

RESOLUTION NO. 20-04-15-02

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EMERALD BAY SERVICE DISTRICT
PROCLAIMING EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, conditions of disaster or of extreme peril to the health and safety of persons and property have arisen both internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease which led to California Governor Gavin Newsom, to proclaim a State of Emergency for California on March 4, 2020; and

WHEREAS, currently COVID-19 has spread globally to more than 70 countries, infecting hundreds of thousands of persons and causing thousands of fatalities worldwide. Due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention (CDC), COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat this virus; and

WHEREAS, a Local Emergency was proclaimed by the County of Orange Board of Supervisors on February 26, 2020; and

WHEREAS, the CDC confirmed person-to-person transmission of COVID-19 in the United States, raising the possibility of community transmission occurring in the general public. This has resulted in a Federal Declaration of National Emergency as declared by President Donald Trump on March 13, 2020; and

WHEREAS, under Government Code section 8634, the Emerald Bay Service District ("District"), as a political subdivision, is authorized to promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, the District Board of Directors has the authority to proclaim a local emergency and take actions as set forth in this Resolution; and

WHEREAS, as covered under the California Emergency Services Act, the Board desires to authorize any actions that the District may take to ensure the continuation of critical services to protect the safety of customers and to provide for immunities that will protect the District for actions taken; and

WHEREAS, working with the County of Orange, this proclamation authorizes the undertaking of powers and invoking and disseminating emergency orders (e.g., emergency orders, emergency spending authorities, emergency or pre-established contracting, order necessary Personal Protective Equipment, recovery, etc.) and regulations necessary to provide for the protection of life, property, and the environment; and

WHEREAS, this proclamation establishes that: (1) an emergency exists; (2) the Emergency Services Act applies; and (3) the California Master Mutual Aid Agreement and any local agreements will be utilized to provide mutual aid if mutual aid of in-county resources is needed to assist the District; and

WHEREAS, this proclamation establishes that an emergency exists, and if out-of-county assistance is needed, requests for mutual aid should follow procedures set forth by the Standardized Emergency Management System ("SEMS") and the Governor's Office of Emergency Services ("CalOES"), including obtaining mission numbers through the County of Orange Emergency Management Department from CalOES for responding agencies. This is particularly important for possible reimbursement of extraordinary expenses in the event of a proclaimed "State of Emergency" or in the event of a presidential declaration of disaster when state or federal disaster relief funds become available; and

WHEREAS, the District's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by State and Federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, these conditions warrant and necessitate that the District proclaim the existence of a local emergency.

NOW, THEREFORE, the Board of Directors of the Emerald Bay Service District does hereby **RESOLVE, DETERMINE** and **ORDER** as follows:

Section 1. That the Board of Directors of the Emerald Bay Service District hereby proclaims the existence of a local emergency and directs District staff to take the necessary steps for the protection of life, health and safety.

Section 2. That during the existence of said local emergency, the powers, functions, and duties of the District shall be those prescribed by state law and by ordinances and resolutions of the District Board.

Section 3. That the District's General Manager is hereby authorized to furnish information, to promulgate orders and regulations necessary to provide for the protection of life and property pursuant to California Government Code section 8634, to enter into agreements and to take all actions necessary to obtain State emergency assistance to implement preventive measures.

Section 4. That the District's General Manager, is hereby authorized to take any and all action which may be necessary to apply for and obtain funding and reimbursement from the applicable Federal and State agencies. Such authority includes, but is not limited to, the drafting, execution and submission of applications and other documents. It is the intent of the District to be reimbursed amounts which have been and will be expended with respect to the actions ratified and authorized under this Resolution.

Section 5. If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

Section 6. That this Resolution shall take effect immediately.

Section 7. That the recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section 8. That said local emergency shall be deemed to continue to exist until, the earlier of, its termination is proclaimed by the Board of Directors or both the Federal Declaration of National Emergency is terminated by the President and the Local Emergency is terminated by the County of Orange Board of Supervisors.

Section 9. That a copy of this Resolution be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

APPROVED, SIGNED and ADOPTED this 15th day of April, 2020.

EMERALD BAY SERVICE DISTRICT



President
EMERALD BAY SERVICE DISTRICT
and the Board of Directors thereof

Secretary
EMERALD BAY DISTRICT
and the Board of Directors thereof