RESOLUTION - ACTION REQUESTED 2020-732

MEETING: December 22, 2020

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Terminate Ferguson Slide Local Emergency

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Terminating the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park.

Persuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster. The purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorization for emergency orders and regulations, and activation of pre-established emergency provisions.

A state of emergency occurs when the response and recovery to an incident exceeds the resources and abilities of a local agency. A state of emergency ceases to exist at the conclusion of an incident (for example, when a wildfire reaches full containment or a flood subsides) or when response and recovery return to levels that can be managed by the local agency. Persuant to California Government Code 8630, governing bodies are required to proclaim the termination of a local emergency "at the earliest possible date that conditions warrant."

Accordingly, staff is recommending the termination of the local emergency due to landslides on Highway 140. The road damage from the landslides impacts a highway in State jurisdiction. The California Department of Transportation has installed temporary bridges to bypass the slide area and continues to work toward a permanent solution for that segment of the highway.

Because the landslide disaster itself is the jurisdiction of the State, the County’s local emergency could only reference the effects of the slide with an inability for travelers, residents, businesses and emergency responders to access El Portal and Yosemite National Park from the town of Mariposa. A temporary solution is in place, and a permanent solution has been developed, to mitigate this emergency and return local response and recovery to levels that can be managed by the County.

While the remedy for the landslide itself is ongoing, this recovery measure is the
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responsibility of the State of California. With no further cause for emergency authority or resources, the state of emergency has subsided and this local emergency proclamation should be terminated.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
In early April 2006, a rock slide began on Highway 140 as a result of rains. The slide, now known as the Ferguson Rock Slide, continued for the next several weeks and in May 2006 a major slide gave way and covered Highway 140. Highway 140 was closed until temporary bridges could be installed.

The Board of Supervisors proclaimed a local emergency shortly after the landslide and has renewed that local emergency every week since.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve. The local emergency would continue until terminated. No additional resources would be received. The State may determine that the County is not in compliance with California Government Code 8630.

FINANCIAL IMPACT:
There is no financial impact associated with this action.

ATTACHMENTS:
Resolution to Terminate Ferguson Slide Emergency  (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
Resolution 20-732

RESOLUTION TERMINATING THE LOCAL EMERGENCY DUE TO LANDSLIDES ON HIGHWAY 140 ENROUTE TO YOSEMITE NATIONAL PARK

WHEREAS, rain caused major rock slides on Highway 140 in April and May of 2006; and

WHEREAS, Highway 140, which is the jurisdiction of the State of California, was covered in the slide material and had to be closed until temporary bridges could be installed to bypass the affected area; and

WHEREAS, the closure of Highway 140 impacted local residents and businesses reliant upon traffic to Yosemite National Park and/or the use of the highway to access residential and/or commercial areas on the other side of the slides: and

WHEREAS, the Mariposa County Board of Supervisors proclaimed a local emergency in 2006 to address response and recovery for this incident; and

WHEREAS, temporary bridges are in place, the California Department of Transportation continues to work on permanent repairs and future mitigations, and emergency conditions and their effects within the jurisdiction of the County have sufficiently abated to levels within the scope of normal protective services, personnel, equipment, facilities and resources.

NOW, THEREFORE, the Mariposa County Board of Supervisors, State of California, does hereby terminate said local emergency and any associated powers and authorities granted to staff and the Board of Supervisors. This Resolution takes effect upon approval.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this 22nd day of December 2020 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSENT: NONE
EXCUSED: NONE

KEVIN CANN, Chair
Mariposa County Board of Supervisors

ATTEST:

RENE LaROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel