



RESOLUTION No. 17-440

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION CONTINUING THE PROCLAMATIONS OF LOCAL EMERGENCIES IN NEVADA COUNTY DUE TO EXTREME AND CUMULATIVE PRECIPITATION, ATMOSPHERIC RIVERS AND STORMS IN JANUARY AND FEBRUARY 2017 RESULTING IN FLOODING, SUBSIDENCE AND OTHER DAMAGE TO PUBLIC AND PRIVATE INFRASTRUCTURE AND FACILITIES

WHEREAS, the California Emergency Services Act, commencing with California Government Code section 8550, provides state assistance and resources to local jurisdictions in the event of a local emergency; and

WHEREAS, Government Code Section 8630 authorizes the proclamation of a local emergency by an official designated by ordinance adopted by the local governing body provided that such emergency proclamation is ratified by the governing body within seven (7) days; and

WHEREAS, Section A-III 2.6 of the County of Nevada Administrative Code authorizes the Director of Emergency Services of the County of Nevada ("County") to proclaim the existence or threatened existence of a local emergency whenever the County is affected or likely to be affected, by a local emergency and the Nevada County Board of Supervisors is not in session, subject to ratification by the Nevada County Board of Supervisors within seven (7) calendar days of the date said local emergency was proclaimed; and

WHEREAS, on January 11, 2017, the Director of Emergency Services proclaimed the existence of a local emergency due to extreme weather and precipitation from an atmospheric river event which caused flooding and road damage throughout the County (the "January Storm Event") and extended certain emergency powers to the County Executive Officer and the County Road Commissioner, as provided by law; and

WHEREAS, on January 17, 2017, by Resolution 17-035 the Board of Supervisors County of Nevada ratified said emergency proclamation for the January Storm Event; and

WHEREAS, on January 23, 2017, Governor Brown proclaimed a State of Emergency for many California counties, including the County of Nevada, due to extensive storm-related flooding and road damage throughout the state; and

WHEREAS, on February 14, 2017, by Resolution 17-076 the Board of Supervisors declared the continuation of the local emergency related to the January Storm Event; and

WHEREAS, on February 22, 2017, the Director of Emergency Services proclaimed the existence of a further local emergency due to extreme weather and cumulative precipitation, atmospheric rivers and storms which caused additional, continuing and cumulative flooding and significant damage to roads and wastewater facilities throughout the County (the "February Storm Events") and extended certain emergency powers to the County Executive Officer and the County Road Commissioner, as provided by law; and

WHEREAS, on February 28, 2017, by Resolution 17-103 the Board of Supervisors County of Nevada ratified said emergency proclamation for the February Storm Events; and

WHEREAS, on March 14, 2017, by Resolution 17-124, the Board of Supervisors authorized combining the two existing emergency proclamations for the January and February storm events into a single emergency proclamation and resolution for clarity and administrative efficiency and to continue these emergency declarations for a reasonable period of time; and

WHEREAS, since the adoption and ratification of these local emergency resolutions, the County has continued to discover and identify additional damage to public and private infrastructure, structures and facilities due to these extreme weather events and excessive precipitation throughout the County, including additional subsidence affecting County-owned roads and property, and subsidence affecting the habitability of certain private homes in the Cascade Shores area; and

WHEREAS, the January and February Storm Events have resulted in damage to such infrastructure, structures and facilities that is continuous and often cumulative in nature; and

WHEREAS, a melting snow pack continues to reveal additional damage especially in the higher elevations and to weaken and aggravate currently assessed conditions especially to roads and landslide areas; and

WHEREAS, the effects of said emergencies are, or are likely to continue to be, beyond the control, capacity, and resources of the services, personnel, equipment, and facilities of Nevada County; and

WHEREAS, the County desires that the Governor of the State of California continue to declare a state emergency for the January and February Storm Events on behalf of Nevada County and provide assistance through the California Disaster Assistance Act, and that the Governor request a federal emergency declaration for the County of Nevada and provide and expedite access to all available federal resources, aid and relief programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada, State of California, hereby continues the local emergency proclamations issued by the Director of Emergency Services and ratified by the Board of Supervisors in connection with the January 2017 and February 2017 Storm Events due to continuing extreme winter storms and precipitation and continuing damage to public and private infrastructure, structures and facilities, especially in the higher elevations due to melting snow pack, and declares that there is a continuing need to maintain said emergency proclamations.

BE IT FURTHER RESOLVED that the Board of Supervisors further directs as follows:

1. This Proclamation of the Continued Existence of Local Emergencies shall be renewed at least every thirty (30) days and is 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. The Director of Emergency Services or his designee immediately forward a copy of this resolution to the Director of the California Office of Emergency Services.

4. During the existence of said local emergencies the powers, functions, and duties of the Director of Emergency Services or his designee, the County Executive Officer, the County Road Commissioner, and the emergency organization of the County shall continue to be those as prescribed by state law, all local ordinances and the prior resolutions of this County related to said local emergencies, and by the Nevada County Operational Area Emergency Operations Plan, all as approved by the Nevada County Board of Supervisors.
5. The Director of Emergency Services or his designee immediately forward a certified copy of this resolution proclaiming the continuation of local emergencies to the Governor of California with a request that he continue to proclaim the County of Nevada to be in a state of emergency, that the State of California continue to waive regulations that may hinder response and recovery efforts and make available recovery assistance under the California Disaster Assistance and that the Governor request that the President of the United States issue a federal emergency declaration for the County of Nevada and provide and expedite assistance for the County and its residents in accordance with applicable federal law.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 15th day of August, 2017, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Hank Weston, Chair