



OFFICE OF THE GOVERNOR

July 1, 2020

Dear California Elected Officials:

We are in unprecedented times, and now more than ever we must be committed to fighting and defeating the COVID-19 pandemic as a unified California. Local governments are the backbone of this great state and play a critical role in a core responsibility of government: ensuring the public health and public safety of the people we are elected to serve. State and Local government unity and cooperation will be paramount in containing the deadly COVID-19 disease and recovering from the devastating impacts created by this pandemic.

On March 4, 2020, under the authority of the Emergency Services Act, I proclaimed a State of Emergency to exist statewide due to the threat of COVID-19. Early and decisive action in response to the pandemic resulted in a flattened curve, expanded health care and testing capacity, and better public awareness about the simple steps individuals can and must take to reduce the risk of transmission of COVID-19. These actions included imposing a statewide stay-at-home order and a mandatory face covering requirement in certain circumstances. These actions were, and remain, necessary to protect the public health and safety, and to enable a phased and measured approach to re-opening California.

Unfortunately, we have seen a recent increase in COVID-19 cases, including a concerning increase in hospitalizations. Everyone in the state must accept and continue to uphold their individual responsibility to help defeat this pandemic. When those responsibilities are disregarded, state and local governments must take action to protect their residents.

Cities and counties have the power, conferred by the California Constitution, to take action to protect their residents. This power is instrumental to local government's ability to protect our communities and to help California succeed in its fight against this pandemic. I am calling on all elected officials to remain vigilant in the efforts to protect the health and safety of our communities and, more importantly, to ensure compliance with the state's public health orders and utilize the authorities entrusted in you to protect your communities.



In addition to their own powers under the California Constitution, local governments have a broad range of legal authorities available under state statute to enforce requirements associated with this pandemic. As you may know, violation of an order issued under the Emergency Services Act is a misdemeanor. (Gov. Code, § 8665). This includes orders to follow directives issued by the State Public Health Officer. Violating certain health officer orders is also unlawful. (Health & Saf. Code, § 120295.) All peace officers, including county sheriffs and city police officers, are empowered and encouraged to enforce the orders of a local health officer within their jurisdictions. (Gov. Code, §§ 26602, 41601, 101029.) Additionally, when local governments do take action pursuant to their own power under the California Constitution, state law bolsters local enforcement authority: for example, under state law, violation of any city or county ordinance is a misdemeanor unless otherwise specified. (Gov. Code, §§ 36900, 25132.)

It is essential that all political subdivisions of the State ensure compliance with public health orders within their communities. The consequences of failing to ensure compliance are dire. These consequences include a surge of COVID-19 cases and fatalities in, or attributable to, carriers in your community, and an unsustainable burden on health care services that may divert resources from other health needs, further delaying reopening efforts.

A local government that refuses to abide by, ensure compliance with, or take enforcement action against noncompliance with these statewide public health directives, or that takes action that is otherwise incongruent with these directives, could jeopardize their eligibility for state funding. Additionally, failure to comply with these directives may result in the impacts of the COVID-19 pandemic lasting longer, with long-term health and economic detriments to your community.

I cannot underscore enough just how critical your responsibility is in this unified effort to protect Californians. I have every confidence that together, we will do all we can to help our communities and the State in this great effort. California counties and cities have demonstrated, time and again, their dedication and commitment to preserving lives and protecting property, and it is my expectation that these efforts will continue. Thank you for your ongoing cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Newsom", with a long horizontal flourish extending to the right.

Gavin Newsom
Governor of California