**PROCLAMATION DECLARING A LOCAL EMERGENCY AND INVOKING EMERGENCY POWERS IN WEBER COUNTY DUE TO IMMINENT COUNDY-WIDE FLOODING**

 **WHEREAS**, pursuant to Utah Code Ann. §§ 53-2A-205 and 208, the Board of County Commissioners of Weber County has authority to declare a local emergency for Weber County; and

 **WHEREAS,** the nature of this emergency is imminent and ongoing flooding resulting from excessive storm water run-off that is anticipated to increase as temperatures rise and the snowpack melts; and

**WHEREAS,** on March 18, 2023, Utah Governor Cox issued an executive order declaring a state of emergency as a result of imminent and ongoing flooding from the record-breaking snowpack that exceeds 200% in some areas; and

 **WHEREAS,** as the snowpack melts, regional reservoirs located within the Weber Basin are anticipated to reach capacity and the water discharged from the reservoirs in the Weber Basin directly impacts the Ogden River, Weber River, and other watercourses within the County both natural and man-made;

**WHEREAS,** the County Roads Department, Emergency Management, and Engineering have been working to try to prevent or mitigate the risk of flooding by implementing flood control measures to protect the general public, businesses, and property within the County;

 **WHEREAS,** despite those efforts, the banks along the rivers and watercourses within the County have been or are anticipated to be breached by high-water flow;

**WHEREAS,** an undetermined amount of precipitation may yet fall, further addition to the problem, and soils in many parts of the County have reached saturation and cannot absorb additional storm water;

**WHEREAS,** it is anticipated that extensive damage will occur on private and public property, trails, roads, bridges, utilities, and other public and private infrastructure;

**WHEREAS**, it is anticipated that the circumstances of the imminent flooding will exceed the capacity of the services, personnel, equipment, supplies, and facilities of Weber County; and

**WHEREAS,** these conditions meet the definition of a local emergency described in the Disaster Response and Recovery Act, specifically in Utah Code § 53-2a-208(1);

**WHEREAS**, declaring a state of emergency will activate the response and recovery aspects of local disaster emergency plans, facilitate the protection of persons and property from the imminent flooding, and permit the County to request and receive mutual aid assistance from the state, federal government, and other political subdivisions through mutual aid agreements;

**NOW, THEREFORE, BE IT DECLARED BY THE BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY:**

**Section 1.** **Local Emergency**. A local emergency exists in Weber County, Utah, due to imminent flooding.

**Section 2.** **Assistance**. This local emergency exceeds the resources of the community. Assistance is requested from both the State of Utah and the Federal Government to provide all necessary resources to protect against and restore damage done to Weber County residents and businesses.

**Section 3.** **Emergency Powers**. All necessary emergency powers and operations authorized under Utah Code Ann. § 53-2a-205 and 208 are hereby invoked, including the utilization of available resources to address the imminent flooding. All applicable local disaster and emergency plans are hereby activated.

**Section 4**. **Mutual Aid**. Weber County authorizes the furnishing of aid and assistance in relation to this Declaration through mutual aid agreements. Weber County also requests all assistance available pursuant to the laws of the United States of America, the laws of the State of Utah, and local ordinances and regulations.

**Section 5. Government Immunity**.Pursuant to Utah Code Ann. § 63G-7-201(4)(p) and (q), the County, its officers, and its employees are immune from suit for injuries that may arise from the management of flood waters or natural disasters and from the construction, repair, or operation of flood or storm systems.

**Section 6.** **Duration**. This Declaration shall take effect immediately and be declared ongoing and continuing for no more than 30 days until terminated or extended pursuant to governing law.

**Section 7.** **Publication**. This Declaration shall be on file for public inspection at the Weber County Clerk/Auditor’s Office.

**Section 8.** **Notice to Governor**. A copy of this Declaration shall be sent to the Office of the Governor of the State of Utah.

DATED this \_\_\_\_ DAY OF APRIL, 2023

WEBER COUNTY COMMISSION

Commissioner Gage Froerer, Chair

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Commissioner James H. “Jim” Harvey

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Commissioner Sharon Bolos

ATTEST:

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Ricky Hatch

Weber County Clerk/Auditor

APPROVED AS TO FORM:

Christopher K. Crockett

Weber County Chief Civil Deputy