

ORDINANCE NO. 680

AN URGENCY ORDINANCE PROHIBITING  
ALL PERSONS FROM BEING IN OR ON THE  
WATERS OF THE KINGS RIVER

The Board of Supervisors of the County of Kings, State of California, ordains as follows:

Section 1. The Kings County Board of Supervisors makes the following findings:

a. On February 17, 2017, the County Emergency Services Director proclaimed the existence of a local emergency due to flooding (Proclamation 17-01) consistent with Section 6-7 of the Ordinance Code of Kings County and Section 8630, *et. seq.* of the California Government Code.

b. On February 23, 2017, the Kings County Board of Supervisors ratified Proclamation 17-01.

c. Above average rains throughout Central California have resulted in above-average snow accumulation in the Sierra Nevada Mountains in the watershed of the Kings River which has started to melt, triggering the release of flood waters from Pine Flat Dam, which have steadily increased and most recently reached a level of 9000 cubic feet per second.

d. On March 21, 2017, the County Emergency Services Director proclaimed the Kings River closed to all recreational activities due to high flood flows (Proclamation 17-02).

e. Such extremely high flows of flood waters in the Kings River create a very dangerous condition for persons who attempt to use the Kings River for recreational uses.

f. The use of the Kings River by motorized boats and personal watercraft causes wakes and wave action, which threaten to degrade the levees and riverbanks which protect the County from flooding.

g. Because of the high flows of flood water in the Kings River, people are now prohibited from being on or in the waters of the Kings River.

Section 2. PURPOSE. The purpose of this Ordinance is to protect people from death or injury and to prevent the continued erosion and degradation of the protective levees along the banks of the Kings River which hold back waters threatening the property and lives of our citizens.

Section 3. Pursuant to California Harbors and Navigation Code section 660 and California Government Code section 8630 and Section 6-7 of the Kings County Code of Ordinances, and in order to protect the health, safety and welfare of the residents of, and visitors to, Kings County, a local emergency is hereby proclaimed effective the date of this Ordinance due to the extremely high flows of flood water in the Kings River.

Section 4. During the existence of this local emergency, all persons are prohibited from being on or in the waters of the Kings River and its tributaries and distributaries. This prohibition includes, but is not limited to, boating with motorized or non-motorized boats, use of personal watercraft, sailing, water-skiing, canoeing, kayaking, rafting, floating, wading and swimming.

Section 5. EXEMPTIONS.

a. Subject to the conditions of subsection 2 below, the following persons shall be exempt from the provisions of Section 3 above:

i. During daylight hours only, any person engaged directly in levee bank maintenance or repair or other protection endeavors.

ii. Employees, officers and agents of public utilities and public agencies when work is required on levees or other public facilities or utility lines.

iii. Law enforcement personnel engaged in the performance of their duties.

b. Such exempt person or persons shall notify the Kings County Central Dispatch by telephone at (559) 852-2720 or in person, each day prior to going upon the waters of the Kings River and again when such person or persons are off such waters. The notice shall include the names of such person or persons and the approximate location or locations they will be located during the day.

Section 6. VIOLATION IS A MISDEMEANOR. Violation of this Ordinance shall be punishable as provided in Section 1-8 of the Ordinance Code of Kings County.

Section 7. DURATION. This Ordinance shall remain in effect for sixty (60) days after it becomes effective, unless the State Department of Boating and Waterways authorizes a longer period pursuant to Harbors and Navigation Code section 660, subdivision (c).

Section 8. URGENCY. The Board of Supervisors of the County of Kings hereby finds and declares that this Ordinance is necessary and is required for the immediate preservation of the public health, safety and welfare, and the facts constituting such urgency are:

a. Waters reaching flood stage have weakened and eroded levees and the river banks along the Kings River. Boats propelled by motors on the Kings River create wave actions that have greatly contributed to the erosion and degradation of the levees and banks.

b. The high flows of flood waters in the Kings River are very dangerous to persons attempting to use the River for any uses.

c. An above-average snowpack in the mountains will likely exacerbate the flood conditions along the Kings River when the snow melts. These extremely dangerous conditions exist now and will remain dangerous until the flood waters recede to safe levels.

Section 9. EFFECTIVE DATE. This urgency Ordinance shall take effect immediately upon the date of its adoption. Before the expiration of fifteen (15) days after its passage this Ordinance shall be published once with the names of the members of the Board of Supervisors voting for and against the same in the Hanford Sentinel, a newspaper published in the County of Kings.

Passed and adopted by the Board of Supervisors, State of California, on the 28th day of March, 2017, by the following vote:

AYES: Supervisors Verboon, Fagundes, Neves, Valle, Pedersen  
NOES: None  
ABSENT: None  
ABSTAIN: None

/s/ Craig Pedersen  
Chairman of the Board of Supervisors  
County of Kings, State of California

WITNESS my hand and seal of said Board of Supervisors this 28th day of March, 2017.

/s/ Melanie Curtis  
Deputy Clerk of said Board of Supervisors

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

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IN THE MATTER OF RENEWING THE  
PROCLAMATION OF EMERGENCY DUE  
TO HIGH FLOWS ON THE KINGS RIVER  
AND PROHIBITION OF RECREATIONAL  
ACTIVITY ON THE RIVER AND CLOSURE  
OF PARKS THAT ABUT THE RIVER \_\_\_\_\_ /

RESOLUTION NO. 17-023.3

**WHEREAS**, on February 17, 2017, the County's Emergency Services Director proclaimed a local emergency due to flooding (Proclamation 17-01) which was ratified on February 23, 2017, by the Kings County Board of Supervisors ("Board") which declared a local emergency due to heavy rains and localized flooding throughout Kings County; and

**WHEREAS**, as of March 8, 2017, DWR Bulletin 120 shows the forecast for the Kings River April to July at 196% of average with a forecast for the water year at 212% of average, which would be the fourth wettest year on record since 1895; and

**WHEREAS**, intermittent warm weather has caused swift and heavy snowmelt triggering the release of flood waters from Pine Flat Dam which have steadily increased reaching a level over 10,000 cubic-feet per second on May 7, 2017, and which is, as of June 6, 2017, 9100 cubic-feet per second; and

**WHEREAS**, on March 21, 2017, the County's Emergency Services Director proclaimed an emergency due to high flows on the Kings River prohibiting recreational activity on the river and closure of parks that abut the river (Proclamation 17-02) which was ratified by the Board on May 16, 2017; and

**WHEREAS**, such high flows have weakened or eroded levees along the river banks and boats propelled by motors create wave actions that contribute to erosion and degradation of the levees and banks; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** as follows:

1. Pursuant to California Government Code section 8630 and Section 6-7 of the Kings County Code of Ordinances, and in order to protect the health, safety and welfare of the residents of, and visitors to, Kings County, this Board hereby renews the declaration of a local emergency in Kings County that now exists due to extremely high flood flows in the Kings River; and

2. During the existence of this local emergency, all persons are prohibited from being on or in the waters of the Kings River and the parks that abut the Kings River. This prohibition includes, but is not limited to, boating with motorized or non-motorized boats, use of personal watercraft, sailing, water-skiing, canoeing, kayaking, rafting, floating, wading and swimming; and

3. This Resolution will remain in effect for twenty-eight days, or until the flows return to 6200 cubic feet per second or less at the Pine Flat Dam, whichever is sooner.

**IT IS FURTHER RESOLVED** that Joe Neves, Director of Emergency Services, is hereby designated as the authorized representative of the County of Kings for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance with respect to said emergency condition.

The foregoing Resolution was adopted upon motion by Supervisor Neves seconded by Supervisor Verboon, at a regular meeting held June 13, 2017, by the following vote:

AYES: Supervisors Neves, Verboon, Valle, Fagundes, Pedersen  
NOES: None  
ABSENT: None  
ABSTAIN: None

/s/ Craig Pedersen  
Chairperson of the Board of Supervisors  
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 13th day of June, 2017.

/s/ Melanie Curtis  
Deputy Clerk of said Board of Supervisors