

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

Resolution No. 23-001

Ratifying the Proclamation)
of a Local Emergency issued)
by the County Administrative)
Officer on January 4, 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 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 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 December 26, 2022, and

continuing into January of 2023, has resulted in and is anticipated to result in multiple significant rainfall/wind events causing damage to public infrastructure and private property within Monterey County; 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 Monterey County; and,

WHEREAS, such damages throughout Monterey County 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 Carmel Lagoon in Monterey County caused by tidal action, river flow and flooding commencing during the early morning of December 26, 2022; and,

WHEREAS, water has risen and during the rains that may continue to rise to a level that threatens the flooding of homes and residences in low lying areas near the Carmel Lagoon; and,

WHEREAS, flooding may inundate 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 Interim County Administrative Officer on January 4, 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 Interim County Administrative Officer on January 4, 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 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 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 Monterey County.

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 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.

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 10th day of January 2023, by roll call vote:

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

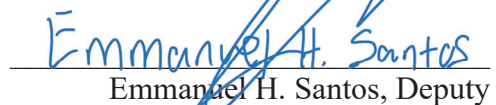
NOES: None

ABSENT: Supervisor Lopez
(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 January 10, 2023.

Dated: January 17, 2023
File ID: RES 23-006
Agenda Item No. 12.1

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


Emmanuel H. Santos, Deputy