

NAPA COUNTY RESOLUTION NO. 2014-93

**RATIFICATION AND CONTINUANCE OF
PROCLAMATION OF LOCAL EMERGENCY**

WHEREAS, Government Code section 8630 and Napa County Code section 2.80.060(A)(2) authorize and empower the Napa County Executive Officer acting as Director of Emergency Services, or designee, to proclaim the existence or threatened existence of a local emergency when the County is affected or likely to be affected by a public calamity and the Board is not in session, subject to confirmation by the Board within seven days; and

WHEREAS, California Health and Safety Code sections 101075 *et seq.* confers upon the Local Health Officer emergency powers necessary to protect public health and safety; and

WHEREAS, on August 7, 2014 at 4:00 p.m., and pursuant to the foregoing provisions, the Director of Emergency Services in the absence of the Napa County Executive Officer, and the Public Health Officer proclaimed the existence of a local emergency by those proclamations attached hereto as Exhibit "A" and incorporated by reference herein; and

WHEREAS, the Risk and Emergency Services Manager, in the absence of the County Napa Executive Officer, and the Public Health Officer have informed the Board that there continues to exist within Napa County a condition of extreme peril to life and property due to the shortage of potable water and has requested that the Board confirm their proclamations and further proclaim that a local emergency continues to exist;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of Supervisors hereby confirms the finding of the Risk and Emergency Services Manager and the Public Health Officer that conditions of extreme peril to the safety of persons and property arose within Napa County on or about 4:00 p.m. August 7, 2014 due to the shortage of potable water supply, that such conditions continue to exist, and that such conditions warranted and continue to warrant a proclamation of local emergency.

2. The Board of Supervisors hereby confirms and ratifies the proclamation and orders of the Risk and emergency Services Manager and the Public Health Officer that a local emergency existed in that area of Napa County described as Unit 2 of the Berryessa Estates development, as set forth in Exhibit "A".

3. The Board of Supervisors further proclaims and orders that such local emergency continues to exist and that the orders previously instituted by Risk and Emergency Services Manager and the Public Health Officer in Exhibit "A" shall remain in place as orders of the Board of Supervisors.


4. The Board of Supervisors hereby also proclaims and orders that until the local emergency is terminated the powers, functions, and duties of the Napa County Executive Officer/Director of Emergency Services and the emergency organization of Napa County shall be those prescribed by State law and the ordinances, resolutions, and approved emergency services plans of the County of Napa.

5. The Napa County Executive Officer is hereby ordered and directed to give this Resolution and the proclamations and orders contained therein widespread publicity and notice.

6. This confirmation and continuance of the proclamation of local emergency shall be reviewed by the Board of Supervisors at a regular meeting of the Board at least every 14 days (or no less often than every 21 days during such periods as the Board does not hold weekly regular meetings) until terminated, to determine the need for continuing the local emergency, and termination of the local emergency shall be proclaimed by this Board at the earliest possible date that conditions warrant.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of the Board held on the 12th day of August, 2014, by the following vote:


AYES:	SUPERVISORS	CALDWELL, DILLON, WAGENKNECHT, DODD and LUCE
NOES:	SUPERVISORS	NONE
ABSENT:	SUPERVISORS	NONE


MARK LUCE, Chairman of the Board of
Supervisors

ATTEST:
Clerk of the Board of Supervisors

By: 

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Janice D. Killion (e-sign)</u></p> <p>Date: <u>August 8, 2014</u></p>

<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: August 12, 2014</p> <p>Processed by:  Deputy Clerk of the Board</p>

PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, Government Code section 8630 and Napa County Code section 2.80.060(A)(2) authorize and empower the Napa County Executive Officer/Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the County is affected or likely to be affected by a public calamity and the Board of Supervisors is not then in session, subject to confirmation by the Board of Supervisors within seven days thereafter; and

WHEREAS, the Emergency Services Manager has found that due to the shortage of potable water in the Phase 2 Berryessa Estates development a condition of extreme peril to life and property now exists in the County of Napa; and

WHEREAS, the Phase 2 Berryessa Estates development currently has 165 connections reliant upon potable water served by the Lake Berryessa Resort Improvement District; and

WHEREAS, the Board of Supervisors is not presently in session:

NOW, THEREFORE, THE NAPA COUNTY EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES DECLARES AND PROCLAIMS as follows:

1. Conditions of extreme peril to the safety of persons and property have arisen within the Phase 2 Berryessa Estates development in Napa County as of 4:00 p.m. on August 7, 2014, due to the shortage of potable water; and
2. In consequence of said conditions and pursuant to Government Code section 8630 and Napa County Code section 2.80.060(A)(2), a local emergency now exists in Phase 2 of the Berryessa Estates development.
3. During this local emergency the powers, functions, and duties of the Napa County Executive Officer and the emergency organization of Napa County shall be those prescribed by State law, and the ordinances, resolutions, and approved emergency services plans of the County of Napa.
4. Specific Orders.
In connection with the foregoing proclamation and order of local emergency, the Napa County Executive Officer also orders as follows, for the protection of life and property:

Prohibitions for water use:

Any use that exceeds 50 gallons per person, per resident, per day.

5. This proclamation of local emergency shall be reviewed by the Board of Supervisors within seven days and if not confirmed and ratified by the Board of Supervisors

shall expire on the seventh day or such earlier date as specified by the Board of Supervisors.

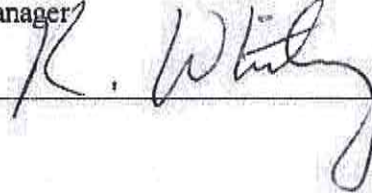
6. This proclamation and the contents thereof shall be published and promulgated in as widespread a manner as reasonably feasible in light of the conditions prevailing during the local emergency.

Date: _____

8/7/14

KERRY JOHN WHITNEY, Risk and Emergency
Services Manager

By _____





A Tradition of Stewardship
A Commitment to Service

Karen L. Smith, MD, MPH
Public Health Officer
(707) 253-4270

Kerry Whitney
Risk & Emergency Services Manager
(707) 253-4821

August 7, 2014

Declaration of Local Health Emergency
Dr. Karen Smith, Health Officer
Kerry Whitney, Risk & Emergency Services Manager
Napa County, 4:00 p.m. August 7, 2014

Whereas, the California Health and Safety Code, Division 101, Part 3, Chapter 2, commencing with §101075 confers upon Local Health Officers of the political subdivisions of this state emergency powers necessary to protect public health and safety;

Whereas, §101080 of the California Health and Safety code, states that, "the local Health Officer may declare a local health emergency in the jurisdiction or any area thereof" where "there is an imminent and proximate threat of the introduction of any contagious, infectious or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent, the director may declare a health emergency and the local health officer may declare a local health emergency in the jurisdiction or any area thereof affected by the threat to public health."

Whereas, the order of the local health officer is valid for seven days and must be ratified by the Board of Supervisors within seven days and is subject to reaffirmation every 14 days thereafter until such local health emergency is terminated; and,

Whereas, the Lake Berryessa Resort Improvement District (LBRID), which provides water for approximately 165 residences/businesses in the Berryessa Estate area, has reported extremely low water levels which threatens the provision of potable water to the residents. This low water level represents an imminent threat to public health and requires immediate action. The threat to the drinking water supply presents an imminent and proximate threat of communicable disease.

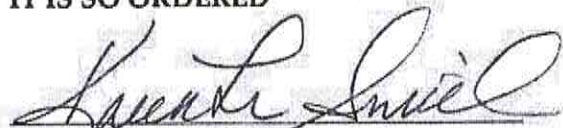
Therefore, according to the authority invested in me by the California Health and Safety Code Section §101080*, I hereby declare a Local Health Emergency exists in Napa County, beginning at the time as stated above.

2-2-2-2

Declaration of Local Health Emergency

*California Health and Safety Code Section 101080: ".....whenever there is imminent and proximate threat of the introduction of any contagious, infectious or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent, the director may declare a health emergency and the local health officer may declare a local health emergency in the jurisdiction or any area thereof affected by the threat to public health." Whenever a local health emergency is declared by the local health officer pursuant to this section, the local health emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the board of supervisors. The board of supervisors shall review, at least every 14 days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination."

IT IS SO ORDERED



Karen Smith MD, MPH; Napa County Public Health Officer

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