

RESOLUTION NO. 20-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORAGA-ORINDA FIRE DISTRICT (1) ACKNOWLEDGING THE LOCAL EMERGENCY DECLARED TO EXIST WITHIN THE MORAGA-ORINDA DISTRICT RELATED TO COVID-19 AND (2) CREATING THE OFFICE AND DUTIES OF DIRECTOR OF EMERGENCY SERVICES

WHEREAS, the United States of America has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel (new) corona virus (COVID-19) first detected in Wuhan, Hubei Province, People's Republic of China (China) on December 31, 2019. As of March 2, 2020, the World Health Organization (WHO) reported more than 3,000 deaths stemming from over 100,000 confirmed cases of COVID-19 and the virus is present in 100 countries. The number of confirmed cases has continued to escalate dramatically over a short period of time; and

WHEREAS, WHO officials now report that sustained human-to-human transmission of the virus is occurring and transmission from asymptomatic individuals has been documented. Suspected community transmission of the virus is occurring in the United States. Although the majority of individuals infected with COVID-19 recover without special treatment, there is significant potential for serious infection and death, especially in persons over 65 years of age; and

WHEREAS, on January 30, 2020, WHO declared the COVID-19 outbreak a global health emergency of international concern and on January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency; and

WHEREAS, the United States Center for Disease Control and Prevention (CDC) has determined that the virus presents a serious public health threat, requiring coordination among state and local health departments to ensure readiness for potential health threats associated with the virus; and

WHEREAS, on March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, pursuant to Government Code section 8630, the governing bodies (or designated officials) of California cities and counties have the power to declare a local emergency; and

WHEREAS, on March 10, 2020, due to the introduction of COVID-19, the Contra Costa County Board of Supervisors proclaimed the existence of a local emergency throughout Contra Costa County (County Resolution No. 2020/92) and requested that the Governor proclaim Contra Costa County to be in a state of emergency (County Resolution No. 2020/91); and

WHEREAS, on March 16, 2020, the City Council for the City of Orinda adopted resolution #22-20 ratifying the Proclamation of a Local Emergency within the City of Orinda, declared on March 14, 2020, by the City Manager in his capacity as Emergency Manager; and

WHEREAS, on March 17, 2020, the Director of Emergency Services of the Town of Moraga declared a local emergency within the Town of Moraga; and

WHEREAS, pursuant to Government Code 8634, during a local emergency declared by a city or county, the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, the Moraga-Orinda Fire District is a political subdivision within the meaning of Government Code section 8634 that lies wholly within Contra Costa County, and the Town of Moraga and City of Orinda each lie within the District's boundaries;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

A. As declared by Contra Costa County, as well as the Town of Moraga and City of Orinda, a local emergency now exists throughout the Moraga-Orinda Fire District; and

B. There is created the Office of Director of Emergency Services as set forth below.

1. The Fire Chief shall be the Director of Emergency Services ("Director"); and
2. The Director is empowered to:
 - a. Control and direct the effort of the emergency organization of the District;
 - b. Direct cooperation between and coordination of services and staff of the emergency organization of the District; and resolve questions of authority and responsibility that may arise;
 - c. Represent the District in all dealings with public or private agencies on matters pertaining to emergencies;
 - d. In the event of the proclamation of a local emergency, the proclamation of a state of emergency by the Governor or Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Director is empowered to take the following actions to the fullest extent authorized by California Health & Safety Code section 13861:
 - i. Make and issue rules and regulations on matters reasonably related to the protection of life and property of the District as affected by such emergency;
 - ii. Obtain vital supplies, equipment, and such other properties found lacking and needed for protection of life and property, and to bind the town for the fair value thereof and, if required immediately, to commandeer the same for public use;
 - iii. Require emergency services of any District officer or employee, and in the event of the proclamation of a state of emergency in Contra Costa County, the Town of Moraga or Town of Orinda, the existence of a state of war emergency, to command the aid of as many citizens of this community as the

Directors deems necessary in the execution of the Director's duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

- iv. Requisition necessary personnel or materials of any District department and provide for necessary food and lodging accommodation for all employees involved in disaster related duties, or necessary rest periods between the performance of such duties;
 - v. Execute all of the ordinary powers as Fire Chief of the District; all of the special powers conferred upon Director by the District Board; all powers conferred upon the Fire Chief by any statute, by any agreement approved by the District Board, and by any other lawful authority;
 - vi. Delegate duties as necessary.
3. The Office of the Director shall continue without interruption until and unless that office is terminated by the District Board;
4. The order of succession in the absence or incapacity of the Director or that of the then acting Director next in line, shall be as follows:
- a. Battalion Chief of Support Services;
 - b. Battalion Chief of Training.

PASSED, APPROVED and ADOPTED this 20th day of March, 2020 at a special meeting of the District Board of Directors held on March 20, 2020, via teleconference, on motion made by Director Jorgens, seconded by Director Donner, and duly carried with the following roll call vote:

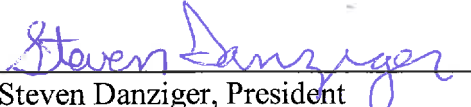
AYES: **DIRECTORS BAITX, DONNER, JEX, JORGENS AND DANZIGER**

NOES: **NONE**

ABSENT: **NONE**


ABSTAIN: **NONE**

Dated: March 20, 2020



Steven Danziger, President
Board of Directors

ATTEST:



Marcia Holbrook, District Clerk