

**From:** [Shelly Auble](#)  
**To:** [COB](#); [ADA Coordinator](#); [Bohn, Rex](#); [Fennell, Estelle](#); [Wilson, Mike](#); [Bass, Virginia](#); [Madrone, Steve](#)  
**Subject:** Please read at next board meeting  
**Date:** Tuesday, July 7, 2020 2:57:48 PM

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Dear Board Members and clerk,

According to the California Emergency Services Act (ESA) Section 8558-b: a state of emergency can only be called if the threat overwhelms the current resources of the state.

Furthermore, the state of emergency has to be terminated at the earliest possible date. Section 8558 (b) "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an California Emergency Services Act 4 California Governor's Office of Emergency Services earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a "state of war emergency," which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat.

THUS: A state of emergency related to public health can only be declared if the threat overwhelms the response capabilities of California's health care practitioners

Thousands of healthcare workers are being furloughed in California, so there is zero evidence of grounds for this state of emergency based on public health.

There is no "threat that overwhelms the current resources of the state" since the covid-related deaths (with inflated numbers) are fewer than 3,000 in CA, compared to 6,000+ for the average seasonal flu.

Therefore, covid-19 cannot lawfully be classified as an "epidemic". An epidemic is when there are disproportionately large numbers experiencing an outbreak of a disease. There is no evidence of this in California.

Therefore, the basis for the State of Emergency is invalid and unlawful (see section 8558 b). As we have clearly seen here in California, with the virus fatalities, they are approximately 1/3 of the typical fatalities for a regular seasonal flu.

Therefore, our state resources are not overwhelmed.

Therefore the state of emergency should have been terminated according to California law, which states, at the earliest possible date that conditions warrant.

Therefore there are no legal grounds for an additional extension or a new state of emergency to be declared.

Thus, according to California law, the grounds for the state of emergency do not exist.

Therefore, the current state of emergency in California is invalid and unlawful.

Regarding the length of the state of emergency, the law is murky. For the declaration of local emergencies, a governing body is required to renew the state of emergency after 30 days. For a state-wide declaration of state of emergency, whereby the state is controlling the food and pharmaceuticals, the orders expire after 60 days. § 8627.5.

The temporary suspension of any statute, ordinance, regulation, or rule shall remain in effect until the order or regulation is rescinded by the Governor, the Governor proclaims the termination of the state of emergency, or for a period of 60 days, whichever occurs first.

(Section 8567(b): Whenever the state of war emergency or state of emergency has been terminated, the orders and regulations shall be of no further force or effect.

This means that all of the orders that were created under the State of Emergency are also expired, including but not limited to: stay at home order, social distancing, wearing of masks, closing of businesses and schools, etc.

Note: There are countless reports of other state's legislative bodies extending or denying their state of emergency declaration, but why nothing from California?

What evidence (as required by state law) have the health officers submitted to you that supports their orders?

I would like to know what the lawmakers are doing to address this invalid and unlawful state of emergency declaration. Please denounce the Governor's authority as he has grossly over stepped and has legal right to continue this state of emergency. Enough is enough!

**“There is no threat of an epidemic that overwhelms the resources of the state, and therefore according to the Emergency Services Act, section 8558(b) there are no grounds for a State of Emergency in California.”**

— Shelly Auble

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Sent from [Mail](#) for Windows 10

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