

# Attachment H

*Before the Board of Supervisors  
the County of Monterey, State of California*

**Resolution No. 23-094**

Ratifying the Proclamation of a )  
Local Emergency issued by the )  
County Administrative Officer on )  
March 9, 2023. )

**WHEREAS**, the California Emergency Services Act (Government Code, section 8630, et seq.) establishes procedures for proclaiming emergencies and for responding promptly to the needs that arise during emergencies; and,

**WHEREAS**, Section 2.68.060 of the Monterey County Code and Section 8630 of the Government Code empower the County Administrative Officer, or designee, or the Board of Supervisors, if the Board of Supervisors is in session, to proclaim the existence of a local emergency when the County is affected by or likely to be affected by a public calamity; and,

**WHEREAS**, pursuant to Government Code, section 8630 (b), once a local emergency is declared, it will remain in effect for a period of no more than seven (7) days, unless ratified by the Board of Supervisors; and,

**WHEREAS**, pursuant to Government Code, section 8630(c), the Board of Supervisors shall review the need for continuing the local emergency at least once every sixty (60) days until the Board of Supervisors terminates the local emergency; and,

**WHEREAS**, the governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant; and,

**WHEREAS**, pursuant to Government Code, section 8685 et. seq., in order to obtain monies from both state and federal agencies, the local government must declare a local emergency; and,

**WHEREAS**, conditions of a local emergency can be better controlled if the local government has specific powers granted through the proclamation of a local emergency; and,

**WHEREAS**, the Director of Emergency Services and Department of Emergency Management seeks authority to request financial assistance from the State of California and Federal Government on behalf of the residents of the Monterey County; and,

**WHEREAS**, the Director of Emergency Services seeks the authority to execute all necessary contracts to obtain supplies, equipment and such other items found lacking and needed for the protection of life and property and to bind the county for fair value thereof or commandeer for public use as may be required, with approval from the Office of County Counsel and subsequent ratification by the Board of Supervisors, for agreements under one hundred thousand dollars (\$200,000); and,

**WHEREAS**, an atmospheric river event commencing March 9, 2023, and continuing into the month of March 2023, has resulted in and is anticipated to result in multiple significant rainfall/wind events causing damage to public infrastructure and private property within the County of Monterey; and,

**WHEREAS**, damages to infrastructure have included localized flooding, roadway slope erosion and embankment slip-outs, debris flows, landslides, and culvert failure affecting the safety of said roadways; obstruction of public roadways from stormwater, storm debris and roadway failure; damage to storm drain infrastructure; and damage to public and private utilities and damage to public facilities and parks throughout the County of Monterey; and,

**WHEREAS**, such damages throughout the County of Monterey have resulted in road closures, areas of isolation, loss of power and other critical infrastructure affecting the public's safety and response; evacuation of residents and sheltering of individuals at risk, and,

**WHEREAS**, conditions of extreme peril to the safety of person and property arose within the area of the Pájaro community and San Ardo community in the County of Monterey caused by a levee breach at the Pájaro River, river flow and flooding at the Salinas River commencing during the late night of March 10, 2023; and,

**WHEREAS**, water has risen and have reached a level that inundated homes and residences in the Pájaro Community and San Ardo Community; and,

**WHEREAS**, flooding has inundated potable water delivery systems, sewer collection systems, and other utility systems in the area; and,

**WHEREAS**, the aforesaid conditions of extreme peril warrant and necessitate the ratification of the Proclamation of the Existence of a Local Emergency issued by the County Administrative Officer on March 9, 2023, and immediate action is necessary to mitigate public calamity, and to protect life and property as affected by such emergency; **NOW THEREFORE**,

**BE IT RESOLVED**, by the Board of Supervisors in and for the County of Monterey as follows:

1. The Proclamation of a Local Emergency issued by the County Administrative Officer on March 9, 2023, is hereby ratified.
2. Pursuant to Government Code, section 8630(c) the Board of Supervisors shall review the continuing need for a local emergency at least once every sixty (60) days, until terminated by the Board of Supervisors.
3. During the existence of said local emergency the powers, functions, and duties of the County Administrative Officer, or designee, the Public Works, Facilities, and Parks Department, and the Emergency Organization of Monterey County shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the County of Monterey in order to mitigate the effects of the local emergency.

4. Pursuant to Public Contract Code, sections 20134, 22050, and 20395, the County Administrative Officer, or designee, is hereby authorized to engage independent contractors to complete all necessary work to mitigate the effects of said local emergency. Contracts for this work may be executed without prior Board approval of the plans, specifications, and working details, without giving notice for bids to let contracts.

5. The Director of Emergency Services and the Department of Emergency Management are authorized to request financial assistance from the State of California and Federal Government on behalf of the residents of the County of Monterey.

6. The Director of Emergency Services is authorized to execute all necessary contracts to obtain supplies, equipment and such other items found lacking and needed for the protection of life and property and to bind the county for fair value thereof or commandeer for public use as may be required, with approval from the Office of County Counsel, with subsequent ratification by the Board of Supervisors, for agreements under one hundred thousand dollars (\$200,000).

7. The County Administrative Officer, or designee, is hereby designated as the authorized representative for public and individual assistance of the County of Monterey for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

8. The County Administrative Officer, Director of Emergency Services, and County Counsel are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution.

**PASSED AND ADOPTED** on this 14<sup>th</sup> day of March 2023, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, and Root Askew

NOES: None

ABSENT: Supervisor Adams

Motions Passed 4 to 0

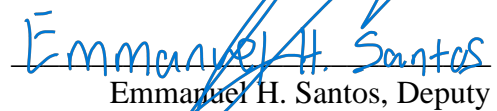
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on March 14, 2023.

Dated: March 15, 2023

File ID: RES 23-043

Agenda Item No. 34.1

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Emmanuel H. Santos, Deputy