

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.12 - _____
Proclamation of Local Emergency due to)
Conditions existing at Salinas River Lagoon)
(4/5th vote required))

RECITALS:

WHEREAS, Section 2.68.060 of the Monterey County Code and Section 8630 of the Government Code empower the Monterey County Board of Supervisors to proclaim the existence of an emergency when the County is affected by conditions of extreme peril; and

WHEREAS, during the period of November 30 through December 3, 2012 conditions of high surf, torrential rains, and rising river levels of the Salinas River, the Salinas River Lagoon would not self-breach and flow to the sea due to the height of the sandbar; and

WHEREAS, flooding has now exceeded the old Salinas River Channel and the adjacent reclamation ditch is full; and

WHEREAS, recent and forecast precipitation and stream flows will continue to cause Lagoon water surface elevations to rise beyond flood levels over the next several days unless emergency actions are undertaken; and

WHEREAS, the threat of flooding to homes and surrounding agricultural lands, roadways, septic collection systems and other utility systems in the area is imminent; and

WHEREAS, the foregoing conditions are likely to be beyond the control of the services, personnel, equipment and facilities of the County of Monterey and require the combined forces of other public and private organizations to combat, the conditions of extreme peril warranted and necessitated this proclamation of the existence of a local emergency and immediate action to mitigate the effects of the local emergency. The mitigation work would be carried out to prevent a rapid outflow and potentially allow the Lagoon to open and close naturally; and

WHEREAS, Public Contract Code Sections 20134 and 22050 provide that when an emergency as defined by Public Contract Code Section 1102 exists, the Board or an agency officer so authorized by the Board, may proceed, through the use of day labor or contracts, or a combination thereof, to replace or repair any and all structures as necessary to permit the continued conduct of County operations or services, without giving notice for bids to let contracts, provided that such action be approved by a 4/5ths vote of the Board and provided that the Board makes a finding that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency;

NOW, THEREFORE,

BE IT RESOLVED by the Board of Supervisors in and for the County of Monterey, that a Proclamation of Existence of a Local Emergency is hereby declared and ordered to be issued

on December 4, 2012, and the execution of emergency contracts and emergency actions taken to respond to the emergency are hereby authorized.

BE IT FURTHER RESOLVED that, during the existence of said local emergency, the powers, functions, and duties of the County Administrative Officer, Water Resource Director, and the Emergency Organization of this County are as prescribed by State law and the ordinances, resolutions, and approved plans of the County of Monterey in order to mitigate the effects of said local emergency.

BE IT FURTHER RESOLVED that, pursuant to Public Contract Code Sections 20134, 22050, and 20395, the Public Works Director or his designee, are 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, and without giving notice for bids to let contracts.

BE IT FURTHER RESOLVED that said local emergency exists in accordance with Section 2.68.060 of the Monterey County Code and Section 8630(b) of the Government Code.

PASSED AND ADOPTED this 4th day of December, 2012, by the following vote, to wit:

AYES: Supervisors

NOES:

ABSENT:

I, Gail T. Borkowski, 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___ for the meeting on December 4, 2012.

Dated: Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

Deputy By _____ ,