



**WILMA QUAN**

City Manager

**EMERGENCY ORDER 2020-17**

**TO PROMOTE PUBLIC HEALTH AND THE ECONOMIC RECOVERY OF FRESNO TO GET PEOPLE BACK TO WORK BY SAFELY AND RESPONSIBLY PHASING-IN THE OPENING OF ALL BUSINESSES IN THE SHORTEST POSSIBLE TIMEFRAME**

ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO DIRECTING ALL INDIVIDUALS LIVING IN THE CITY TO FOLLOW THE ORDERS OF THE STATE PUBLIC HEALTH OFFICER; AND PHASING-IN THE SAFE AND RESPONSIBLE OPENING OF ALL BUSINESSES USING CITY SOCIAL DISTANCING PROTOCOLS.

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 at 12:01 am on Tuesday, May 26, 2020, and supersedes Emergency Order 2020-16 Shelter in Place. This order shall remain in effect until it is repealed, modified or suspended or the sooner of one of the following occurs: 1) The Governor and/or State Health Officer end the State's Stay at Home Order; or 2) All businesses in the City of Fresno have the ability to safely and responsibly reopen.
2. The intent of this Order is to protect the health of everyone in our community, including the capacity of our healthcare system to deliver critical services to those who need them, while also providing for the safe and responsible opening of all businesses in the City. All decisions contemplated by this Order will be guided by public health data and the protection of the health of the community.
3. Restaurant dining rooms may reopen on May 21 once they notify the Fresno County Department of Public Health (FCDPH) and follow FCDPH and California's guidelines and the applicable City of Fresno Appendix A: Social Distancing Protocol. Other businesses with State licenses, such as beauty parlors and hair and nail salons may also reopen once they receive approval by the Fresno County Department of Public Health and the State of California and must follow those agencies' guidelines and the applicable City of Fresno Appendix A: Social Distancing Protocol.
4. To fully support the safe and responsible phased-in reopening of businesses, the City Council shall be asked to allocate up to \$5 million towards COVID-19 testing and up to \$5 million for contact tracing in coordination with Fresno County. These appropriations shall be made from the City's Coronavirus Relief Fund received through the federal government's CARES Act.

City of Fresno

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5. This Order will reclassify all businesses in the City as either “Authorized” or “Non-Authorized.” Effective with this Order at 12:01 a.m. on Tuesday, May 26, 2020, all businesses in the City of Fresno shall be considered Authorized and may open to the public following the City of Fresno’s Appendix A: Social Distancing Protocol, except those businesses the State of California says should be closed. Currently, the State of California says the following businesses are not permitted to operate, including but not limited to: personal services such as hair and nail salons, tattoo parlors, gyms and fitness studios; hospitality services such as bars, nightclubs, wineries, tasting rooms and lounges; entertainment venues, such as movie theaters, gaming, gambling, and arcade venues, and pro sports, indoor museums and gallery spaces, zoos, and libraries; public events and gatherings; community centers, public pools, playgrounds and picnic areas; convention centers; concert venues; live audience sports; festivals; theme parks; and hotels and lodging for leisure and tourism.
  - 5.1. Those businesses that are not permitted to operate by the State of California at this time may be phased-in as Authorized Businesses through the process described below.
  - 5.2. The first phase of Authorized Businesses were those considered to be low risk businesses, which were allowed to open with Social Distancing Protocols to protect the health and safety of employees and customers on May 11, 2020. The second phase of Authorized Businesses that will be allowed to open on Tuesday, May 26, 2020, consists of all businesses described in #5 above. Each subsequent phase will be evaluated to measure the impacts on public health indicators. Phases may be rolled back if public health indicators show substantially worsening impacts on public health.
  - 5.3. The Mayor and three City Councilmembers will consult with the Fresno Recovery Committee on which categories of businesses to include within each particular reopening phase and any additional health and safety requirements.
  - 5.4. The City Manager acting as the Director of Emergency Services 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 each particular phase.
  - 5.5. The City Manager will then announce the date(s) and time(s) when and which types of Authorized Businesses may open.
6. All government facilities and all businesses (excluding hospitals) shall prepare and post at all entrances that are frequented by the public, employees and vendors, the City of Fresno’s Appendix A: Social Distancing Protocol.
7. 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.
8. No person shall be criminally prosecuted for violation of this Order, except for flagrant, persistent and/or immediate threats to public health and safety. Administrative citations for violations by businesses may be issued pursuant to the Fresno Municipal Code. For repeated or flagrant violations of the required closure, limitations, or social distancing requirements at a business location, 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.
9. All individuals aged 65 and older and all individuals considered to be vulnerable to serious complications from COVID-19 are strongly encouraged to continue to stay home and only venture out for necessary trips.

10. Where the previous Emergency Order (2020-16) required people to wear protective facial coverings in public spaces, this order strongly encourages people to wear cloth face coverings in public spaces; and to facilitate the protection of public health and the safe and responsible resumption of commerce, all businesses and government facilities shall require their employees, customers, vendors and others to wear cloth facial coverings to enter their buildings. The latter requirement may be modified by the City Manager if public health indicators show substantially improving or worsening impacts on public health. Restaurant patrons may remove their cloth face coverings when seated at their table. Per the most recent Centers for Disease Control guidance on who should not wear cloth face coverings, cloth face coverings should not be placed on young children younger than 2 years of age, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance.
11. For purposes of this order, Social Distancing includes, but is not limited to maintaining at least six-feet of distance from other individuals they do not live in the same household with, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes, 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 any government facility or business.
12. This Order is issued in accordance with, and incorporates by reference, the March 19, 2020, Executive Order N-33-20 issued by Governor Gavin Newsom, the May 7, 2020, Order of the State Public Health Officer, 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. In addition, this Order incorporates guidance and directives from the United States, the State of California and Fresno County.
13. The Order shall not be deemed to confer any contractual obligations, property rights, or assume any City liability. Any business or individual that opens without authorization or fails to follow all required state and local COVID-19 safety requirements assumes all liability for any resulting claim or injury. The City shall not be liable for any such claim or injury.
14. 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.
15. 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



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Wilma Quan  
City Manager

May 21, 2020  
Date

4:19:59 pm  
Time

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**Appendix A: Social Distancing Protocol, Page 1** (effective at 12:01am on May 26, 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 or employees are protected by barriers such as plexiglass dividers.
- 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. 50% of your allowed or typical occupancy is a good rule of thumb to use to calculate your limit.
- 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: \_\_\_\_\_

**Appendix A: Social Distancing Protocol, Page 2** (effective at 12:01am on May 26, 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.
- Do not allow customers to bring their own bags, mugs, or other reusable items from home.
- Provide for contactless payment systems or, if not feasible, sanitizing payment systems regularly.  
Describe: \_\_\_\_\_
- Optional—Describe other measures (e.g. providing senior-only hours): \_\_\_\_\_

**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: \_\_\_\_\_

\* 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:** \_\_\_\_\_

***Failure to complete and post this form, or failure to comply with any City of Fresno emergency order, as required, including Appendix A: Social Distancing Protocol, may subject the business to penalties under state and local law.***