



## Special Legislative Update ■ March 23, 2020

### Update on Recent Gubernatorial Announcements and Executive Orders

Governor Gavin Newsom just wrapped up a public update and press availability about the latest on the state's response to the COVID-19 outbreak. He made a few announcements and offered his thoughts in response to a number of press questions:

- To help enforce social distancing practices and limit crowds, the Governor announced the closure of public parking lots to state parks.
- As it relates to criminal justice system impacts, the Governor indicated he is communicating closely with sheriffs who are reviewing local intake and release protocols, but he also made it very clear he is not at all interested in releasing violent criminals.
- Based on updated modeling, California is projecting a need for 50,000 additional hospital beds. The hospital system has committed to providing 30,000 beds through flexing existing staff and facilities. The State is planning to acquire 20,000 additional beds – approximately 3,000 of which are addressed through the state's acquisition of Seton Medical Center, St. Vincent's, and Community Medical Center Long Beach. The state is looking at convention centers, fairgrounds, hotel and motels to address the remaining 17,000 beds.
- In response to national shortages of personal protective equipment (PPE), the Governor announced state plans to formally scope and procure additional protective gear, including 1 billion pairs of gloves, 595 million masks, and 200 million shields.
- Finally, the Governor also noted before closing that the public needs to be prepared for the stay-at-home order to be in place for as long as eight to 12 weeks in order to curb the spread of the virus.

Additionally, since our last update, Governor Newsom issued Executive Order [N-35-20](#) with several components, including directives to:

- Waive some California Department of Public Health licensing and staffing requirements for clinics, adult day health care, hospice, and mobile health care units.
- Further waive provisions of the Bailey-Keene and Brown Acts for purposes of receiving updates relevant to the declared emergency from federal, state, and local officials.
- Suspend state statutes regarding local government staffing, referencing Executive Order [N-25-20](#), paragraph 7. N-25-20 specifically suspends, consistent with federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and management and senior supervisors. It also suspends reinstatements, work hour limitations and time limitations.

*Please carefully review the provisions of this order, as we understand there may be differences in its applicability for PERS and 1937 Act agencies.*

- Suspend local ordinances, including noise ordinances, that inhibit the delivery of food products, pharmaceuticals, and other emergency items.
- Waive deadlines related to disciplinary cases under the Education Code.
- Extend the deadline by 60 days an administrative law judge's decision related to an agency's action.
- Extend deadlines in state law regarding Governor's appointments by 60 days.
- Extend the State Bar's deadline for transmittal of its evaluation of judicial candidates by 60 days.

## **Federal Emergency Declaration**

Yesterday, the Federal Emergency Management Agency (FEMA) announced that federal emergency aid has been made available to California to supplement state, local and tribal recovery related to COVID-19. Emergency federal funding will be available for:

- All individual assistance programs
- Mass care and emergency assistance
- Disaster case management
- Disaster unemployment assistance
- Disaster legal services
- Disaster Supplemental Nutrition Assistance
- Crisis Counseling

A copy of California's request for a presidential Major Disaster Declaration can be viewed [here](#).

## **Additional State Expenditures of Emergency COVID Funding**

The Newsom Administration informed the Legislature that they will be making additional expenditures per the authority provided in recently enacted [SB 89](#), which provided up to \$ 1 billion to address COVID-19 response. Details include:

- \$30 million to secure Seton Medical Center (San Mateo) and St. Vincent Medical Center (Los Angeles area)
- \$8.6 million for new ventilators and IV fusion pumps
- \$2 million to contract with American Medical Response to transport patients
- \$1.4 million to expand the state's public health laboratory in Richmond

## **Coalition Urges Maintaining April 10 Property Tax Deadline**

As outlined in the attached letter, a coalition of local agency associations is urging the Governor to maintain the existing April 10 deadline for payment of the second installment of property taxes. While we have heard rumors regarding requests for a blanket extension, there are compelling reasons to avoid doing so, not the least of which is the necessary cashflow for local agencies to conduct business and respond to Californians in an emergency. County treasurer-tax collectors are

working to develop a consistent approach to providing waivers of penalties and interest for those who cannot pay due to quarantine, illness, or office closure. We remain actively engaged on this issue and will continue to keep you advised.

### **Homeless Funding Allocations Are Available**

The Homeless Coordinating and Financing Council has released the [allocation](#) of emergency funding to local agencies to mitigate the COVID outbreak among the homeless population. Award notices should be going out shortly to counties, continuums of care, and the largest 13 cities in the state; funds are allocated in proportion to last year's Homeless Housing, Assistance, and Prevention (HHAP) program funding generally, with a \$10,000 minimum allocation for the smallest counties.

### **LAO Announces Creation of a Federal Policy Update Page**

Today, the Legislative Analyst's Office (LAO) announced that its plans to provide regular updates [here](#) on federal actions affecting our state related to the COVID-19 pandemic. Posts will cover topics including federal emergency declarations, food assistance, health care and public health, as well as unemployment insurance. The LAO will provide updates on a flow basis to reflect federal actions and may include discussion about the state's response to any such actions. Today's inaugural [post](#) relates to unemployment insurance for workers impacted by the pandemic.

### **Chief Justice Issues Additional Guidance to Local Courts**

Late last week, California Chief Justice Tani Cantil-Sakauye issued new [guidance](#) to the state's trial courts to further address potential health risks to judicial officers, court staff, and court users during the COVID-19 outbreak. In California, courts can petition to the Chief Justice for an emergency order as permitted under Government Code Section [68115](#); most of the 58 trial courts have sought and order. (Details on individual courts' – appellate and trial -- emergency orders can be reviewed [here](#)).

Additionally, in last Friday's advisory to court, the Chief Justice encouraged court official to consider all of the following measures to "protect constitutional and due process rights of court users."

#### **Criminal cases**

- Lower bail amounts significantly for the duration of the coronavirus emergency, including lowering the bail amount to \$0 for many lower level offenses.
- Consider a defendant's existing health conditions, and conditions existing at the anticipated place of confinement, in setting conditions of custody for adult or juvenile defendants.
- Identify detainees with less than 60 days in custody to permit early release, with or without supervision or community-based treatment.
- Determine the nature of supervision violations that will warrant detention in county jail, or "flash incarceration," to drastically reduce or eliminate its use during the current health crisis.

- Prioritize arraignments and preliminary hearings for in-custody defendants, and the issuance of restraining orders.
- Prioritize juvenile dependency detention hearings to ensure they are held within the time required by state and federal law.
- Allow liberal use of telephone or video appearance by counsel and defendant for routine or non-critical criminal matters.

#### **Civil cases**

- Suspend all civil trials and hearings for at least 60 days, with the exception of time-sensitive matters, such as restraining orders and urgent dependency, probate, and family matters.
- When possible, provide that any urgent matters may be done telephonically.

The California State Sheriffs' Association and the Chief Probation Officers of California both report that sheriffs and probation chiefs are coordinating closely with the courts at the local level to adjust and revise practices as needed in the face of the COVID-19 pandemic.

#### **Judicial Council to Consider Five-Year Infrastructure Plan Tomorrow**

In other court-related news, the Judicial Council will be holding its regular business [meeting](#) via teleconference tomorrow, Tuesday, March 24. A live videolink will be made available just before the start of the 9 a.m. meeting on the Council's [homepage](#); comments may be submitted electronically as detailed [here](#).

Of particular note at tomorrow's meeting is proposed [action](#) on the judicial branch's five-year infrastructure plan. Once approved, this plan will move to the Department of Finance. A table in the report (see page 5) that follows the staff memo found at the immediately preceding link details recommended trial court construction and renovation project priorities, listing a total of 33 projects slated to begin over the next five years with an estimated cost of over \$5.3 billion.