

**BEFORE THE BOARD OF DIRECTORS OF THE
KINGSBURG TRI-COUNTY HEALTH CARE DISTRICT**

**IN THE MATTER OF:
Resolution Ratifying Determination of Local
Emergency Regarding COVID-19
Pandemic, Ratifying Related Expenditures
and Determination of Continuing Local
Emergency.**

RESOLUTION 2020-

DRAFT

WHEREAS, the Kingsburg Tri-County Health Care District (“**District**” or “**KTHCD**”) is local public agency existing under the Local Health Care District Law (the “**Act**”) [Health and Safety Code §§ 32000 *et seq.*];

WHEREAS, in late 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19 disease), was first identified in Wuhan City, Hubei Province, China, and quickly spread outside of China, impacting more than 170 countries, including the United States of America (“**USA**”) where over 270,000 people have been infected and thousands have died;

WHEREAS, COVID-19 can be fatal to elderly persons and other persons with certain respiratory illnesses and/or a compromised immune system;

WHEREAS, the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (“**CDC**”), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the USA;

WHEREAS, on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the USA;

WHEREAS, on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide State and local actions to preserve public health;

WHEREAS, on March 4, 2020 California Governor Gavin Newsom officially proclaimed a state of emergency for the State of California, and since that time has issued various implementing executive orders which suspend certain state law requirements and authorize certain extraordinary powers and procedures to mitigate the impact of COVID-19 upon the public;

WHEREAS, within the Central San Joaquin Valley, since early March 2020 retailers are experiencing shortages of certain consumer products including but not limited to bottled water, toiletry and other sanitation goods and equipment because of a rush by the public to purchase goods in the event they cannot leave their homes because of quarantine;

WHEREAS, the City of Kingsburg Fire Department (“**KFD**”) is responsible for responding to emergency requests for service not only within the City of Kingsburg, but also throughout the unincorporated areas of the District;

WHEREAS, at the District’s Board of Directors (“**Board**”) meeting held on March 11, 2020 City of Kingsburg Fire Chief Daniel Perkins outlined challenges and risk to first responders under this authority and concern for their health and safety in light of the shortage of sanitation equipment and goods needed after transporting a patient with actual or potential exposure to COVID-19 and the probable heightened cost of such items due to very high demand and overall shortage. In requesting assistance from the District to respond to the COVID-19 crisis, Chief Perkins also outlined other potential local impacts and needs if District residents are forced into quarantine, self-quarantine or are otherwise unable to work or leave their own home, including the potential need to provide food and other basic and essential public assistance to such residents;

WHEREAS, on March 11, 2020 the Board of Supervisors of the County of Tulare ratified a proclamation of local emergency under Government Code § 8558 as a result of the public health threat posed by the presence of COVID-19 within Tulare County;

WHEREAS, on March 17, 2020 the Board of Supervisors of both the County of Fresno and of the County of Kings adopted a resolution under Government Code § 8558 proclaiming a local emergency as a result of the local threat of the COVID-19 pandemic;

WHEREAS, the District’s territorial boundaries are fully encompassed by portions of the counties of Fresno, Tulare and Kings, rendering the entirety of the District’s territory under a local emergency as defined in Government Code § 8558(c);

WHEREAS, pursuant to Government Code § 53021(c), services performed or expenditures made by a local agency within or outside of its own territorial limits are conclusively deemed for the direct protection and benefit of its inhabitants and property if made or performed for a local emergency as defined in Government Code § 8558(c);

WHEREAS, under Health and Safety Code § 32132 the District has authority to approve an expenditure of more than twenty-five thousand dollars (\$25,000), without bidding, when such expenditure is for medical or surgical equipment or supplies, professional services or to electronic data processing and telecommunications goods and services [HSC § 32132(a) and (b)];

WHEREAS, Health and Safety Code § 32136 authorizes the District’s governing board to let contracts for work to be done or for materials and supplies to be furnished, sold or leased to the District if the Board first determines that an emergency exists warranting such expenditure due to epidemic, or other disaster and is necessary to protect the public health, safety, welfare or property;

WHEREAS, on March 11, 2020 the District’s governing Board approved a resolution \$25,000.00 for the purchase of sanitizing goods and equipment for the Kingsburg Fire Department and its vehicles and staff, and conditionally authorized the expenditure of up to an additional \$50,000.00 in response to the impacts of a local emergency relating to the COVID-19 crisis;

WHEREAS, on March 19, 2020, Kingsburg Community Assistance Program, Inc., (“**KCAPS**”), a Kingsburg based non-profit charity organization sought financial assistance of up to \$25,000, over six (6) months, for nutritional goods and sanitary supplies needed by underprivileged infants, seniors, the disabled and self-quarantined residents of the District. The request by KCAPS cited an eight-fold increase in demand for the public assistance normally provided by KCAPS to the public;

WHEREAS, on March 19, 2020, and in light of the local emergency declared by the counties of Fresno, Tulare and Kings, the Chairman of the Board Arlie Rogers approved an emergency expenditure of up \$8,000.00, of the \$50,000.00 previously authorized by the Board on March 11, by KCAPS in an effort to continue providing nutritional goods and sanitary supplies to the public for an additional four (4) weeks, and also allowing an opportunity for a District Board meeting to further review and assess the public’s needs under rapidly changing circumstances;

WHEREAS, on March 20, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 (“**shelter-in-place order**”), ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, having now reviewed all of the relevant circumstances at and before the instant Board meeting, the Board now desires to ratify the District’s determination of local emergency based upon the COVID-19 pandemic, declare its continuation, ratify the expenditure of funds provided to KCAPS and authorize further emergency expenditures.

UPON MOTION OF BOARD MEMBER _____, SECONDED BY BOARD MEMBER _____, THE FOLLOWING WAS PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS AT AN OFFICIAL MEETING HELD **April 8, 2020**, BY THE FOLLOWING VOTE:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

DRAFT

ATTEST: _____
Lori Sanders, Board Secretary

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS:

1. Found that the foregoing recitals are true;
2. Found, declared and determined that there existed a local emergency within the boundaries of the District as of March 11, 2020, which fully encompassed the entire territory of the District as of March 17, 2020, and continues to exist at the present time;
3. Ratified the Board Chairman’s emergency expenditure of \$8,000.00 through KCAPS in an effort to continue providing essential nutritional goods and sanitary supplies to the public;
4. Re-authorized the emergency expenditure of up to fifty thousand U.S. dollars (\$50,000 USD), minus eight thousand dollars (\$8,000 USD) already expended by KCAPS, to assist residents of the District with emergency goods and/or services in response to COVID-19, contingent upon the continuation of a local emergency by any public authority with territory within the boundaries of the District;
5. Re-authorized the Board Chairperson (or designee) to meet with local authorities, and community organizations and leaders, in order to assess public health and wellness needs and to determine how to expend the emergency funds allocated for responding to the impacts of COVID-19 within the District;
6. Re-authorized the following District officials, in the following order of priority and succession, to exercise the emergency expenditure authority which is granted under this resolution to the Board Chairperson, if the Board Chairperson (or the next successor) should be unavailable to do so: Board Vice-Chairperson, then the Board Secretary, then the Board Treasurer and then the Board member at-large;
7. Ratified and authorized the holding of telephonic or electronic Board meetings in accordance with applicable executive orders issued by the California Governor; and
8. Ordered the District’s office closed to the public until such time as no further local emergency exists throughout the entire territorial limits of the District.
