

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

**Resolution No.**

Ratification of Proclamations of            )  
Local Emergency dated December 1,        )  
4 and 9, 2019.                                    )

**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 declared, it will remain in effect for a period of no more than seven (7) days, unless 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**, 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 requests to be authorized 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 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**, Monterey County experienced significant rainfall and high winds from an Atmospheric River event beginning November 27, and which continued through December 8, 2019; and,

**WHEREAS**, heavy rainfall within the Carmel River watershed has caused conditions in the Carmel Lagoon to approach a flood stage, potentially causing damage to public infrastructure and private property in Monterey County; and,

**WHEREAS**, heavy rainfall in the Salinas Valley has caused flood conditions, closing Highway 101 in both directions at the community of Chualar, and causing localized flooding in Chualar, along River and Old Stage Roads, and other areas of Monterey County, potentially causing damage to public infrastructure and private property in Monterey County; and,

**WHEREAS**, such flood damage causes road closures, damage to public roadways and other infrastructure, and areas of isolation of private property, resulting in extreme peril to persons and property; and,

**WHEREAS**, the County Administrative Officer issued proclamations declaring a local emergency on December 1, 4, and 9, 2019, based on the conditions described above; and,

**WHEREAS**, the aforesaid conditions of extreme peril warrant and necessitate the ratification by the Board of Supervisors of the proclamations of the existence of a local emergency issued by the CAO, 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.
3. The proclamations of local emergency issued by the County Administrative Officer on December 1, 4, and 9, 2019, are 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 Resource Management 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 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.

7. The Director of Emergency Services is authorized to request financial assistance from the State of California and Federal Government on behalf of the residents of the Monterey County.

8. 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).

9. Charles J McKee, or his 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.

PASSED AND ADOPTED upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and carried this \_\_\_\_ day of December, 2019, 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