



RESOLUTION No. 17-035

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO RATIFY A PROCLAMATION OF A LOCAL EMERGENCY IN NEVADA COUNTY DUE TO EXTREME WEATHER FROM AN ATMOSPHERIC RIVER EVENT, TO REQUEST THE GOVERNOR TO PROCLAIM A STATE OF EMERGENCY FOR NEVADA COUNTY, TO AUTHORIZE THE CEO TO TAKE ACTION FOR NECESSARY REPAIR OF PUBLIC FACILITIES, AND TO AUTHORIZE A REGISTERED ENGINEER UNDER THE DIRECTION OF THE DEPARTMENT OF PUBLIC WORKS TO MAKE NECESSARY REPAIR TO COUNTY HIGHWAYS (4/5 AFFIRMATIVE VOTE)

WHEREAS, Administrative Code Chapter III, Section A-III 2.6 of the County of Nevada empowers the Director of Emergency Services of the County of Nevada to proclaim the existence, or threatened existence of a local emergency when said County is affected, or likely to be affected, by a local emergency and the Board of Supervisors is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within said County, commencing on or about January 11, 2017 due to Extreme Weather from an "Atmospheric River Event" which caused flooding and road damages throughout the County; and

WHEREAS, the aforesaid conditions of extreme peril did warrant and necessitate the Proclamation of the Existence of a Local Emergency; 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 Director of Emergency Services of the County of Nevada did proclaim the existence of a local emergency within said County on the 11th day of January, 2017, which 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, it is hereby found that local resources are unable to cope with the effects of said emergency; 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 registered civil engineer under the direction of the County Director of Public Works, to have any work upon county highways done under his or her supervision and direction pursuant to Public Contract Code section 20395. The work may be done by purchasing the material and letting a contract for the work or by letting a contract covering both work and material without advertising for bids when the estimated cost of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, or other emergency exceeds twenty-five thousand dollars (\$25,000) and the public interest and necessity demand immediate action to safeguard life, health, or property.

NOW, THEREFORE, BE IT 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 and request to the Governor to declare a State of Emergency and provide assistance through the California Disaster Assistance Act, as issued by the Director of Emergency Services, is hereby ratified and confirmed by the Board of Supervisors of the County of Nevada.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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).

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 17th day of January, 2017, by the following vote of said Board:

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

Noes: None.

Absent: Heidi Hall.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Hank Weston, Chair

1/17/2017 cc:

OES*
CEO*
DPW*
AC*