



## MONO COUNTY HEALTH DEPARTMENT

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### ORDER OF THE HEALTH OFFICER

#### (Modification of rules for operating bars during pandemic)

**WHEREAS**, Executive Order N-33-20 issued by the Governor of the State of California on March 19, 2020 (EO N-33-20), and a corresponding Order of the State Health Officer of the same date (“Stay-at-Home Order”), directed all persons in the State of California to stay at home or in their place of residence in order to reduce the transmission of COVID-19, with limited exceptions for those persons needed to maintain the continuity of operations of critical infrastructure; and

**WHEREAS**, on May 7, 2020, the State Health Officer delineated California’s path forward from the Stay-at-Home Order through California’s Resilience Roadmap (“Roadmap”). The Roadmap identifies four stages of pandemic recovery: safety and preparation (Stage 1); reopening of lower-risk workplaces and other spaces, subject to restrictions (Stage 2); reopening of higher-risk workplaces and other spaces, subject to restrictions (Stage 3); and a removal of restrictions culminating in the end of the Stay-at-Home Order (Stage 4); and

**WHEREAS**, Mono County is currently in partial Stage 3 of the Roadmap pursuant to a variance issued by the California Department of Public Health which allows in-person dining and bars to operate, provided they follow applicable State, federal and local health orders; and

**WHEREAS**, all restaurants and bars in Mono County have recently been authorized to re-open under guidelines established by the county and the California Department of Public Health (CDPH). These include, but are not limited to: CDPH’s “COVID-19 Industry Guidance: Restaurants, Bars, and Wineries”; CDPH’s “Guidance for the Use of Face Coverings”; and Mono County’s “Interim Guidelines for Businesses During the COVID-19 Pandemic” (collectively “Guidelines”); and

**WHEREAS**, coronavirus transmission is now rising statewide and bars are perceived to be high risk environments for infection transmission due to challenges in maintaining distancing and the lack of a requirement for face coverings, compounded by the potential effects of alcohol on judgment and restraint. Governor Newsom announced on June 28, 2020 that bars must close in seven counties with the highest rates of

transmission and bar closure has been recommended in other counties that are close behind. Infection rates in Mono County remain relatively low but Public Health personnel anticipate increasing rates of local transmission in the weeks to come. Clarification and modification of local guidance for bars is a necessary component of efforts to decrease the spread of disease;

**NOW, THEREFORE**, under the authority of California Health and Safety Code sections 101040, 101085, 120175 and 120175.5 and Title 17 California Code of Regulations, Section 2501, in addition to existing guidance the Mono County Health Officer **HEREBY ORDERS** as follows:

- Alcohol may be served only to seated customers and consumed only by seated customers. Patrons of restaurants with bars may not be served at the bar and must not stand near the bar. Distancing is difficult to maintain when bar patrons congregate near the bar and such congregations are prohibited.
- Customers shall not be seated at bars **unless** six feet of distancing is maintained between customers **and** there is an impermeable barrier (e.g. plexiglass) between customers and staff behind the bar.
  - The six foot spacing between bar customers may be reduced if the establishment chooses to install impermeable barriers between seats at the bar which extend from the floor to approximately two feet above the average height of persons seated on the stools of the bar.
- All staff of an establishment serving alcohol must wear face coverings at all times which cover the mouth and nose. Surgical masks or N-95 (or higher) respirators are highly recommended instead of simple cloth face coverings because these provide greater protection to the wearer than simple cloth face coverings, which protect other people more than they protect the person wearing them. Personnel working in restaurants and restaurants with bars are believed to be at relatively high risk because of the lack of face coverings among patrons who are eating and drinking.
- All other components of California and Mono County guidance for all businesses and for the restaurant/bar/winery sector remain in place, without modification.

#### General Provisions

1. This Order is issued based on evidence of transmission of COVID-19, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

2. This Order is intended to reduce the likelihood of exposure to COVID-19, by incorporating and referencing Guidelines approved by the State of California, thereby slowing the spread of COVID-19.

3. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March

15, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Mono County; the March 17, 2020 Resolution of the Board of Supervisors of the County of Mono proclaiming the existence of a Local Emergency in the County of Mono regarding COVID-19 and ratifying and extending the Declaration of Local Health Emergency due to COVID-19; Governor Newsom’s Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home, except as otherwise authorized, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the State of California’s Resilience Roadmap, and all Guidance related thereto; CDPH’s “COVID-19 Industry Guidance: Restaurants, Bars, and Wineries”; Mono County’s “Interim Guidelines for Businesses During the COVID-19 Pandemic”; “Mono County Health Officer Order Requiring the Wearing of Face Coverings” issued April 30, 2020; the Mono County Business Portal at <https://webapps.mono.ca.gov/covid19-business-reopening/>; and the June 11, 2020 Mono County Health Officer Order Requiring Compliance with Business Guidelines.”

4. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.

5. This Order is made because of the propensity of the virus to spread person-to-person and also because the virus is causing physical property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time.

6. Copies of this Order shall be promptly posted on the County of Mono’s Public Health Department’s website (monohealth.com). This Order shall additionally be provided to any member of the public upon request.

**IT IS SO ORDERED:**

*Thomas Boo, MD*  
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Thomas Boo, MD  
Local Health Officer  
For Mono County  
and the Town of Mammoth Lakes

Date June 29, 2020