**NAPA COUNTY RESOLUTION NO. 2014-147**

**PROCLAMATION OF TERMINATION OF**

**LOCAL EMERGENCY AT BERRYESSA ESTATES**

 **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 review at least every 30 days 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; 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**, the Napa County Board of Supervisors found that conditions of extreme peril to the safety of persons and property have arisen within the County caused by the shortage of potable water in Unit 2 of the Berryessa Estates resulting from the sudden failure of the water intake facility of the Lake Berryessa Resort Improvement District (“District”); and

 **WHEREAS**, on August 7, 2014, and pursuant to the foregoing provisions, the acting Napa County 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, which was ratified and continued in effect by Board Resolution No. 2014-93, adopted on August 12, 2014, and extended on September 9, 2014, by Board Resolution No. 2014-106, and affirmed by the Board of Supervisors on October 7, 2014, and on November 4, 2014; and

 **WHEREAS**, Napa County is informed that emergency repairs of the District’s water intake facility are now complete and the District’s water supply is no longer in peril and the District has terminated its declaration of emergency relating to the failure of the water intake facilities and the need to undertake emergency repairs; and

 **WHEREAS**, the Napa County Executive Officer has informed the Board that the conditions of extreme peril caused by the emergency are now deemed to be within the control of the normal protective services, personnel, equipment and facilities of the District and County.

 **NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED** by the Napa County Board of Supervisors that this Proclamation of Local Emergency is hereby terminated.

 **IT IS FURTHER ORDERED** that a copy of this Proclamation of Termination of Local Emergency be forwarded to the Secretary of the California Emergency Management Agency.

 **THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Supervisors of Napa County, State of California, at a regular meeting of the

Board held on the 2nd day of December, 2014, by the following vote:

 AYES: SUPERVISORS CALDWELL, WAGENKNECHT,

 DILLON and LUCE

 NOES: SUPERVISORS NONE

 ABSENT: SUPERVISORS DISTRICT 4 – VACANT

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 MARK LUCE, Chairman of the

 Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPROVED AS TO FORM**

Office of County Counsel

By: Jackie Gong (by e-signature)

Date: 11/25/14

**APPROVED BY THE NAPA COUNTY**

**BOARD OF SUPERVISORS**

 Date: December 2, 2014

Processed by:

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Deputy Clerk of the Board