

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

**IN THE MATTER OF:
Resolution Continuing Determination of
Local Emergency Regarding COVID-19
Pandemic, Approving Related Response 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), was first identified in Wuhan City, Hubei Province, China, and quickly spread outside of China, impacting more than 175 countries, including the United States of America (“**USA**”) where, according to public data from The Johns Hopkins University, over 14.5 million people have been infected and over 280,000 of them have died since March 1, 2020;

WHEREAS, COVID-19 can be fatal to elderly persons and other persons with certain respiratory illnesses and/or a compromised immune system, and there is still no known cure or vaccine available to the general public, though several vaccines are now pending FDA approval following human clinical trials in the USA;

WHEREAS, the State of California began 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, 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, 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, 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;

WHEREAS, cooler weather has arrived in various parts of the USA and is anticipated within the District, which may lead to more indoor activity among the population where conditions might not be as ventilated as they would outdoors;

WHEREAS, nationwide new confirmed cases of COVID-16 have, since November 3, 2020, reached new record highs including with over 200,000 new confirmed cases in a single day, according publicly available data from The Johns Hopkins University;

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 authorizing up to \$50,000.00 in response to the impacts of a local emergency relating to the COVID-19 crisis and on April 8, 2020 approved another resolution authorizing an additional \$50,000.00 for the same, bringing the total authorization to \$100,000.00;

WHEREAS, of the \$100,000.00 which the District has authorized for responding to the impacts of a local emergency relating to the COVID-19 pandemic, the District has expended, incurred or otherwise allocated or approved the following sums:

1. \$8,000.00 KCAPS 3/19/2020 (emergency food and sanitation goods)
 2. \$8,000.00 KCAPS 4/8/2020 (emergency food and sanitation goods)
 3. \$5,583.14 VHT 6/11/2020 (implementation of public COVID-19 testing day)
 4. \$5,000.00 City of Kingsburg 6/10/2020 (portable public handwashing stations)
 5. \$3,392.25 KFD 8/19/2020 (cleaning equip for COVID-19 protective suits)
 6. \$15,000.00 (up to) Herb Knight Comm. Ctr. 11/18/2020 (student nutrition/meals);
- and

WHEREAS, having now reviewed all of the relevant circumstances at and before the instant Board meeting, the Board now desires to re-ratify the District's determination of local emergency based upon the COVID-19 pandemic, declare its continuation, ratify the expenditure of funds provided or allocated to KCAPS, VHT, City of Kingsburg and KFD and authorize further emergency expenditures, as needed.

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 **December 9, 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 District's and Board Chairman's emergency expenditures for each and all of the sums specified within the recitals above;
4. Re-authorized the emergency expenditure of up to one hundred thousand U.S. dollars (\$100,000 USD), which includes the amount approved under Resolution 2020-02, and from which each and all of sums specified within the recitals above shall be deducted, 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 re-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.

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