

ORDER OF THE COUNTY EXECUTIVE OFFICER AS DIRECTOR OF EMERGENCY SERVICES PERMITTING THE COMMANDEERING OF PROPERTY FOR TEMPORARY RESIDENCES AND MEDICAL FACILITIES

DATE OF ORDER: APRIL 24, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (Penal Code section 19; Government Code section 25132; County Ordinances 4090 and 4191.)

UNDER THE AUTHORITY OF ARTICLE XI OF THE CALIFORNIA CONSTITUTION; CALIFORNIA GOVERNMENT CODE SECTIONS 8610, 8630, AND 8634; AND SAN BERNARDINO COUNTY ORDINANCE NOS. 4090 AND 4191, THE COUNTY OF SAN BERNARDINO'S COUNTY EXECUTIVE OFFICER AS DIRECTOR OF EMERGENCY SERVICES FOR THE COUNTY OF SAN BERNARDINO ("DIRECTOR") ORDERS:

1. The County of San Bernardino shall identify and shall otherwise be prepared to make available – including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the County's power to commandeer property - hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period and those individuals identified in Paragraph 2.
2. The identification of hotels and other places of temporary lodging pursuant to the State of California public health policy and the Governor's initiative "Project Roomkey" will provide safer options for homeless County residents during the COVID-19 pandemic, and serve three critical public health purposes:
 - a. Prioritize individuals experiencing homelessness who are asymptomatic, but are at high risk, such as people over 65 or who have certain underlying health conditions, and move them into motel or hotel units where they can more safely self-isolate; and shelter in place;
 - b. Provide isolation capacity for individuals experiencing homelessness who have been exposed to COVID-19 (as documented by a state or local public health official, or medical health professional) that do not require hospitalization, but need isolation or quarantine; and
 - c. Provide isolation capacity for individuals experiencing homelessness who are COVID-19 positive, but who don't need hospitalization. Without these isolation units, their only choice is to return to a congregate shelter setting or back to an encampment or the streets– both of which would lead to further spread of COVID-19.
3. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has, as of April 23, 2020, infected at least 2,682,225 individuals worldwide in 185 countries/regions and is implicated in over 187,330

worldwide deaths, including one-thousand six-hundred -eight (1,608) cases and seventy-seven (77) deaths in San Bernardino County.

4. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of San Bernardino and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
5. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide.
6. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 8, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in San Bernardino County; the March 10, 2020 Resolution of the Board of Supervisors of the County of San Bernardino proclaiming the existence of a Local Emergency in the County of San Bernardino regarding COVID-19; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; and the April 17, 2020 order of the Public Health Officer relating to the operation of short term rentals, including hotels, motels and extended lodging facilities.
7. This Order is issued in accordance with Governor Gavin Newsom’s Executive Order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
8. This Order is made in accordance with all applicable Federal, State, and Local laws, including but not limited to: Article XI of the California Constitution; California Government Code sections 8610, 8630, and 8634; and San Bernardino County Ordinance No. 4090 and Ordinance No. 4191, which provides in relevant part that:
 - a. In the event of the proclamation of a “Local Emergency” as herein provided, the proclamation of a “State of Emergency” by the Governor or the Director of the State Office of Emergency Services, or the existence of a “State of War Emergency,” the Director of Emergency Services is hereby empowered to:
 - i. Make and issue rules, regulations and orders on matters reasonably related to the protection of life and property as affected by such emergency,

provided, however, that such rules, regulations and orders are confirmed at the earliest practicable time by the Board of Supervisors.

- ii. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property, and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use.

9. To the extent necessary, pursuant to Government Code section 25132 and Penal Code section 19, the Director requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.

10. Copies of this Order shall promptly be: (1) made available at the County of San Bernardino County Government Center, Office of the Clerk of the Board, located at 385 North Arrowhead Avenue, 2nd Floor, San Bernardino California 92415; (2) posted on the County of San Bernardino's website (www.sbcounty.gov); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:



Gary McBride
County Executive Officer
Director of Emergency Services
County of San Bernardino

Dated: April 24, 2020

Approved as to form and legality:



Michelle D. Blakemore
County Counsel
County of San Bernardino

Dated: April 24, 2020