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October 6, 2020

The Honorable Gavin Newsom  
Governor, State of California  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

Dr. Mark Ghaly  
Secretary, California Health and Human Services Agency  
1600 9th Street, Suite 460  
Sacramento, CA 95814

**RE: Request for Greater Flexibility within the State’s Reopening Strategy**

Dear Governor Newsom and Secretary Ghaly:

As leaders of our communities, we are seeing firsthand the devastating impacts the current economic shut down is having on the livelihoods of those we represent. Small businesses are closing permanently, jobs are being lost, schools remain closed, and some communities may never fully recover.

We write to you today to urge you to adopt a more flexible and real world approach to reopening the State of California. Specifically, we request that you allow county health departments to authorize the reopening of communities by zip code in areas where COVID-19 metrics meet the state’s requirements for progressing to the next color-coded tier.

The current system for evaluating local health metrics and allowing communities to reopen is based on a countywide structure that fails to take into account vastly different data points within the same county. It also relies upon the assumption that a “community” is defined by arbitrary county lines, when in reality there are many contiguous communities across the state that are not bound by the borders of their respective counties.

The City of Folsom, which we all represent, is a perfect example of this. It sits in the Northeast corner of Sacramento County and borders El Dorado Hills in El Dorado County. Both communities have similar rates of COVID-19 and are separated by a single freeway exit. And yet, Folsom is deemed higher risk by our state’s system. Its business community is forced to comply with more restrictions and its schools have not been able to reopen on the same timeline. Just one week ago Sacramento County was under the Purple Tier, while El Dorado County was given permission to advance to the Orange Tier. This disparity is the result of a reopening framework that ignores the similarities between contiguous communities like Folsom and El Dorado Hills, and instead opts to base these critical decisions on arbitrary county lines.

At an oversight hearing last week when asked if the state could develop a new set of criteria to allow a greater degree of flexibility than the current county-by-county system, Dr. Erica Pan, California’s acting Public Health Officer, stated that this could not be done because “we need to govern in the [county] structures that we have” and “we can’t change [the rules] for specific subgroups.” However, the next day the California Department of Public Health (CDPH) introduced a new “equity metric” for reopening that applies these very same principles by using more granular community data within counties to determine if the county as a whole can progress to a less restrictive tier.

While ensuring that disadvantaged communities are not experiencing disparate health outcomes is a laudable goal, it seems counterintuitive to suggest that this same level of deference cannot be provided to communities experiencing disparate economic impacts compared to the communities with which they share a border.

New York is a helpful case study where both of these priorities are being balanced effectively. Just last week Governor Andrew Cuomo announced a targeted approach to addressing clusters of COVID-19 by focusing efforts on the top 20 zip codes in which there have been hotspots throughout the state. This approach not only allows necessary resources to be targeted toward communities most in need, it also assures that the communities that are not experiencing an increase in positivity rates are not negatively impacted by unnecessary restrictions.

If adopted in California, this approach could provide the targeted mechanisms needed to focus resources in areas of high need while allowing areas with fewer needs the ability to reopen before the rest of their county. This increase in regional flexibility would also result in less economic hardship should the state's COVID-19 metrics ever regress. Rather than having to shut down entire counties, California could limit restrictions to zip codes with the most concerning data.

Our state's strategy to safely reopen our communities must be based on sound practices that provide the greatest level of flexibility and the least economic constraints possible. We understand that this is a delicate balance, but we believe this can be accomplished by using a more balanced approach.

For these reasons, we urge you to modify the state's *Blueprint for a Safer Economy* to enable a community like Folsom to be assigned a tier that reflects the actual conditions in that community, as measured by the state's own metrics.

Sincerely,



**Kevin Kiley**  
Assemblyman, 6th District



**Brian Dahle**  
Senator, 1st District



**Sue Frost**  
Supervisor, Sacramento County



**Sarah Aquino**  
Mayor, City of Folsom