

CAPITOL OFFICE

State Capitol, Room 3082
Sacramento, CA 95814
(916) 651-4008

ANDREAS BORGEAS

SENATOR, 8TH DISTRICT



Fresno Office

6215 N. Fresno Street, Ste. 104
Fresno, CA 93710
Phone: (559) 253-7122

Oakdale Office

102 Grove Avenue, Ste. B
Oakdale, CA 95361
Phone: (209) 848-8001

Sutter Creek Office

460 Sutter Hill Road, Ste. C
Sutter Creek, CA 95685
Phone: (209) 267-5033

COMMITTEES

Judiciary
Insurance
Government Organization
Natural Resources and Water
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April 29, 2020

The Honorable Gavin Newsom
Governor, State of California
California State Capitol
Sacramento, CA 95814

Dear Governor Newsom:

This letter is written pursuant to the four-staged plan in your April 28 Update on California's Pandemic. It remains unclear where restaurants fall into these stages and clarity is essential for them to return to operational status.

During this unprecedented pandemic you took decisive action early to protect the public health and safety of California. Yet as state and local officials look to reopen their communities and businesses, it is imperative the criteria for phased reopening be outlined to local leaders, health officials and the public.

During this pandemic the restaurant industry has modified their business practices in order to serve food to communities through alternative pickup and delivery practices. This arrangement however is unsustainable and a framework for phased reopening must be implemented.

We respectfully submit the following criteria be included in a plan for the phased reopening of the restaurant industry — 1) reopening timetables; 2) local implementation; 3) legal protections; and 4) minimum wage adjustment:

1) Reopening Timetables: Based on the best available data, provide county public health and local leaders with a detailed timetable and the authorization for phased reopening of businesses. This data-driven timetable should provide the respective authorities the opportunity to review businesses' phased reopening plans consistent with approved health protocols in order to return to operational status.

2) Local Implementation: Instruct and allow local health departments to determine and tailor guidelines and requirements for businesses to ensure the health and safety of employees and customers in their respective jurisdictions. The National Restaurant Association has developed, in partnership with the Food and Drug Administration and public health officials, a COVID-19

Reopening Guidance to assist the food service industry in returning to operational status. In addition, the California Restaurant Association, in their letter dated March 27, has offered necessary criteria that should be considered. Ultimately, restaurants should be acknowledged in Stage 2 of your reopening roadmap as California is currently in Stage 1.

3) Legal Protections: Legal immunity from lawsuits is imperative to protect the food service industry and we join with the members of the Civil Justice Association of California in requesting the following:

- a. Issue an executive order clarifying and expanding the immunity provisions of Government Code section 8657.5 to apply to private entities and their employees currently engaged in providing critical services, goods and facilities during the COVID-19 state of emergency; and
- b. Work in conjunction with the Legislature to advance urgency legislation, to be acted upon our return from recess presently scheduled for May 11, to address any gaps in this immunity expansion not addressed by an executive order. During times of crisis, California has offered protection under the Emergency Services Act (Cal. Gov't Code §§8550, et seq.).

4) Minimum Wage Adjustment: Place the annual minimum wage increase for 2021, to be reviewed this August, on pause as authorized by existing law (Cal. Labor Code §§1182.12, et seq.) to help businesses mitigate the damage during this pandemic in the instance certain economic and budget conditions have been affected by this pandemic.

Legal and regulatory impediments must be alleviated as California businesses and our economy should avoid further damage. This guidance will build upon already established practices of the restaurant industry and can serve as a template for other industries.

Thank you for your leadership during these challenging times. We should all acknowledge the remarkable and selfless ways businesses and their employees have responded during this crisis. They should not be punished as they attempt to assist and serve Californians. We look forward to working with you on the phased reopening of our economy.

Sincerely,



ANDREAS BORGEAS
8th Senate District



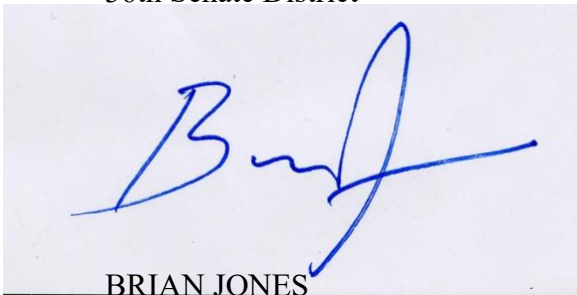
SHANNON GROVE
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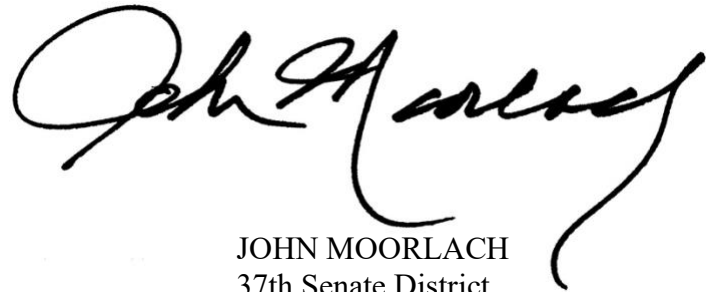
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36th Senate District



BRIAN DAHLE
1st Senate District



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38th Senate District



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37th Senate District



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23rd Senate District