A RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO ENTER ON TO PRIVATE PROPERTY TO PERFORM EMERGENCY REINFORCEMENT OF THE “J” LEVEE BY WIDENING THE EXISTING LEVEE IN ORDER TO INCREASE ITS VIABILITY UNTIL A PERMANENT SETBACK LEVEE CAN BE CONSTRUCTED

WHEREAS, Glenn County does not hold an easement over the existing “J” levee and has never accepted an easement for same; and

WHEREAS, Glenn County does neither request nor accept a permanent easement for the project; and

WHEREAS, the Glenn County Department of Public Works has estimated that the cost of such emergency work should not exceed $300,000; and

WHEREAS, DWR has represented to Glenn County that, as a result of the Governor’s emergency declaration, a grant is available to fund fifty percent (50%) of the costs associated with this work; and

WHEREAS, DWR has represented to Glenn County that in-kind contributions can be utilized to fund the County match of the remaining fifty percent (50%); and

WHEREAS, the Glenn County Department of Public Works expects to fully fund the County match with in-kind contributions; and

WHEREAS, the Board of Supervisors recognizes that the Flood Control Budget may be called upon to fund some of the fifty percent (50%) County match; and

WHEREAS, all applicable permits for this construction work are being pursued by the Glenn County Department of Public Works; and

WHEREAS, the Glenn County Department of Public Works will not commence work until all applicable permits are secured; and

WHEREAS, it is with the understanding that the County and any of its Departments do not accept liability for operation of or responsibility for ongoing maintenance, removal, alteration, relocation, or reconstruction of either the existing “J” levee and/or the proposed widening project as herein described once the construction project is completed by the County.

NOW, THEREFORE, THE GLENN COUNTY BOARD OF SUPERVISORS DOES HEREBY DECLARE that said local emergency does exist; and
IT IS FURTHER PROCLAIMED AND ORDERED as follows:

1. Under its police powers, a sufficient threat exists to the health and safety of the residents of Glenn County in and around Hamilton City to justify the performance of emergency construction for the purpose of widening the “J” levee at Sacramento River Mile 200.6, as described above; and

2. Such emergency measures, consisting of emergency construction for the purpose of widening the “J” levee at Sacramento River Mile 200.6, as described above, require the entry of County personnel and the expenditure of public funds on a facility which is located on private property; and

3. The Director of the Glenn County Planning and Public Works Agency is authorized to execute the necessary documents and to take or direct such other actions as required in order to effect the completion of such emergency measures and protect the residents of Glenn County; and

4. The required fifty percent (50%) match is anticipated to be met by a combination of in-kind contributions and financial consideration from the property owner, TNC; and

5. In the event the fifty percent (50%) match is not met by the combination of in-kind contributions and financial consideration from TNC, Glenn County Planning and Public Works Agency staff will return to your Board and seek funds from the Glenn County Flood Control budget for the performance of such emergency measures; and

6. In accordance with Government Code § 86309(c)(1), the need for continuing the local emergency will be reviewed at each regularly scheduled meeting of the Board of Supervisors until the local emergency is terminated.

THIS RESOLUTION WAS PASSED by the Board of Supervisors of the County of Glenn at a regular meeting thereof held on October 16, 2007 by the following vote:

AYES: Supervisors Hansen, Murray, Quarne, and McGowan (Chairman)
NOES: None
ABSTAIN OR ABSENT: Supervisor Amaro (Absent)

CHAIR, Board of Supervisors
Glenn County, California

ATTEST:

David Shoemaker, CAO

PLANNING AND PUBLIC WORKS AGENCY:

Dan Obermeyer, Director

APPROVED AS TO FORM:

Thomas Agin, County Counsel