



# Board of Supervisors COUNTY OF TULARE AGENDA ITEM

## BOARD OF SUPERVISORS

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** June 2, 2020 REVISED

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Tammie Weyker-Adkins PHONE: 559-636-5000

**SUBJECT:** Approve a response letter to the California Office of Emergency Services

**REQUEST(S):**  
That the Board of Supervisors:

1. Approve sending a response letter to the California Office of Emergency Services regarding the Board of Supervisors' action on May 19, 2020 to amend staff's letter of support of the local regional variance process; and
2. Authorize the Chairman to sign the response letter.

**SUMMARY:**

On May 19, 2020, the County Administrative Officer, Jason Britt, received a letter from the California Office of Emergency Services in response to the Tulare County Board of Supervisors' action to amend staff's proposed letter in support of the local regional variance process to include language that there would be no civil enforcement of businesses in accelerated Phase 2 or Phase 3 of the Governor's Road Map who chose to open.

Tulare County experienced its first COVID-19 positive patient on March 11, 2020 and subsequently proclaimed both a Local Emergency and a Local Health Emergency. On March 19, 2020, the California Governor issued a stay-at-home order for all non-essential workers in all 58 California counties. The stay-at-home order was modified on May 8, 2020, moving the State into the early part of stage

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two of the State's four stage Roadmap to Resiliency.

Recognizing the geographic and population density variations of California counties, the Governor provided an accelerated path through Phase 2 of the Roadmap. The intent is to allow those counties with less severe community spread of COVID-19 and those counties that are prepared to deal with the surge of additional COVID-19 positive cases that will result from opening up more parts of the economy without a vaccination or broad-based medicines to combat the illness. The steps the Board of Supervisor's took on May 19, 2020, does not represent any desire or vote to terminate the locally proclaimed emergency from March 11, 2020, thereby risking the County's eligibility for emergency disaster funding and COVID-19 recovery funding. On the contrary, Tulare County has diverted its resources to contact, trace, isolate, and test individuals to contain the spread of COVID-19 in Tulare County. At this time, Tulare County does not have the resources to both civilly enforce the Governor's Order and respond to control the COVID-19 pandemic.

Tulare County submitted the regional variance attestation form on May 26, 2020, showing the County meeting all required State metrics, in compliance with State orders and directives. Tulare County Health and Human Services Agency staff continues, and will continue to participate in technical assistance calls with the California Department of Public Health so as to ensure our County meets the State's any and all State metrics in the Governor's Road Map. The County recognizes achieving State metrics in the Governor's Road Map are necessary to allow State regulated businesses and cities to move forward in the reopening process.

**FISCAL IMPACT/FINANCING:**

There is no fiscal impact with sending a response letter to the California Office of Emergency Services.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Economic Well-Being initiative, including ensuring economic development opportunities, ensuring a quality standard of living, protecting the County's agriculture-based economy, and promoting a business-friendly atmosphere. This local variance would help provide much needed relief to local businesses located within the County and increase employment opportunities for the residents of the County.

**ADMINISTRATIVE SIGN-OFF:**

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Tammie Weyker-Adkins  
Chief of Staff

cc: County Administrative Office

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Attachment(s) Response Letter

IN THE MATTER OF APPROVE A )  
RESPONSE LETTER TO THE CALIFORNIA ) Resolution No. \_\_\_\_\_  
OFFICE OF EMERGENCY SERVICES ) Agreement No. \_\_\_\_\_  
)

1. Approved sending a response letter to the California Office of Emergency Services regarding the Board of Supervisors' action on May 19, 2020 to amend staff's letter of support of the local regional variance process; and
2. Authorized the Chairman to sign the response letter.

May 27, 2020

Mark S. Ghilarducci, Director  
California Office of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655

Re: Tulare County: Cal OES Response

Dear Director Ghilarducci:

On May 19, 2020, your office emailed the Tulare County Administrative Officer, Jason Britt, a letter stating in part, "It is my understanding Tulare County has taken steps that are inconsistent with the Governor's Executive Orders and the State Public Health Officer's directives." The letter indicated the State's intention to withhold emergency disaster and COVID-19 recovery funding proposed in the Governor's May Revision. Furthermore, the letter stated, "Tulare County believes there is no emergency, such it can ignore the Governor's Executive Orders and the State Public Health Officer's directives." The letter requests Tulare County clarify its intent to comply with Governor's Executive Order N-60-20.

We take issue with California Office of Emergency Services characterizing the Board's action as implying there no emergency in Tulare County. The County proclaimed a local emergency on March 11, 2020 and the Board ratified the actions of the Emergency Coordinator on March 17, 2020. The Board has not voted to terminate the locally proclaimed emergency. The steps the Board took on May 19, 2020, were to amend the proposed Board of Supervisor's letter in support of the local regional variance process to include language regarding ceasing civil enforcement of businesses included in accelerated Phase 2 or Phase 3 of the Governor's Road Map that chose to open. Tulare County has diverted its resources to contact, trace, isolate, and test individuals to contain the spread of COVID-19 in Tulare County. Currently, Tulare County lacks the resources to both civilly enforce the Governor's Order and respond to control the COVID-19 pandemic.

Second, our Board made it very clear that businesses that reopen do so at their own risk and must follow all applicable safety guidelines as outlined in the Governor's Road Map. In addition, State regulated business (e.g., salons, barbers, restaurants with ABC licenses) must comply with their respective regulatory agencies. This action only applies to the rural unincorporated areas of Tulare County, as there are eight incorporated cities within our county boundaries. The Tulare County Board of Supervisors has no jurisdiction over those businesses or residents. Each city is free to follow or enforce the Governor's Road Map as they choose; however, our County continues to encourage community members, through media channels and social media, to follow all State safety guidelines.

Finally, Tulare County Health & Human Services Agency, under the direction of our Board, continues to collaborate with the California Department of Public Health. The County submitted the regional variance attestation form on May 26, 2020, showing the County meeting all required metrics, in compliance with State orders and directives. Our Board recognizes that achieving these metrics are necessary to allow state regulated businesses and cities to move forward in the reopening process and we continue to work in the best interests of all our community members.

If you have further questions, or would like to discuss this issue further, please contact Jason Britt, County Administrative Officer at 559.636.5005.

Sincerely,

Pete Vander Poel, Chairman  
Tulare County Supervisor, District 2

cc: Tulare County Board of Supervisors  
Jason T. Britt, Tulare County Administrative Officer  
Deanne Peterson, Tulare County Counsel  
Dr. Karen Haught, Tulare County Public Health Officer  
Tim Lutz, Director, Tulare County Health & Human Services Agency  
Mark Pazin, Chief, Law Enforcement, Cal OES

DRAFT