

Board Members

Joe Neves, District 1
Richard Valle, District 2 - Chairman
Doug Verboon, District 3 – Vice Chairman
Rusty Robinson, District 4
Richard Fagundes, District 5



Staff

Kyria Martinez, County Administrative Officer
Diane Freeman, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors Special Meeting Agenda

Date: Tuesday, August 1, 2023
Time: 9:30 a.m. or soon thereafter the regular meeting
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ bosquestions@co.kings.ca.us ❖ website: <https://www.countyofkings.com>

The meeting can be attended on the Internet by clicking this link:

<https://countyofkings.webex.com/countyofkings/j.php?MTID=m9582f671faceaa15221d682789637545>

or by sending an email to bosquestions@co.kings.ca.us on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting. Remote WebEx participation for members of the public is provided for convenience only. In the event that the WebEx connection malfunctions or becomes unavailable for any reason, the Board of Supervisors reserves the right to conduct the meeting without remote access.*WebEx will be available for access at 8:50 a.m.*

Members of the public who wish to view/observe the meeting virtually can do so on the internet at: www.countyofkings.com and click on the “Join Meeting” button or by clicking this link: <https://youtube.com/live/7U-kbQb8428?feature=share>

****Members of the public viewing the meeting through YouTube will not have the ability to provide public comment.**

Members of the public may submit written comments on any matter within the Board’s subject matter jurisdiction, regardless of whether it is on the agenda for the Board’s consideration or action, and those comments may become part of the administrative record of the meeting. Comments will not be read into the record, only the names of who have submitted comments will be read. Written comments should be directed to bosquestions@co.kings.ca.us email by 8:00 a.m. on the morning of the noticed meeting to be included in the record, those comments received after 8:00 a.m. may become part of the record of the next meeting. E-mail is not monitored during the meeting. To submit written by U.S. Mail to: Kings County Board of Supervisors, Attn: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230.

- I. 10:00 AM CALL TO ORDER
ROLL CALL – Clerk of the Board

- II. UNSCHEDULED APPEARANCES



Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

III. REGULAR AGENDA ITEMS

A. Administration – Kyria Martinez/Matthew Boyett

1. Consider issuing the Fifth Order amending the Fourth Order of the Board of Supervisors in response to a local emergency due to flooding.

IV. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, August 8, 2023 at 9:00 a.m.

EFFECTIVE AUGUST 15, 2023 THE BOARD OF SUPERVISORS MEETINGS WILL BE HELD IN THE MULTI PURPOSE ROOM.

FUTURE MEETINGS AND EVENTS

August 8	9:00 AM	Regular Meeting
August 8	10:00 AM	FY 2023/2024 Final Budget Hearings
August 15	9:00 AM	Regular Meeting – LOCATION WILL BE IN THE MULTI-PURPOSE ROOM
August 22	9:00 AM	Regular Meeting
August 29	9:00 AM	Regular Meeting

Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM August 1, 2023

SUBMITTED BY: Administration – Kyria Martinez/Matthew Boyett

SUBJECT: FIFTH ORDER IN RESPONSE TO THE LOCAL EMERGENCY DUE TO FLOODING

SUMMARY:

Overview:

On March 14, 2023, Proclamation 23-01 was ratified by the Board proclaiming a local emergency due to flooding conditions. As a result, on March 16, 2023, the Board issued the First Order regulating flood flows, and took action again on March 17, 2023 issuing the Second Order regulating flood flows. On April 4, 2023, the Board issued the Third Order regulating public access in and around waterbodies and waterways in addition to concerns about the use of airspace for non-essential flight. On June 27, 2023, conditions in the rivers continued to evolve and a Fourth Order was brought forward for consideration to allow the public access to certain portions of the county. The water levels have returned to a reasonable level to allow additional recreational operation on the river.

Recommendation:

Issue the Fifth Order amending the Fourth Order of the Board of Supervisors in response to a local emergency due to flooding.

Fiscal Impact:

There is no fiscal impact with this recommended action.

BACKGROUND:

Conditions in the county rivers continue to evolve and flows in the rivers are reducing to levels consistent with allowing access to public access areas in Kings County in and on the river channels. Therefore, provisions in the Fourth Order, issued by the Board on June 27, 2023, are proposed to be amended to account for these changes in conditions. Provisions of the Fourth Order prohibited individuals from being in and on the waters of the Main

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

FIFTH ORDER IN RESPONSE TO THE LOCAL EMERGENCY DUE TO FLOODING

August 1, 2023

Page 2 of 2

Kings River, Dutch John Cut, Cole Slough, and North Fork Channels as long as flow rates in the Kings River Below Peoples Weir are greater than 5,000 cubic feet per second (CFS). This prohibition included boating with motorized or non-motorized boats, use of personal watercraft, sailing, water-skiing, paddleboarding, canoeing, kayaking, rafting, floating, wading, and swimming. The Fifth Order desires to modify certain provisions to allow the public to be in and on the Kings River, Tule River, the Cross Creek Canal and any other waterway within the County of Kings jurisdiction and to allow public access to the levees and parks that abut the river for recreational purposes. Addition provisions of the Fifth Order delegate authority to the Director of Emergency Services to take further action as necessary to limit or allow public access in and around the county's waterbodies and waterways during the course of the emergency. Fresno and Tulare Counties are opening their portions of the river on August 1, 2023.

The Fifth Order has been reviewed and approved by County Counsel as to form.

~~FOURTH-FIFTH~~ ORDER OF THE COUNTY OF KINGS BOARD OF SUPERVISORS IN RESPONSE TO A LOCAL EMERGENCY DUE TO FLOODING AMENDING THE BOARD'S THIRD ORDER PROHIBITING ALLOWING RECREATIONAL ACTIVITY ON THE RIVER AND ON CLOSURE OF THE LEVEES AND PARKS THAT ABOUT THE RIVER IN RESPONSE TO A LOCAL EMERGENCY DUE TO FLOODING

**DATE OF ORDER: ~~JUNE 27~~AUGUST 1,
~~2020~~23**

Formatted: Indent: Left: 2", Right: 1.48"

WHEREAS, on March 10, 2023, the Kings County Emergency Services Director issued Proclamation 23-01 pursuant to Government Code Section 8630 and Section 6-7 of the County of Kings Code of Ordinances proclaiming a local emergency in Kings County due to conditions of disaster and extreme peril to the safety of persons and property caused by the large amounts of snow accumulated in the Sierra Nevada Mountains, precipitation from atmospheric river storms and imminent flooding the County will experience as a result;

WHEREAS, on March 14, 2023, Proclamation 23-01 was ratified by the Kings County Board of Supervisors and remains in full force and effect;

WHEREAS, pursuant to Government Code Section 8634, the Board of Supervisors is empowered to make and issue orders and regulations during a local emergency on matters reasonably related to the protection of life and property;

WHEREAS, on April 4, 2023, the Board of Supervisors issued a Third Order regulating public access in and around waterbodies and waterways, and urging all persons to avoid the airspace above and around waterbodies and waterways;

WHEREAS, on June 27, 2023, the Board of Supervisors issued a Fourth Order amending it's Third Order to allow for greater public access to the County's waterbodies and waterways due to decreases in the rates of water flow; and

WHEREAS, emergency conditions in and around the County's waterbodies and waterways ~~within the County~~ have continued to evolve and the rates of water flow therein have continued to decrease;~~d making~~

WHEREAS, in response to the changed conditions, the Board of Supervisors desires to it appropriate to modify certain provisions of the allow recreational activity on and in the Kings River, Tule River, the Cross Creek Canal and any other waterway excluding canals and ditches within the County of Kings Jurisdiction and to allow public access to the Levees and Parks that about the River; and Board of Supervisors' Third Order to allow greater public access;

WHEREAS, the Board of Supervisors also desires to delegate authority to the Director of Emergency Services to take further action as necessary to limit or allow public access in and around the County's waterbodies and waterways during the course of this emergency.

NOW, THEREFORE, it is ordered as follows:

~~1. All prior emergency orders and regulations issued by the Board of Supervisors shall remain in full force and effect, except as modified by this order and the regulations contained herein.~~

Formatted: Indent: Left: 1.08", No bullets or numbering

~~2. Notwithstanding any prior order issued pursuant to this emergency, the public shall be allowed on and in the Kings River, Tule River, the Cross Creek Canal and any other waterway within the County of Kings Jurisdiction and shall be allowed to access the County's levees and parks that abut the River for recreational purposes.~~

~~3. The area identified as the Tulare Lake shall remain closed to public access. Landowners are exempt for business related purposes to access the Lake at their own risk. Recreation is not allowed on the Tulare Lake for any persons.~~

Formatted: Font: 12 pt

~~4. The Director of Emergency Services is delegated the authority to take further action as necessary to limit or allow public access in and around the County's waterbodies, waterways, levies and parks excluding canals and ditches in response to this ongoing emergency.~~

Formatted: Indent: Left: 0.58", Hanging: 0.5", Right: 0.12", No bullets or numbering, Tab stops: Not at 1.08" + 1.08"

~~1. The orders and regulations issued on March 16, 2023, March 17, 2023, and April 4, 2023, by the Board of Supervisors remain in full force and effect, except as modified by this order and the regulations contained herein.~~

Formatted: Font: 12 pt

~~2. Section 2 of the Third Order of the County of Kings Board of Supervisors issued April 4, 2023 is amended as follows:~~

~~During the existence of the local emergency, all persons are prohibited from being in or on the waters above the Lemoore Weir of the Main Kings River, which includes, Dutch John Cut, Cole Slough, and in the South Fork Kings River below the Empire Weir #2. This prohibition includes, but is not limited to, boating with motorized or non-motorized boats, use of personal watercraft, sailing, water-skiing, paddleboarding, canoeing, kayaking, rafting, floating, wading, and swimming. Excepting that private landowners in the referenced areas may access the Kings River from their private property and be in the waterway in and around their property for any and all uses except navigating downstream in any non-motorized capacity to include floating. The area identified as the Tulare Lake is closed to public access. Landowners are exempt for business related purposes to access the lake at their own risk. Recreation is not allowed on the Tulare Lake for any persons.~~

~~3. Section 3, Section 4, and Section 5 of the Third Order of the County of Kings Board of Supervisors issued on April 4, 2023, are hereby revoked.~~

~~4.5. A copy of this order shall be posted online on the Kings County Board of Supervisors web page. Copies shall additionally be posted outside at the Kings County Government Center and in one public place within any area of the County within which this order and regulation applies. Personnel of the County of Kings~~

shall endeavor to make copies of this order and regulation available to the news media.

Date: ~~June~~ August 1, 2023

Richard Valle, Chairman
County of Kings Board of Supervisors

Approved as to form:

Diane Freeman, County Counsel

Formatted: Right: -0.13"

**FIFTH ORDER OF THE COUNTY OF KINGS BOARD OF SUPERVISORS IN
RESPONSE TO A LOCAL EMERGENCY DUE TO FLOODING ALLOWING
RECREATIONAL ACTIVITY ON THE RIVER AND ON THE LEVEES AND
PARKS THAT ABUT THE RIVER**

DATE OF ORDER: AUGUST 1, 2023

WHEREAS, on March 10, 2023, the Kings County Emergency Services Director issued Proclamation 23-01 pursuant to Government Code Section 8630 and Section 6-7 of the County of Kings Code of Ordinances proclaiming a local emergency in Kings County due to conditions of disaster and extreme peril to the safety of persons and property caused by the large amounts of snow accumulated in the Sierra Nevada Mountains, precipitation from atmospheric river storms and imminent flooding the County will experience as a result;

WHEREAS, on March 14, 2023, Proclamation 23-01 was ratified by the Kings County Board of Supervisors and remains in full force and effect;

WHEREAS, pursuant to Government Code Section 8634, the Board of Supervisors is empowered to make and issue orders and regulations during a local emergency on matters reasonably related to the protection of life and property;

WHEREAS, on April 4, 2023, the Board of Supervisors issued a Third Order regulating public access in and around waterbodies and waterways, and urging all persons to avoid the airspace above and around waterbodies and waterways;

WHEREAS, on June 27, 2023, the Board of Supervisors issued a Fourth Order amending it's Third Order to allow for greater public access to the County's waterbodies and waterways due to decreases in the rates of water flow; and

WHEREAS, emergency conditions in and around the County's waterbodies and waterways have continued to evolve and the rates of water flow therein have continued to decrease;

WHEREAS, in response to the changed conditions, the Board of Supervisors desires to allow recreational activity on and in the Kings River, Tule River, the Cross Creek Canal and any other waterway excluding canals and ditches within the County of Kings Jurisdiction and to allow public access to the Levees and Parks that abut the River; and

WHEREAS, the Board of Supervisors also desires to delegate authority to the Director of Emergency Services to take further action as necessary to limit or allow public access in and around the County's waterbodies and waterways during the course of this emergency.

NOW, THEREFORE, it is ordered as follows:

1. All prior emergency orders and regulations issued by the Board of Supervisors shall remain in full force and effect, except as modified by this order and the regulations contained herein.

2. Notwithstanding any prior order issued pursuant to this emergency, the public shall be allowed on and in the Kings River, Tule River, the Cross Creek Canal and any other waterway within the County of Kings Jurisdiction and shall be allowed to access the County's levees and parks that abut the River for recreational purposes.
3. The area identified as the Tulare Lake shall remain closed to public access. Landowners are exempt for business related purposes to access the Lake at their own risk. Recreation is not allowed on the Tulare Lake for any persons.
4. The Director of Emergency Services is delegated the authority to take further action as necessary to limit or allow public access in and around the County's waterbodies, waterways, levees and parks excluding canals and ditches in response to this ongoing emergency.
5. A copy of this order shall be posted online on the Kings County Board of Supervisors web page. Copies shall additionally be posted outside at the Kings County Government Center and in one public place within any area of the County within which this order and regulation applies. Personnel of the County of Kings shall endeavor to make copies of this order and regulation available to the news media.

Date: August 1, 2023

Richard Valle, Chairman
County of Kings Board of Supervisors

Approved as to form:

Diane Freeman, County Counsel