



# MARIPOSA COUNTY

Administration • 209-966-3222



## **RESOLUTION - ACTION REQUESTED 2014-210**

MEETING: May 13, 2014

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Declaration Proclaiming Existence of a Drought Local Emergency

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### **RECOMMENDATION AND JUSTIFICATION:**

It is recommended that your Board adopt the attached Declaration Proclaiming Existence of a Local Emergency due to drought conditions.

On January 17, 2014 Governor Brown proclaimed a state of emergency due to drought conditions. This declaration included Mariposa County among the areas affected by the drought. With the Governor's proclamation, the County became eligible to participate in emergency funding programs. However, since some programs may require the declaration of a local emergency it is recommended that your Board adopt the attached proclamation.

While the County is already feeling some impacts from the drought, future impacts could become much more severe. The Agricultural Commissioner has assured this office that local farmers and ranchers are already qualified to participate in any assistance programs as a result of the Governor's proclamation.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Your Board has made or ratified similar declarations during other emergencies.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

If the Board does not declare a local emergency the County may not be eligible for possible State or Federal disaster assistance.

### **FINANCIAL IMPACT:**

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### **ATTACHMENTS:**

**Drought Emergency PROCLAMATION (DOCX)**

### **CAO RECOMMENDATION**

Requested Action Recommended

  
Rick Benson, County Administrator/Chief

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Merlin Jones, District II Supervisor  
**SECONDER:** Lee Stetson, District I Supervisor  
**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**PROCLAMATION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF  
MARIPOSA, STATE OF CALIFORNIA, PROCLAIMING EXISTENCE OF A LOCAL  
DROUGHT EMERGENCY**

**WHEREAS**, California Government Code section 8630 empowers the Board of Supervisors to proclaim the existence of a local drought emergency when Mariposa County is threatened or likely to be threatened by the conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County; and

**WHEREAS**, California Government Code section 8558(c) states that a "local emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the territorial limits of the County caused by the drought; and

**WHEREAS**, on January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to current drought conditions in the state; and

**WHEREAS**, the Governor's proclamation acknowledged that the State of California is experiencing record dry conditions that have persisted since 2012; and

**WHEREAS**, the Governor's proclamation also noted that the snowpack in California's mountains is alarmingly below the normal average level; and

**WHEREAS**, the Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and

**WHEREAS**, the Governor's proclamation called upon local water suppliers and municipalities to implement water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season; and

**WHEREAS**, on April 25, 2014, the governor issued a second proclamation further defining actions to be taken in response to the drought; and

**WHEREAS**, the California Department of Water Resources has determined that for winter 2013-2014, dry conditions existed in most of California; and

**WHEREAS**, the Merced River is flowing at 30 percent of its average and flow rate; and,

**WHEREAS**, reduced water will impact Mariposa County's agriculture and ranching businesses; and

**WHEREAS**, reduced water flow in the Merced River will negatively impact tourism and recreational activities on the river; and

**WHEREAS**, persistent drought conditions have negatively impacted and continue to threaten the County's economy; and

**WHEREAS**, conditions of drought exacerbate already perilous fire conditions threatening towns and communities throughout Mariposa County; and

**WHEREAS**, on January 15, 2014, the Secretary of the United States Department of Agriculture designated 27 California counties, including Mariposa, as natural disaster areas due to drought which makes farm operators in the designated counties eligible to be considered for certain assistance including emergency loans from the U.S. Farm Service Agency for production losses; and

**WHEREAS**, on January 17, 2014, the California State Resources Control Board notified all water rights holders in California that, in the coming months, the State Water Board will notify water right holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based upon the priority of their right; and

**WHEREAS**, these conditions are likely to be beyond the services, equipment, personnel and fiscal resources of the County of Mariposa.

**NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED** by the Board of Supervisors of the County of Mariposa that for reasons set forth herein, a local drought emergency now exists throughout Mariposa County; and

**BE IT FURTHER RESOLVED** that federal and state agencies are requested to provide financial and other assistance to residents, water suppliers, water rights holders, ranchers, farmers, business owners and local governments in Mariposa County to help them mitigate the persistent drought conditions; and

**BE IT FURTHER RESOLVED** that Mariposa County's water users are requested to heed the Governor's request to reduce water usage by 20 percent.

**BE IT FURTHER RESOLVED** that water suppliers in Mariposa County are requested to heed the Governor's request to implement water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season.

**BE IT FURTHER RESOLVED** that all county water associates, power companies, other involved agencies, utilities, and individuals do whatever they can to equitably allocate the available water to mitigate to the extent possible the hardships resulting from the lack of water during this extended drought period of recovery.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that during the existence of this local drought emergency the powers, functions, and duties of the emergency organization of this County shall be those prescribed by state law, ordinances, and resolutions existing and



passed in conjunction with this emergency, and that this emergency shall be deemed to continue to exist until the Board of Supervisors of the County of Mariposa, State of California, proclaims its termination. Further, it is directed that this emergency proclamation be forwarded to the Director of the Governor's Office of Emergency Services and the Governor of the State of California.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that the Board of Supervisors of the County of Mariposa hereby authorizes the undertaking of all extraordinary police and planning powers in response to this local drought as determined necessary for the duration of the emergency.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that public employees, officers, and governing bodies within the County are hereby granted full immunity to the extent allowed by law for actions undertaken in compliance with this proclamation.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that during the existence of this local drought emergency, the Mariposa County Director of Emergency Services may request the Board of Supervisors to amend this proclamation of a local drought emergency and, if this Board is not in session to amend this proclamation as necessary and, if this proclamation is amended by the Director of Emergency Services the Board shall take action to ratify the amendment within 7 days thereafter or the amendment shall have no further force or effect.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that this Board of Supervisors will review the need for continuing the local drought emergency at least once every 14 days until this Board terminates the local drought emergency.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this 13<sup>th</sup> day of May, 2014 by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE



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**KEVIN CANN**, Chairman  
Mariposa County Board of Supervisors

**ATTEST:**



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**RENÉ LaROCHE**  
Clerk of the Board

**APPROVED AS TO FORM:**



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**STEVEN W. DAHLEM**  
County Counsel