

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS beginning on October 26, 2019, an historic wind event struck California, resulting in nearly statewide red flag warnings due to extremely dangerous fire weather conditions; and

WHEREAS these fire weather conditions are unprecedented due to the scale, scope, wind speed, and dry fuel conditions, and pose a serious and imminent threat to the health and safety of Californians; and

WHEREAS the extreme fire weather conditions and affiliated red flag warnings exist in at least 43 counties, extending from the northernmost portion of California through the Valley, and into and throughout Southern California, with sustained wind speeds in some areas expected to reach 55 miles per hour with gusts up to 75 miles per hour; and

WHEREAS a fire that occurs or multiple fires that occur during this extreme fire weather event could be catastrophic, and it is imperative that California is ready to immediately mitigate any impacts resulting from these conditions; and

WHEREAS as a result of these widespread extreme fire weather conditions, I have directed firefighting assets to be prepositioned throughout the state to be ready to expeditiously combat a wildfire; and

WHEREAS there are cascading impacts that will result from these unprecedented fire weather conditions, which will likely extend beyond the conclusion of the weather event; and

WHEREAS damage to electrical power lines during high wind events, including tree branches falling on lines, downed power lines, line slapping and other equipment failures, have ignited the state's deadliest and most destructive wildfires; and

WHEREAS electrical utilities, including Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric, have independently decided to engage in de-energization of their power lines, known as a Public Safety Power Shutoff or PSPS; and

WHEREAS these Public Safety Power Shutoffs have resulted or will likely result in more than one million customers without electricity, including, but not limited to, households, businesses, public facilities, medical care facilities, schools, and critical infrastructure; and

WHEREAS the utilities' independent decision to engage in a widespread preemptive de-energization of power lines in response to this extreme weather event has resulted in significant and complex challenges for state and local governments to maintain public safety and essential services, and to mitigate impacts on vulnerable populations and critical infrastructure; and

WHEREAS continuity in education plays an integral role in the health and safety of students, and disruptions to educational services can leave students without access to food and physical safety in addition to associated effects on families and communities; and

WHEREAS there are numerous other impacts of the Public Safety Power Shutoffs to individuals, including those dependent upon electricity for medical equipment and refrigeration for medication; and

WHEREAS as a result of the extreme fire weather conditions causing, and combined with, utilities' Public Safety Power Shutoffs, the state as well as local governments have activated their respective emergency operations centers; and

WHEREAS in anticipation of the utilities' unprecedented use of Public Safety Power Shutoffs in an attempt to prevent utility-caused wildfires, the Legislature and I have provided one-time assistance to local governments to mitigate the impact on Californians by supporting continuity of operations and efforts to protect public health, safety, and commerce in affected communities; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to widespread fire weather conditions throughout California; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by an extreme fire weather system, by reason of its magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude and cascading impacts of the extreme fire weather conditions; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of extreme fire weather conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California due to the extreme fire weather conditions.

IT IS HEREBY ORDERED THAT:

1. The suspensions of statutes and regulations and direction provided in this proclamation shall be utilized with the concurrence of the Director of the Office of Emergency Services

and remain in effect as long as necessary to respond to the direct effects of the extreme weather conditions described in this proclamation.

2. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of the extreme fire weather conditions and cascading impacts. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the extreme fire weather conditions.
4. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of the extreme fire weather conditions described in this proclamation who applied for unemployment insurance benefits during the time period beginning October 26, 2019, and ending on the close of business on April 26, 2020, and who are otherwise eligible for unemployment insurance benefits.
5. In order to directly respond to the needs of impacted assisted living facilities, adult residential facilities, child care facilities, children's residential facilities, resource family homes, and other similar facilities within the Department of Social Services' jurisdiction, the Director of the Department of Social Services may waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website and shall only be in effect so long as necessary to address the direct impacts of the extreme fire weather conditions identified in this proclamation.
6. In order to ensure hospitals, clinics, and other health facilities remain open, the Director of the Department of Public Health may waive any of the licensing requirements of Chapters 1 and 2 of the Health and Safety Code and accompanying regulations

with respect to any hospital, clinic or health facility identified in Health and Safety Code section 1250 that is impacted by the fires. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website and shall only be in effect so long as necessary to address the direct impacts of the extreme fire weather conditions identified in this proclamation.

7. Any fairgrounds that the Office of Emergency Services determines are suitable to assist individuals impacted by the extreme fire weather conditions shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately utilize the fairgrounds without the fairground board of directors' approval.
8. The Air Resources Board shall exercise maximize discretion and streamline permitting with regard to importing generators into California and use of generators within the state.
9. In order to mitigate the effects of the extreme fire weather conditions, including, but not limited to, delivery of emergency out-of-state utility drivers performing intrastate mutual assistance within California, applicable provisions of the Vehicle Code, including but not limited to sections 1808.1 subdivisions (a) through (f), 34620 (motor carrier permit), 12502 (medical requirements) as well as California Code of Regulations, Title 13, sections 1229 and 1234 (driver proficiency) license and testing requirements, are suspended. Notwithstanding these suspensions, any entity utilizing these waivers shall maintain motor vehicle records and a current public driving record for each driver, from the jurisdiction issuing the driver license, and will ensure compliance with pre-employment controlled substances testing requirements pursuant to Vehicle Code Section 34520, subdivision (a).
10. In an effort to minimize impacts to students and disruption in continuity of education services, the Department of Education is requested to exercise sound discretion in providing statewide leadership to local school districts regarding whether to recommend school closures, taking into account public safety, school facility conditions, and safe passage to and from schools. CDE is requested to offer guidance regarding available resources and coordination with state agencies, including law enforcement, to promote, for example, safe passage to and from school for students and staff and to ensure provision of drinking water and food necessary for students in school.
11. In order to quickly provide relief from interest and penalties, the provisions of Revenue and Taxation Code sections 6592 and 6593, requiring the filing of a statement under penalty of perjury

setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Proclamation for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of the extreme fire weather conditions in the impacted counties.

12. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by the extreme fire weather condition with the extensions for filing, audits, billing, notices, assessments, and relief from subsequent penalties and interest.
13. The Department of Consumer Affairs shall exercise maximum discretion in allowing continuity in business operations of businesses under its purview to minimize the impacts of the extreme fire weather conditions.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of October 2019.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State