

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

Executive Order N-14-21

WHEREAS on July 16, 2021, I proclaimed a State of Emergency to exist in Siskiyou County due to the Lava Fire, and in Lassen and Plumas counties due to the Beckwourth Complex Fire; and

WHEREAS on July 23, 2021, I proclaimed a State of Emergency to exist in Plumas County due to the Dixie and Fly Fires, and in Alpine County due to the Tamarack Fire; and

WHEREAS on August 5, 2021, I proclaimed a State of Emergency to exist in Siskiyou County due to the Antelope Fire, and in Nevada and Placer counties due to the River Fire; and

WHEREAS on August 10, 2021, I proclaimed a State of Emergency to exist in Trinity County due to the McFarland and Monument Fires; in Tehama County due to the McFarland and Dixie Fires; and in Shasta County due to the McFarland Fire; and

WHEREAS on August 17, 2021, I proclaimed a State of Emergency to exist in El Dorado County due to the Caldor Fire; and

WHEREAS on August 30, 2021, I proclaimed a state of emergency to exist in Alpine, Amador, and Placer counties due to the Caldor Fire; and

WHEREAS as a result of these fires, tens of thousands of residents are under evacuation orders, and these fires likely will continue to force more evacuations of residents, businesses, and health and other care facilities; and

WHEREAS these wildfires resulted in widespread hazardous debris, which contains dangerous toxins including heavy metals and asbestos, and which must be cautiously and expeditiously removed and properly disposed of; and

WHEREAS many of these fires have minimal containment and are likely to continue burning over the coming weeks, necessitating the ongoing engagement of thousands of firefighters and other emergency response staff to battle the fires, support displaced residents, and undertake urgent post-fire safety measures; and

WHEREAS some emergency workers who are responding to these wildfires in the affected counties are away from their local county election precincts, and therefore may have difficulty in voting in their local precinct or obtaining and submitting their regular ballots in a timely manner for the September 14, 2021 state election; and

WHEREAS some of the counties currently under a state of emergency have requested the ability to provide, upon request, provisional ballots to out-of-county emergency workers currently posted in their counties to aid in responding to the proclaimed wildfire emergencies; and

WHEREAS the ability to vote in elections is a core function in our democracy, and state emergency and mutual aid workers should not be

hindered in the exercise of the franchise while they are offering critical services to respond to the current wildfire emergencies; and

WHEREAS under the Emergency Services Act and Elections Code section 14313, the Governor has the authority to issue an emergency order allowing emergency workers to cast ballots outside their home precincts; 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 the wildfires.

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, and in particular, Elections Code section 14313 and Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. 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 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 of Social Services' 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 of Social Services' website and shall only be in effect so long as necessary to address the direct impacts of the fires identified in this Order.
2. 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 division 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 of Public Health's website and shall only be in effect so long as necessary to address the direct impacts of the fire identified in this Order.
3. In order to directly respond to the needs of behavioral health programs and facilities impacted by the fires, including alcohol and

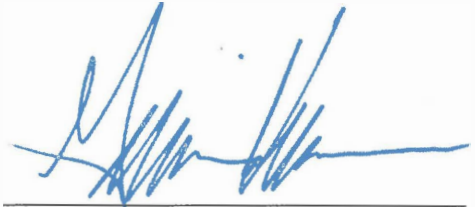
other drug programs, adult alcoholism or drug abuse recovery or treatment facilities, driving-under-the-influence programs, narcotic treatment programs, psychiatric health facilities, mental health rehabilitation centers, social rehabilitation programs, skilled nursing facilities with special treatment programs, Lanterman-Petris-Short designated facilities, community treatment facilities, short term residential therapeutic programs, and children's crisis residential programs, the Director of the Department of Health Care Services may waive any licensing, certification, or approval requirements for such programs under its jurisdiction located in: Welfare and Institutions Code, Divisions 4, 5 and 9; Health and Safety Code, Divisions 2 and 10.5; and accompanying regulations, written standards, or information notices. Any waivers granted pursuant to this paragraph shall be posted on the Department of Health Care Services' website and shall only be in effect so long as necessary to address the direct impacts of the fire identified in this Order.

4. The United States Environmental Protection Agency, the Federal Emergency Management Agency, or any other individual or entity performing work at their direction, shall have full power to provide mutual aid to the State of California and any areas affected by a local health emergency and will have the authority to enter private property in all impacted counties to remove debris that may contain hazardous substances, and to conduct any testing appropriate to ensure the hazards are mitigated. Any section of the Health and Safety Code allowing the immediate removal of this hazardous debris, including but not limited to section 101085, shall apply to and include the actions of the United States Environmental Protection Agency, the Federal Emergency Management Agency, or any individual or entity performing work at their direction, as if those agencies were a political subdivision or state agency for all purposes related to this operation.
5. Notwithstanding any other provision of state or local law, out-of-precinct emergency workers who are actively engaged in responding to the emergencies within Alpine, Butte, El Dorado, Lassen, Nevada, Placer, Plumas, Shasta, Siskiyou, Tehama, and Trinity counties may cast provisional ballots to the extent that such workers are unable to cast ballots in their home precincts.
6. Local elections officials in Alpine, Amador, Butte, El Dorado, Lassen, Nevada, Placer, Plumas, Shasta, Siskiyou, Tehama, and Trinity counties shall, upon demand, issue to an emergency worker a provisional ballot that may be identical to the provisional ballot offered to other voters in the county, using a process to be determined by the elections official, consistent with any rules or guidance issued by the Secretary of State.

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

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of August, 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State