I, CHRIS FARNITANO, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could and would testify competently to the matters set forth herein. I am a defendant in this action in my official capacity.

2. I received my undergraduate degree and my Doctor of Medicine degree from Duke University. I was a National Association of Public Hospitals and Health Systems fellow in 2010-11. I completed my residency in Family Medicine at Merrithew Memorial Hospital in Martinez, California. I was the chair of the Family Medicine Department at Contra Costa Regional Medical Center (“CCRMC”) as well as the Ambulatory Care Medical Director there.
3. I am currently the Health Officer for Contra Costa County, as well as each of the 19 cities located within Contra Costa County. I have held the Health Officer position since 2018. In that role, I provide leadership on public health issues for all of Contra Costa County. I was the Deputy Health Officer for the County from 2015-2018.

4. The mission of the Public Health division of the Health Services Department of Contra Costa County is to promote and protect the health and well-being of the individual, family, and community in Contra Costa County and its approximately 1.1 million residents. None of the 19 cities in Contra Costa County has a health department; they rely on the Public Health division to perform essential public health functions for their cities and residents.

5. The novel coronavirus involved in the current global pandemic, or COVID-19, is present in Contra Costa County in significant numbers. The County recorded its first case of the virus on March 3, 2020. Community transmission is believed to be widespread throughout the County, and limited testing capacity means that case counts represent only a small portion of actual cases. Recent studies suggest that the COVID-19 infection rate is higher than previously thought.

6. On March 16, 2020, the County had confirmed 35 cases, with three deaths occurring in neighboring Bay Area jurisdictions. To slow virus transmission, protect the most vulnerable, and prevent the health care system from being overwhelmed, and after consideration of guidance from the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, on that date, I issued a shelter-in-place order directing all individuals living in the County to shelter at their place of residence, except to engage in certain essential activities. Other counties, including Santa Clara County, issued similar shelter-in-place orders.

7. The March 16, 2020 Order prohibited all public and private gatherings of any number of people occurring outside a household or living unit, except for the limited purposes of performing Essential Activities, such as obtaining food and medication, visiting a health care professional, or obtaining products needed to maintain safety and sanitation. The Order prohibited all travel, except Essential Travel. All businesses with a facility in the County, except Essential Businesses were required to cease all activities except certain Minimum Basic Operations. The Order provided
definitions of these key terms.

8. The number of confirmed cases in Contra Costa County increased from 32 to 205 between March 15, 2020 and March 29, 2020. Contra Costa County reported its first COVID-19 related death on March 20, 2020. By March 29, 2020, there were three deaths in the County attributable to the virus. While the prior shelter-in-place orders had been effective in reducing the rate of transmission of the virus, we needed to do more to slow down its continued spread.


10. The March 31 shelter-in-place order clarified essential business and activities and is more restrictive in a number of ways, including: (1) mandating social distancing requirements; (2) requiring essential businesses to create and implement a social distancing protocol; (3) requiring essential businesses to maximize the number of employees who work from home; (4) requiring essential businesses to scale down operations to their essential component only; (5) finding that businesses that supply products needed for people to work from home are no longer essential businesses; (6) prohibiting the use of playgrounds, dog parks, public picnic areas, and similar recreational areas; (7) prohibiting the use of shared public recreational facilities; (8) prohibiting sports or activities that require use of shared equipment except involving members of the same household; and (9) prohibiting most construction -- residential and commercial. Other counties in the Bay Area issued substantially similar shelter-in-place orders, including Santa Clara County.

11. When I and the other Bay Area Health Officers issued shelter-in-place orders on March 31, 2020, the public health emergency had substantially worsened since March 16, 2020. There was a significant escalation in the number of positive cases, hospitalizations, and deaths, and a corresponding increasing strain on health care resources. At the same time, evidence suggested that the restrictions imposed by the prior orders were slowing the rate of increase in community transmission and confirmed COVID-19 cases.
Although the number of COVID-19 cases in our region has not peaked, the shelter-in-place orders have slowed the spread of the virus. When the March 16, 2020 Order was put in place, the number of new cases was growing rapidly. But after six weeks, the number of reported new cases has slowed.

The number of confirmed cases in Contra Costa County increased from 205 to 805 between March 29, 2020 and April 24, 2020. By April 24, 2020, there were 25 deaths in the County attributable to the virus. While the prior shelter-in-place orders had been effective in reducing the rate of transmission of the virus, we needed to maintain those orders to sustain the progress we had made to slow down the spread of the virus,

In light of the continued increase in the number of new cases reported in the County and the relative lack of comprehensive testing, on April 29, 2020, I issued an order extending the March 31, 2020 shelter-in-place order through May 31, 2020. However, the shelter-in-place order was modified to allow some low-risk activities to resume while maintaining social-distancing measures. The updated order did not allow the reopening of non-essential indoor businesses as those business involve a higher risk of transmission of the virus as it is more difficult to maintain social distancing at indoor businesses.

In making the decision to issue the shelter-in-place orders, we considered reports from other parts of the world, particularly China and Italy, regarding the course of the COVID-19 pandemic, the speed at which infections multiplied, the impact of those infections on the health of the populace and on scarce health care resources, and the need to develop and implement strategies to limit the spread of the virus. We also considered recommendations from experts in the field of public health, including the World Health Organization, on best practices to interrupt the spread of the virus. We also worked in cooperation with health officers from other counties in the Bay Area in developing the shelter-in-place orders.

One of the most important indicators of a slowing of the spread of COVID-19 is the "doubling rate" of virus infections, i.e., how many days it takes for the number of cases to double. A lower doubling rate means the disease is spreading rapidly; while a higher doubling rate means it is taking longer for the number of cases to double, as the spread slows down. In mid-March, the
County’s case numbers doubled approximately every 4-5 days. The current doubling rate is somewhere around every 23 days. This means that the rate of spread has slowed thanks to County residents complying with the shelter-in-place orders.

17. The shelter-in-place orders were issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes.

18. Contra Costa County, the Bay Area, the United States, and the rest of the world have not seen a public health threat like this in more than 100 years. I — along with health officials from all over the world — have concluded that the best course of action is a shared commitment to adhering to preventative measures, including staying at home, social distancing, and hand washing. We do not take lightly asking people to stay home. We understand that people are suffering from real impacts on their lives and livelihoods. We each have a part in slowing the spread of this virus. Right now, the most important factor in reducing the spread of the virus is to reduce contact among people to prevent or inhibit community transmission.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Martinez, California on April __, 2020.

Dated: 5/1/2020

CHRIS FARNITANO, M.D.