

SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER AND SERVICE DELIVERY TO EAST PORTERVILLE RESIDENTS

SOURCE: Administration

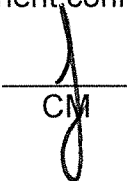
COMMENT: On Friday, September 19, 2014, Governor Brown issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes. Under the Executive Order's funding authorization, which expires December 31, 2014, local agencies are eligible for reimbursement of up to seventy-five percent (75%) for appropriate expenses in providing assistance and support for drought-related activities, and non-profit organizations are eligible for one hundred percent (100%) reimbursement.

At its meeting on August 19th, the City Council authorized \$10,000 from its "Special Purposes Fund" to be used in support of providing non-potable water service delivery to County residents in the East Porterville area whose wells are dry and thus without residential water for sanitation purposes, in coordination with the Porterville Area Coordinating Council (PACC). To date, the PACC has currently placed sixty (60) 300-gallon water tanks at East Porterville residences, which is planned to increase to one hundred (100) by the end of October. Currently, City staff and a water truck deliver water to each residence with a tank once per week, which requires two full days to fill the tanks, and will require at least an additional day of delivery as the additional tanks are placed. By the end of October, it is anticipated that the Council's \$10,000 appropriation will have been expended, though up to \$7,500 is potentially reimbursable to the City under the Governor's Executive Order.

Given the Governor's Executive Order authorizing full reimbursement for non-profit organizations in support of drought-related activities, City staff has engaged PACC, as well as Community Services Employment Training (CSET) and Self-Help Enterprises (SHE), in assuming the responsibility for non-potable water deliveries beginning in November through the leasing of a water truck and the employment of delivery drivers. PACC has indicated that the organization is not considering taking on delivery, but would rather focus its efforts on making permanent connection to City water for eligible affected residences.


Din


App/Fund


CM

Item No. 28

Both CSET and SHE have expressed interest in assuming the responsibility for water delivery, though SHE has indicated that they would like to increase the size of the tanks from 300-gallons to 1,500-gallons, as well as pressurize the tanks to the residences as a more permanent solution for the residents. City staff has expressed its concerns about the increase in tank size as part of a permanent solution potentially impacting the City's overall water production and State conservation requirements, given the estimated 30,000 gallons of water delivered each week would increase to 150,000.

In support of drought assistance efforts, PACC has established a 5,000 gallon tank at the former lemon processing facility on the northeast corner of Date Avenue and Plano Street. PACC volunteers are assisting in filling private water receptacles at the location during the day, but have requested City assistance in providing Fire Department Reserve Firefighters during the evening hours to provide support, given the City could make a claim for reimbursement for up to 75%.

RECOMMENDATION: That the City Council consider the provision and delivery of water service to East Porterville county residents in reference to the Governor's Executive Order, as well as PACC's request for support of Fire Department Reserve Firefighters, and provide direction and authorization to staff as deemed appropriate.

ATTACHMENT: Governor Executive Order B-26-14

Executive Department
State of California

EXECUTIVE ORDER B-26-14

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS drought conditions have persisted for the last three years and the duration of this drought is unknown; and

WHEREAS many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

WHEREAS the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

WHEREAS additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, Title 19, section 2900 et seq.

2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.



3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 10th day of September 2014.



Edmund G. Brown Jr.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

Debra Bowen

DEBRA BOWEN
Secretary of State

