



MEMORANDUM

Date: March 22, 2020

To: Chuck Poss, SCCA Legislative Committee Chair
SCCA Legislative Committee

From: Todd Bloomstine, Bloomstine & Bloomstine LLC

Regarding: California COVID-19 Emergency Memo #7

The intent of this memo is to provide you with an update of COVID-19 significant events by the state and federal governments. Blue text have embedded links that will take you to source documents such as the president and governor's executive orders. Be sure to view www.covid19.ca.gov for the latest California guidance.

This memo is a continuation of the Memo I sent on March 20. There are several new updates for today including a Facebook Live press conference by Governor Newsom.

Additionally, it might be worthwhile to explain why I am sending out daily memos to you. The Executive Orders issued by Governor Newsom are absolutely extraordinary. The governor is changing laws by fiat. He his authorized to do this in a declared emergency. Changing the law in California, under non-emergency times, is a lengthy and complicated legislative exercise. It takes months to do and is done in the most transparent way possible with hundreds of votes by elected officials. Special interests lobby to support or oppose the proposed changes as well. Yet in an emergency, the governor can suspend laws with the stroke of his pen provided the law he is suspending would prevent, hinder or delay the mitigation of the effects of the emergency. These suspensions can be both significant and remotely related to the emergency. For instance, Executive Order N-35-20 suspends certain noise ordinances. It does this so trucks can load emergency equipment during the middle of the night. This is a significant change in trucking operations but it is remotely related to the emergency.

This is why I am sending out daily notices. The laws can change literally overnight for reasons that seem remotely related to the emergency. It is important, as the role I see for myself, to make sure you, the industry, and those that support the industry are aware about the changes. Moreover, we can communicate to state leaders if an Executive Order negatively affects the construction industry.

I have been sending these out in the middle of the night. This is because the changes the governor is making are made public usually between 6:00 pm and 10:00 pm and they take effect *immediately*. I'm sending these to you so you can be informed as soon as possible.

My focus on the state is due to my profession specializing in California government. My familiarity with federal and local governments is rudimentary.

COVID-19 STATISTICS

The figures listed below are current as of 10:00 pm on Saturday, March 21 according to the Los Angeles Times. The site can be viewed [by clicking here](#).

| COVID-19 CASES | | | |
|-----------------------|------------------------|---------------|-------------------|
| <u>Entity</u> | <u>Confirmed Cases</u> | <u>Deaths</u> | <u>Population</u> |
| California | 1,497 | 27 | 40 million |
| United States | 26,747 | 340 | 350 million |
| World | 307,277 | 13,048 | 7.7 billion |

UPDATE ON FEDERAL ACTIVITIES

There are no federal updates to report.

UPDATE ON CALIFORNIA ACTIVITIES

[Governor Conducts Facebook Live Press Conference](#) — March 21, 2020. Governor Newsom conducted a 54 minute press conference yesterday evening. He mentioned that the state is working to increase its hospital capacity and updated viewers on medical supplies. He also mentioned that unemployment insurance claims hit 130,000 Thursday and 114,000 yesterday.

[Governor Signs Executive Order N-35-20](#) — March 21, 2020. The governor signed what he termed an “omnibus” executive order. The order generally waives a variety of deadlines for state operations.

[State Supremacy Over Local Orders?](#) — March 21, 2020. There's been a bit of chatter regarding conflicts between the state “stay at home order” and local orders. The governor was asked the question during his Facebook Live address and stated he's aware and working with counties. Some from the construction industry are inquiring about more “stringent” requirements when a state order conflicts with a local one. The governor's [website states](#):

How does this order interact with local orders to shelter in place? Does it supersede them?
This is a statewide order.

That response does not seem to provide much clarity. However, I received an opinion that might be helpful.

Dan McClennon sent [an email](#) addressing the issue. He's a long time construction lawyer from the Bay Area heavily involved in the American Subcontractors Association of California. He stated:

According to Government Code section 8567, the Governor's Order and ensuing regulations "shall have the force and effect of law." Under Government Code section 8568 and 8557, they apply to and supersede conflicting laws, ordinances, and regulations of all political subdivisions of the state, including any city, city and county, county, district, or other local governmental agency or public agency authorized by law.

[Governor Announces Additions to Health Care Delivery](#) — Governor Newsom announced that the state had leased the Seton Medical Center in Daly City and St. Vincent Medical Center in Los Angeles to increase the state's capacity to care for COVID-19 patients. He also announced an \$8.6 million purchase for new ventilators, IV fusion pumps and refurbished ventilators.

LOCAL ACTIVITIES

[Orange County Site on COVID-19](#) — While looking for any new orders from Orange County, I discovered a site that shows COVID-19 infections. You can visit the site by clicking the link at the beginning of this paragraph.

[**Los Angeles County Stay at Home Update Includes Construction Exemption](#) — March 21, 2020. Los Angeles County updated their ordinance requiring people to stay at home. Most importantly the order exempts construction as an essential business. See Section 13(x) of the order.

SCCA AND SCCA MEMBER, OTHER RESOURCES

[Transportation California Provides County Ordinance Description](#) — Transportation California provided a list of counties and a description of each "essential activities." The list primarily covers Northern California counties.

HOW TO HELP

Please forward any challenges you or SCCA members experience in this emergency so we can record them and forward them to policymakers.