

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

Resolution No. 12-027

Extend the County Administrative)
Officer's Proclamation of Local Emergency)
Dated November 16, 2011 (4/5th vote required). . .)

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 to proclaim the existence of a local emergency when the County is affected by a public calamity and the Board of Supervisors is not in session, subject to confirmation of the Board of Supervisors; 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; and

WHEREAS, conditions of peril existed to the safety and well being of the residents living along Scenic Road and adjoining neighborhoods on November 16, 2011 at which time the Board of Supervisors of the County of Monterey was not in session; and

WHEREAS, during the weekend of November 11-13, 2011 conditions of high surf, light rain and rising river levels at the Carmel River Beach Lagoon to 9.99 feet, with a sandbar elevation above 12 feet the Lagoon would not self breach and flow to the sea. With additional episodes of high surf and rain in the forecast for the upcoming week the threat of flooding of 32 homes and surrounding roadways, potable water delivery systems, sewer collection systems and other utility systems in the area was imminent, even after emergency sandbagging measures undertaken by County Department of Public Works had been put in place; and

WHEREAS, the foregoing conditions were or were likely to be beyond the control of the services, personnel, equipment and facilities of the County of Monterey and required the combined forces of other political subdivisions to combat the conditions of extreme peril and warranted and necessitated the proclamation of the existence of a local emergency and immediate action to mitigate the effects of the local emergency. However, there was a condition this year that no heavy equipment could be placed on the beach without the issuance of an emergency permit by the U.S. Army Corps of Engineers stipulating the type of work and

conditions for the work that must be followed. With the Lagoon level at 10.05 feet and high surf in the forecast, and a local emergency proclaimed by the County CAO, the emergency permit was granted and issued, so that on November 16, 2011, emergency mitigation measures could begin to prevent the flooding of the properties and utility systems. The mitigation work would be carried out in accordance with the conditions of the emergency permit to prevent a rapid outflow and potentially allow the Lagoon to open and close naturally.

WHEREAS, the Board of Supervisors finds that:

1. Conditions of extreme peril warranted and necessitated proclamation of the existence of a local emergency by the County Administrative Officer; and
2. The County Administrative Officer of the County of Monterey did proclaim the existence of a local emergency within the County on November 16, 2011; and
3. Emergency conditions will continue to exist, necessitating extension of this emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that the Proclamation of Existence of a Local Emergency as issued by the County Administrative Officer on November 16, 2011, and the execution of emergency contracts and emergency actions taken to respond to the emergency are hereby ratified; and

During the existence of said local emergency the powers, functions, and duties of the County Administrative Officer, Public Works 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; and

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.

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency is continuing and that this emergency proclamation is extended for thirty days in accordance with Section 2.68.060 of the Monterey County Code and Section 8630(b) of the Government Code.

PASSED AND ADOPTED on this 7th day of February, 2012, upon motion of Supervisor Parker, seconded by Supervisor Armenta, and carried by those members present, by the following vote, to-wit:

AYES: Supervisors Armenta, Supervisor Calcagno, Salinas, Potter and Parker
 NOES: None
 ABSENT: None

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 76 for the meeting on February 7, 2012.

Dated: February 9, 2012

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

By 
 Deputy