



## **RESOLUTION No. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

#### **RESOLUTION PROCLAIMING A LOCAL EMERGENCY IN NEVADA COUNTY DUE TO THE IDENTIFICATION OF EXTREMELY DANGEROUS FIRE RISK CONDITIONS IN AN AREA OF NEVADA COUNTY DESIGNATED BY THE CALIFORNIA DEPARTMENT OF FORESTRY AS THE PONDEROSA WEST GRASS VALLEY DEFENSE ZONE PROJECT AREA (4/5 AFFIRMATIVE VOTE REQUIRED)**

WHEREAS, California experienced the deadliest and most destructive wildfires in its history in 2017-2018; and

WHEREAS, tree die-off in Nevada County resulting from a multi-year period of drought has contributed to worsening fire conditions; and

WHEREAS, on March 22, 2019, Governor Gavin Newsom issued a Proclamation of a State Emergency (“Proclamation”) due to a vast tree die-off throughout the state and resulting increased risk of wildfire; and

WHEREAS, pursuant to Governor Gavin Newsom’s Executive Order N-05-19, dated January 8, 2019, the Department of Forestry and Fire Protection issued a report identifying those communities in California at greatest risk of wildfire, including 35 Priority Projects for fuels reduction that cover approximately 90,000 acres throughout California; and

WHEREAS, the Department of Forestry and Fire Protection identified the “Ponderosa West Grass Valley Defense Zone Project” area in Nevada County as one of the 35 Priority Projects; and

WHEREAS, the Ponderosa West Grass Valley Defense Zone Project area consists of approximately 1,200 acres located just below Rough and Ready Highway and above McCourtney Road; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the Ponderosa West Grass Valley Defense Zone Project area, necessitating immediate steps to begin fuels reduction to reduce the extreme wildfire risk which threatens the life and safety of the people and property who reside in and around the affected area and communities; and

WHEREAS, fuels reduction with the Ponderosa West Grass Valley Defense Zone Project area will offer vital protection to the densely populated communities of Lake Wildwood, Penn Valley, and Rough and Ready to the west, as well as the highly developed City of Grass Valley to the east and surrounding areas; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the Proclamation of the Existence of a Local Emergency; and

WHEREAS, these conditions are likely to be beyond the control, capacity, and resources of the services, personnel, equipment, and facilities of Nevada County, and local resources are unable to cope with the effects of said emergency; and

WHEREAS, the Board of Supervisors finds that a local emergency and emergency situation exists as set forth in California Government Code sections 8630 and 54956.5; and

WHEREAS, in order to ensure that equipment and services necessary to achieve the directives pertaining to the fuel reduction projects, Governor Gavin Newsom's Proclamation suspended, as necessary, the provisions of the Government Code and Public Contract Code applicable to state contracts, including but not limited to, advertising and competitive bidding requirements; and

WHEREAS, due to delays resulting from a competitive solicitation for bids, the need to respond to this emergency cannot be timely completed during the height of fire season if the County or its subcontractors are required to competitively solicit for bids and other local requirements within the County's purchasing codes for fuels reduction services within the Ponderosa West Grass Valley Defense Zone Project area; and

WHEREAS, the aforesaid emergency necessitates the immediate expenditure of public monies to protect health, safety and property without complying with competitive bidding and other local purchasing, bidding, and procurement requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada, State of California hereby proclaims that a local emergency now exists throughout those areas of Nevada County that fall within or subject to the Ponderosa West Grass Valley Defense Zone Project area, as shown in the Project area map attached hereto as Exhibit A, due to the extreme wildfire risk existing therein.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Nevada, State of California hereby directs that:

1. The Proclamation of Existence of a Local Emergency shall be renewed and deemed to continue to exist as provided by state law or until its termination is proclaimed by the Board of Supervisors of the County of Nevada.
2. The Director of Emergency Services for the County of Nevada is hereby designated as the authorized representative of the County of Nevada for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance.
3. During the existence of said local emergency, competitive bidding and other local purchasing, bidding, and procurement requirements related to the fuels reduction activities within the Ponderosa West Grass Valley Defense Zone Project area are suspended.
4. During the existence of said local emergency, the Purchasing Agent for the County of Nevada is authorized to enter into contracts for services related to environmental review, for the Ponderosa West Grass Valley Defense Zone Project not exceeding \$100,000.00. All actions taken by the Purchasing Agent in accordance with said Emergency Declaration will be ratified by the Board on the next Emergency Declaration Board item.

5. The Director of Emergency Services or his designee immediately forward a certified copy of this resolution proclaiming a local emergency to the Governor of California with requests that the Governor proclaim a Local Emergency within the County of Nevada, that the Governor continue to maintain a State of Emergency for the County of Nevada, and that the State of California waive regulations that may hinder fuels reduction efforts within the Ponderosa West Grass Valley Defense Zone Project area during the local emergency.
6. During the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services, or his designee, and the emergency organization of the County shall be those prescribed by state law, local ordinance and resolutions of this county approved by the Board of Supervisors, as approved by the Board of Supervisors.