



RESOLUTION No. 17-087

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RATIFYING A LOCAL EMERGENCY PROCLAMATION BY THE NEVADA COUNTY DIRECTOR OF EMERGENCY SERVICES DUE TO EXTREME PRECIPITATION, EXCESSIVE WATER CAPTURE, SIGNIFICANT DAMAGE TO OROVILLE DAM SPILLWAYS AND MANDATORY EVACUATION IN COMMUNITIES BELOW THE OROVILLE DAM AND REQUESTING THAT THE GOVERNOR PROCLAIM A STATE OF EMERGENCY FOR NEVADA COUNTY (4/5 vote required)

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, as of February 12, 2017, the Department of Water Resources determined that the Oroville Dam spillways were at significant risk of damage and failure due to the need to release significant volumes of water from the spillways and prevent over-topping of the Dam; and,

WHEREAS, due to the threat of a potential spillway failure and the uncontrolled flood waters coming from Lake Oroville, the neighboring Yuba, Sutter and Butte Counties and their incorporated cities called for mandatory and voluntary evacuations of approximately 188,000 people to protect the lives, health and safety of those residents and communities located downstream from the spillways and has displaced several core government services in those counties; 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 15, 2017, further threatening the stability of the Oroville Dam spillways and the life and safety of the people and property who reside in the communities below the Oroville Dam; and

WHEREAS, the Governor of the State of California issued an emergency order on February 12, 2017, to help the state's response to the situation at the Oroville Dam's auxiliary spillway and support subsequent local evacuations; and

WHEREAS, on February 12, 2017 at approximately 4 p.m., Nevada County began providing emergency services and opened its emergency shelters to provide food, emergency supplies, medical attention, shelter, transportation and services for the elderly, social services, therapists, animal food and shelter, and to provide supplies and other services as needed to address the complex and rapidly changing circumstances to individuals displaced by the emergency evacuation; and

WHEREAS, Nevada County is currently housing and providing food and resources to approximately 800 evacuees, 80 Yuba County Jail inmates, and 30 Juvenile Hall juveniles, as well as housing Yuba County's temporary Emergency Operations Center, and it is anticipated that this emergency will exist for the next several days, until the Oroville Dam Spillway emergency and threat of uncontrolled flooding has stabilized; 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 on February 13, 2017, due to the aforesaid conditions of extreme peril the Director of Emergency Services proclaimed a local emergency as of February 12, 2017, a copy of which is attached hereto as Exhibit A; and

WHEREAS, at the time the local emergency proclamation was issued 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, there is a need for immediate action to ratify the local emergency proclamation to allow for continued response to the emergency and the need for this action came to the attention of the local agency subsequent to the posting of the agenda for the Board of Supervisor's February 14, 2017 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Nevada, State of California hereby finds and determines, by a 4/5ths vote, that there is a need for immediate action on this resolution to ratify the local emergency proclamation in order to ensure the County's continued ability to respond to and assist with this emergency situation, and that the need for this action came to the attention of the local agency subsequent to the posting of the agenda for the Board of Supervisor's February 14, 2017 meeting.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby ratifies the local emergency proclamation issued by the Director of Emergency Services on February 13, 2017, declaring that a local emergency exists throughout Nevada County related to the threat of a potential spillway failure and the uncontrolled flood waters coming from Lake Oroville; the mandatory and voluntary evacuations of large portions of neighboring Yuba, Sutter and Butte Counties and their incorporated cities into Nevada County; the corresponding displacement of core government services into Nevada County, and the need to assist in protecting the lives, health and safety of those residents and communities located downstream from the spillways. A copy of said local emergency declaration 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 orders and 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 the 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 14th day of February, 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

Exhibit A

LOCAL EMERGENCY PROCLAMATION FOR THE COUNTY OF NEVADA DUE TO EXTREME PRECIPITATION, EXCESSIVE WATER CAPTURE, SIGNIFICANT DAMAGE TO OROVILLE DAM SPILLWAYS AND MANDATORY EVACUATION IN COMMUNITIES BELOW THE OROVILLE DAM

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 12, 2017, the Department of Water Resources determined that the Oroville Dam spillways were at significant risk of damage and failure due to the need to release significant volumes of water from the spillways and prevent over-topping of the Dam; and,

WHEREAS, due to the threat of a potential spillway failure and the uncontrolled flood waters coming from Lake Oroville, the neighboring Yuba, Sutter and Butte Counties and their incorporated cities called for mandatory and voluntary evacuations of approximately 188,000 people to protect the lives, health and safety of those residents and communities located downstream from the spillways and has displaced several core government services in those counties; 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 15, 2017, further threatening the stability of the Oroville Dam spillways and the life and safety of the people and property who reside in the communities below the Oroville Dam; and

WHEREAS, the Governor of the State of California issued an emergency order on February 12, 2017, to help the state's response to the situation at the Oroville Dam's auxiliary spillway and support subsequent local evacuations: and

WHEREAS, on February 12, 2017 at approximately 4 p.m., Nevada County began providing emergency services and opened its emergency shelters to provide food, emergency supplies, medical attention, shelter, transportation and services for the elderly, social services, therapists, animal food and shelter, and to provide supplies and other services as needed to address the complex and rapidly changing circumstances to individuals displaced by the emergency evacuation; and

WHEREAS, Nevada County is currently housing and providing food and resources to approximately 800 evacuees, 80 Yuba County Jail inmates, and 30 Juvenile Hall juveniles, as well as housing Yuba County's temporary Emergency Operations Center, and it is anticipated

that this emergency will exist for the next several days, and until the Oroville Dam Spillway emergency and threat of uncontrolled flooding has stabilized; 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 12, 2017, a local emergency now exists throughout Nevada County related to the threat of a potential spillway failure and the uncontrolled flood waters coming from Lake Oroville, the mandatory and voluntary evacuations of large portions of neighboring Yuba, Sutter and Butte Counties and their incorporated cities into Nevada County, and the corresponding displacement of core government services into Nevada County, and the need to assist in protecting the lives, health and safety of those residents and communities located downstream from the spillways.

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 13, 2017

By: 

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