

ATTACHMENT C

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

Resolution No.

Proclaiming a Local Emergency)
consistent with the Proclamation)
of Local Emergency issued by the)
County Administrative Officer)
dated December 26, 2021, and)
ratifying the Proclamation of)
Local Emergency issued by the)
County Administrative Officer)
dated January 4, 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 proclaimed by the County Administrative Officer, it will remain in effect for a period of no more than seven (7) days, unless ratified and thereby 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, 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, Monterey County experienced heavy flows into the Salinas River lagoon prior to December 26, 2021, causing conditions that could lead to possible loss of life and property in areas near and adjacent to the lagoon; and,

WHEREAS, due to heavy rain and wind events occurring between December 20 and 29, 2021, conditions existed in various parts of the unincorporated area that caused damage to public infrastructure and private property, including 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 storm water, storm debris and roadway failure; damage to storm drain infrastructure; and damage to public and private utilities, public facilities, and parks; such damages resulting in road closures, areas of isolation, loss of power and other critical infrastructure affecting the public's safety; and,

WHEREAS, the County Administrative Officer issued Proclamations of Local Emergency on December 26, 2021 and January 4, 2022, attached hereto as Attachments A and B, respectively, based on the conditions described above; and,

WHEREAS, the Director of Public Works, Facilities and Parks, and the General Manager of the Water Resources Agency request to engage independent contractors to complete all necessary work to mitigate the effects of said local emergencies; 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; and,

WHEREAS, the Director of Emergency Services further 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, the aforesaid conditions of extreme peril warrant and necessitate the Board of Supervisors to adopt a Proclamation of Local Emergency consistent with the County Administrative Officer's December 26, 2021 proclamation, and to ratify the Proclamation of Local Emergency issued by the County Administrative Officer on January 4, 2022, and the taking of immediate action 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 of the County of Monterey as follows:

1. The above recitals are true and correct.
2. A local emergency, as defined Section 2.68.060 of the Monterey County Code, and Sections 8558 and 8630 of the Government Code, now exists throughout the County of Monterey due to the events existing prior to December 26, 2021, as more fully set forth in Attachment A.
3. The Proclamation of Local Emergency issued by the County Administrative Officer on January 4, 2022, attached hereto as Attachment B, is hereby ratified.
4. 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.
5. During the existence of said local emergency the powers, functions, and duties of the County Administrative Officer or his designee, the Director of Public Works, Facilities and Parks, the General Manager of the Water Resources Agency, 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.
6. Pursuant to Public Contract Code Sections 20134, 22050, and 20395, the Director of Public Works, Facilities and Parks or designee, and the General Manager of the Water Resources Agency, or designee, are 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.

7. 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).

8. The County Administrative Officer, County Counsel, the Director of Public Works, Facilities and Parks, the General Manager of the Water Resources Agency, and the Director of Emergency Services are hereby authorized and directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this ____ day of January 11, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

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 ____ for the meeting on _____.

Dated:

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

By _____, Deputy