



June 25, 2020

Carmel J. Angelo
Chief Executive Officer
Executive Office
501 Low Gap Road, Room 1010
Ukiah CA 95482

Christian M. Curtis
County Counsel
Administration Center
501 Low Gap Road, Room 1030
Ukiah, CA 95482

Ms. Angelo and Mr. Curtis:

The Greater Ukiah Business and Tourism Alliance thanks the Mendocino County Executive Office and Mendocino County Counsel for developing clear protocols allowing businesses to safely and responsibly reopen during the COVID-19 crisis. We join the request made by other businesses that the County remove the last sentence of the Business Self Certification that is highlighted below:

All individuals (and businesses) must follow County and State Health Officer orders which are issued under the authority of California law. As a condition of re-opening, current orders require, among other things, local business compliance with state and local industry-specific guidance and submission of self-certification forms. State Statute explicitly provides that Health Officer orders may be enforced by the local sheriff or other peace officers of the County. Violation of the Orders may subject a person or business to criminal or civil penalties, as well as other legal consequences. ***In particular, any business that violates the Health Officer's orders risks committing negligence per se, may expose itself to civil liability for all damages created by any viral transmission that occurs at their place of business.***

We are concerned that this sentence oversimplifies existing law, and may be interpreted as an intentional expansion of business liability. Removal of the last sentence will not diminish the self-certification's strong statement that businesses face significant legal risk of "criminal or civil penalties, as well as other legal consequences" when reopening. We respectfully request that the last sentence of the self-certification be deleted. Thank you.

Sincerely

Katrina M. Kessen
Executive Director

cc: