



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RATIFYING A LOCAL EMERGENCY PROCLAMATION BY THE NEVADA COUNTY DIRECTOR OF EMERGENCY SERVICES AND DECLARING A FURTHER EMERGENCY DUE TO EXTREME AND CUMULATIVE, PRECIPITATION, ATMOSPHERIC RIVERS AND STORMS IN FEBRUARY 2017 WHICH CAUSED SIGNIFICANT DAMAGE TO ROADS AND COUNTY WASTEWATER FACILITIES; REQUESTING THE GOVERNOR TO PROCLAIM A STATE OF EMERGENCY FOR NEVADA COUNTY; AUTHORIZING THE CEO TO TAKE ACTION FOR NECESSARY REPAIR OF PUBLIC FACILITIES; AND AUTHORIZING THE COUNTY ROAD COMMISSIONER TO MAKE NECESSARY REPAIR TO COUNTY HIGHWAYS (4/5ths affirmative vote)

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, the Nevada County Department of Public Works and Office of Emergency Services have determined that Nevada County roads and infrastructure have suffered and continue to suffer significant damage due to several weeks of continuous and cumulative extreme storms, precipitation, water inundation and saturation in the month of February 2017, causing bank failures, failing roads, mud slides, falling trees, road surface damage, infrastructure damage, sink holes, and river and flood damage, and that conditions of extreme peril to the safety of persons and property have arisen and continue to arise; and the Nevada County Sanitation District and Office of Emergency Services have determined that Nevada County wastewater treatment facilities suffered significant damage due to the aforesaid extreme weather and these conditions constitute a public health and safety emergency; and the aforesaid continuous and cumulative extreme storms, precipitation, water inundation and saturation occurred during certain February storm events including, but not limited to, the storm events commencing February 5, 7, 9, 16, 17, 18, 19, 20, 21, 23, 2017, and anticipated to continue for the next several days.

WHEREAS, the emergency is expected to remain in place for a period of several days to several weeks as more storms and precipitation are forecasted to commence in the near future, further threatening road integrity, infrastructure, wastewater facilities and other public facilities, and the health and safety of the people and property who use them; and

WHEREAS, the effects of said emergency are or are likely to be beyond the control, capacity, and resources of the services, personnel, equipment, and facilities of Nevada County and due to the aforesaid conditions of extreme peril the Director of Emergency Services proclaimed a local emergency as of February 22, 2017, a copy of which is attached hereto as Exhibit A; and

WHEREAS, at the time of the commencement of the said local emergency the Board of Supervisors was not in session and could not immediately be called into session; and

WHEREAS, the local emergency proclamation must be ratified by the Nevada County Board of Supervisors within seven (7) calendar days of the date said local emergency was declared; and

WHEREAS, the County desires that the Governor of the State of California declare a state emergency on behalf of Nevada County and provide assistance through the California Disaster Assistance Act and expedite access to all available federal resources, aid and relief programs; and,

WHEREAS, Section 22050 of the California Public Contract Code authorizes the Board, with a 4/5ths vote, to delegate authority to the County Executive Officer to order any action to repair or replace a public facility, take any directly related and immediate action required by the local emergency, and procure the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts; and

WHEREAS, the Board finds by substantial evidence that the emergency will not permit a delay resulting from a competitive solicitation for bids, and the action is necessary to respond to the local emergency; and

WHEREAS, Section 20395(e) of the California Public Contract Code authorizes the Board to authorize a the County Road Commissioner to have any work upon county highways done under his or her supervision and direction pursuant to Public Contract Code section 20395.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Nevada, State of California hereby ratifies the local emergency proclamation issued by the Director of Emergency Services on February 22, 2017, and declares that a further emergency exists throughout Nevada County commencing on or about February 5, 2017, due to extreme storms and precipitation in the month of February 2017, resulting in significant road damage and failures, and damage to Nevada County wastewater facilities which constitute a public health and safety emergency. A copy of said local emergency proclamation is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Board of Supervisors requests that the Governor of the State of California declare a State of Emergency for the County of Nevada and provide assistance to Nevada County through the California Disaster Assistance Act, and that the Governor request that the President of the United States issue a federal emergency declaration for the County of Nevada and provide assistance in accordance with applicable federal law.

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

1. This Proclamation of Existence of a Local Emergency 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 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, and by the Nevada County Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.

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 a request that he proclaim the County of Nevada to be in a state of emergency, and request that the State of California waive regulations that may hinder response and recovery efforts, to make available recovery assistance under the California Disaster Assistance Act, and to expedite access to federal resources and any other appropriate federal relief programs.

6. The County Executive Officer of the County of Nevada, is hereby authorized to order any action to repair or replace a public facility, take any directly related and immediate action required by the local emergency in accordance with Public Contract Code section 22050.

7. The County Road Commissioner or her designee is hereby authorized to have any work upon county highways done under his or her supervision and direction in accordance with Public Contract Code section 20395(e).

EXHIBIT A

LOCAL EMERGENCY PROCLAMATION FOR THE COUNTY OF NEVADA DUE TO EXTREME PRECIPITATION, ATMOSPHERIC RIVERS AND STORMS, CAUSING SIGNIFICANT DAMAGE TO ROADS AND COUNTY WASTEWATER FACILITIES

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 of said local emergency was proclaimed; and

WHEREAS, as of February 22, 2017, the Nevada County Department of Public Works and Office of Emergency Services determined that Nevada County roads have suffered significant damage due to bank failures, failing roads, mud slides, falling trees, road surface damage, sink holes, and river and flood damage, and that conditions of extreme peril to the safety of persons and property have arisen; and,

WHEREAS, as of February 22, 2017, the Nevada County Sanitation District and Office of Emergency Services determined that Nevada County wastewater treatment facilities suffered significant damage due to the extreme weather and constitutes a public health and safety emergency; and,

WHEREAS, the emergency is expected to remain in place for a period of several days as more storms and precipitation are forecasted to commence on February 22, 2017, further threatening road integrity and wastewater facilities, and the health and safety of the people and property who use them; and

WHEREAS, these conditions are or are likely to be beyond the control, capacity, and resources of the services, personnel, equipment, and facilities of Nevada County; and

WHEREAS, the Board of Supervisors of the County of Nevada is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Director of Emergency Services for the County of Nevada that as of February 22, 2017, a local emergency now exists throughout Nevada County related to significant road damage and failures, and damage to Nevada County wastewater facilities which constitute a public health and safety emergency; and

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IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the Office of Emergency Services of Nevada County shall be those prescribed by state law, and by ordinances, and resolutions of Nevada County; and that this emergency proclamation shall expire 7 days after issuance unless this emergency proclamation is confirmed and ratified by the Nevada County Board of Supervisors.

Dated: February 22, 2017

by: 

Steve Monaghan
Director of Emergency Services
10014 North Bloomfield Road
Nevada City, CA 95959