



May 7, 2020

Robert Bendorf
County Administrative Officer
Yuba County
915 8th Street
Marysville, CA 95901
rbendorf@co.yuba.ca.us

Dear Mr. Bendorf,

On March 4, 2020, Governor Newsom proclaimed a State of Emergency to exist statewide due to the threat of COVID-19. Since that time, COVID-19 has spread throughout California, requiring further action to protect the public health and safety. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, which incorporated the State Public Health Officer's Stay-at-Home Order. This Order continues to apply statewide and remains necessary for the preservation of public health and safety. On May 4, 2020, the Governor issued Executive Order N-60-20. The Order allows local jurisdictions to take measured and meaningful steps to modify public health directives where public health data supports such a decision.

It is my understanding Yuba County has taken steps that are inconsistent with the Governor's Executive Orders and the State Public Health Officer's directives. These problematic and concerning actions jeopardize public health and safety, not only within the county, but beyond, through community contact and spread.

The county's actions could threaten Yuba County's eligibility for disaster funding. This funding is designed to assist jurisdictions facing extraordinary circumstances beyond the jurisdiction's capability. If Yuba County believes there is no emergency, such that it can ignore the Governor's Executive Orders or the State Public Health Officer's directives, the county would not be able to demonstrate that it was extraordinarily and disproportionately impacted by COVID-19. This could jeopardize its disaster funding.



Further, disaster assistance programs prohibit a jurisdiction from receiving funding for a condition caused by its own negligence. Should Yuba County experience a surge in COVID-19 cases as a result of hasty and careless actions, the county may be ineligible for reimbursement.

We are seeking your cooperation and are offering to assist you in bringing Yuba County into compliance with state orders and directives by providing the framework established by the State Public Health Officer pursuant to Executive Order N-60-20, which allows local jurisdictions to move through Stage 2 of California's Pandemic Resilience Roadmap more quickly than California as a whole, to the extent local conditions warrant. Please visit <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-County-Variance-Attestation-Memo.aspx> to access the State Public Health Officer's guidance, including the following:

- An overview of Stage 2 of California's Pandemic Resilience Roadmap, including description potential variation within each stage;
- Metrics critical to assessing a county's readiness to move through Stage 2 of California's Pandemic Resilience Roadmap—including hospitalization and ICU trends, hospital surge capacity, quantities of Personal Protective Equipment, and capacity for testing and contact tracing; and
- Best practices for preparation of a county's COVID-19 Containment Plan.

Please confirm your intention to bring your jurisdiction into compliance with this framework by contacting Jake Hanson (jake.hanson@cdph.ca.gov) at your earliest convenience. Mr. Hanson can also assist you in making arrangements for a phone consultation regarding your intent to seek a variance, and for the submission of your related written materials.

It is my hope that Yuba County will act in good faith, in the best interests of its residents, and for the safety of all Californians.

Sincerely,



MARK S. GHILARDUCCI
Director

cc: Dr. Ngoc-Phuong Luu, Bi-County Health Officer, pluu@co.yuba.ca.us
Mark Pazin, Chief, Law Enforcement, Cal OES, Mark.Pazin@caloes.ca.gov