

RESOLUTION NO. 7-1995

A RESOLUTOIN OF THE TEHAMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ESTABLISHING POLICY FOR REPAIR OF DAMAGED LEVEE AND STREAM BANK REPAIR PROJECTS

Whereas, during the first three months of 1995, two separate state and federal flood emergency disasters were declared in January and March (FEMA 1044 and 1046) for Tehama County; **and**

Whereas, after the completion of initial levee and stream bank repair involvement by the Tehama County Flood Control and Water conservation District ("District"), a report was prepared by District staff to, in part, assess the role to be filled by the District in emergency flood repair operations; **and**

Whereas, the findings developed in the subject report underscored the need for a definitive, written policy relative to District emergency responsibilities and involvement which can be addressed in administrative form in future flood disasters; **and**

Whereas, the findings of the report were reviewed by the Tehama County Flood Control and Water Conservation District Board of Directors Levee Ad Hoc Committee members Rowen and Willard, whose consequent observations were incorporated into a revised report, which was distributed to the County offices of the Sheriff, Planning, Building and Safety, County Counsel, Natural Resources Conservation Service, and California Department of Forestry for their review; **and**

Whereas, the comments of the reviewing authorities and the District Board of Directors were considered in the establishment of the resolution herein which proves guidelines for future District involvement in emergency flood repair operations.

NOW, THEREFORE, BE IT RESOLVED that the Tehama County Flood Control and Water Conservation District shall adhere to the following policy statements relative to repair of flood-damaged levees and streambanks and obstacle-clearing activities in Tehama County:

1. *Routine annual maintenance and operations expenditures of Tehama County Flood Control and Water Conservation District resources should only be committed to permanently repair and maintain those sites mandated by legal agreement with the California State Department of Water Resources, U.S. Army Corps of Engineers, or other applicable parties.*

2. *During periods of flooding, where the local incident Command System and/or emergency operations procedures have not been activated, and a disaster declaration has not been issued by the State of California or the United States Federal government, the District shall consider repairing only those sites mandated by legal agreement with the California Department of Water Resources, U.S. Army Corps of Engineers, or other applicable parties. The Tehama County Flood Control and Water Conservation District will not provide materials, equipment, or financial commitment to private properties damaged by flood waters. Permanent repairs to private levees and stream courses shall be the responsibility of the private property owner. This policy shall remain in effect until such time that a modified Board - adopted resolution dictates otherwise. A revised resolution would best be proposed to the Board after an applicable non-emergency state or federal funding program becomes available, or at such time that additional local funds are made available for the express purpose of assisting repairs to flood-damaged private property.*

3. *If private levees are damaged by flooding in a time where state and federal emergency disaster status has not been declared, yet the Emergency Operations Procedures/ Incident Command System has been instituted locally, District resources may be directed by the Incident Commander to assist in "flood fight" operations only. District involvement in flood fight operations shall employ temporary measures, such as providing materials (sand, sand bags, stakes, etc), technical assistance and incidental equipment to the Incident Command Center, with the understanding that any additional incurred costs will be reimbursed to the District through the agency represented by the Incident Commander.*

4. *During a disaster declared by the State of California and the U.S. Federal Government, the District may, after initiating technical assistance and assessing the situation, participate in the repair of damaged, private levees, only if: a) immediate risk to life and multiple properties exists due to a threatened levee, **and** b) assurance of federal reimbursement funds is provided by an appropriate agency (most notably --- Natural Resource Conservation Service Emergency Watershed Program), **and** c) indemnification agreement(s) between the affected property owner(s) and the District are executed prior to repair*

authorization, which transfer maintenance responsibilities from the District to the property owner.

BE IT FUTHER RESOLVED THAT the above resolution shall be distributed to District staff and applicable agencies involved in local flood emergencies, including but not limited to the Office of the Tehama County Sheriff, Tehama County Board of Supervisors and its Administrative Office, Tehama County Counsel, USDA Natural Resource Conservation Service and the California Department of Forestry.

The foregoing Resolution was offered by Director McIver and adopted by the following vote of the Board:

AYES: Directors Marelli, Landingham, Rowen, McIver and Willard

NOES: None

ABSENT OR NOT VOTING: None

STATE OF CALIFORNIA

COUNTY OF TEHAMA

I, MARY ALICE GEORGE, County Clerk and ex-officio Clerk of the Board of Directors of the Tehama County Flood Control and Water Conservation District, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a Resolution made by said Board of Directors on the 22 **day of August**, 1995.

DATED: This 22 **day of August**, 1995.

MARY ALICE GEORGE

County clerk and ex-officio Clerk
of the Board of Directors of the
Tehama County Flood Control and
Water Conservation District