

**ORDINANCE NO. 241**

**AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE OXNARD HARBOR DISTRICT PROCLAIMING A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)**

**WHEREAS**, the federal Center for Disease Control and Prevention (“CDC”) has confirmed multiple cases of individuals who have severe respiratory illness caused by a novel coronavirus, called COVID-19, as well as deaths caused by this illness; and

**WHEREAS**, the World Health Organization declared COVID-19 a public health emergency of international concern, and the CDC announced that community spread of COVID-19 is likely to occur in the United States; and

**WHEREAS**, conditions of extreme peril to the safety of persons and property have arisen within the Oxnard Harbor District (the “District”) caused by the worldwide spread of COVID-19; and

**WHEREAS**, the President of the United States declared a national emergency on March 13, 2020, and both the State of California and the County of Ventura have declared emergencies as a result of the spread of COVID-19; and

**WHEREAS**, the California Department of Public Health reports at least one confirmed case of COVID-19 in Ventura County while many cases have been confirmed in neighboring counties, and the disease is having a global impact; and

**WHEREAS**, COVID-19 has spread globally to over 122 countries, infecting more than 132,700 persons and killing nearly 5,000 individuals worldwide; and

**WHEREAS**, COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

**WHEREAS**, the District’s ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19; and

**WHEREAS**, the conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency; and

**WHEREAS**, there is an imminent and proximate threat to District employees and visitors as a result of the above-described circumstances; and

**WHEREAS**, the District is a top trading post and receives over \$9.5 billion in international cargo annually, generates \$1.7 billion in economic activity, and pays \$119 million in annual taxes; and

**WHEREAS**, a declaration of a local emergency will assist in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency, and mitigate any other effects of this emergency on the communities that depend on the District for a livelihood; and

**WHEREAS**, California Government Code Section 8634 provides the District with the power and authority to “promulgate orders and regulations necessary to provide for the protection of life and property.... Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice”; and

**WHEREAS**, California Harbors and Navigation Code Section 6070 provides that the Board of Harbor Commissioners may “pass all necessary ordinances for the regulation of the district, including, but not limited to, ordinances to provide for the protection and safety of persons or the property of persons using district facilities, and persons and property in and upon waters subject to the jurisdiction of the district, and adjacent property owned or controlled by the district” and Harbors and Navigation Code Section 6078 further provides that the Board may do all other acts necessary and convenient for the full exercise of its powers; and

**WHEREAS**, the Board of Harbor Commissioners desires to declare a local emergency.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board Harbor Commissioners of the Oxnard Harbor District as follows:

**Section 1.** Pursuant to the California Government Code Section 8634 and the Ventura County Declaration of Emergency on March 12, 2020, the Board of Harbor Commissioners wishes to exercise its authority to protect life and property;

**Section 2.** Pursuant to California Harbors and Navigation Code section 6070, the Board of Harbor Commissioners hereby finds and proclaims a local emergency caused by conditions or threatened conditions of COVID-19 in the territorial jurisdiction of the Oxnard Harbor District, which constitutes an extreme peril of health and safety of persons within the territorial limits of the District.

**Section 3.** The local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Harbor Commissioners.

**Section 4.** The CEO & Port Director is hereby authorized to furnish information, to promulgate orders and regulations necessary to provide for the protection of life and

property pursuant to California Harbors and Navigation Code section 6070, to enter into agreements and to take all actions necessary to obtain State and/or federal emergency assistance to implement preventive measures to protect and preserve the employees and visitors of the District within the scope of the local emergency hereby declared.

**Section 5.** Pursuant to California Penal Code section 396, it is unlawful for any person or business of the City of Oxnard and City of Hueneme to charge more than 10% higher than the price charged by that person or business 30 days after the proclamation of this local emergency. The statute also authorizes the governing bodies with the authority to make a declaration of emergency to extend the price controls for additional 30-day period as needed to protect the lives, property or welfare of the citizens.

**Section 6.** The Board of Harbor Commissioners further orders that, until further notice:

A. The CEO & Port Director, or her designee, shall act as the Director of Emergency Services and ensure full and proper coordination with all federal, state and local authorities charged with implementing necessary measures to protect the life, property and welfare of all residents of the District, as well as that of the customers, tenants and other users of the Port of Hueneme.

B. The Director of Emergency Services is authorized to expend whatever sums necessary to procure goods, equipment, supplies and services necessary to mitigate loss and preserve and protect the facilities and assets of the Oxnard Harbor District, and to promote and protect the health and safety of all District employees and persons coming onto the Port of Hueneme and other District-owned property.

C. Any labor or personnel rule or regulation or memorandum of understanding that currently requires a doctor's note for a District employee to be absent from work for more than four (4) days due to sickness is hereby suspended and waived.

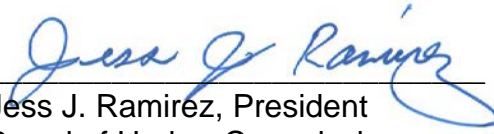
D. Warrants, drafts, checks and other payments made by or on behalf of the District may be signed either in-person or through the use of approved digital signatures, by two executive staff without the need for Harbor Commissioner signature, though manual oversight must be provided by the Director of Finance and Accounting and the Board of Harbor Commissioners must ratify all expenditures at a subsequent and duly-noticed public meeting.

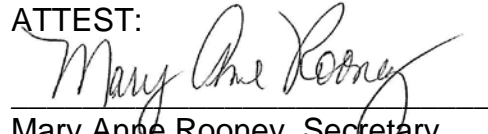
E. The CEO & Port Director may take any other action she deems necessary or prudent to protect the employees of the District and the people, goods and cargo on-port, including with respect to employees' working hours, work locations and leaves.


**Section 7.** During the existence of said local emergency, the powers, functions, and duties of the emergency organization of the District shall be those prescribed by state law, ordinances, and resolutions of the District.

**PASSED, APPROVED and ADOPTED** by the Board of Harbor Commissioners of the Oxnard Harbor District at an emergency meeting of said Board held on March 17, 2020, by the following vote:

AYES: 5  
NAYS: 0  
ABSENT: 0  
ABSTAIN: 0

  
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Jess J. Ramirez, President  
Board of Harbor Commissioners  
Oxnard Harbor District

ATTEST:  
  
\_\_\_\_\_  
Mary Anne Rooney, Secretary  
Board of Harbor Commissioners  
Oxnard Harbor District

**APPROVED AS TO FORM:**  
BEST, BEST & KRIEGER LLP  
  
\_\_\_\_\_  
Ruben Duran, General Counsel