

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

Resolution No. 22-504

Proclamation of the Existence of a)
Local Emergency as of December 11, 2022)

RECITALS:

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 his 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 extended 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 requests to be authorized 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 requests to be 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 and subsequent ratification by the Board of Supervisors, for agreements under one hundred thousand dollars (\$100,000); and

WHEREAS, Monterey County experienced significant rainfall and high winds from an Winter Storm Event beginning December 10, 2022, and proclaimed December 11, 2022.

WHEREAS, heavy rainfall within the Carmel River watershed has caused conditions in the Carmel Lagoon to approach a flood stage, potentially causing damage to public infrastructure and private property in Monterey County; and

WHEREAS, such flood damage could cause road closures, damage to public roadways and other infrastructure, and areas of isolation of private property, resulting in extreme peril to persons and property; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency and immediate action is necessary to mitigate public calamity, and to protect life and property as affected by such emergency; and

WHEREAS, the County Administrative Officer has made every reasonable effort to confer with one or more members of the Board of Supervisors;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED

A local emergency, as defined in Government Section 8558(c), now exists throughout the County of Monterey.

1. The proclamation of a local emergency shall expire seven (7) days after issuance unless confirmed and ratified by the Board of Supervisors, pursuant to Government Code Section 8630(6).
2. Pursuant to Government Code Section 8630(c) the governing body 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 his 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 Resource Management Director 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 is authorized to request financial assistance from the State of California and Federal Government on behalf of the residents of the Monterey County; and

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 (\$100,000).

7. The County Administrative Officer, or his/her 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.

By the Board of Supervisors that a local emergency exists within the County of Monterey pursuant to Section 2.68.060 of the Monterey County Code and Section 8630 of the Government Code and as defined by Section 8558 of the Government Code, and shall be deemed to continue to exist subject to review and termination by the Board of Supervisors pursuant to Section 8630 or the Government Code; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions and duties of the emergency organization of this county shall be those prescribed by State law, including but not limited to Section 8634 of the Government Code, County ordinances and resolutions and the current Monterey County Emergency Operations Plan.

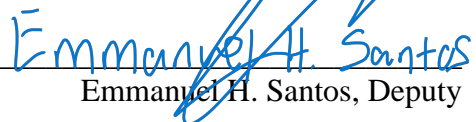
PASSED AND ADOPTED on this 13th day of December 2022, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew, and Adams
NOES: None
ABSENT: None
(Government Code 54953)

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 December 6, 2022.

Dated: December 9 2022
File ID: RES 22-229
Agenda Item No. 42.1

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


Emmanuel H. Santos, Deputy