

**PROCLAMATION OF A LOCAL EMERGENCY
BY THE MONTEREY COUNTY BOARD OF SUPERVISORS**

Resolution No.17-_____)
Resolution of the Monterey County Board of)
Supervisors to:)
)
Extend the Proclamation of a Local)
Emergency dated January 12, 2017, ratified)
on January 19, 2017, and reviewed and)
extended on February 14, 2017, March 14,)
2017, April 11, 2017, May 9, 2017, June 6,)
2017, June 27, 2017, July 25, 2017, August 3,)
2017, August 29, 2017, September 19, 2017,)
October 17, 2017, November 14, 2017,)
December 12, 2017, January 9, 2018,)
February 6, 2018, and February 27, 2018in)
accordance with California Government Code)
Section 8630 for a succession of significant)
winter storm events which occurred between)
January 4, and 12, 2017, that resulted in)
significant damage to public infrastructure)
and private property within Monterey County.
(4/5th vote required)

RECITALS:

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 Government Code Section 8558(c) local emergency when the County is affected by or likely to be affected by a public calamity; and

WHEREAS, the County Board of Supervisors does hereby find as follows:

1. Damages to infrastructure which has occurred from 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 and damage to public facilities and parks. Until action is taken to address these safety concerns, such damage will result in road closures, areas of isolation, loss of power and other critical infrastructure that will continue to impact public safety and repose;
2. That the foregoing conditions are or 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 political subdivisions, including but not limited to state and federal assistance to combat;

3. That the aforesaid conditions of extreme peril warrant and necessitated the proclamation of the existence of a local emergency and immediate action by the County Administrative Officer was necessary to mitigate the effects of the local emergency;
4. On January 12, 2017, pursuant to County Code, the County Administrative Officer signed an emergency proclamation to initiate the protective/responsive process;
5. On January 19, 2017, the Board of Supervisors ratified the emergency proclamation;
6. On February 14, 2017, March 14, 2017, April 11, 2017, May 9, 2017, June 6, 2017, June 27, 2017, July 25, 2017, August 3, 2017, August 29, 2017, September 19, 2017, October 17, 2017, November 14, 2017, December 12, 2017, January 9, 2018, February 6, 2018, and February 27, 2018 the Board of Supervisors reviewed the need for continuing the local emergency, and found that the need exists.
7. Since the succession of significant winter storm events which occurred between January 4 and 12, 2017, the conditions warranting and necessitating a proclamation of the existence of a local emergency have not been resolved and immediate action continues to be necessary to mitigate the effects of the local emergency;
8. The specific areas of concern from the storms are the Espinosa Pump Station generator installation; and repairs to the Palo Colorado, North Monterey County, Tassajara, and Carmel Valley areas;
9. The emergency will not permit a delay resulting from a competitive solicitation for bids;
10. The emergency conditions that originally existed continue to exist due to the extensive nature of the damage that has not been fully resolved, necessitating an additional extension of this Proclamation of a Local Emergency.

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

1. The above recitals are true and correct.
2. The need for continuing the local emergency has been reviewed on this date, and the Board finds that the need exists.
3. A local emergency as defined in Government Section 8558(c) and Public Contract Code Section 1102 is hereby proclaimed to still exist in Monterey County due to significant rainfall causing damage to public infrastructure and private property.
4. During the existence of said local emergency, the powers, functions, and duties of the County Administrative Officer and the Emergency Organization of this 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 said local emergency, including but not limited to utilizing state and/or federal assistance as appropriate.

5. During the existence of said local emergency, the powers, functions, and duties of the County Administrative Officer, the Director of Public Works and Facilities, and the General Manager of the Water Resources Agency shall be those prescribed in State and local law in order to mitigate the effects of the local emergency.

6. The actions of the County Administrative Officer and the Emergency Organization of this County in response to the local emergency to date, including but not limited to the Proclamation of Local Emergency and its extension, are hereby ratified by the Board of Supervisors of the County of Monterey.

7. The governing body shall review the need for continuing the local emergency at least once every thirty day until the governing body terminates the local emergency.

8. The local emergency is still necessary due to continuing dangerous conditions that still exist due to the original concerns created by the storms in question.

9. The RMA Director or his designee, pursuant to Public Contract Code Sections 20134, 20395, and 22050, and the General Manager of the Water Resources Agency as provided by applicable law, are hereby authorized to engage independent contractors and engineering services 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 provided such action does not affect the County's eligibility for state and federal funds.

10. The repair work is statutorily exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15269(c) for emergency projects.

PASSED AND ADOPTED by the Board of Supervisors of the County of Monterey, this 27th day of February, 2018, 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 February 27, 2018.

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

By _____ ,
Deputy