

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

Resolution No. 24-026

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

WHEREAS, section 2.68.025 of the Monterey County Code and section 8630 of the Government Code empower the County Administrative Officer, or the Board of Supervisors if the Board of Supervisors is in session, to proclaim the existence of a Government Code section 8558, subdivision (c), local emergency when the County is affected by or likely to be affected by a public calamity; and,

WHEREAS, on March 9, 2023, an emergency proclamation was made by the County Administrative Officer; and,

WHEREAS, the Board of Supervisors ratified the proclamation on March 14, 2023; and,

WHEREAS, the Board of Supervisors further ratified the proclamation on May 9, 2023;
and,

WHEREAS, the Board of Supervisors further ratified the proclamation on June 27, 2023;
and,

WHEREAS, the Board of Supervisors further ratified the proclamation on August 22, 2023;
and,

WHEREAS, the Board of Supervisors further ratified the proclamation on October 17, 2023; and

WHEREAS, since March 9, 2023, the conditions warranting and necessitating the initial proclamation of the existence of a local emergency have not been resolved and immediate action continue necessary to mitigate the effects of the local emergency; and,

WHEREAS, such conditions include the severe erosion of the Pajaro Levee (“Levee”) on the Monterey County side of the Pajaro River at what is commonly known as Site 2, near the Highway 1 Bridge that crosses the Pajaro River, and further downstream at what is commonly known as Site 3; and,

WHEREAS, the United States Army Corps of Engineers (“USACE”) has approved the Levee repairs under Monterey County Public Law 84-99 Request for Expedited Assistance for Pajaro River Federal Levee Project Left Bank Breach Repairs and has started said work; and,

WHEREAS, USACE, in cooperation with Monterey County Water Resources Agency (“MCWRA”), the County of Monterey (“County”), and the Pajaro Regional Flood Management Agency (“PRFMA”) has successfully rebuilt the site of the initial breach of the Levee, commonly known as Site 1; and,

WHEREAS, it is critically important that USACE’s work continue to expeditiously address the erosion at Site 2 and Site 3 due to the fact that any storm system this winter that elevates river water levels to the elevation of the compromised levee system at either Site 2 or Site 3, ahead of permanent repairs, jeopardizes the protection of life and property adjacent to the Pajaro River in those locations; and,

WHEREAS, MCWRA, the County, and PRFMA continue to work with USACE on the reconstruction of the levee at sites 2 and 3; and,

WHEREAS, it is critical that USACE’s work continue through the winter storm season of 2023-2024 in order to reduce potential harm to the citizens, residents and businesses of Monterey County in and around the Pajaro community; and,

WHEREAS, emergency conditions continue to exist, necessitating extension of the Proclamation of a Local Emergency for another 60 days; and,

WHEREAS, USACE is requested and urged to expeditiously work on and complete the work on Sites 2 and 3, for the protection of life and property in and around the Pajaro Community in the County; and,

WHEREAS, the Director of Emergency Management and Department of Emergency Management pursuant to the ratified proclamation received 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 Management pursuant to the ratified proclamation received 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 two hundred thousand dollars (\$200,000); and,

WHEREAS, pursuant to Government Code section 8630, subdivision (c), the Board of Supervisors is being asked to review and approve the continuing need for a local emergency within the sixty (60) day time limit and continue the proclamation of a Local Emergency for another sixty (60) days; **NOW, THEREFORE**,

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

1. Pursuant to Government Code section 8630, subdivision (c), the continuance of the

Proclamation of a Local Emergency issued by the County Administrative Officer on March 9, 2023, and ratified by the Board of Supervisors on March 14, 2023, shall continue for another sixty (60) days.

2. 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.
3. 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. Contract 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.
4. 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.
5. 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).
6. 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.
7. 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 6th day of December 2023, by roll call vote:

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

NOES: None

ABSENT: None

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 December 6, 2023.

Dated: January 25, 2024

File ID: RES 23-214

Agenda Item No.: 57

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



Emmanuel H. Santos, Deputy