

COUNTY OF SAN MATEO

DIRECTOR OF EMERGENCY SERVICES

EMERGENCY REGULATION NO. 2 FOR THE COVID-19 EMERGENCY

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**EMERGENCY REGULATION OF THE COUNTY OF SAN MATEO
TEMPORARILY AUTHORIZING THE DIRECTOR OF EMERGENCY SERVICES,
ACTING IN CONSULTATION AND COORDINATION WITH THE CHIEF OF SAN
MATEO COUNTY HEALTH AND THE COUNTY COUNSEL, TO ENTER INTO
AGREEMENTS ON BEHALF OF THE COUNTY, IN ANY AMOUNT, FOR
MEDICAL SERVICES TO RESPOND TO THE COVID-19 PUBLIC HEALTH
EMERGENCY**

Pursuant to California Government Code Section 8634 and San Mateo County Ordinance Code Section 2.46.060(a)(6), the County of San Mateo Director of Emergency Services (the “Director”) issues the following Director’s Emergency Regulation No. 2 for the COVID-19 Emergency Temporarily Authorizing the Director, Acting in Consultation with the Chief of San Mateo County Health and the County Counsel, to Enter into Agreements on Behalf of the County, in Any Amount, for Medical Services to Respond to the COVID-19 Public Health Emergency.

The Director’s Emergency Regulation No. 2 for the COVID-19 Emergency (“Director’s Emergency Regulation No. 2”) temporarily authorizes the Director, acting in consultation and cooperation with the Chief of San Mateo County Health and the County Counsel, to enter into agreements on behalf of the County, in any amount, for medical services to respond to the COVID-19 public health emergency, notwithstanding otherwise applicable County contract procedures and requirements, provided such any contracts are presented to, and ratified by, the Board of Supervisors as soon as is practicable, but in any event within thirty (30) days of execution of the Agreement by the Director. In the event that the Board of Supervisors is presented with, but declines to ratify, any such agreement executed by the Director pursuant to this Emergency Regulation, such agreement must terminate within 30 days of being presented to the Board of Supervisors and the form of all such agreements must include a provision to this effect. Any contract entered into pursuant to the Director’s authority shall include termination provisions consistent with the limitations set forth herein.

Findings:

This Director’s Emergency Regulation No. 2 is adopted pursuant to the authority set forth in California Government Code Section 8634 and San Mateo County Ordinance Code Section 2.46.060(a)(6) based upon the following findings:

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 3, 2020, the County of San Mateo Director of Emergency Services issued a proclamation Declaring the Existence of a Local Emergency in the County and the County of San Mateo Health Officer issued a Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19); and

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of San Mateo adopted a resolution Ratifying and Extending the Declaration of Local Emergency and the Declaration of Local Health Emergency and both the Declaration of Local Emergency and the Declaration of Local Health Emergency remain in effect; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency related to COVID-19, effective throughout the State of California, which remains in effect; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of COVID-19; and

WHEREAS, Section 8634 of the Government Code provides that “during a local emergency, the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property,” and that such orders “shall be in writing and shall be given widespread publicity and notice;” and

WHEREAS, Section 2.46.060(a)(6) of the County Ordinance Code provides that, during the Local Emergency and/or State of Emergency, the Director is empowered “[t]o make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be submitted to the Board of Supervisors for confirmation at the earliest practicable time;” and

WHEREAS, there has been a distinct increase in the number of COVID-19 cases within San Mateo County from mid-November 2020 through mid-December 2020, as compared with other months, with the County’s test-positivity 14-day average having risen to 8.0 percent from 2.1 percent in early November; and

WHEREAS, there has likewise been an upward trend in the number of confirmed COVID-19 patients hospitalized in San Mateo County, rising from 72 on December 1, 2020 to 109 on December 16, 2020; and

WHEREAS, as of December 16, 2020, the percentage of acute care beds available in San Mateo County was 9.3 percent, and the percentage of ICU beds available in San Mateo County was 9.1 percent;

WHEREAS, ICU capacity in the Bay Area has fallen below the 15 percent threshold, making San Mateo County and other Bay Area counties subject to a State Regional Stay At Home Order, effective December 17, 2020, which prohibits certain activities and requires certain businesses to cease operating; and

WHEREAS, given the current surge in COVID-19 cases and the potential for further increases in case counts, the existing shortage of medical staffing, supplies, and/or equipment, along with the potential greater shortages, threaten the health, safety, and lives of residents of San Mateo County; and

WHEREAS, the Director finds that, unless immediate steps are taken to ensure that the County has the ability to quickly contract for and procure additional medical staffing, supplies, and equipment in order to rapidly respond to changes in the incidence of COVID-19 in the community, residents of San Mateo County may suffer irreparable harm, including loss of life; and

WHEREAS, the Director further finds that in order to facilitate the immediate procurement of medical staffing, supplies, and equipment, without delay, it is appropriate to authorize the Director, acting in consultation and coordination with the Chief San Mateo County Health and the County Counsel, to enter into agreements on behalf of the County, in any amount, for medical services to respond to the COVID-19 public health emergency, subject to such agreement being subsequently ratified by the Board of Supervisors or promptly terminated thereafter if the Board of Supervisors determines not to ratify such an agreement; and

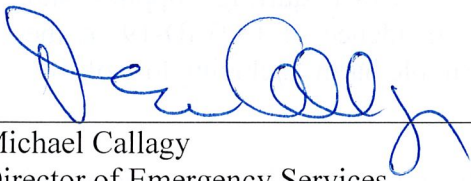
WHEREAS, the Director is taking this action pursuant to his authority under California Government Code Section 8634 and County Ordinance Code Section 2.46.060(a)(6), in order to protect the life of residents of San Mateo County during the Local Emergency and State of Emergency.

Effective Date and Termination:

This Director's Emergency Regulation No. 2 shall take effect and be in full force immediately and shall remain in effect until the San Mateo County Board of Supervisors terminates the local emergency related to COVID-19, or this Emergency Regulation is modified or revoked by the Director or the Board of Supervisors. This Director's Emergency Regulation No. 2 will be submitted to the Board of Supervisors for ratification as soon as practicable, pursuant to County Ordinance Code Section 2.46.060.

ORDERS

This Director's Emergency Regulation No. 2 hereby temporarily authorizes the Director, acting in consultation and coordination with the Chief of San Mateo County Health and the County Counsel, to enter into agreements on behalf of the County, in any amount, for medical services to respond to the COVID-19 public health emergency, notwithstanding otherwise applicable County contract procedures and requirements. Any agreement entered into pursuant to the authority set forth in this Director's Emergency Regulation No. 2 shall be presented to the Board of Supervisors for ratification as soon as is practicable and, in any event, within thirty (30) days after the date of execution of such agreement by the Director. In the event that the Board of Supervisors is presented with, but declines to ratify such an Agreement executed by the Director pursuant to the authority set forth in Director's Emergency Regulation No. 2, the agreement shall terminate within 30 days of being presented to the Board of Supervisors and the form of all agreements executed by the Director pursuant to Director's Emergency Regulation No.2 must include a provision to this effect.



Michael Callagy
Director of Emergency Services
County of San Mateo

Date: December 18, 2020