

N-1-23

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

FILED
in the office of the Secretary of State
of the State of California

JAN 18 2023

EXECUTIVE ORDER N-1-23

By *Shirley Stagner*
Deputy Secretary of State

WHEREAS on January 4, 2023, I proclaimed a State of Emergency to exist in California as a result of severe winter storms related to an Atmospheric River event beginning on December 24, 2022; and

WHEREAS starting around December 27, 2022, this Atmospheric River event resulted and continues to result in significant impacts to the State including, but not limited to, widespread flooding and power outages, downed trees, hazardous debris flows, mudslides, landslides, swelling of waterways, dam overflows, and levee failures; and

WHEREAS thousands of homes, structures, and roadways, including multiple major highways, have been destroyed or damaged; and

WHEREAS as a result of this Atmospheric River event, tens of thousands of residents are under evacuation orders, and the impacts of this Atmospheric River event will likely continue to force more evacuations of residents, businesses, and health and other care facilities; and

WHEREAS the closure and evacuation of health and other care facilities will increase pressure on those facilities that continue to provide much needed care; and

WHEREAS flooding to schools, specifically in the Planada Elementary School District in Merced County, has caused an undue hardship on students, parents, and school administrators; and

WHEREAS there have been at least 20 fatalities caused by the impacts of this Atmospheric River event; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to respond to and mitigate the effects of this Atmospheric River event; and

WHEREAS on January 8, 2023, I requested a Presidential Emergency Declaration related to this Atmospheric River event, which was expeditiously approved by President Joseph R. Biden, Jr.; and

WHEREAS on January 12, 2023, I also requested the President issue an Expedited Major Disaster Declaration related to this Atmospheric River event, which was again expeditiously approved by President Joseph R. Biden, Jr.; 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 this Atmospheric River event.

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, Government Code sections 8567, 8571, and 8627 do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. Adequate state staffing during this emergency is necessary for all state agencies and departments with an assigned response and/or recovery role. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
2. The limitation for the period of employment for State Personnel Board emergency appointments, as provided in Government Code section 19888.1, is waived for positions required for emergency and recovery operations. The requirements and period of employment for such appointments will be determined by the Office of Emergency Services, but shall not extend beyond the termination date of the State of Emergency.
3. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of the Atmospheric River event identified in this Order. Such copies shall be provided without charge.
4. In order to ensure hospitals, clinics, and other health facilities remain open, the Director of the California Department of Public Health (CDPH) may waive any of the licensing requirements of chapters 1, 2, 8, and 8.5 of division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital, clinic, other health facility, home health agency, or hospice agency identified in Health and Safety Code sections 1200, 1250, 1727, or 1746 that is impacted by this Atmospheric River event. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any health facilities or agencies being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan or emergency preparedness

plan. Any waivers granted pursuant to this paragraph shall be posted on the CDPH website and shall be in effect only so long as necessary to address the direct impacts of the Atmospheric River event identified in this Order.

5. In order to directly respond to the needs of impacted adult and senior care facilities, child care facilities, children's residential facilities, resource family homes, home care organizations and other similar care facilities and care providers within the State Department of Social Services' (CDSS) jurisdiction, the Director of CDSS may waive any provisions of the Family Code, Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, certification, registration or approval of care providers, facilities or homes within CDSS jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), Child Care Provider Registration (Health and Safety Code section 1596.60 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), Residential Care Facilities for Persons With Chronic Life-Threatening Illness (Health and Safety Code section 1568.01 et seq.), the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.), Continuing Care Contracts (Health and Safety Code section 1770 et seq.), the Home Care Services Consumer Protection Act (Health and Safety Code section 1796.10 et seq.), and the Resource Family Approval Program (Welfare and Institutions Code section 16519.5 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the CDSS website and shall be in effect only so long as necessary to address the direct impacts of the Atmospheric River event identified in this Order.
6. The requirement in Education Code section 49501.5 that a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, shall provide two school meals free of charge during each school day to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, is waived for Planada Elementary School District and those other local educational agencies in Merced County that are impacted by flooding. The waiver provided under this paragraph shall be in effect only so long as necessary to address the direct impacts of the Atmospheric River event identified in this Order.

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 16th day
of January 2023.



A handwritten signature in blue ink, appearing to be 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

A handwritten signature in blue ink, appearing to be 'Shirley Weber', is written over a horizontal line.

SHIRLEY WEBER, PH.D.
Secretary of State