

RESOLUTION NO. 2021 - \_\_\_\_\_

**RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS AMENDING RESOLUTION NO. 2020-55 TO ALLOW THE PERMITTING OF MICROENTERPRISE HOME KITCHEN OPERATIONS IN ALIGNMENT WITH LOCAL AND STATE PUBLIC HEALTH OFFICER ORDERS TO REDUCE COVID-19 TRANSMISSION AT RESTAURANTS**

**Whereas**, requirements relating to the permitting, inspection, and operation of Microenterprise Home Kitchen Operations (MEHKOs) were added to the Health and Safety Code, pursuant to AB 626 (Garcia) chaptered on September 18, 2018 and AB 377 (Garcia) chaptered on October 7, 2019; and

**Whereas**, section 113825 of the Health and Safety Code defines a MEHKO as a food facility that is operated by a resident in a private home where food is stored, handled, prepared for, and may be served to consumers; and

**Whereas**, the resident's MEHKO food facility complies with specific requirements in Health and Safety Code section 113825, including limits on the number of employees, the number of daily and weekly meals that can be served, the type of food that can be served, and the maximum annual gross income from food sales that can be received; and

**Whereas**, The Solano County Department of Resource Management Environmental Health Services Division is designated as the County's Local Enforcement Agency (LEA) as defined in Health and Safety Code section 113773; and

**Whereas**, Health and Safety Code section 114367 grants the Solano County Board of Supervisors the authority to determine whether to allow countywide permitting and operation of MEHKOs, including within the incorporated cities; and

**Whereas**, Health and Safety Code section 114367.2 authorizes the issuance of a permit to operate a MEHKO after an initial inspection by the LEA, subject to annual permit renewal and annual inspection to ensure ongoing compliance and public health protection, and authorizes the recovery of reasonable costs for permitting and inspection; and

**Whereas**, after receiving staff presentations and public comment and considering options regarding approving a MEHKO program in Solano County on October 22, 2019, December 10, 2019, and April 7, 2020, the Board of Supervisors adopted Resolution No. 2020-55 to authorize the permitting and inspection of MEHKOs countywide in accordance with the Health and Safety Code sections 113825-114367, with a provision to defer the implementation of the program until after the Solano County Health Officer's Shelter at Home Order restrictions were lifted; and

**Whereas**, the Solano County Public Health Officer amended the local Shelter at Home order on September 1, 2020, to refer to and incorporate State Health Officer's Orders for reduction of COVID-19 transmission, which include the "Blueprint for Safer Economy"; and

**Whereas**, under the Blueprint for a Safer Economy, the California Department of Public Health (CDPH) has provided various industry guidance documents for an assigned tier system based on a county's COVID-19 positivity rate, adjusted case rate, and health equity metrics, and established criteria for restaurants to operate based on the current county assigned tier; and

**Resolved**, the Solano County Board of Supervisors authorize the permitting, inspection, and operation of MEHKO's in alignment with local and State Public Health Officer Orders and their associated requirements and industry guidance for restaurants.

Passed and Adopted by Solano County Board of Supervisors at its regular meeting on April 13, 2021, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_

EXCUSED: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_  
JOHN M VASQUEZ, Chair  
Solano County Board of Supervisors

ATTEST:  
BIRGITTA E. CORSELLO, Clerk  
Solano County Board of Supervisors

By: \_\_\_\_\_  
Alicia Draves, Chief Deputy Clerk