business activity;
 - 3.6.2. Marking a minimum of six-foot increments when establishing areas where individuals line up both inside and outside the business;
 - 3.6.3. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in appropriate areas for use by the public and employees where there is high-frequency interactions between employees and the public;
 - 3.6.4. Providing contactless payment systems, or, if not feasible, disinfecting all payment keypads, pens, and input devices after each use;
 - 3.6.5. Disinfecting high-touch surfaces frequently;
 - 3.6.6. Screening employees and visitors, but not customers, using the County of Fresno Department of Public Health's Non-Medical Screening Form; and
 - 3.6.7. Requiring employees to wear protective facial coverings. All customers and all other individuals who enter the business must also wear protective facial coverings. Businesses shall not allow entry of any individual who is not wearing a protective facial covering, except the limited exemption in Section 3.3 of this Order.
- 3.7. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted herein. Nothing in this Order prohibits members of a household or living unit from engaging in Essential Activities together.

3.8. Definitions and Exemptions.

- 3.8.1. For purposes of this Order, individuals may leave their residence only to perform Essential and Authorized Activities. People at high risk of severe illness from COVID-19 as defined by the CDC and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care.
- 3.8.2. For the purposes of this Order, “Public Places” shall mean any indoor or outdoor area where contact with individuals from another household may occur, including public transportation and other shared transportation modes.
- 3.8.3. To engage in activities or perform tasks essential to their 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 obtaining supplies they need to work from their residence.
- 3.8.4. To obtain necessary services or supplies for themselves 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.
- 3.8.5. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Order, such as, by way of example and without limitation, walking, bicycling, hiking, or running in compliance with Social Distancing Requirements and with the following limitations:
 - 3.8.5.1. Vehicular parking at City of Fresno parks is prohibited.
 - 3.8.5.2. All City of Fresno parks will be closed on May, 9, 10, 23, 24 & 25.
 - 3.8.5.3. Any City park facility or amenity may remain closed or be closed for any length of time if it is determined that use of the City park facility cannot be accomplished safely with appropriate social distancing.
- 3.8.6. To attend a funeral with no more than ten individuals present.
- 3.8.7. To perform work providing essential products and services at an Essential and Authorized Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- 3.8.8. To care for a family member or pet in another household.

- 3.8.9. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operation,” including hospitals, clinics, dentists, pharmacies, blood banks and blood drives, 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 Operation” 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 Operation” does not include fitness and exercise gyms and similar facilities.
- 3.8.10. 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.” This includes, but is 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, cemeteries, mortuaries, crematoriums, 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 in this Order.
- 3.8.11. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others performing similar functions working for or to support Essential Businesses are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section to the maximum extent possible.
- 3.8.12. For the purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- 3.9. For the purposes of this Order, “Essential Businesses” means:
 - 3.9.1. Healthcare Operations and Essential Infrastructure;

- 3.9.2. 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;
- 3.9.3. Food cultivation, including farming, livestock, and fishing;
- 3.9.4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- 3.9.5. Newspapers, television, radio, and other media services;
- 3.9.6. Gas stations and auto-supply, auto-repair, and related facilities;
- 3.9.7. Banks and related financial institutions;
- 3.9.8. Hardware stores;
- 3.9.9. 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;
- 3.9.10. Businesses providing mailing and shipping services, including post office boxes;
- 3.9.11. 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 Requirements are maintained;
- 3.9.12. Laundromats, dry cleaners, and laundry service providers;
- 3.9.13. 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. Restaurants, schools and all 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, with the exception of hospital cafeterias, which may allow for food to be eaten on site;
- 3.9.14. Businesses that supply products needed for people to work from their residence;

- 3.9.15. Businesses that supply other essential businesses with the support or supplies necessary to operate, including, but not limited to, waste disposal, recycling and electronics recycling;
 - 3.9.16. Businesses that ship or deliver groceries, food, goods or services directly to residences;
 - 3.9.17. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - 3.9.18. Home-based care for seniors, adults, or children;
 - 3.9.19. Residential facilities and shelters for seniors, adults, and children;
 - 3.9.20. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
 - 3.9.21. 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:
 - 3.9.21.1. 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).
 - 3.9.21.2. Children shall not change from one group to another.
 - 3.9.21.3. 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.
 - 3.9.21.4. Childcare providers shall remain solely with one group of children.
 - 3.9.22. A more detailed list of essential and non-essential businesses is posted on the City of Fresno’s website (www.fresno.gov). Authorized Businesses, once determined, will be added to this list.
 - 3.9.23. For repeated or egregious violations of the required closure, limitations, or social distancing requirements at a business location or facility, a police officer, with the approval of the Police Chief, or designee, or a code enforcement officer, with the approval of the City Attorney, or designee, may summarily order a business to terminate operations and close until further notice, or for the duration of the emergency.
- 3.10. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Order, to the extent possible, while carrying out such operations:

- 3.10.1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - 3.10.2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- 3.11. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- 3.12. For purposes of this Order, Social Distancing Requirements include, but is not limited to 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, not having direct physical contact with anyone who is not a member of their household or living unit, and wearing protective facial coverings in commercial and public places.
4. The following City owned or controlled facilities shall remain closed to the public, except for emergency operations authorized by the Director of Emergency Services: Selland Arena, Saroyan Theater, Exhibit Halls, Convention Center, Fresno Chaffee Zoo, Rotary Playland, Storyland, Veterans Memorial Auditorium, the Meux Home, Shinzen Garden, all community centers, and sports facilities, including Granite Park, Southwest Regional, and others.
5. The Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
6. If any provision of this Order or its application to any person or circumstance is held to be invalid, then 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.
7. This Order shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

May 1, 2020

Date

9:00am

Time

Modified Appendix A: Social Distancing Protocol, Page 1 (effective as of May 7, 2020)

Business name: _____

Facility Address: _____

Approximate gross square footage of space open to the public: _____

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

MANDATORY SIGNAGE (in addition to posting both pages of this protocol):

Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any other unnecessary physical contact.

Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

MEASURES TO PROTECT EMPLOYEE HEALTH (check all that apply to the facility):

Everyone who can carry out their work duties from home has been directed to do so.

All employees have been told not to come to work if sick.

Employees and visitors (but not customers) are screened using the Fresno County Department of Health Non-Medical Employer Screening Form before they may enter the work space.

All desks or individual work stations are separated by at least six feet.

Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Break rooms: _____

Bathrooms: _____

Other: _____

Disinfectant and related supplies are available to all employees at the following location(s): _____

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): _____

Soap and water are available to all employees at the following location(s): _____

All employees are wearing protective facial coverings while working.

Customers must wear protective facial coverings in order to shop at this business. Customer without facial coverings will be denied entry to this business.

Copies of this Protocol have been distributed to all employees.

Optional—Describe other measures: _____

MEASURES TO PROTECT CROWDS FROM GATHERING (check all that apply to the facility):

Limit the number of customers in the store at any one time to _____, which allows customers and employees to easily maintain at least six-foot distance from one another at all practicable times, subject to further direction. Approximately 50% of typical occupancy is a good starting point.

Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain: _____

Optional—Describe other measures: _____

Modified Appendix A: Social Distancing Protocol, Page 2 (effective as of May 7, 2020)

MEASURES TO KEEP PEOPLE AT LEAST SIX FEET APART (check all that apply to the facility):

- Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- Separate order areas from delivery areas to prevent customers from gathering.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Optional—Describe other measures: _____

MEASURES TO PREVENT UNNECESSARY CONTACT (check all that apply to the facility):

- Preventing people from self-serving any items that are food-related.
 - Lids for cups and food-bar type items are provided by staff; not to customers to grab.
 - Bulk-item food bins are not available for customer self-service use.
 - Not permitting customers to bring their own bags, mugs, or other reusable items from home.
 - Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly. Describe: _____
 - Optional—Describe other measures (e.g. providing senior-only hours): _____
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MEASURES TO INCREASE SANITATION (check all that apply to the facility):

- Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
 - Employee(s) assigned to disinfect carts and baskets regularly.
 - Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
 - Disinfecting all payment portals, pens, and styluses after each use.
 - Disinfecting all high-contact surfaces frequently.
 - Optional—Describe other measures: _____
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* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name: _____ **Phone number:** _____