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 BOARD OF SUPERVISORS

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**OFFICE OF THE DIRECTOR**

Special Meeting 3/2/20, Item 1

February 28, 2020

**TO:** Chairwoman Michelle Steel, Supervisor, Second District  
 Members, Board of Supervisors

**SUBJECT: Ratifying Declaration of Local Health Emergency and Proclamation of Local  
 Emergency for 2019 Novel Coronavirus**

**RECOMMENDED ACTION**

Adopt Resolution ratifying Declaration of Local Health Emergency by the County’s Health Officer, dated February 26, 2020, related to the 2019 Novel Coronavirus (COVID-19), continuing for 30 days, direct County’s Health Officer to bring for review the need for continuing the local health emergency no later than the date coinciding with the expiration of the Resolution, and delegating to County’s Health Officer authority to terminate the declaration at the earliest possible date that conditions warrant the terminations.

Adopt Resolution ratifying Proclamation of Local Emergency by the Chairwoman of the Orange County Board of Supervisors acting as the Chair of Emergency Management Council, dated February 26, 2020, related to COVID-19 and vesting all powers, functions, and duties of the emergency organization of the County of Orange in such persons as prescribed by federal and state law, by County ordinances and resolutions, and by the Orange County Emergency Plan now in effect.

Adopt by Resolution that all County departments and agencies take those actions, measures, and steps deemed necessary to assure the health, safety and welfare of Orange County citizens and property, including requesting mutual aid to the extent such aid is necessary.

**SUMMARY**

Adoption of the resolutions would assist with receiving mutual aid resources from the State of California and from neighboring local jurisdictions to aid the County in responding to any additional cases of COVID-19 and position the County to receive funds from the federal government in the event of a major disaster declaration by the federal government.

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**BACKGROUND**

In light of the Centers for Disease Control and Prevention's comments on COVID-19 televised on February 25, 2020, the County declared a local emergency and a local health emergency on February 26, 2020 to allow the County to respond rapidly to any further cases of COVID-19 in Orange County.

Although there are currently no cases of COVID-19 in Orange County, the County wants to ensure all resources are readily available in the event of further cases of COVID-19 in Orange County. The declarations of local health emergency and local emergency do not signify a current increase in risk to the residents of Orange County, but they do enable the County to more effectively respond to any future cases of COVID-19, seek and utilize mutual aid, obtain federal funds (if available), and ensure that the County's resources and public health professionals, as well as the community at large, have all the necessary tools at their disposal to keep the community safe.

The OC Health Care Agency continues to monitor the rapidly changing worldwide response to COVID-19.

**Ratifying the Declaration of Local Health Emergency**

Health and Safety Code section 101080 allows 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.

However, the local health emergency may only remain in effect for no more than seven days unless it is ratified by the County Board of Supervisors (Board). On February 26, 2020, the County's Health Officer, Dr. Nichole Quick, declared a local health emergency regarding the public health threat posed by COVID-19 to Orange County. To ensure the declaration remains in effect past March 3, 2020, the Board must ratify the declaration. In addition, Health and Safety Code section 101080 requires that, after ratification, the Board must review the need for continuing the local health emergency at least every 30 days until the Board terminates the local health emergency. To that end, the resolution, attached to this memorandum as Attachment A, would ratify the declaration of local health emergency by Dr. Quick on February 26, 2020, extend the declaration for 30 days from the date the Board ratifies the declaration, and delegate authority to the County's Health Officer, Dr. Quick, to terminate the County's health emergency prior to that time if warranted.

**Ratifying the Proclamation of Local Emergency**

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

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territorial limits of a county..., 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.” Under Government Code section 8630, the Board or an official designated by a county ordinance may proclaim a local emergency. The County’s Emergency Services’ Ordinance designates the County’s Chair of the Emergency Management Council to proclaim a local emergency when the Board is not in session. On February 26, 2020, the Chairwoman of the Board, Supervisor Michelle Steel, acting as the Chair of the County’s Emergency Management Council, proclaimed a local emergency regarding COVID-19 and the condition of extreme peril to the safety of person and property it creates within the territorial limits of Orange County as beyond the control of the services, personnel, equipment and facilities of Orange County and, thus, requiring the combined forces of other political subdivisions to combat.

Proclamation of a local emergency allows neighboring local jurisdictions and the State to provide mutual aid to the County to address the emergency conditions. It also provides the means for the County to request the Governor to declare a State of Emergency and make all relevant funds available to the County and all eligible community members and business, including but not limited to, California Disaster Assistance Act funds and State Private Nonprofit Organization Assistance Program funds. In addition, the proclamation is a means to request from the Governor to request the President of the United States to make a Presidential Declaration of Emergency in and for the County and make all relevant funds available to the County and all eligible community members and business, including, but not limited, to aid provided by the Small Business Administrations.

However, under Government Code section 8630, proclamation of a local emergency remains in effect for no more than seven days, unless it is ratified by the Board. Therefore, to ensure the declaration remains in effect past March 3, 2020, the Board must ratify the declaration. Government Code section 8630 also requires the Board to review the need for continuing the local emergency at least once every 60 days until the Board terminates the local emergency at the earliest possible date that conditions warrant.

To that end, the resolution, attached to this memorandum as Attachment B, would ratify the proclamation of local emergency by Chairwoman Steel on February 26, 2020 and extend the proclamation for 60 days from the date the Board ratifies the proclamation.

The Health Care Agency requests the Board adopt the resolutions attached to this memorandum as Attachments A and B to ratify the declaration of local health emergency and proclamation of local emergency to ensure the County is prepared and has sufficient resources in place to take preventative measures necessary to protect and preserve public health and safety and respond as further developments warrant.

MEMBERS, BOARD OF SUPERVISORS

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**ATTACHMENTS**

Attachment A – Resolution Ratifying Declaration of Local Health Emergency

Attachment B – Declaration of Local Health Emergency

Attachment C – Resolution Ratifying Proclamation of Local Emergency

Attachment D – Proclamation of Local Emergency

Attachment E - Health and Safety Code section 101080

Attachment F - Government Code section 8558

Attachment G - Government Code section 8630



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Richard Sanchez, Director

RS:td

Attachment / Enclosure

cc: Frank Kim, County Executive Officer  
Robin Stieler, Clerk of the Board of Supervisors