



MEMORANDUM
COUNTY EXECUTIVE OFFICE
ADMINISTRATION
County of Placer

TO: Board of Supervisors DATE: May 20, 2020

FROM: Todd Leopold, County Executive Officer
By: Bekki Riggan, Deputy County Executive Officer
Holly Powers, Assistant Director of Emergency Services

SUBJECT: Rescission of Local Emergency Proclamation Due to COVID-19

ACTION REQUESTED

1. Consider Adoption of a Resolution rescinding Resolution 2020-035 ratifying the Proclamation of Local Emergency by the Director of Emergency Services related to COVID-19.
2. Consider rescission of the delegation of authority to the County Health Officer to terminate the local health emergency related to COVID-19.
3. Consider Adoption of a Resolution rescinding Resolution 2020-034 ratifying the Declaration of Local Health Emergency made by the County Health Officer related to COVID-19.

BACKGROUND

On March 22, 2020, the President of the United States issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the "Stafford Act"), and authorized relief funding for "emergency protective measures (Category B) not authorized under other Federal statutes, including direct federal assistance, under the Public Assistance program at 75 percent federal funding for all areas in the State of California."

On March 3, pursuant to California Government Code section 8630, the Chief Executive Officer serving as the County of Placer (County) Director of Emergency Services, issued a Proclamation of Local Emergency regarding COVID-19. On that same date, the County Health Officer issued a local health emergency related to COVID-19. These actions were ratified by the Board of Supervisors on March 9, 2020. The recommended actions provided the County additional powers to coordinate local efforts and identify resources necessary to fully address the response should the situation evolve.

If Placer County were to terminate the local emergency, future costs associated with our response to COVID-19 incident may not be eligible for reimbursement under Public Assistance Category B funds. Additionally, Placer County may not be eligible for California Disaster Assistance Act funding if the Governor were to authorize such support under Government Code section 8680 et. seq., and California Code of Regulations, Title 19, section 2900 et. seq.

Ordinarily, under Government Code section 8630 the Board must renew the existence of an emergency every 60 days. However, the Governor's March 4, emergency declaration waived this requirement stating:

8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.

In addition, under the Health and Safety Code, the Board would ordinarily renew local health emergencies every 30 days but this requirement was also waived by the Governor.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.

While the requirements to renew these emergency declarations within 30 and 60 days were waived, the Board of Supervisors can choose to terminate it. The Governor's declaration expressly provides that it "will remain in effect until each local governing authority terminates its respective local emergency".

FISCAL IMPACT

The fiscal impact of this item is unknown at this time.

Attachments

Resolution rescinding Resolution 2020-035
Resolution rescinding Resolution 2020-034

Before the Board of Supervisors County of Placer, State of California

In the matter of:

A Resolution Rescinding Prior Resolution No. 2020-035 that Ratified the Proclamation of Local Emergency by Director of Emergency Services Regarding COVID-19 emergency. Resolution No.:

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a special meeting held May 20, 2020, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, the California Emergency Services Act, including but not limited to Government Code section 8630, empowers the Board of Supervisors to proclaim the existence or threatened existence of a local emergency when the County is affected, or likely to be affected, by a public calamity; and

WHEREAS, any local emergency proclaimed by the Board of Supervisors will remain in effect until the local governing authority terminates its local emergency; and

WHEREAS, on March 3, 2020, the Director of Emergency Services found that conditions of extreme peril to the safety of persons and property arose within the County due to a novel coronavirus, COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency (“State of Emergency”) to formalize emergency actions and help prepare for the broader spread of the COVID-19 disease; and

WHEREAS, on March 9, 2020, the Board of Supervisors, County of Placer, State of California, ratified the existence of the local emergency initially proclaimed by the Director of Emergency Services on March 3, 2020 regarding COVID-19, with said emergency conditions existing continuously since that time, with such conditions expected to continue until such a time as the emergency is proclaimed terminated by the Board of Supervisors; and

WHEREAS, the Board of Supervisors now determines that the conditions creating the local emergency in the County of Placer no longer exist; and

WHEREAS, the Board of Supervisors does hereby find that the aforesaid described events do not create conditions of extreme peril at the present time and such conditions are not or are not likely to be beyond the control of the services, personnel, equipment, and facilities of the County of Placer, requiring the combined forces of other political subdivisions to combat.

BE IT RESOLVED, that the Board of Supervisors, County of Placer, State of California, hereby rescinds the ratification of the Proclamation of Local Emergency by the Director of Emergency Services [Resolution No: 2020-035];

BE IT FURTHER RESOLVED, that all powers and authorities in the emergency proclamation of March 3, 2020 are hereby terminated.

Before the Board of Supervisors County of Placer, State of California

In the matter of:

A Resolution Rescinding Prior Resolution No.
2020-034 that Ratified the Declaration of Local
Health Emergency by the Local Health Officer
Regarding COVID-19 emergency.

Resolution No.:

The following Resolution was duly passed by the Board of Supervisors of the County of
Placer at a special meeting held May 20, 2020, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

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, any local health emergency declared by a local health officer and ratified by the Board of Supervisors will remain in effect until the local governing authority terminates its local health emergency; and

WHEREAS, on March 3, 2020, the County's Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus (named "SARS-CoV-2" and causing a disease named "COVID-19") in Placer County; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency ("State of Emergency") to formalize emergency actions and help prepare for the broader spread of the COVID-19 disease; and

WHEREAS, on March 9, 2020, the Board of Supervisors hereby ratified the declaration of local health emergency in Resolution 2020-034; and

WHEREAS, the Board of Supervisors now determines that the conditions creating the local health emergency in the County of Placer no longer exist; and

WHEREAS, the Board of Supervisors does hereby find that the aforesaid described events do not create conditions of extreme peril at the present time and such conditions are not or are not likely to be beyond the control of the services, personnel, equipment, and facilities of the County of Placer, requiring the combined forces of other political subdivisions to combat.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for Placer County does hereby determine and declare as follows:

1. The Board of Supervisors rescinds its prior delegation of authority to the County's Health Officer to terminate the local health emergency, pursuant to Health and Safety Code Section 101080, "at the earliest possible date that conditions warrant the terminations;" and
2. The Board of Supervisors now determines that the conditions creating the local health emergency in the County of Placer County no longer exist; and
3. The Board of Supervisors does hereby find that the aforesaid described events do not create conditions of extreme peril at the present time and such conditions are not or are not likely to be beyond the control of the services, personnel, equipment, and facilities of the County of Placer, requiring the combined forces of other political subdivisions to combat; and
4. The Board of Supervisors, County of Placer, State of California, hereby rescinds the ratification of the Declaration of Local Health Emergency by the Local Public Health Officer [Resolution No: 2020-034]; and

5. That all powers and authorities in the Declaration of Local Health Emergency of March 3, 2020 are hereby terminated.