

Ryan Gruver
Health and Human Services Agency
Director

500 CROWN POINT CIRCLE, STE 110
GRASS VALLEY, CA 95945
TELEPHONE (530) 265-1450
(888) 303-1450



Jill Blake, MPA
Public Health Director
Scott Kellermann, MD, MPHTM
Public Health Officer

10075 LEVON AVE, STE 202
TRUCKEE, CALIFORNIA 96161
TELEPHONE (530) 582-7814

SECOND AMENDED ORDER OF THE NEVADA COUNTY PUBLIC HEALTH OFFICER RESCINDING LIMITS TO GATHERINGS AND DEFINING CIRCUMSTANCES FOR SAFE PERFORMANCES

DATE OF AMENDED ORDER: November 9, 2021

Please read this Amended Order carefully. Violation of, or failure to comply with, this Order is a public nuisance subject to citation, abatement, or both (California Government Code §§ 8634, 8665; California Health and Safety Code §§ 120220, 120275, 120295; California Penal Code §§ 69, 148(a)(1)); Executive Order N-25-20).

SUMMARY OF THIS ORDER This Order requires all individuals, regardless of vaccination status, to wear face coverings when indoors in public settings and businesses, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business. This Order also requires that everyone, regardless of vaccination status, wear face coverings outdoors in crowded settings, regardless of vaccination status, when six-foot distance is not possible.

This Order allows performers who are fully vaccinated and have had a negative test for COVID-19 within 24 hours of their performance to not wear a mask while singing or performing.

This amended order no longer prohibits indoor and outdoor gatherings or events where 2,500 or more people will be in attendance. This order also rescinds the requirement that events with 500 attendees or more develop and implement a plan to verify vaccination status, or proof of a negative test preferably within the 24 hours of the event but no longer than 72 hours prior to the event. The order reverts to the State Health Officer order requiring that indoor events with 1,000 attendees or more and outdoor events with 10,000 or more attendees develop and implement a plan to verify vaccination status, or proof of a negative test preferably within the 24 hours of the event but no longer than 72 hours prior to the event. Nevada County residents should continue to follow all State Health Officer orders regarding gatherings. The Health Officer encourages those who wish to sponsor safe events to continue to require proof of vaccination or a negative test for COVID-19 within 72 hours regardless of the number of people attending the event. In addition, this Order clarifies that all schools, private or public, and settings where students from more than one household gather for purposes of education, must follow the requirements of the California Department of Public Health for wearing face coverings for students, staff, volunteers, and visitors.

BACKGROUND As of November 8th, 2021 Nevada County is experiencing a plateau of COVID-19 cases. On November 8th, 2021 the 7-day average case rate was 18.2/100,000. Hospitalizations for COVID-19 have remained stable over the past month. In accordance with the California Department of Public Health guidelines, the Health Officer will rescind the limit on gatherings, reverting to the California guidance for mega-events. However, those who wish to continue to require proof of vaccination or a negative test for COVID-19 within 72 hours of an event, regardless of the number of attendees, are encouraged to do so. (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>)

The COVID-19 vaccines currently authorized in the US have been shown to be highly safe and effective at providing protection to individuals and communities, particularly against severe COVID-19 disease and death, and are recommended by the CDC for all populations for whom the vaccine is authorized by the US

Food and Drug Administration. In considering options to stem this rapid increase in COVID-19 transmission, a continued increase in the proportion of the population vaccinated is necessary but not enough. Universal indoor use of face coverings, also known as masking, will continue to be required, with limited exceptions. Outdoor masking is also required when crowded conditions do not allow for physical distancing.

All individuals, especially those who are unvaccinated or at higher risk of severe outcomes from COVID-19, should take personal measures to reduce risk in addition to masking. This Order is necessary to control and reduce the rate of community spread and to reinforce the need for safe interactions. The Public Health Officer will continue to assess the public health situation as it evolves and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

ORDER UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120220, THE PUBLIC HEALTH OFFICER OF NEVADA COUNTY (“HEALTH OFFICER”) HEREBY ORDERS AS FOLLOWS:

1. Except as otherwise set forth herein, the July 28, 2021 Guidance for the Use of Face Coverings issued by the California Department of Public Health (“CDPH”), as may be amended from time to time, continues to apply throughout the County.
2. This Order directs that face coverings shall be worn, regardless of vaccination status, over the mouth and nose, in all indoor public settings, venues, gatherings, and workplaces, such as, but not limited to offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference centers, and State and local government offices. For purposes of this Order, all non-residential settings are considered public, and common areas within apartments and other multi-household residential settings (e.g., common patios, laundry rooms, lobbies) are also considered public. This order also continues to require that face coverings be worn, regardless of vaccination status, outdoors in crowded situations when it is not possible to maintain 6-foot distance from others.
3. This Order allows performers who are fully vaccinated and have received negative results of a test for COVID-19 within 24 hours of their performance to not wear a mask while singing or performing.
4. This Order no longer limits gatherings to 2,500 people or fewer and reverts to the California Beyond the Blueprint guidance for mega-events without a limitation in number of attendees to indoor or outdoor gatherings. (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>)
5. This Order also clarifies that all schools, private or public, and settings where students from more than one household gather for purposes of education, must follow the requirements of the California Department of Public Health for wearing face coverings for students, staff, volunteers, and visitors.
6. Individuals, businesses, venue operators, hosts, and others responsible for the operation of indoor public settings must:
 - a. Require all patrons to wear face coverings for all indoor settings, regardless of their vaccination status.
 - b. Post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the masking requirements to all patrons. In addition, those responsible for indoor settings are strongly encouraged to provide face coverings at no cost to individuals required to wear them.
 - c. Wearing masks in outdoor settings is required, regardless of vaccination status, when in crowds where maintaining 6-foot distance from others is not possible. Those responsible for these crowded outdoor settings are strongly encouraged to provide face coverings at no cost to individuals who wish to wear them.
7. Exemptions from face covering requirements – individuals are not required to wear face coverings in the following circumstances:

- a. Persons under the age of two.
 - b. Persons who are working alone in a closed office or room.
 - c. Persons who are obtaining a medical or cosmetic service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
 - d. Persons who are specifically exempted from wearing face masks pursuant to other CDPH guidance.
 - e. Persons who are actively eating or drinking.
8. Employers and businesses subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (“ETS”) and/or the Cal/OSHA Aerosol Transmissible Diseases Standards should consult the applicable regulations for additional requirements. The ETS allow local health jurisdictions to mandate more protective measures.
 - a. This Order, which requires face coverings for all individuals in indoor settings and businesses, regardless of vaccination status, takes precedence over the more permissive ETS regarding employee face coverings.
 9. The requirement that Individuals, businesses, venue operators, hosts, and others responsible for the operation of indoor or outdoor public settings, where there will be 500 or more people in attendance must develop and implement a plan to require all attendees, including but not limited to employees, volunteers, performers, and participants, to show verifiable proof of vaccination against COVID-19 or a negative test for COVID-19 (antigen or PCR) preferably within 24 hours of the event but no more than 72 hours before the event, is rescinded and reverts to the California Beyond the Blueprint guidance for indoor gatherings of 1,000 people or more and outdoor gatherings of 10,000 people or more. However, individuals, businesses, venue operators, hosts, and others responsible for the operation of indoor or outdoor public settings are encouraged to continue to require all attendees to show proof of vaccination or a negative COVID-19 test within 72 hours of the event, as this provides for additional safety during the event.
 10. This Order shall become effective at 12:01 a.m. on November 10, 2021 and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Public Health Officer. The Public Health Officer intends to continually review the need for the Order by monitoring daily COVID-19 case rates, percent positivity, hospitalizations and variants of concern circulating in the County.
 11. All State orders and guidance documents referenced in State orders are complementary to this Order. By way of this Order, the Public Health Officer adopts such directives as orders as well. Where a conflict exists between a local order and any State public health order related to the COVID-19 pandemic, the most restrictive provision controls pursuant to, and consistent with, California Health and Safety Code § 131080, unless the State Health Officer issues an order that expressly determines a provision of a local public health order is a menace to public health.
 12. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and pursuant to California Health and Safety Code § 120275, is a misdemeanor punishable by fine, imprisonment, or both. Other administrative and judicial remedies are also available.
 13. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 950 Maidu Avenue, Nevada City; (2) posted on the County website (www.mynevadacounty.com); and (3) provided to any member of the public requesting a copy of this Order.
 14. If any provision of this Order or its application to any person or circumstance is held to be invalid, 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.

IT IS SO ORDERED:

Scott Kellermann MD

Scott Kellermann, MD, MPH&TM

Dated: November 9, 2021