

**Text: California 2007 West Nile Virus
State of Emergency Proclamation and Executive Orders**

Sequence of events:

- August 2, 2007: State of Emergency Proclamation
- August 13, 2007: Governor's Executive Order (S-10-07)
- August 20, 2007: Governor's Executive Order (S-11-07)
- September 10, 2007: Governor's Executive Order (S-12-07)

**A PROCLAMATION OF A STATE OF EMERGENCY
AUGUST 2, 2007**

WHEREAS when compared to the same time last year, there has been a three-fold increase in the number of people infected by West Nile Virus; and

WHEREAS since 2002, West Nile Virus has infected hundreds of people and caused multiple deaths in California, including four deaths this year; and

WHEREAS the recent upturn in foreclosures this year has increased the number of vacant homes this summer with unattended and untreated pools, which has exacerbated the spread of West Nile Virus; and

WHEREAS local governments have made sustained efforts to minimize the spread of the virus, and the state has supplemented these efforts by dedicating over \$15 million over the last three years to mitigate the virus's effects; and

WHEREAS despite those efforts to eradicate West Nile Virus, the virus remains a threat, and further efforts to control the spread of the virus and to reduce and minimize the risk of infection are needed; and

WHEREAS the Mosquito Vector Control Association of California, which is composed of 61 local vector control districts, is seeking state assistance in addressing the potential for a West Nile Virus epidemic in California; including a request for funding for surveillance activity and abatement efforts; and

WHEREAS control of West Nile Virus may require immediate actions to limit the population of adult mosquitoes and mosquito larvae, and those actions may include the ground and aerial application of pesticides in urban, suburban and rural areas; and

WHEREAS there are also numerous and significant incidents of Valley Fever, especially in Kern County; and

WHEREAS due to the magnitude of the threat, the size of the affected areas and the need to control the spread of the virus across jurisdictional boundaries, the conditions are 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; and

WHEREAS under section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist within the Counties of Kern, Colusa and San Joaquin caused by the threat of West Nile Virus.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the California Constitution and the California Emergency Services Act and, in particular, sections 8625, 8567 and 8571 of the California Government Code, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist within Kern, Colusa and San Joaquin Counties, and hereby issue the following orders:

IT IS ORDERED that the Department of Public Health shall allocate up to \$1 million dollars as needed, to local vector control agencies to identify potential mosquito habitat and to treat those areas to prevent the spread of West Nile Virus in the three above-listed counties and other counties identified by the Department of Public Health.

IT IS FURTHER ORDERED that the Department of Public Health shall allocate up to \$350,000 to local vector control agencies for surveillance purposes to provide an early warning of the incidence of West Nile Virus so that proper control measures can be taken by the local vector control agencies to prevent the spread of West Nile Virus in the three above-listed counties and other counties identified by the Department of Public Health.

IT IS FURTHER ORDERED that the Department of Public Health shall coordinate with the State and Consumer Services Agency, the Resources Agency and the Department of Food and Agriculture to develop a plan using best management practices for implementation by the appropriate state agencies for the early detection of West Nile Virus on state-owned properties and appropriate mitigation and abatement measures. Funds in the amount up to \$150,000 shall be allocated for the purpose of developing this plan.

IT IS FURTHER ORDERED that the Department of Public Health and the Department of Food and Agriculture shall work with the Mosquito Research Program at the University of California, Davis, to determine what resources are needed to further advance the research on the ecology and the epidemiology of West Nile Virus.

IT IS FURTHER ORDERED that the Department of Public Health shall work with (1) local vector control districts to utilize their existing power pursuant to Health and Safety code section 2053 to inspect and abate vector or public nuisances, with special emphasis on the removal of standing water in untended pools and containers on vacant property; and (2) the Business, Transportation and Housing Agency and local public health departments to notify lenders, realtors, mortgage brokers and others whose responsibilities include managing vacant homes to ensure that pools and other containers that can hold water are drained and maintained empty to prevent the spread of West Nile Virus.

IT IS FURTHER ORDERED that the Department of Public Health shall implement a supplemental program of mosquito control, including health advisories and technical assistance,

in the above-listed counties to assist those counties and the mosquito and vector control agencies within those regions to minimize the proliferation of mosquitoes and to reduce the transmission of West Nile Virus.

IT IS FURTHER ORDERED that all agencies and departments of state government utilize and employ state personnel, equipment and facilities for the performance of any and all activities consistent with the direction of the Department of Public Health in an effort to address and mitigate this emergency, and consistent with the State Emergency Plan as coordinated by the Office of Emergency Services.

IT IS FURTHER ORDERED that the Department of Public Health enter into such contracts as it deems appropriate, in consultation with the above-listed counties and the mosquito and vector control agencies within those regions, to provide services, material, personnel and equipment to supplement the West Nile Virus mitigation efforts in those jurisdictions.

IT IS FURTHER ORDERED that the provisions of the Government Code, the Public Contract Code, the State Contracting Manual and Management Memo 03-10, along with all Department of Public Health policies, applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements and approvals for non-competitively bid contracts, are hereby temporarily suspended with respect to contracts to provide services, material, personnel and equipment to supplement the West Nile Virus mitigation and abatement efforts in the above-listed counties to the extent that such laws would prevent, hinder or delay prompt mitigation of the effects of this emergency.

IT IS FURTHER ORDERED that the Department of Public Health shall consult with the county agricultural commissioner prior to the application of "prohibited materials," as defined in subdivision (p) of section 110815 of the Health and Safety Code, to agricultural land used for the production of certified organic foods.

IT IS FURTHER ORDERED that the Department of Public Health work with local public health departments to take appropriate actions to minimize the incidents of Valley Fever in the above-listed counties.

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 2nd day of August 2007.

ARNOLD SCHWARZENEGGER
Governor of California

GOVERNOR'S EXECUTIVE ORDER S-10-07
AUGUST 13, 2007

WHEREAS on August 2, 2007, I issued a Proclamation of Emergency regarding the imminent threat to persons and property caused by West Nile Virus; and

WHEREAS the State of California, along with local governments, have made sustained efforts to minimize the spread of the virus, and the state has dedicated more than \$15 million over the last three years to mitigate the virus's effects; and

WHEREAS the August 2, 2007 Emergency Proclamation ordered the Department of Public Health to do the following: (1) allocate up to \$1 million, as needed, to local vector control agencies to identify potential mosquito habitat and to treat those areas to prevent the spread of West Nile Virus; (2) allocate up to \$350,000 to local vector control agencies for surveillance purposes to provide an early warning of the incidence of West Nile Virus so that proper control measures can be taken by the local vector control agencies to prevent the spread of West Nile Virus; and (3) coordinate with the State and Consumer Services Agency, the Resources Agency and the Department of Food and Agriculture to develop a plan using best management practices for implementation by the appropriate state agencies for the early detection of West Nile Virus on state-owned properties and appropriate mitigation and abatement measures, allocating funds up to \$150,000 to develop the plan; and

WHEREAS despite the foregoing efforts, the virus remains a threat, and further efforts to control the spread of the virus and to reduce and minimize the risk of infection are needed, including allocation of additional funds to combat this imminent threat.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, and in particular, sections 8567, 8571 and 8690.6 of the California Government Code, do hereby issue the following orders to become effective immediately:

IT IS ORDERED that the Department of Public Health shall allocate up to an additional \$10 million, as needed, to local vector control agencies to identify potential mosquito habitat and to treat those areas to prevent the spread of West Nile Virus and/or for surveillance purposes to provide an early warning of the incidence of West Nile Virus so that proper control measures can be taken by the local vector control agencies to prevent the spread of West Nile Virus in counties identified by the Department of Public Health.

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.

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 to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 13th Day of August 2007.

GOVERNOR'S EXECUTIVE ORDER S-11-07
AUGUST 20, 2007

WHEREAS on August 2, 2007, I issued a Proclamation of Emergency regarding the imminent threat to persons and property caused by West Nile Virus; and

WHEREAS the State of California, along with local governments, have made sustained efforts to minimize the spread of the virus, and the state has dedicated more than \$15 million over the last three years to mitigate the virus's effects; and

WHEREAS the August 2, 2007 Emergency Proclamation ordered the Department of Public Health to do the following: (1) allocate up to \$1 million, as needed, to local vector control agencies to identify potential mosquito habitat and to treat those areas to prevent the spread of West Nile Virus; (2) allocate up to \$350,000 to local vector control agencies for surveillance purposes to provide an early warning of the incidence of West Nile Virus so that proper control measures can be taken by the local vector control agencies to prevent the spread of West Nile Virus; and (3) coordinate with the State and Consumer Services Agency, the Resources Agency and the Department of Food and Agriculture to develop a plan using best management practices for implementation by the appropriate state agencies for the early detection of West Nile Virus on state-owned properties and appropriate mitigation and abatement measures, allocating funds up to \$150,000 to develop the plan; and

WHEREAS on August 13, 2007, I issued Executive Order S-10-07, which ordered the Department of Public Health to allocate up to an additional \$10 million, as needed, to local vector control agencies for (1) identification of potential mosquito habitat, (2) treatment of those areas to prevent the spread of West Nile Virus, and/or (3) surveillance to provide an early warning of the incidence of West Nile Virus so that proper control measures can be taken by the local vector control agencies to prevent the spread of West Nile Virus in counties identified by the Department of Public Health; and

WHEREAS in addition to the foregoing, proper management of vegetation on lands owned and managed by the State will further reduce mosquito numbers, and thus further reduce the spread of West Nile Virus.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, and in particular, sections 8567, 8571 and 8690.6 of the California Government Code, do hereby issue the following orders to become effective immediately:

IT IS ORDERED that the Department of Public Health shall allocate up to \$500,000 in additional funds to the Department of Fish and Game. The Department of Fish and Game shall use these funds for vegetation management on the following wetland wildlife areas managed by the Department of Fish and Game and located in counties determined by the Department of Public Health to be at high risk of West Nile Virus transmission: Mendota Wildlife Area (Fresno County); Los Banos and North Grasslands wildlife areas (Merced County); Upper Butte Basin Wildlife Area (Butte and Glenn counties); and Gray Lodge Wildlife Area (Butte and Sutter

counties). In addition to these wetland wildlife areas, the Department of Fish and Game shall use these funds for vegetation management on other wetland wildlife areas identified in consultation with the Department of Public Health as being located within counties that are moderate to high risk of West Nile Virus transmission. The Department of Fish and Game shall consult with the Department of Public Health regarding best practices for vegetation management to prevent West Nile Virus, including best water management practices, vegetation control, wetland infrastructure maintenance, wetland enhancement features, and biological controls.

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.

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 to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 20th Day of August 2007.

ARNOLD SCHWARZENEGGER
Governor of California

**GOVERNOR'S EXECUTIVE ORDER S-12-07
SEPTEMBER 12, 2007**

WHEREAS on August 2, 2007, I issued a Proclamation of Emergency regarding the imminent threat to persons and property caused by West Nile Virus; and

WHEREAS the State of California, along with local governments, have made sustained efforts to minimize the spread of the virus, and the state has dedicated more than \$15 million over the last three years to mitigate the virus's effects; and

WHEREAS the August 2, 2007 Emergency Proclamation ordered the Department of Public Health to do the following: (1) allocate up to \$1 million, as needed, to local vector control agencies to identify potential mosquito habitat and to treat those areas to prevent the spread of West Nile Virus; (2) allocate up to \$350,000 to local vector control agencies for surveillance purposes to provide an early warning of the incidence of West Nile Virus so that proper control measures can be taken by the local vector control agencies to prevent the spread of West Nile Virus; and (3) coordinate with the State and Consumer Services Agency, the Resources Agency and the Department of Food and Agriculture to develop a plan using best management practices for implementation by the appropriate state agencies for the early detection of West Nile Virus on state-owned properties and appropriate mitigation and abatement measures, allocating funds

up to \$150,000 to develop the plan; and

WHEREAS on August 13, 2007, I issued Executive Order S-10-07, which ordered the Department of Public Health to allocate up to an additional \$10 million, as needed, to local vector control agencies for (1) identification of potential mosquito habitat, (2) treatment of those areas to prevent the spread of West Nile Virus, and/or (3) surveillance to provide an early warning of the incidence of West Nile Virus so that proper control measures can be taken by the local vector control agencies to prevent the spread of West Nile Virus in counties identified by the Department of Public Health; and

WHEREAS on August 20, 2007, I issued Executive Order S-11-07, which ordered the Department of Public Health to allocate up to \$500,000 in additional funds to the Department of Fish and Game for vegetation management on the following wetland wildlife areas managed by the Department of Fish and Game and located in counties determined by the Department of Public Health to be at high risk of West Nile Virus transmission: Mendota Wildlife Area (Fresno County); Los Banos and North Grasslands wildlife areas (Merced County); Upper Butte Basin Wildlife Area (Butte and Glenn counties); and Gray Lodge Wildlife Area (Butte and Sutter counties). The order further required the Department of Fish and Game to (1) use the funds for vegetation management on other wetland wildlife areas identified in consultation with the Department of Public Health as being located within counties that are moderate to high risk of West Nile Virus transmission, and (2) consult with the Department of Public Health regarding best practices for vegetation management to prevent West Nile Virus, including best water management practices, vegetation control, wetland infrastructure maintenance, wetland enhancement features, and biological controls.

WHEREAS the risk of West Nile Virus transmission continues. However, education, outreach, enhanced human surveillance and epidemiological investigations have been shown to be effective in reducing the risk of West Nile Virus infection. Therefore, in addition to the foregoing efforts, enhanced education of the general public on West Nile Virus prevention, expanded outreach to the medical community, and intensified human case surveillance will further reduce West Nile Virus risk.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, and in particular, sections 8567, 8571 and 8690.6 of the California Government Code, do hereby issue the following orders to become effective immediately:

IT IS ORDERED that the Department of Public Health shall allocate funds previously provided through the Governor's August 2, 2007 Emergency Proclamation and Executive Order S-10-07, as needed, to local agencies involved with West Nile Virus response to (1) enhance and expand public education on West Nile Virus prevention, (2) enhance outreach to the medical community, and/or (3) conduct active surveillance or epidemiological investigations of human West Nile Virus cases in counties identified by the Department of Public Health to be at elevated risk of West Nile Virus transmission.

IT IS FURTHER ORDERED that the Department of Public Health enter into contracts it

deems appropriate, in consultation with counties identified by the Department of Public Health to be at elevated risk of West Nile Virus transmission and the local agencies within those regions, to provide services, materials, personnel and equipment to supplement the West Nile Virus mitigation efforts in those jurisdictions.

IT IS FURTHER ORDERED that the provisions of the Government Code, the Public Contract Code, the State Contracting Manual and Management Memo 03-10, along with all Department of Public Health policies, applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements and approvals for non-competitively bid contracts, are hereby temporarily suspended with respect to contracts to implement this Executive Order to the extent that such laws would prevent, hinder or delay prompt mitigation of the effects of this emergency.

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.

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 to this Order.

ARNOLD SCHWARZENEGGER
Governor of California
