

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

In the matter of:

A Resolution Requesting the State of California to Accelerate Commencement to Stage 3 of California's Pandemic Roadmap for the County of Placer and to release forthwith CARES Act funds designated for County of Placer.

Resolution No.: 2020-089

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a special meeting held May 26, 2020, by the following vote:

Ayes: WEYGANDT, HOLMES, UHLER, GUSTAFSON, GORE

Noes: NONE

Absent: NONE

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, 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; 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 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, 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 in Resolution 2020-035, 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, on March 9, 2020, the Board of Supervisors hereby ratified the declaration of local health emergency in Resolution 2020-034; and

WHEREAS, on March 12, 2020, California Governor Gavin Newsom, through Executive Order N-25-20, directed all residents of the State of California to heed any orders and guidance of state and local public health officials; and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 directing all residents to heed the State Public Health Officer's Stay-at-Home order which requires all residents to stay at home except for work in critical infrastructure sectors or otherwise to facilitate authorized necessary activities; and

WHEREAS, on April 14, 2020, the California Department of Public Health presented the Pandemic Roadmap, a four-stage plan [Stage 1 – safety and preparation; Stage 2 – reopening lower-risk workplaces and other spaces; Stage 3 – reopening higher-risk workplaces and other places; and Stage 4 – easing final restrictions and ending Stay-At-

Home order] for modifying the Stay-at-Home order previously issued by Governor Newsom; and

WHEREAS, on May 4, 2020, Governor Gavin Newsom issued Executive Order N-60-20 directing the State Public Health Officer to establish criteria to determine whether and how local health officers may (during the relevant states of reopening) issue directives to establish and implement public health measures less restrictive than any public health measures implemented on a statewide basis.

WHEREAS, on May 7, 2020, Dr. Sonia Y. Angell, State Public Health Officer & Director, California Department of Public Health ordered, effective on May 8, 2020, that all local health jurisdictions in the state may begin gradual movement into Stage 2 if the criteria and process set forth by the California Department of Public Health were met and said qualifying jurisdiction was identified on the California Department of Public Health website; and

WHEREAS, on May 11, 2020, the County of Placer Health Officer, with Board approval, submitted to the California Department of Public Health attestation for Variance to Stage 2 of California's Pandemic Roadmap to Modify the Stay-At-Home Order; and

WHEREAS, on May 12, 2020, the California Department of Public Health designated County of Placer as a local health jurisdiction qualified to move into Stage 2; and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, Economic Security Act [H.R. 748 – CARES Act] became law which provided for several millions of dollars to be distributed to state and local governments (over 500,000 in population) the week of April 20, 2020; and

WHEREAS, the County of Placer has a population of approximately 400,000 and did not receive a direct distribution, but had its distribution of approximately 40 million dollars sent to the State of California; and

WHEREAS, as of May 26, 2020, the State of California has not distributed funds to designated for local governments under 500,000 in population including the County of Placer; and

WHEREAS, the lodging and tourism industry is vital to the economic health and prosperity of Placer County and as such, there is need to open it now in a safe and responsible manner; and

WHEREAS, as of May 26, 2020, the State Public Health Officer has not advanced any local jurisdiction to Stage 3 and has not provided guidance to assist local jurisdictions into entering Stage 3, which would include opening higher risk environments with adaptations and limits on size of gatherings for Personal Care (hair and nail salons, gyms), Entertainment venues (movie theaters, sports with live audiences), In-person religious services (churches, weddings) and youth sports; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for Placer County hereby declares and requests the State of California to take the following actions:

1. Hereby release all funds attributable to the County of Placer to cover COVID-19 emergency related payments including CARES funding or provide the process by which local governments with a population of less than 500,000 can apply for the release of such funding;
2. Designate the County of Placer to qualify for Stage 3 of the Pandemic Roadmap to allow the safe and limited reopening of Personal Care establishments, Entertainment Venues, lodging, In-Person Religious Services without the 100 person limit and Youth sports/programs or in the alternative provide for these businesses' inclusion in Stage 2;
3. Establish and publish guidance to the extent such guidance is not already published to assist local jurisdictions entering Stage 3 that will allow other industries, such as the hotel and short term rental industry and tourism industry, to reopen contingent on meeting specified public health criteria or in the alternative allow the County of Placer to enter into Stage 3 with its own developed criteria for such businesses with the goal of opening the same no later than June 01, 2020;
4. Acknowledge that (a) the State of California is diverse, (b) the COVID-19 emergency has not and will not affect each county the same due to geographic, socio-economic, and population diversity, (c) the CDPH's conditions justifying moving into Stage 3 for the County of Placer should be specifically tailored to meet the unique circumstances of the actual level of health conditions in the County of Placer and other small, rural counties, (d) less onerous criteria for moving through Stage 3 should be established and published now for small, rural counties similar to the County of Placer, and (e) the timing for moving through Stage 3 should be quicker for the County of Placer as the COVID-19 emergency has not and will not affect the County of Placer to the same extent and severity, as in large, urban jurisdictions; and
5. Consider that the citizens of the County of Placer and other similar small, rural jurisdictions are unduly suffering, not because of the COVID-19 emergency, but because the present state of emergency and guidance from the CDPH for modifying the Stay-At-Home Order, does not consider the severity of the actual emergency or potential emergency in the County of Placer, and such undue suffering is exacerbated by the continued withholding of CARES funding for local governments with a population of less than 500,000.