DATE: MARCH 17, 2020

TO: CITY MANAGER/CITY COUNCIL

FROM: ROBERT SEDITA, DIRECTOR OF GENERAL SERVICES

SUBJECT: ADOPT A RESOLUTION RATIFYING THE PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

RECOMMENDED ACTION:

It is recommended that the City adopt Resolution No. 20-03-17-XX ratifying a Proclamation, declaring the existence of a local emergency, enhancing the City’s emergency preparedness and response and review the continuing need for the local emergency every 14 days or as required.

BACKGROUND:

A novel coronavirus (COVID-19) was first detected in Wuhan City, Hubei Province in China in December 2019. Since then, on January 30, 2020, the World Health Organization declared COVID-19 a public health emergency of international concern. Further, on of March 11, 2020, the World Health Organization has elevated the public health emergency to the status of a pandemic. On January 31, 2020, The United States Health and Human Services Secretary Alex M. Azar II declared this global outbreak a public health emergency for the United States. The Centers for Disease Control and Prevention announced on February 25, 2020 that community spread of COVID-19 is likely to occur in the United States. The County of Orange declared a local emergency and a local health emergency on February 26, 2020. The State of California proclaimed a State of Emergency on March 4, 2020. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, declaring that state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure.

As of March 16, 2020, the World Health Organization reported that, to date, there were 167,832 confirmed cases of COVID-19, 6,485 of which resulted in death, across 157 countries. On March 16, 2020, the California Department of Public Health (CDPH) reported that, to date, California has 335 confirmed cases of COVID-19, six of which have resulted in death. CDPH also reported that approximately 11,100 Californians who returned to the United States after travel are self-monitoring. The CDC anticipates that widespread transmission of COVID-19 in the United States will occur.
While there are no reported confirmed, suspected or presumptive cases of COVID-19 in Dana Point, the City’s proposed actions will provide the City additional powers to coordinate local efforts and identify and procure resources needed to effectively address the emergency as needed.

COVID-19 is a serious public health threat as it is highly contagious and may be spread by asymptomatic individuals. Much is unknown about the nature of the virus such as the exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, mutations, basic reproduction number, and the case fatality rate. Experts disagree about the incubation period and appropriate quarantine period. Additionally, there is currently no vaccine to prevent COVID-19 or specific antiviral treatment that has been found to be effective.

What is known at this time is that the virus is spread between people primarily via respiratory droplets produced when an infected person coughs or sneezes. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness. Based on experience with other coronaviruses that cause severe respiratory illness, the U.S. Centers for Disease Control and Prevention (CDC) currently believes that symptoms appear two to 14 days after exposure; however, this is not certain. While the vast majority of individuals (approximately 87 to 98 percent) will have mild to no symptoms, or will eventually recover if they do become significantly ill, a small portion of those infected of about two to three percent will become severely ill resulting in death.

Due to the threat to the health, safety and welfare of residents and visitors of Dana Point and Orange County from COVID-19, Staff is recommending ratify a Proclamation declaring the existence of a local emergency pursuant to Government Code section 8630 and Dana Point Municipal Code (DPMC) section 2.20.060.

DISCUSSION:

Government Code section 8558 defines a local emergency as “the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, … or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat.” (Emphasis added.)

Under Government Code section 8630, the City Council can proclaim the existence of a local emergency. Under Dana Point Municipal Code (DPMC) section 2.20.060, the City Council or City Manager, as the Director of Emergency Services, can proclaim the existence of a local emergency. Once the existence of a local emergency is proclaimed, neighboring jurisdictions and the State have the power to provide mutual aid to address the emergency conditions. Pursuant to Government Code section 8630, once proclaimed, the City Council is required to review the need for continuing the local emergency at least every 60 days until the local emergency is terminated, and must proclaim the termination of the local emergency at the earliest possible date that conditions warrant. Currently, the Governor has suspended review requirement.
The proclamation will enable the City to more effectively respond to the potential outbreak, put in place a framework that supports the continuity of essential public services, seek and utilize mutual aid, potentially obtain reimbursement for expenses incurred to address the pandemic, and ensure the City has all available tools at its disposal to keep the community safe. It is recommended that the City Council adopt the proclamation and review the continuing need for the local emergency every 14 days or as otherwise required by state law. This may require calling one or more special meetings in the near future.

FISCAL IMPACT:

Ratification of the Emergency Proclamation will not incur any costs to the City. City costs associated with any response or supply purchases are being covered by existing department budgets, but will be tracked separately. Staff will pursue federal and State reimbursement for all City costs incurred once funding assistance is approved.

ALTERNATIVE ACTIONS:

Other actions as deemed appropriate by the City Council.

ACTION DOCUMENTS:

A. Resolution 20-03-17-XX…………………………………………………………………….4
   Exhibit A – Emergency Proclamation…………………………………………………..6

SUPPORTING DOCUMENTS:

B. County of Orange Proclamation of Local Emergency…………………………………9
C. County of Orange Declaration of Local Health Emergency…………………………12
D. State of California Proclamation of State of Emergency……………………………..13
E. Governor Newsom Executive Order N-25-20…………………………………………14
RESOLUTION NO. 20-03-17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, RATIFYING COVID-19 EMERGENCY PROCLAMATION

The City Council of the City of Dana Point does hereby resolve as follows:

WHEREAS, Section 2.20.030 of the Dana Point Municipal Code designates the City Manager as the City’s Director of Emergency Services; and

WHEREAS, Section 2.20.060 of the Dana Point Municipal Code empowers the Director of Emergency Services, to request the City Council to proclaim the existence of a Local Emergency if the Council is in session, or to issue such proclamation if the Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons has arisen both internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease, which was first detected in Wuhan City, Hubei Province, China in December 2019; and

WHEREAS, COVID-19 has spread globally to over 70 countries, infecting more than 169,000 persons and killing more than 6,500 individuals worldwide; and

WHEREAS, due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warning for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention (CDC), COVID-19 has created conditions that are more likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, the President of the United States, the Governor of the State of California, and the County of Orange have already declared that National, State, and local health emergencies exist; and

WHEREAS, on March 4, 2020 the Governor of the State of California issued Executive Order N-25-20 in order to address the threats and challenges posed by COVID-19, and

WHEREAS, since issuing Executive Order N-25-20 the Governor of the State of California has taken additional actions to address COVID-19 including by having released statewide guidance, urging the highest risk population (individuals who are 65 years or older, or have a compromised immune system) to self-isolate at home, and further the President of the United States announced revised guidelines for addressing COVID-19 including a recommendation that gatherings be limited to ten or fewer persons; and

WHEREAS, the City’s ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19; and
RESOLUTION NO. 20-03-17-XX
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WHEREAS, the Director of Emergency Services believes and has concluded that the above-described conditions of extreme peril warrant a proclamation of local emergency; and accordingly proclaimed and declared the existence of a local emergency on March 16, 2020; and

WHEREAS, Sections 2.20.060 and 2.20.200 of the Dana Point Municipal Code require the City Council to ratify the decision of the Director of Emergency Services; and

WHEREAS, the City Council of the City of Dana Point agrees with and desires to affirm and ratify the decision of the Director of Emergency Services.

NOW, THEREFORE, the City Council of the City of Dana Point does hereby resolve, order and determine as follows:

Section 1. The Emergency Proclamation (Exhibit A) made by the Director of Emergency Services on March 16, 2020, attached hereto and incorporated herein, is hereby ratified.

Section 2. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17th day of March, 2020.

RICHARD A. VICZOREK, MAYOR

ATTEST:

KATHY M. WARD, CITY CLERK

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss.
CITY OF DANA POINT )

I, Kathy M. Ward City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. ___ was at a regular meeting of the City Council on the 17th of March, 2020, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:
CITY OF DANA POINT

PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Section 2.20.030 of the Dana Point Municipal Code designates the City Manager as the City's Director of Emergency Services.

WHEREAS, Section 2.20.060 of the Dana Point Municipal Code empowers the Director of Emergency Services, to request the City Council to proclaim the existence of a Local Emergency if the Council is in session, or to issue such proclamation if the Council is not in session.

WHEREAS, conditions of extreme peril to the safety of persons has arisen both internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease, which was first detected in Wuhan City, Hubei Province, China in December 2019;

WHEREAS, COVID-19 has spread globally to over 70 countries, infecting more than 169,000 persons and killing more than 6,500 individuals worldwide;

WHEREAS, due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warning for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention (CDC), COVID-19 has created conditions that are more likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat;

WHEREAS, the President of the United States, the Governor of the State of California, and the County of Orange have already declared that National, State, and local health emergencies exist;

WHEREAS, on March 4, 2020 the Governor of the State of California issued Executive Order N-25-20 in order to address the threats and challenges posed by COVID-19;

WHEREAS, since issuing Executive Order N-25-20 the Governor of the State of California has taken additional actions to address COVID-19 including by having released statewide guidance, urging the highest risk population (individuals who are 65 years or older, or have a compromised immune system) to self-isolate at home, and further the President of the United States announced revised guidelines for addressing COVID-19 including a recommendation that gatherings be limited to ten or fewer persons;
WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19;

WHEREAS, the Director of Emergency Services believes and has concluded that the above-described conditions of extreme peril warrant a proclamation of local emergency;

NOW, THEREFORE, the Director of Emergency Services of the City of Dana Point proclaims, declares and orders as follows:

Section 1: Pursuant to 2.20.060 of the Dana Point Municipal Code and California Government Code Section 8630, it is hereby proclaimed that a local emergency now exists in the City of Dana Point and for this emergency assistance and aid is requested from Federal, State and County governance to the City, individuals and businesses affected thereby.

Section 2: Effective immediately, during the duration of this emergency, City Hall will be closed to the public. The City leadership team and key staff will remain on-site to the degree feasible, but various members of the City staff will be working from home to practice responsible social distancing. Essential City services will continue, but in-person services at City Hall will be suspended through March 31, or until further notice. City Hall will transition to online services; residents and businesses needing to contact the City are encouraged to call the City Hall main line at 949-248-3500 or send an e-mail to info@danapoint.org, and any inquiries so received will be directed to the appropriate staff person.

Section 3: Effective immediately, pursuant to Dana Point Municipal Code Sections 2.20.060 (c) (6) and (d), and until further notice, meetings of the City Council shall not be open to the public, and all Commission meetings are cancelled until further notice. The Director specifically finds this action is necessary to protect essential City staff, the City Council and members of the public as a result of developments occurring since the issuance of Executive Order N-25-20, including the President of the United States recommendation on March 16, 2020 that gatherings be limited to groups of 10 persons or less. Members of the public are encouraged to participate in Council meetings by alternative means including by submitting any comments to the Council on matters either on, or not part of, the Council’s Agenda by email to Kward@danapoint.org, and watching Council meetings which shall be streamed live on YouTube at https://www.youtube.com/channel/UCdNW_5KL2Q7IC-DFHsFyFrI7A and may be watched live on Cox channel 836. Comments may be submitted by email during Council meetings and the Mayor will pause during the Agenda to determine if comments have been received by the public. All comments provided by the public as comments will be included in the record of the Council meeting.

Section 4: Pursuant to Dana Point Municipal Code Sections 2.20.060 and 2.20.200 the Director of Emergency Services is empowered to adopt rules, policies and regulations to protect the Public, to protect life and property, and to ensure the availability of essential City services. As of this time, pursuant to that authority, the following operational changes are to be implemented immediately:
(1) City Services:
- All services requiring in-person visits or public service counter assistance (including building permits) will be suspended or made available via phone, online or through email.
- Building inspection services will continue.
- All Public Works services will remain in place with the exception of in-person permit submissions, which can be made online at (Public Works Please Provide).
- Refuse collection and street sweeping will continue per the usual schedule.

(2) Dana Point Police Services: While the lobby of Police Services is closed, the blue phone outside of the door is operational and can be used to access Police Services. The public is advised to call 949-770-6011 for non-emergency police assistance and 911 for emergency assistance.

(3) Community Center and Recreation Programs: The Dana Point Community Center and Nature Interpretive Center will be closed until further notice. Recreation classes and City-sponsored events are cancelled through at least March 31. City Parks will remain accessible to the public and their maintenance and upkeep will continue with additional cleaning services.

(4) Animal Care Services:
The San Clemente-Dana Point Animal Shelter will be limiting their in-person services, beginning today. The shelter’s office will be closed to the public, but sheltering services will be available.
- Adoption services will continue and appointments to schedule interactions with adoptable pets can be arranged by phone at 949-492-1617.
- Animal Control Officers will continue to accommodate the most emergent health and public safety issues in the community.
- Pet licensing will remain available at the shelter by mail by sending payment to: 221 Avenida Fabricante, San Clemente, CA 92672; over the phone by calling 949-492-1617; or submitted into our drop box located next to the front door of the shelter.

Section 5: Additional or different emergency measures may be implemented by the Director of Emergency Services pursuant to Section 2.20 of the Dana Point Municipal Code as deemed reasonable or necessary to address the quickly changing, very fluid emergency situation.

City Manager/Director of Emergency Services: Mark Denny

Date: 3/16/20
COUNTY OF ORANGE
STATE OF CALIFORNIA
PROCLAMATION OF A LOCAL EMERGENCY

REQUEST FOR GOVERNOR TO DECLARE A STATE OF EMERGENCY

WHEREAS, in accordance with Government Code Section 8630, a local emergency may be proclaimed by the Board of Supervisors of the County of Orange or by an official so designated by ordinance adopted by the Board of Supervisors; and

WHEREAS, Section 3-1-6(a) of the Codified Ordinances of the County of Orange provides that the Director of Emergency Services shall request the Board of Supervisors to proclaim a local emergency when the Board of Supervisors is in session and the Chair of the Emergency Management Council so proclaim when the Board of Supervisors is not in session; and

WHEREAS, the Board of Supervisors is not currently in session, and the Director of Emergency Services has requested that the Chair of the Emergency Management Council proclaim a local emergency; and

WHEREAS, the County of Orange is experiencing unusually high winds which are creating a condition of extreme peril to the safety of persons and property within the territorial limits of the County of Orange which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County of Orange, and require the combined forces of other political subdivisions to combat; and

WHEREAS, an uncontained wildfire is currently burning in the County of Orange which fire(s), together with existing high fire hazard conditions and current and projected
conditions of high winds and hot and dry weather, as well as the increased risk of erosion, flooding and debris flows and other hazards resulting from the destruction of vegetation and infrastructure caused by these wildfires, collectively constitute conditions of extreme peril to the safety of persons and property within the territorial limits of the County of Orange which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County of Orange, and require the combined forces of other political subdivisions to combat;

WHEREAS, existing conditions, coupled with projected weather conditions, collectively constitute conditions of extreme peril to the safety of persons and property within the territorial limits of the County of Orange which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County of Orange, and require the combined forces of other political subdivisions to combat;

IT IS HEREBY PROCLAIMED that a local emergency exists within the geographic area of the County of Orange.

IT IS FURTHER PROCLAIMED AND ORDERED that as of this date all County departments and agencies take those actions, measures and steps deemed necessary to assure the safety and welfare of Orange County residents and property, including requesting mutual aid to the extent such aid is necessary.

ACCORDINGLY, THE CHAIR OF THE BOARD OF SUPERVISORS ACTING AS THE CHAIR OF THE EMERGENCY MANAGEMENT COUNCIL HEREBY REQUESTS that the Governor declare a State of Emergency and make all relevant funds available to the County of Orange and all eligible community members and businesses, including but not limited to, California Disaster Assistance Act funds and
State Private Nonprofit Organizations Assistance Program funds, and that the Governor request that the President of the United States make a Presidential Declaration of Emergency in and for the County of Orange and make all relevant funds available to the County of Orange and all eligible community members and businesses, including, but not limited to, aid provided by the Small Business Administration.

Date: 10/9/17

Signed: 

Michelle Steel
Chair of the Board of Supervisors Acting as the Chair of the Emergency Management Council
County of Orange
DECLARATION OF A LOCAL HEALTH EMERGENCY

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biologic agent, toxin, or radioactive agent;

WHEREAS, the Centers for Disease Control and Prevention announced on February 25, 2020 that community spread of COVID-19 is likely to occur in the United States;

WHEREAS, based on the Centers for Disease Control and Prevention statements, there is an ongoing risk and likelihood of COVID-19 positive patients being identified in Orange County;

WHEREAS, based on the foregoing, there is an imminent and proximate threat of the introduction of COVID-19 in the County of Orange and a threat to the public health of the County residents;

THEREFORE, the County Health Officer hereby declares a health emergency.

Nichole Quick, MD, MPH
Health Officer

2/26/2020 Date
EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS beginning on October 23, 2019, a significant wind event struck California, resulting in nearly statewide red flag warnings due to extremely dangerous fire weather conditions; and

WHEREAS on October 23, 2019, the Kincade Fire began burning in Sonoma County; and

WHEREAS on October 24, 2019, the Tick Fire began burning in Los Angeles County; and

WHEREAS these fires have destroyed structures and continue to threaten homes and other structures, necessitating the evacuation of tens of thousands of residents; and

WHEREAS these fires forced the closure of major roadways and are threatening power lines and other critical infrastructure; and

WHEREAS erratic winds, high temperatures, and dry conditions have further increased the spread of these fires; and

WHEREAS the Federal Emergency Management Agency has approved Fire Management Assistance Grants to assist with the mitigation, management, and control of the Kincade Fire and Tick Fire; and

WHEREAS local and state emergency operations centers have been activated; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to the Kincade Fire and Tick Fire in Sonoma County and Los Angeles County, respectively; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by these fires, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these fires; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in his order would prevent, hinder, or delay the mitigation of the effects of these fires.
NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 6650, HEREBY PROCLAIM A STATE OF EMERGENCY to exist in Los Angeles and Sonoma counties due to these fires.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all citizens are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.

2. The Office of Emergency Services shall provide local government assistance to Sonoma and Los Angeles counties, if appropriate, under the authority of the California Disaster Assistance Act, Government Code sections 6660 et seq., and California Code of Regulations, Title 17, section 2900 et seq.

3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these fires. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these fires.

4. The provisions of Unemployment Insurance Code section 1553, imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of these fires who applied for unemployment insurance benefits during the time period beginning October 23, 2019, and ending on the close of business on April 23, 2020, and who are otherwise eligible for unemployment insurance benefits.

5. Vehicle Code sections 9265(a), 9857, 1490, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of a driver’s identification card, vehicle registration certificate, or certificate of title, by any individual who lost such records as a result of these fires. Such records shall be replaced without charge.

6. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title, are suspended with regard to any registration or transfer of title by any resident of Sonoma County or Los Angeles County who is unable to comply with those requirements as a result of these fires. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
7. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of these fires. Such copies shall be provided without charge.

8. In order to directly respond to the needs of impacted assisted living facilities, adult residential facilities, child care facilities, children’s residential facilities, resource family homes, and other similar facilities within the State Department of Social Services’ jurisdiction, the Director of the State Department of Social Services may waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, or approval of facilities or homes within the Department’s jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1566 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department’s website and shall only be in effect so long as necessary to address the direct impacts of the fires identified in this proclamation.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 25th day of October 2019.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State
WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at http://cdph.ca.gov/covid19; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-25-20

03/17/20
WHEREAS under the provisions of Government Code section 8571, I find
that strict compliance with various statutes and regulations specified in this order
would prevent, hinder, or delay appropriate actions to prevent and mitigate the
effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California,
in accordance with the authority vested in me by the State Constitution and
statutes of the State of California; and in particular, Government Code sections
8571, 8571 and 8572, do hereby issue the following order to become effective
immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local
public health officials, including but not limited to the imposition of
social distancing measures, to control the spread of COVID-19.

2. For the period that began January 24, 2020 through the duration of this
emergency, the Employment Development Department shall have the
discretion to waive the one-week waiting period in Unemployment
Insurance Code section 2627(b)(1) for disability insurance applicants
who are unemployed and disabled as a result of the COVID-19, and
who are otherwise eligible for disability insurance benefits.

3. For the period that began January 24, 2020 through the duration of this
emergency, the Employment Development Department shall have the
discretion to waive the one-week waiting period in Unemployment
Insurance Code section 1253(d) for unemployment insurance
applicants who are unemployed as a result of the COVID-19 and who
are otherwise eligible for unemployment insurance benefits.

4. Notwithstanding Health and Safety Code section 1797.172(b), during
the course of this emergency, the Director of the Emergency Medical
Services Authority shall have the authority to implement additions to
local optional scopes of practice without first consulting with a
committee of local EMS medical directors named by the EMS Medical
Director Association of California.

5. In order to quickly provide relief from interest and penalties, the
provisions of the Revenue and Taxation Code that apply to the taxes
and fees administered by the Department of Tax and Fee
Administration, requiring the filing of a statement under penalty of
perjury setting forth the facts for a claim for relief, are suspended for a
period of 60 days after the date of this Order for any individuals or
businesses who are unable to file a timely tax return or make a timely
payment as a result of complying with a state or local public health
official’s imposition or recommendation of social distancing measures
related to COVID-19.

6. The Franchise Tax Board, the Board of Equalization, the Department of
Tax and Fee Administration, and the Office of Tax Appeals shall use
their administrative powers where appropriate to provide these
individuals and businesses impacted by complying with a state or local
public health official’s imposition or recommendation of social
distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor’s Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19886.1 and California Code of Regulations, title 2, sections 330-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.

8. The California Health and Human Services Agency and the Office of Emergency Services shall identity, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State’s power to commandeer property—hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.

9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.

10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary.
To protect health or safety or to ensure delivery of services, the Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department’s website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

(i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
(ii) each teleconference location be accessible to the public;
(iii) members of the public may address the body at each teleconference location;
(iv) state and local bodies post agendas at all teleconference locations;
(v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
(vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

(i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
(ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public’s rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).
In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State