



## Legislation Details (With Text)

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**File created:** 11/23/2020      **In control:** Board of Supervisors

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**Title:** Chief Administrative Officer recommending the Board of Supervisors review and discuss Resolution 188-2020, a resolution advocating for local control during the COVID-19 pandemic, and authorize the Board Chair to sign the resolution or provide further direction to staff, including authorization to submit the executed resolution to the Governor and our state legislative representatives.

FUNDING: N/A

**Sponsors:**

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**Attachments:** 1. A Healthy Communities Resolution, 2. B Resolution Blue Route, 3. Public Comment BOS Rcvd 12-2-20, 4. Public Comment BOS Rcvd 12-1-2020, 5. Public Comment BOS Rcvd 11-30-2020, 6. Executed Resolution 188-2020

Date	Ver.	Action By	Action	Result
12/2/2020	1	Board of Supervisors	Approved	Pass

Chief Administrative Officer recommending the Board of Supervisors review and discuss Resolution **188-2020**, a resolution advocating for local control during the COVID-19 pandemic, and authorize the Board Chair to sign the resolution or provide further direction to staff, including authorization to submit the executed resolution to the Governor and our state legislative representatives.

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

On Thursday, November 12, 2020, the Board, Clerk of the Board, and Chief Administrative Officer received a letter and sample Healthy Communities resolution from the legislators that requested El Dorado County send a representative to the October 29, 2020 North State Leaders conference. The letter and resolution request support for the following principles:

- 1) That our county is best served by an ability to respond locally to the COVID-19 virus in accordance with our local data and circumstances, as specified, for instance, in the attestation filed with the California Department of Public Health.
- 2) That our county is geographically diverse and ill-suited for the county-wide restrictions imposed by the Blueprint, and the State should enable our COVID-19 response to be tailored to geographically separate areas, such as different zip codes, as circumstances and case levels warrant.
- 3) That school districts in our jurisdiction are urged to safely open all schools as soon as possible and provide in-person instruction to the greatest extent possible without further delay.
- 4) That our county requests an extension of time beyond December 31, 2020 to encumber and spend our federal CARES funds, to which we are entitled by law, consistent with our respective local plans and programs.

At the regularly scheduled Board meeting on November 17, 2020 with Legistar item 20-1557, the Board of Supervisors discussed this request and directed staff to, "Return to the Board on December 15, 2020, with a draft Resolution based on information in the Public Health Officer's original attestation with suggestions on addressing local control."

Subsequently, on Friday, November 20, 2020, a discussion was held with representatives from law enforcement, public health, education, the City of Placerville, the City of South Lake Tahoe, Marshall Hospital, Barton Hospital and local business chambers, to receive input on the content of a resolution from the Board of Supervisors.

Based on this discussion, staff does not recommend including the following:

- Request #2 indicating our county is geographically diverse and ill-suited for county-wide restrictions. There was strong consensus that all regions in El Dorado County should operate under the same guidelines.
- Request #3 regarding decisions by schools. El Dorado County was never required to discontinue in class instruction and through the collaborative efforts of the Office of Education, Public Health and the School District Superintendents, schools are able to make their own, independent decisions based on what is best for the children and families they serve, with some determining to do full in-class instruction, some using a hybrid model and some deciding to use the distance-learning approach.
- Request #4 regarding an extension of the CARES funding. The CARES Act is federal legislation that was passed to stimulate the nation's economy. Any such request would be better made to the County's federal congressional delegation. In addition, El Dorado County, through our collaborative partnerships, was able to spend these funds to assist public health and safety, maintain essential services to our community, and support our schools and small businesses.

Prior to signing a resolution, the Board should also be reminded that on a monthly basis all counties are required to submit a 'Certification for Receipt of Realignment Backfill Funds' to the California Department of Public Health pursuant to Provision 3 of Item 9210-110-0001 of the Budget Act of 2020. By signing this certification El Dorado County agrees to use the realignment funding to provide support for health and human services, entitlement programs, and programs that serve vulnerable populations, including behavioral health, child protective services, adult protective services and the Community Corrections Partnership program. **By signing and submitting this document we are also certifying the County has not adopted an ordinance or resolution inconsistent with the public health orders, guidance or other directives.** The most recent attestation was filed on November 24, 2020, with the concurrence of the Public Health Officer.

#### Public Health

The Board and public should be reminded that at this time the Public Health Officer has not issued any orders more restrictive than the California Department of Public Health. Due to the high numbers of positive cases and positivity rate, and considering the potential the high case numbers may still have on lagging indicators such as hospital capacity and death rates, she does not support advocating for less restrictions. When the numbers of cases begin to decrease the Public Health

Officer is committed to advocating for the least restrictive orders possible that she feels will not compromise public health, and encouraging the use of data whenever available to drive decisions at the state level.

In addition, the Health Officer stated, *“One other key factor that would go a long way to help keep our rates down is enforcement of the guidelines on protective factors like wearing face coverings, distancing, gathering limitations and any capacity limitations. The science is becoming stronger every day that we can hold COVID at bay by doing the simple things starting with masking and physical distancing. If we do those alone really well we may not need to do anything more restrictive, which would allow businesses to remain open and activities to occur.”*

## **ALTERNATIVES**

The Board could choose to direct staff to revise the draft resolution or choose not to adopt a resolution.

## **PRIOR BOARD ACTION**

November 17, 2020 (Legistar #20-1557)

## **CAO RECOMMENDATION**

At the time the original meeting was requested rural counties had relatively low levels of COVID spread and in El Dorado County the impact to the hospitals was minimal. With the recent increases in COVID cases, hospitalizations and ICU patients, at this time Barton and Marshall hospital are beginning to experience staffing challenges and if the current trends continue both hospitals could be significantly impacted. The Board also needs to keep in mind that our local hospitals needs to ensure they have capacity and staffing to treat non-COVID patients, so now, more than ever, all reasonable safety measures should be adhered to in order to reduce the high rate of COVID spread in El Dorado County. Based on this information, it is not an ideal time to be requesting local control.

That being said, the Board also needs to balance the impact to our local businesses and our local economy and an argument can be made that the County should request local control based on the strong, collaborative relationships across multiple sectors in El Dorado County with the hope that if approved, the County will be in a better position when our positivity rates, hospitalizations and ICU patients begin to decrease to make more timely decisions to better serve our community.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Public Health, City of South Lake Tahoe, City of Placerville, Barton Hospital, Marshall Hospital, El Dorado County Chamber of Commerce, El Dorado Hills Chamber of Commerce, Tahoe Chamber

## **FINANCIAL IMPACT**

There is no financial impact directly associated with this item and as currently drafted, the resolution is not inconsistent with current public health orders, guidance or directives. However, if the resolution is revised in a manner that is inconsistent with current public health orders, guidance or directives, it may put future realignment funding at risk.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Provide a copy of the executed resolution to the Chief Administrative Office which will then be forwarded to Assembly Kiley and Senator Dahle.

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

Don Ashton, MPA

Chief Administrative Officer