

1 Howard A. Sagaser, State Bar No. 72492  
2 **SAGASER, WATKINS & WIELAND, PC**  
3 5260 North Palm Avenue, Suite 400  
4 Fresno, California 93704  
5 Telephone: (559) 421-7000  
6 Facsimile: (559) 473-1483

7 Attorneys for Plaintiffs, Western Growers Association, California  
8 Fresh Fruit Association, and Growing Coachella Valley

9 STATE OF CALIFORNIA

10 SUPERIOR COURT FOR THE COUNTY OF RIVERSIDE

11 WESTERN GROWERS ASSOCIATION,  
12 CALIFORNIA FRESH FRUIT  
13 ASSOCIATION, and, GROWING  
14 COACHELLA VALLEY,

15 Plaintiff,

16 v.

17 CITY OF COACHELLA, a municipal  
18 corporation, STEVEN HERNANDEZ,  
19 JOSIE GONZALEZ, MEGAN BEAMAN  
20 JACINTO, DENISE DELGADO, NEFTALI  
21 GALARZA, in their official capacities as  
22 City Council Members for the City of  
23 Coachella, and DOES 1 through 100,  
24 inclusive,

25 Defendants.

Case No.:

**COMPLAINT FOR DECLARATORY  
RELIEF UNDER CALIFORNIA CODE  
OF CIVIL PROCEDURE § 1060 AND  
FOR INJUNCTIVE RELIEF**

Complaint Filed:  
Trial Date:

26 Plaintiffs Western Growers Association, California Fresh Fruit Association, and Growing  
27 Coachella Valley set forth its Complaint for Declaratory Relief and Injunctive Relief against the  
28 City of Coachella and its City Council alleges as follows:

**PARTIES**

1. Plaintiff Western Growers Association, founded in 1926 is a nonprofit association representing local and regional family farmers in California, Arizona, Colorado and New Mexico. Western Growers members grow, pack, and ship over half of the nation's fresh produce, including nearly a third of America's fresh organic produce. Western Growers member companies are dedicated to providing a great variety of safe and healthy fresh fruits, vegetables and tree nuts to consumers. With offices and dedicated staff in Sacramento, California and Washington, D.C.,

1 Western Growers is a leading public policy advocate for the fresh produce industry and has a  
2 longstanding interest in employment and labor and employee health and safety matters.

3 2. Plaintiff California Fresh Fruit Association (CFFA) is a voluntary, nonprofit  
4 agricultural trade association that represents California's fresh fruit industry. The CFFA represents  
5 the needs and interests of its members by advocating on their behalf on legislative and regulatory  
6 issues, at state, federal and international levels. The CFFA's membership is comprised of over 300  
7 members, including growers, shippers and marketers of fresh grapes, blueberries and tree fruit, and  
8 also includes associate members indirectly involved with these commodities (e.g., labeling  
9 equipment, container/packaging suppliers, commodity groups, etc.). The membership is located  
10 throughout the state of California, including Coachella Valley. The CFFA-represented commodities  
11 include apricots, apples, blueberries, cherries, figs, kiwis, nectarines, peaches, pears, persimmons,  
12 plums, pomegranates and fresh grapes. Membership of the Association represents approximately  
13 85% of the volume of fresh grapes and 95% percent of volume for deciduous tree fruit.

14 3. Plaintiff Growing Coachella Valley is a not-for-profit organization that focuses on  
15 protecting water and other resources that benefit the Coachella Valley.

16 4. Defendant City of Coachella is a municipal corporation organized under the laws of  
17 the State of California. It is located in Riverside, California.

18 5. Steven Hernandez, Josie Gonzalez, Megan Beaman Jacinto, Denise Delgado and  
19 Neftali Galarza are all members of the Coachella City Council and are sued herein in their  
20 representative capacities. Plaintiff is informed and believes that each of the individual Defendants  
21 are residents of the City of Coachella and reside in the County of Riverside.

22 6. Plaintiffs do not know the true names or capacities, whether individual, partner, or  
23 corporate, of the defendants sued herein as DOES 1 through 100, inclusive, and for that reason, said  
24 defendants are sued under such fictitious names and Plaintiffs will seek leave from this Court to  
25 amend this Complaint when such true names and capacities are discovered. Plaintiffs are informed,  
26 and believe, and based thereon allege, that each of said fictitious defendants, whether individual,  
27 partners, or corporate, were responsive in some manner for the acts and omissions alleged herein,  
28

1 and proximately caused Plaintiffs to be subject to the wrongs, injuries and damages complained of  
2 herein.

3 7. Code of Civil Procedure § 1060 authorizes this Court to render a declaratory  
4 judgment in cases of actual controversy relating to the legal rights and duties of the respective  
5 parties.

6 8. Defendants have promulgated and are enforcing an ordinance in a manner that  
7 interferes with Plaintiffs' and their members' rights and violates California statutory law and the  
8 California and U.S. Constitutions.

9 VENUE

10 9. The venue is appropriate as the City of Coachella and the individual Defendants are  
11 residents of Riverside County.

12 10. California Government Code § 8630 provides as follows:

13 (a) A local emergency may be proclaimed only by the governing  
14 body of a city, county or city and county or by an official designated  
15 by ordinance adopted by that governing body. (b) Whenever a local  
16 emergency is proclaimed by an official designated by ordinance, the  
17 local emergency shall not remain in effect for a period in excess of  
18 seven days unless it has been ratified by the governing body. (c) the  
19 governing body shall review the need for continuing the local  
20 emergency at least once every 60 days until the governing body  
21 terminates the local emergency. (d) The governing body shall  
22 proclaim the termination of the local emergency at the earliest  
23 possible date that conditions warrant.

24 9. On February 11, 2019, the City of Coachella enacted Urgency Ordinance No. 1174.  
25 A true copy of that Ordinance is attached hereto as **Exhibit "A"** and by this reference, is  
26 incorporated herein.

27 GENERAL BACKGROUND FACTS

28 10. In response to the novel coronavirus, i.e., COVID-19 Governor Newsom declared  
"State of Emergency" on March 4, 2020, followed by a Stay-at-Home Order on March 19<sup>th</sup>. That  
order indefinitely prohibited "non-essential businesses" from operating. Governor Newsom  
specified that California's response to the coronavirus pandemic "must" be done using a gradual,

1 science-based and data-driven framework.”<sup>1</sup> Agricultural sector businesses were designated as  
2 “essential” and its employees were exempted from the Stay-at-Home Order.

3 11. All non-essential businesses remained closed until May 4, 2020, when Governor  
4 Newsom issued Executive Order N-60-20. That Executive Order delegated to the State Public  
5 Health Officer the authority “to take any action she deems necessary to protect public health in the  
6 face of the threat posed by COVID-19,” including whether a business would be deemed “essential,”  
7 and allowed to remain operating.

8 12. Businesses deemed “essential” were allowed to remain open. Food and agriculture  
9 businesses were designated “essential” by the State Public Health Officer, in accordance with  
10 Governor Newsom’s March 19, 2020 Executive Order N-33-20, and remain classified as “essential”  
11 businesses.

12 13. During 2020, industries throughout California, and in particular critical  
13 infrastructure sectors such as food and agriculture, collaborated with elected officials, state and  
14 county regulatory agencies, and public health and occupational safety authorities, including the  
15 CDC, CDPH, CDHCD and Cal/OSHA, to develop industry-specific guidelines to assist employers  
16 in developing and updating their IIPP to incorporate evolving public health, scientific and medical  
17 understanding of the virus, and best practices to contain the spread of COVID-19.

18 14. State agencies began promulgating detailed COVID-19 guidance specific to  
19 agriculture shortly after the March 19, 2020 Stay-At-Home Order and throughout the year. As early  
20 as March 20, 2020, the industry was working with state, county and local jurisdictions to formulate  
21 guidance for agriculture. Subsequent guidance addressed employer-provided housing for migrant  
22 farmworkers, detailed social distancing restrictions for migrant farmworker contractors, guidance  
23 on cleaning and disinfecting procedures for COVID-19 gathered from the CDC, a COVID-19  
24 general checklist jointly prepared by Cal/OSHA and CDPH for agricultural employers, which  
25

26 <sup>1</sup> See Governor Newsom Outlines Six Critical Indicators the State will Consider Before  
27 *Modifying the Stay-at-Home Order and Other COVID-19 Interventions* (April 14, 2020)  
28 <https://www.gov.ca.gov/2020/04/14/governor-newsom-outlines-six-critical-indicators-the-state-will-consider-before-modifying-the-stay-at-home-order-and-other-covid-19-interventions> [as of December 30, 2020].

1 covered the requirements of a worksite specific plan, worker training topics, screening measures,  
2 cleaning and disinfecting protocols, physical distancing guidelines,<sup>2</sup> revised guidance issued two  
3 weeks later by Cal/OSHA, joint “Industry Guidance” from CDPH, CDFA and Cal/OSHA for  
4 agriculture and livestock industries, and guidance for food packing and processing industries “to  
5 support a safe, clean environment for workers.”

6 15. Prior to the City of Coachella adopting its Urgency Ordinance various industries,  
7 through trade associates and other organizations, Cal/OSHA worked with various state and federal  
8 regulators to promulgate guidelines that were sufficiently categorical to inform employers how to  
9 update and comply with their legal requirements to implement an IIPP which would appropriately  
10 address COVID-19 workplace risks without prescribing arbitrary rules or benchmarks. The  
11 California Agricultural Industry provides an example of the coordination that took place.

12 16. Agriculture is already one of the most heavily regulated sectors in California. It is  
13 also one of the most diverse, given that the state produces about four-hundred different agricultural  
14 products grown or harvested in different season and localities, and with different labor needs and  
15 resources. It is not unusual, for example, for one agricultural employer to operate in several  
16 counties, if not in more than one state, thus requiring them to comply with potentially different sets  
17 of rules. In addition to promulgating clear, timely and actionable guidance, it was critical that every  
18 state actor with aspects of agricultural oversight had to ensure that they were operating within the  
19 scope of their statutory authority.

20 17. Section 144.6 of the Labor Code directs Cal/OSHA to promulgate performance-  
21 based standards “expressed in terms of objective criteria and of the performance desired,” rather  
22 than rigid, or prescriptive metrics which make no allowance for differences across workplaces and  
23 industries. Cal/OSHA uses a performance-based standard that requires an employer to develop an  
24 IIPP that, ideally, is tailored to their company’s operations. (*See generally* Cal. Code Regs., tit. 8,  
25 § 3203 (describing performance-based standards for IIPPs).)

26 \_\_\_\_\_  
27 <sup>2</sup> CDPH, *COVID-19 General Checklist for Agriculture and Livestock Employers* (July 2,  
28 2020) <https://files.covid19.ca.gov/pdf/checklist-agriculture.pdf> [as of December 30, 2020].

1           18.     The IIPP is mandated under section 3203 of Cal/OSHA’s Title 8 regulations § 3203  
2 specifies every major programmatic category – from developing a hazard response plan,  
3 investigating workplace illnesses, and providing training concerning workplace hazards, to  
4 protocols for communications with employees, law enforcement, and public health officers. In  
5 order to comply with Cal/OSHA’s requirement that employers “establish, implement, and maintain  
6 an effective Injury and Illness Protection Program” (Cal.Code Regs., tit. 8, § 3203(a)), all California  
7 employers above a certain size must develop an IIPP to prevent, mitigate, and slow the spread of  
8 COVID-19 in the workplace.

9           19.     In addition to Cal/OSHA guidance, agricultural employers were required to adapt  
10 their COVID-19 compliance program to the unique circumstances of their businesses. For example:

- 11           a)     Because their work force is seasonal and fluid, IIPP compliance could include  
12 repeated trainings, in multiple languages and dialects, to educate and train  
13 employees about workplace mitigation and prevention of COVID-19, including  
14 basic information such as what COVID-19 is, how workers are exposed, etc.;
- 15           b)     Tailoring social and physical distancing requirements to comply, wherever feasible,  
16 with CDC and CDPH guidance, while taking into account the realities of cultivation  
17 and harvesting, as well as the differences between picking row crops, such as lettuce  
18 and strawberries, versus vine and tree fruits;
- 19           c)     Because agricultural communities are remote, and tend to be underserved with  
20 testing and medical facilities, to assist by providing free access to medical  
21 professionals, such as Teledoc services with insurance companies, or bringing  
22 physicians out to working crews (often dozens of them), so that employees could  
23 speak directly with such health care providers about COVID-19;
- 24           d)     Conducting daily screenings whereby employees must answer specific questions  
25 about their health and potential exposure to COVID-19, and/or take temperatures,  
26 before entering the workplace;
- 27           e)     Many agricultural employers – particularly those with larger, more complex, or  
28 vertically-integrated operations – have developed sophisticated and aggressive  
contact tracing protocols, the data from which they have agreed to provide to county  
health officials trying to develop their own databases for reporting purposes;
- f)     In connection with employer provided transportation, implementing some or all of  
the following measure: proactively limiting the number of passengers on vehicles,  
requiring screenings before entering the vehicles, requiring handwashing before and  
after transportation on vehicles, wearing masks and all times on the vehicle, requiring  
windows to remain open (unless extreme hot or cold weather in effect, during which  
time ventilation measure were taken), requiring seating charts of the day or longer,  
transporting cohorted employees together, installing barriers between workers on  
the bus, and/or installing barriers between passengers and the bus driver (to keep the  
driver safe); and

1 g) In connection with employer-provided housing and aside from the wrap-around  
2 housing program discussed above, implementing some of all of the following  
3 measures: proactively limiting the number of individuals in units, testing workers  
4 before placing them into housing, providing additional cleaning and sanitation  
5 supplies, closings and prohibiting congregation in certain common areas and making  
6 the common areas (such as laundry rooms) subject to appointments or other  
7 scheduling limitations, enhance cleaning and sanitation of common or high-use  
8 areas, and/or housing cohorted employees together.

9 20. On November 30, 2020, Cal/OSHA issued specific regulations pertaining to  
10 protection of agricultural workers from COVID-19 exposure.

11 21. Attached hereto as **Exhibit "B"** is a true copy of the Report issued by the County of  
12 Riverside on December 2, 2020 listing the Top 5 COVID-19 Outbreak Settings. Significantly,  
13 agriculture was not one of the industries which had a high number of outbreaks in Riverside County.

14 22. Attached hereto as **Exhibit "C"** is a listing of the settings in which COVID  
15 outbreaks occurred in Riverside County from December 1, 2020 through March 1, 2021.  
16 Significantly, statistics generated by the County of Riverside from December 1, 2020 through  
17 March 1, 2021 which identified the Top 10 Outbreak Settings failed to list agricultures as one of  
18 the Top 10 Outbreak Settings.

19 **FIRST CAUSE OF ACTION**

20 **(Declaratory Relief – The Coachella Urgency Ordinance is Unconstitutionally Vague and**  
21 **Overbroad)**

22 23. Plaintiff incorporates by reference as though fully set forth herein paragraphs 1  
23 through 22.

24 24. The "void for vagueness" doctrine arises from the due process provisions of the CA  
25 and U.S. constitutions.

26 25. The California Supreme Court, in a majority opinion authored by Justice Grodin,  
27 reviewed the "void for vagueness doctrine" in *Cranston v. City of Richmond* {1985} 40 Cal.3d 755,  
28 221 Cal.Rptr. 779, 710 P.2d 845:

Vague laws offend several important values. First, because we  
assume that man is free to steer between lawful and unlawful  
conduct, we insist that laws give the person of ordinary intelligence  
a reasonable opportunity to know what is prohibited, so that he may

1 act accordingly. Vague laws may trap the innocent by not providing  
2 fair warning. Second, if arbitrary and discriminatory enforcement is  
3 to be prevented, laws must provide explicit standards for those who  
4 apply them. A vague law impermissibly delegates basic policy  
5 matters to policeman [sic], judges, and juries for resolution on an ad  
6 hoc and subjective basis, with the attendant dangers of arbitrary and  
7 discriminatory application. [Citations.] (Id. at p. 763, 221 Cal.Rptr.  
8 779, 710 P.2d 845.)

9 26. The court further explained that vagueness challenges to statutes which do not  
10 involve First Amendment freedoms must be examined in the light of the facts of the case at hand.  
11 (Ibid.) " *Nicolini v. County of Tuolumne* (1987) 190 Cal.App.3d 619, 630-631.

12 27. The underpinning of a vagueness challenge is the due process concept of "fair  
13 warning." (*People v. Castenada* (2000) 23 Cal.4th 743, 751 [97 Cal. Rptr. 2d 906, 3 P.3d 278].)  
14 The rule of fair warning consists of "the due process concepts of preventing arbitrary law  
15 enforcement and providing adequate notice to potential offenders" (*Ibid.*), protections that are  
16 "embodied in the due process clauses of the federal and California Constitutions.(U.S. Const.,  
17 Amends V, XIV; Cal. Const., art. I, § 7.)" (*Ibid.*) The vagueness doctrine bars enforcement of "a  
18 statute which either forbids or requires the doing of an act in terms so vague that men of common  
19 intelligence must necessarily guess at its meaning and differ as to its application." [Citation.]"  
20 (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1115 [60 Cal. Rptr. 2d 277, 929 P.2d 596]  
21 (*Acuna*)). A vague law "not only fails to provide adequate notice to those who must observe its  
22 strictures, but also 'impermissibly delegates basic policy matters to policemen, judges, and juries  
23 for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and  
24 discriminatory application. ' [Citation.] " (*Id.* at p. 1116.) In deciding the adequacy of any notice  
25 afforded those bound by a legal restriction, we are guided by the principles that "abstract legal  
26 commands must be applied in a specific context," and that, although not admitting of mathematical  
27 certainty," the language used must have "reasonable specificity.'" (*Id.* at pp. 1116- 1117, original  
28 italics.)"

29 28. To permit meaningful judicial review, an agency must disclose the basis of its action  
30 before it takes that action. As Chief Justice Roberts in 2019 when another, powerful government  
31 agency sought to contrive an explanation:



1 The reasoned explanation requirement of administrative law, after  
2 all, is meant to ensure that agencies offer genuine justifications for  
3 important decisions, reasons that can be scrutinized by courts and  
the interested public. Accepting contrived reasons would defeat the  
purpose of the enterprise.

4 (*Department of Commerce v. New York* (2019) 588 U.S. ---, 139 S.Ct. 2551, 2575, 204 L.Ed.2d  
5 978.) This Court “cannot ignore the disconnect between the decision made and the explanation  
6 give.” (*Ibid.*) See also *Topanga Assn. for a Scenic Community v. County of Los Angeles* (19774)  
7 11 Cal.3d 506.

8 29. The following are examples of the vagueness and overbreadth of the Coachella  
9 Urgency Ordinance:

10 a. In Section 5.100.005, under the purpose, the statement is made that  
11 agricultural...workers face magnified risk of catching or spreading the COVID-19 disease because  
12 the nature of their work involves close contact with the public, including members of the public  
13 who are not showing symptoms of COVID-19, but can spread the disease. The Urgency Ordinance  
14 fails to show any nexus for support for the statement gained in the purpose behind the \$4.00 per  
15 hour premium pay as agricultural employees as a general rule do not have close contact with the  
16 public.

17 b. The term “agricultural operation” is defined so vaguely that there is no  
18 identifiable reference. For example, “agricultural operation” is not defined the same way that it is  
19 defined in the Federal Fair Labor Standards Act (29 USC § 201, et seq.) or under California IWC  
20 Order No. 14. It is defined so broadly that it encompasses not only traditional agricultural farming  
21 operations, but also the food processing industry as well as the meat and poultry processing  
22 industry. Moreover, it contains reference to crops that Coachella does not raise such as tobacco  
23 products.

24 c. “Agricultural Worker” is defined in such vague and broad terms that for  
25 example it cannot be determined whether or not trucking companies that transport agricultural  
26 products are deemed to employ agricultural workers. Again, the definition of “Agricultural  
27 Worker” used by the City of Coachella is different than the definition used under the federal law  
28

1 whether it be the National Labor Relations Act, the Federal Farm Fair Labor Standards Act or the  
2 California Industrial Welfare Commission Orders. It is unclear whether mechanics or sanitation  
3 workers are deemed “agricultural employees.”

4 d. The term “Grocery Store” is defined so as to exclude large scale operations  
5 such as Costco, WalMart or other large box stores. The definition of seventy percent or more of its  
6 business must be from retailing a general range of food products is a misleading and vague standard.  
7 Rather than using the seventy percent or more of its business to be retailing food products, the  
8 Ordinance should be more definite to provide a dollar threshold. For example, to determine whether  
9 or not an employer is engaged in interstate commerce, the Fair Labor Standards Act and the  
10 National Labor Relations Act utilizes a dollar amount threshold. Plaintiff is informed and believes  
11 that large retailers such as Costco or WalMart who do not fall within the seventy percent or more  
12 of its business to be retailing a general range of food products are nevertheless the larger purveyors  
13 of food products. It makes no sense to exempt their employees who are directly in contact with the  
14 public as opposed to smaller grocery stores that have to determine whether or not seventy percent  
15 or more of its business relates to the retailing of a general range of food products. A dollar amount  
16 threshold is much more definite and easier to apply.

17 e. Although managers, supervisors or confidential employees are excluded  
18 from the Ordinance, there is no definition of what those individuals must do in order to qualify for  
19 the exclusion. The definition of an “Aggrieved Party” in Section 5.100.020 is vague and ambiguous  
20 as it is impossible to determine what is an “intangible harm.” The term adverse action is defined  
21 so broadly that it is unclear whether or not personnel actions that are taken for legitimate business  
22 reasons would still be considered adverse action. For example, as worded, a demotion or  
23 termination for cause which would be legal under applicable state and federal laws would violate  
24 the ordinance as Section 5.100.020 does not provide for any exclusion under adverse action for  
25 proper actions taken for legitimate business reasons. Moreover, the statement that “adverse  
26 actions” also encompasses any action by the hiring entity or a person acting on the hiring entity’s  
27 behalf that would dissuade a designated worker from exercising any right afforded by this  
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1 Ordinance is so vague, it is impossible for employers to know if a legitimate business action would  
2 “dissuade a designated worker from exercising any right afforded by the Ordinance.”

3 30. An actual controversy exists between Plaintiffs and Defendants in that Plaintiffs  
4 contend that the Ordinance is vague, ambiguous, unconstitutional and violates the equal protection  
5 clause and is not supported by facts justifying its urgency/emergency adoption. The City of  
6 Coachella maintains that the Ordinance is constitutional, is not vague and ambiguous and that a  
7 proper basis for including agriculture has been set forth.

8 31. A judicial declaration is necessary and appropriate at this time as Plaintiffs and  
9 Defendants are in a fundamental disagreement over the application and constitutionality of the  
10 Urgency Ordinance and have threatened to fine and subject Plaintiffs and its members to excessive  
11 fines, attorneys fees and other private legal action if Plaintiffs somehow violate the vague and  
12 ambiguous terms of the Coachella Urgency Ordinance.

13 32. Plaintiffs request a judicial termination and declaration setting forth the parties’  
14 rights and obligations with respect to the Urgency Ordinance and the Court determination that  
15 Urgency Ordinance does not apply to agricultural operations and/or is unconstitutional.

16 **SECOND CAUSE OF ACTION**

17 **(The Ordinance Violates the Constitutional the Equal Protection Clauses)**

18 33. Plaintiffs incorporate by reference paragraphs 1 through 31 as though fully set forth  
19 herein.

20 34. Plaintiffs are informed and believe and allege that the definition of “grocery store”  
21 contained in the Urgency Ordinance has a disparate impact on smaller businesses that sell seventy  
22 percent or more of its business to retailing a general range of food products, but sell substantially  
23 less than exempted employers such as Costco, WalMart or other entities that although they sell a  
24 very high volume of groceries, do not meet the seventy percent threshold as set forth in the Urgency  
25 Ordinance. The Ordinance fails to set forth any rational basis for the exclusion of large retailers  
26 who sell a large volume of food products, but do not reach the seventy percent threshold of its  
27 percentage of food products to its overall business.

28

1 **THIRD CAUSE OF ACTION**

2 **(The Ordinance Lacks a Factual Basis to be an Emergency Ordinance)**

3 35. Plaintiffs incorporate by reference paragraphs 1 through 34 as though fully set forth  
4 herein.

5 36. California Government Code § 8630 provides that a local emergency can be  
6 proclaimed by a governing body, but that the governing body must review the need for the  
7 continuing local emergency at least once every sixty days and that the governing body shall  
8 proclaim the termination of the local emergency at the earliest possible date that the conditions  
9 warrant.

10 37. As enacted, the Coachella Urgency Ordinance fails to comply with California  
11 Government Code § 8630 as there was not a proper basis for the initial adoption of the Urgency  
12 Ordinance. Additionally, the Ordinance provides that it will be in effect for 120 days and does not  
13 contain any provision for an earlier termination. Nor does the ordinance provide for review every  
14 sixty days.

15 38. In light of the extensive regulations that have already been enacted by the State of  
16 California and the Federal Government involving COVID-19, including the Cal/OSHA detailed  
17 COVID-19 regulations, there is no factual justification for the Urgency Ordinance as it applies to  
18 agricultural operations.

19 **FOURTH CAUSE OF ACTION**

20 **(Injunctive Relief)**

21 39. Plaintiffs incorporate by reference paragraphs 1 through 38 as though fully set forth  
22 herein.

23 40. The Coachella Urgency Ordinance bears no relation to the goals with respect to  
24 agricultural employers. There is not a proper factual basis for the Urgency Ordinance as it applies  
25 to agricultural operations.

26 41. The City of Coachella's applications and enforcement of the Urgency Ordinance  
27 will cause Plaintiffs' members to suffer irreparable harm for which they have no adequate remedy  
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1 at law, even if the Ordinance is later declared by tis Court to be void and unenforceable.

2 42. The City of Coachella’s enforcement of the Urgency Ordinance will cause great and  
3 irreparable injury to Plaintiffs’ members’ property and agricultural operations and will subject  
4 Plaintiffs and their members to constant worry about the application of the overbroad and vague  
5 and ambiguous Ordinance as it relates to agriculture.

6 43. Plaintiffs and their grower members have no adequate remedy at law for the injuries  
7 being suffered and that Plaintiffs and their members will continue to be subject to the Coachella  
8 Urgency Ordinance unless this Court enters a preliminary injunction prohibiting the City of  
9 Coachella from enforcing the Urgency Ordinance against agricultural employers and agricultural  
10 operations.

11 44. Monetary damages are not sufficient to address the wrongful enactment of the  
12 Urgency Ordinance as it applies to Plaintiffs and Plaintiffs’ members. Therefore, the Plaintiffs are  
13 requesting injunctive relief and a Court Order that the Ordinance either be stayed, or repealed.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiffs pray as follows:

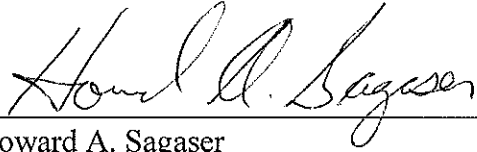
- 16 1. For a declaration that the Coachella Urgency Ordinance is invalid as it violates  
17 Plaintiffs and its members’ constitutional rights due to the fact that it is vague,  
18 ambiguous and overbroad;
- 19 2. For a declaration that the Coachella Urgency Ordinance is invalid because it violates  
20 the Equal Protection Clause of the United States and California Constitutions;
- 21 3. For a declaration of the Coachella Urgency Ordinance lacks a proper factual basis  
22 to be an Emergency Ordinance as it applies to agricultural employers and therefore  
23 is invalid;
- 24 4. For temporary and permanent injunction restraining Defendant City of Coachella  
25 and the individual council members from unconstitutionally enforcing the Coachella  
26 Urgency Ordinance with respect to agricultural employers and Plaintiffs and  
27 Plaintiffs’ grower members;

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- 5. For costs and attorneys fees under Code of Civil Procedure § 1021.5; and
- 6. For such other and further relief as the Court deems just and proper.

Dated: March 12, 2021

SAGASER, WATKINS & WIELAND PC

By:   
 Howard A. Sagaser  
 Attorneys for Plaintiffs,  
 Western Growers Association, California  
 Fresh Fruit Association, and Growing  
 Coachella Valley

# Exhibit A

**URGENCY ORDINANCE NO. 1174**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING THE COACHELLA MUNICIPAL CODE BY ADDING CHAPTER 5.100, RELATING TO AGRICULTURAL, GROCERY, RESTAURANT, AND RETAIL PHARMACY WORKERS IN COACHELLA, AND ESTABLISHING LABOR STANDARDS AND REQUIREMENTS FOR PREMIUM PAY FOR AGRICULTURAL, GROCERY, RESTAURANT, AND RETAIL PHARMACY WORKERS WORKING IN COACHELLA (*four-fifths (4/5) vote required*)**

**WHEREAS**, the new coronavirus 19 (“COVID-19”) disease is caused by a virus that spreads easily from person to person and may result in serious illness or death, and is classified by the World Health Organization (“WHO”) as a worldwide pandemic; and

**WHEREAS**, COVID-19 has broadly spread throughout California and remains a significant health risk to the community, especially members of our most vulnerable populations; and

**WHEREAS**, on March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

**WHEREAS**, on March 19, 2020, the City Manager, as the City’s Director of Emergency Services, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19 and on March 25, 2020 the City Council ratified the proclamation; and

**WHEREAS**, on March 19, 2020, California Governor Gavin Newsom issued a “Stay Home – Stay Healthy” proclamation closing all non-essential workplaces, requiring people to stay home except to participate in essential activities or to provide essential business services, and banning all gatherings for social, spiritual, and recreational purposes. In addition to healthcare, public health and emergency services, the “Stay Home – Stay Healthy” proclamation identified agricultural, grocery, restaurant, and retail pharmacy stores as essential business sectors critical to protecting the health and well-being of all Californians and designated their workers as essential critical infrastructure workers; and

**WHEREAS**, on December 3, 2020, Governor Newsom extended the “Stay Home – Stay Healthy” proclamation; and

**WHEREAS**, as of January 28, 2021, the WHO Situation Report reported a global total of 100,455,529 cases of COVID-19, including 2,166,440 deaths; California reported 3,200,000 cases of COVID-19, including 38,927 deaths; and Coachella has reported 7,347 cases of COVID-19, including 67 deaths; and



**WHEREAS**, agricultural operations, grocery stores, restaurants, and retail pharmacy stores are essential businesses operating in Coachella during the COVID-19 emergency making agricultural, grocery, restaurant, and retail pharmacy workers highly vulnerable to economic insecurity and health or safety risks; and

**WHEREAS**, agricultural, grocery, restaurant, and retail pharmacy workers are essential workers who perform services that are fundamental to the economy and health of the community during the COVID-19 crisis. They work in high risk conditions with inconsistent access to protective equipment and other safety measures; work in public situations with limited ability to engage in physical distancing; and continually expose themselves and the public to the spread of disease; and

**WHEREAS**, premium pay, paid in addition to regular wages, is an established type of compensation for employees performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress; and

**WHEREAS**, agricultural, grocery, restaurant, and retail pharmacy workers working during the COVID-19 emergency merit additional compensation because they are performing hazardous duty due to the significant risk of exposure to the COVID-19 virus. Agricultural, grocery, restaurant, and retail pharmacy workers have been working under these hazardous conditions for months. They are working in these hazardous conditions now and will continue to face safety risks as the virus presents an ongoing threat for an uncertain period, potentially resulting in subsequent waves of infection; and

**WHEREAS**, the availability of agricultural, grocery, restaurant, and retail pharmacy stores is fundamental to the health of the community and is made possible during the COVID-19 emergency because agricultural, grocery, restaurant, and retail pharmacy workers are on the frontlines of this devastating pandemic supporting public health, safety, and welfare by working in hazardous situations; and

**WHEREAS**, establishing an immediate requirement for agricultural, grocery, restaurant, and retail pharmacy stores to provide premium pay to agricultural, grocery, restaurant, and retail pharmacy workers protects public health, supports stable incomes, and promotes job retention by ensuring that grocery and retail pharmacy workers are compensated for the substantial risks, efforts, and expenses they are undertaking to provide essential services in a safe and reliable manner during the COVID-19 emergency.

**NOW, THEREFORE, the City Council of the City of Coachella ordains as follows:**

**SECTION 1. Incorporation of Recitals.** The findings and determinations reflected above are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Urgency Ordinance.

**SECTION 2. Addition to Coachella Municipal Code.** Chapter 5.100 *Premium Pay for Agricultural, Grocery, Restaurant, and Retail Pharmacy Workers* is hereby added to the Coachella Municipal Code as follows:

## **“CHAPTER 5.100**

### **PREMIUM PAY FOR AGRICULTURAL, GROCERY, RESTAURANT, AND RETAIL PHARMACY WORKERS**

#### **5.100.005 Purpose.**

As a result of the COVID-19 pandemic, this Ordinance aims to protect and promote the public health, safety, and welfare during the new coronavirus 19 (“COVID-19”) emergency by requiring agricultural, grocery, restaurant, and retail pharmacy stores to provide premium pay for agricultural, grocery, restaurant, and retail pharmacy workers performing work in Coachella. Requiring agricultural, grocery, restaurant, and retail pharmacy stores to provide premium pay to agricultural, grocery, restaurant, and retail pharmacy workers compensates agricultural, grocery, restaurant, and retail pharmacy workers for the risks of working during a pandemic. Agricultural, grocery, restaurant, and retail pharmacy workers face magnified risks of catching or spreading the COVID-19 disease because the nature of their work involves close contact with the public, including members of the public who are not showing symptoms of COVID-19 but who can spread the disease. The provision of premium pay better ensures the retention of these essential workers who are on the frontlines of this pandemic providing essential services and who are needed throughout the duration of the COVID-19 emergency. As such, they are deserving of fair and equitable compensation for their work.

#### **5.100.010 Short title.**

This Ordinance shall constitute the “Premium Pay for Agricultural, Grocery, Restaurant, and Retail Pharmacy Workers Ordinance” and may be cited as such.

#### **5.100.020 Definitions.**

For purposes of this Ordinance:

“Adverse action” means reducing the compensation to a designated worker, garnishing gratuities, temporarily or permanently denying or limiting access to work, incentives, or bonuses, offering less desirable work, demoting, terminating, deactivating, putting a designated worker on hold status, failing to rehire after a seasonal interruption of work, threatening, penalizing, retaliating, or otherwise discriminating against a designated worker for any reason prohibited by Section 5.100.090. “Adverse action” also encompasses any action by the hiring entity or a person acting on the hiring entity’s behalf that would dissuade a designated worker from exercising any right afforded by this Ordinance.

“Aggrieved party” means a designated worker or other person who suffers tangible or intangible harm due to a hiring entity or other person’s violation of this Ordinance.

“Agricultural operation” means any operation devoted to the bona fide production of crops, or animals, or fowl including the production and/or packing\_of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral

products; and the production and harvest of products from silviculture (i.e., growing/cultivating trees) activity.

“Agricultural worker” means a worker whose principal employment is in agriculture (including farming; cultivating and tilling the soil; producing, cultivating, growing, irrigating, harvesting any commodity grown on the land; preparing, processing, packing for market and delivery to storage or to market or to carriers for transportation to market any commodity grown in or on the land), and includes migratory agricultural workers and seasonal agricultural workers. Agricultural worker does not include managers or supervisors.

“City” means the City of Coachella.

“Designated worker” means an agricultural worker, grocery store worker, restaurant worker, retail pharmacy worker employed directly by a hiring entity who is entitled to premium pay pursuant to this Ordinance.

“Grocery worker” means a worker employed directly by a hiring entity at a grocery store. Grocery worker does not include managers, supervisors, or confidential employees.

“Grocery store” means a store that devotes seventy percent (70%) or more of its business to retailing a general range of food products, which may be fresh or packaged. There is a rebuttable presumption that if a store receives seventy percent (70%) or more revenue from retailing a general range of food products, then it qualifies as a grocery store.

“Hiring entity” means an agricultural operation, grocery store, restaurant, or retail pharmacy that employs over three hundred (300) designated workers nationally and employs more than five (5) employees per agricultural operation location, grocery store location, restaurant location or retail pharmacy location in the City of Coachella.

“Premium pay” means additional compensation owed to a designated worker that is separate from hiring entity payments for providing services, bonuses, and commissions, as well as tips earned from customers.

“Respondent” means an agricultural operation, grocery store, restaurant, retail pharmacy, parent company or any person who is alleged or found to have committed a violation of this Ordinance.

“Restaurant” means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, and where take away meals and drinks or entertainment are also provided.

“Restaurant worker” means a worker employed directly by a hiring entity at a restaurant. Restaurant worker does not include managers, supervisors, or confidential employees.

“Retail pharmacy” means a corporate or chain pharmacy that is licensed as a pharmacy by the State of California and that dispenses medications to the general public at

retail prices. Such term does not include a pharmacy that dispenses prescription medications to patients primarily through the mail, nursing home pharmacies, long-term care facility pharmacies, hospital pharmacies, clinics, charitable or not-for-profit pharmacies, government pharmacies, or pharmacy benefit managers.

“Retail pharmacy worker” means a worker employed directly by a hiring entity at a retail pharmacy. Retail pharmacy worker does not include managers, supervisors, or confidential employees.

**5.100.030 Designated worker coverage.**

For the purposes of this Ordinance, covered designated workers are limited to those who perform work for a hiring entity where the work is performed in the City of Coachella.

**5.100.040 Hiring entity coverage.**

A. For purposes of this Ordinance, hiring entities are limited to those who employ three hundred (300) or more designated workers nationally and employ more than five (5) employees per agricultural operation, grocery store, restaurant, or retail pharmacy location in the City of Coachella.

B. To determine the number of designated workers employed for the current calendar year:

1. The calculation is based upon the average number per calendar week of workers who worked for compensation during the preceding calendar year for any and all weeks during which at least one (1) designated worker worked for compensation. For hiring entities that did not have any designated workers during the preceding calendar year, the number of designated workers employed for the current calendar year is calculated based upon the average number per calendar week of designated workers who worked for compensation during the first ninety (90) calendar days of the current year in which the hiring entity engaged in business.

2. All designated workers who worked for compensation shall be counted, including but not limited to:

(a) Agricultural workers, grocery workers, restaurant workers, and retail pharmacy workers who are not covered by this Ordinance; and

(b) Designated workers who worked in Coachella.

**5.100.050 Premium pay requirement.**

A. Hiring entities shall provide each designated worker with premium pay consisting of an additional Four Dollars (\$4.00) per hour for each hour worked.

B. Hiring entities shall provide the pay required by Subsection 5.100.050 (A) for a minimum of one hundred twenty (120) days from the effective date of this Ordinance.

C. Unless extended by City Council, this Ordinance shall expire in one hundred twenty (120) days.

**5.100.060 Designated worker and consumer protections.**

A. No hiring entity shall, as a result of this Ordinance going into effect, take any of the following actions:

1. Reduce a designated worker's compensation;
2. Limit a designated worker's earning capacity.

B. It shall be a violation if this Ordinance is a motivating factor in a hiring entity's decision to take any of the actions in Subsection 5.100.060 (A) unless the hiring entity can prove that its decision to take the action(s) would have happened in the absence of this Ordinance going into effect.

**5.100.070 Notice of rights.**

A. Hiring entities shall provide covered designated workers with a written notice of rights established by this Ordinance. The notice of rights shall be in a form and manner sufficient to inform designated workers of their rights under this Ordinance. The notice of rights shall provide information on:

1. The right to premium pay guaranteed by this Ordinance;
2. The right to be protected from retaliation for exercising in good faith the rights protected by this Ordinance; and
3. The right to bring a civil action for a violation of the requirements of this Ordinance, including a hiring entity's denial of premium pay as required by this Ordinance and a hiring entity or other person's retaliation against a covered designated worker or other person for asserting the right to premium pay or otherwise engaging in an activity protected by this Ordinance.

B. Hiring entities shall provide the notice of rights required by posting a written notice of rights in a location of the agricultural operation, grocery store, restaurant, or retail pharmacy location utilized by employees for breaks, and in an electronic format that is readily accessible to the designated workers. The notice of rights shall be made available to the designated workers via smartphone application or an online web portal, in English and any language that the hiring entity knows or has reason to know is the primary language of the designated worker(s).

**5.100.080 Hiring entity records.**

A. Hiring entities shall retain records that document compliance with this Ordinance for covered designated workers.

B. Hiring entities shall retain the records required by Subsection 5.100.080 (A) for a period of two (2) years.

C. If a hiring entity fails to retain adequate records required under Subsection 5.100.080 (A), there shall be a presumption, rebuttable by clear and convincing evidence, that the hiring entity violated this Ordinance for each covered designated worker for whom records were not retained.

**5.100.090 Retaliation prohibited.**

No hiring entity employing a designated worker shall discharge, reduce in compensation, or otherwise discriminate against any designated worker for opposing any practice proscribed by this Ordinance, for participating in proceedings related to this Ordinance, for seeking to exercise their rights under this Ordinance by any lawful means, or for otherwise asserting rights under this Ordinance.

**5.100.100 Violation.**

The failure of any respondent to comply with any requirement imposed on the respondent under this Ordinance is a violation.

**5.100.110 Remedies.**

A. The payment of unpaid compensation, liquidated damages, civil penalties, penalties payable to aggrieved parties, fines, and interest provided under this Ordinance is cumulative and is not intended to be exclusive of any other available remedies, penalties, fines, and procedures.

B. A respondent found to be in violation of this Ordinance for retaliation under Section 5.100.090 shall be subject to any appropriate relief at law or equity including, but not limited to reinstatement of the aggrieved party, front pay in lieu of reinstatement with full payment of unpaid compensation plus interest in favor of the aggrieved party under the terms of this Ordinance, and liquidated damages in an additional amount of up to twice the unpaid compensation.

**5.100.120 Private right of action.**

A. Any covered designated worker that suffers financial injury as a result of a violation of this Ordinance, or is the subject of prohibited retaliation under Section 5.100.090, may bring a civil action in a court of competent jurisdiction against the hiring entity or other person violating this Ordinance and, upon prevailing, may be awarded reasonable attorney fees and costs and such legal or equitable relief as may be appropriate to remedy the violation including, without limitation: the payment of any unpaid compensation plus interest due to the person and liquidated damages in an additional amount of up to twice the unpaid compensation; and a reasonable penalty payable to any aggrieved party if the aggrieved party was subject to prohibited retaliation.

**5.100.130 Encouragement of more generous policies.**

A. Nothing in this Ordinance shall be construed to discourage or prohibit a hiring entity from the adoption or retention of premium pay policies more generous than the one required herein.

B. Nothing in this Ordinance shall be construed as diminishing the obligation of a hiring entity to comply with any contract or other agreement providing more generous protections to a designated worker than required by this Ordinance.

**5.100.140 Other legal requirements.**

This Ordinance provides minimum requirements for premium pay while working for a hiring entity during the COVID-19 emergency and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for higher premium pay, or that extends other protections to designated workers; and nothing in this Ordinance shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nothing in this Section shall be construed as restricting a designated worker's right to pursue any other remedies at law or equity for violation of their rights.

**5.100.150 Severability.**

The provisions of this Ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this Ordinance, or the application thereof to any hiring entity, designated worker, person, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

**5.100.160 Exemption for collective bargaining agreement.**

All of the provisions of this Ordinance, or any part thereof, may be expressly waived in a collective bargaining agreement, but only if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute a waiver of all or any of the provisions of this Ordinance.

**5.100.170 No waiver of rights.**

Except for a collective bargaining agreement provision made pursuant to Section 5.100.160, any waiver by a designated worker of any or all provisions of this Ordinance shall be deemed contrary to public policy and shall be void and unenforceable. Other than in connection with the bona fide negotiation of a collective bargaining agreement, any request by a hiring entity to a designated worker to waive rights given by this Ordinance shall be a violation of this Ordinance.

**SECTION 3. Urgency Findings.** Pursuant to California Government Code Section 36937, this Ordinance is designed to protect the health, safety and welfare of the citizens

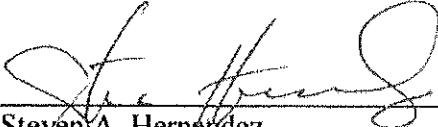
of the City of Coachella and becomes effective immediately upon adoption by a four-fifths (4/5) vote of the City Council. The City Council hereby finds that there is an urgent need to adopt these regulations in order to address the current and immediate threats set forth above.

**SECTION 4. CEQA.** The City Council determines that the adoption of this Urgency Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to the following provisions of the CEQA Guidelines, 14 California Code of Regulations, Chapter 3: this Urgency Ordinance is exempt under CEQA Guidelines Section 15378(b)(5) in that it is not a "project" under CEQA, and will not result in direct or indirect physical changes in the environment.

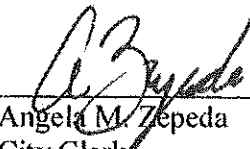
**SECTION 5. Severability.** If any section or provision of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Urgency Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Urgency Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**SECTION 6. Adoption, Certification, and Publication.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Urgency Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law.


**PASSED, APPROVED and ADOPTED** this 10<sup>th</sup> day of February 2021.

  
\_\_\_\_\_  
Steven A. Hernandez  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos  
City Attorney



CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

I, Andrea J. Carranza, Deputy City Clerk of the City of Coachella, California, do hereby certify that Urgency Ordinance No. 1174 is a full, true, and correct copy, and was adopted without introduction at a regular meeting of the City Council held on February 10, 2021 by the following vote:

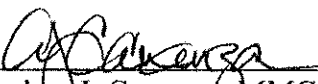
AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.

NOES: None.

ABSENT: None.

ABSTAIN: None.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Coachella, California, this 10<sup>th</sup> day of February, 2021.

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

# Exhibit B

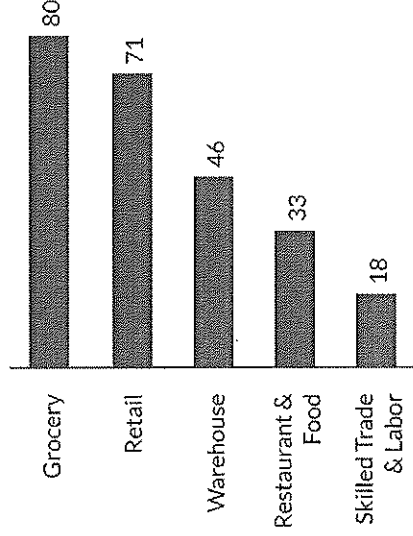
## Business Outbreaks in Riverside County

Case investigators and Contact Tracers in Riverside County identify potential business outbreaks and exposures. **314 COVID outbreaks** with three or more associated cases have been identified in Riverside County.\*

\*The data in this report is self-reported information from Riverside County COVID positive cases and business managers/supervisors. Number of exposures, number of cases and dates of exposure are all self-reported. Business outbreaks may not be sites of exposure. Business information is often not disclosed and therefore is largely missing. As exposure dates are self-reported, outbreaks include all dates investigated from July - November.

## Top 5 Outbreak Settings

The highest number of outbreaks are seen in the following settings:



## New Outbreaks in November

There were 77 new business outbreaks in November (11/02 - 12/01):



19 new retail store outbreaks



16 new warehouse outbreaks



15 skilled labor & trade outbreaks



12 restaurant & food outbreaks

\*15 additional outbreaks seen in other sectors

### OUTBREAK PREVENTION

- Wear a face covering
- Avoid crowded places
- No gatherings or parties
- Keep 6 ft away

## Cases Associated with Outbreaks

**314** business outbreaks with at least 3 COVID cases

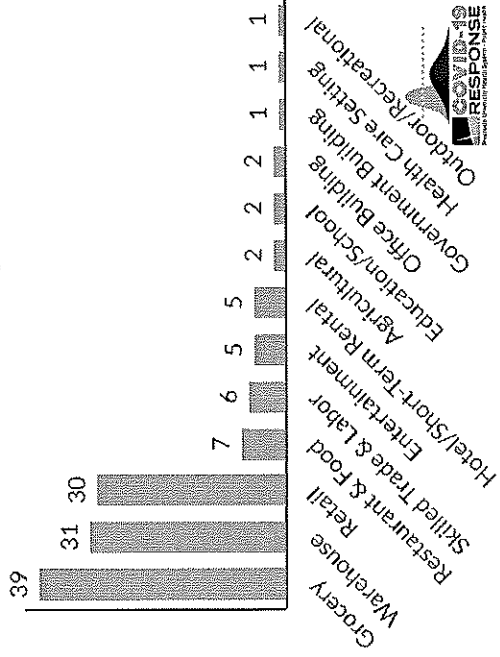
**198** business outbreaks with at least 4 COVID cases

**132** business outbreaks with at least 5 COVID cases

Source: Public Health Contact Tracing Platform  
 Accessed 12/02/20, Investigated July - November

## Large Outbreaks

132 Outbreaks with 5 or more associated cases were reported. Large outbreaks were seen in the following settings:



# Exhibit C

# Business and School Outbreaks in Riverside County

Case Investigators and Outbreak Teams in Riverside County identify outbreaks among businesses and schools. **356 COVID outbreaks** with three or more associated cases were identified in Riverside County from 12/1/20 - 3/1/21.\*

\*Methodology of outbreaks changed starting 12/1 as Riverside County moved to using California Department of Health's CalConnect Data Portal. The data in this report is self-reported information from Riverside County COVID positive cases and business/schools liasons. Number of cases at each location and dates of exposure are all self-reported. Outbreaks are closed after 14 days have passed with no new related cases.

## Cases Associated with Outbreaks

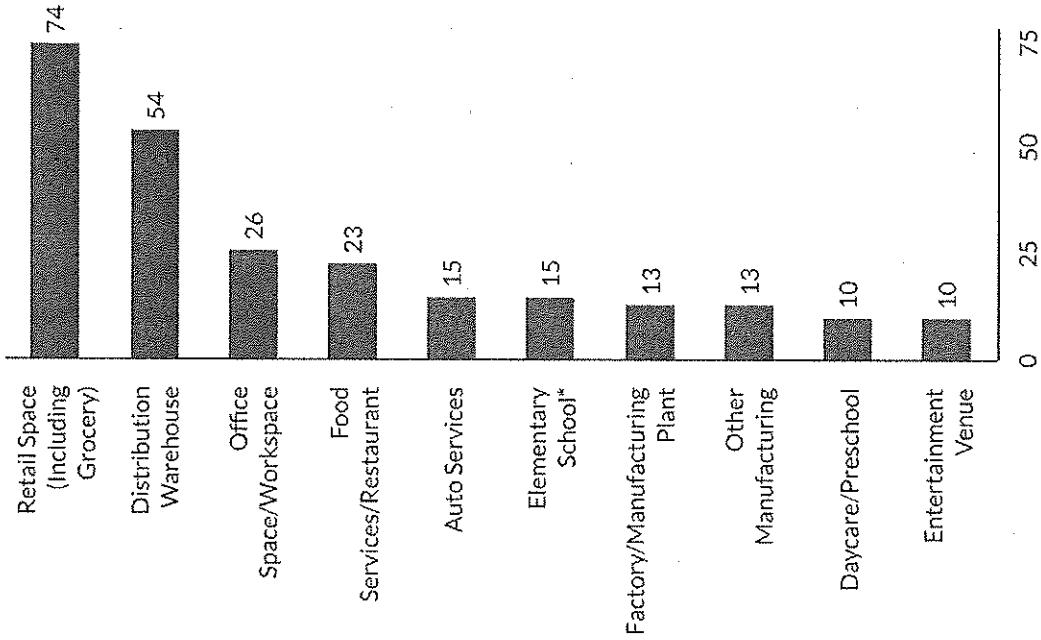
**356** outbreaks with at least 3 COVID cases

**178** outbreaks with at least 5 COVID cases

**65** outbreaks with at least 10 COVID cases

## Top 10 Outbreak Settings

356 Outbreaks with 3 or more cases were reported. The highest number of outbreaks were seen in the following settings:



\*School settings may also include associated offices such as "school district office"

## Top 10 Large Outbreaks (10 or more cases)

65 Outbreaks with 10 or more associated cases were reported. Top 10 Large outbreaks were seen in the following settings:

