

RESOLUTION NO. 27-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA RATIFYING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE MARCH 2023 STORM EVENTS

WHEREAS, Section 4-2.05 of the City of Pacifica Municipal Code ("PMC") designates the City Manager as the Director of Emergency Services; and

WHEREAS, Government Code section 8630 and PMC section 4-2.05(a) empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the said City is affected or likely to be affected by an emergency, subject to ratification by the City Council; and

WHEREAS, Section 4-2.02 of the PMC defines "emergency" as the "actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as earthquake, hazardous materials, plane crash, landslide, tsunami, epidemic, flood, riot, fire, or other conditions, including conditions resulting from a labor controversy, which conditions are or are likely to be beyond the capability of control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat"; and

WHEREAS, Section 4-2.01 et seq. of the Pacifica Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of Pacifica caused by recent wet weather events, including flooding and damaging wind storms, occurring on March 8, 9, 13, 14, 15, 19 and 21, 2023, at which time the City Council of the City of Pacifica was not in session; and

WHEREAS, the City Manager has determined that wet weather events, including flooding and wind storms, threaten the health and safety of persons and properties, including critical public infrastructure, due to the risk of flooding and damaging winds requiring immediate attention and repair and, as such, constitutes an emergency pursuant to Pacifica Municipal Code section 4-2.02 and Public Contract Code section 1102; and

WHEREAS, such conditions are beyond the handling capability of the City's services, personnel, equipment, and facilities, requiring the use of outside contractors to conduct emergency repair pursuant to Pacifica Municipal Code section 3-15.09 without giving notice for bids to let the contract, pursuant to Public Contract Code 22050; and

WHEREAS, on March 23, 2023, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Pacifica after determining that wet weather conditions are likely to create conditions of disaster or

extreme peril which will be beyond the services, personnel and equipment and facilities of the City; and such proclamation is attached hereto as Attachment A; and

WHEREAS, in accordance with Government Code section 8630 and PMC section 4-2.05(a) the City Council must take action to confirm the proclamation within 7 days of the proclamation of local emergency.

NOW, THEREFORE, BE IT RESOLVED that said Proclamation of Existence of a Local Emergency, as issued by said City Manager in his capacity as Director of Emergency Services, which is attached hereto as "Attachment A," is hereby ratified and approved by the City of Pacifica City Council;

BE IT FURTHER RESOLVED that said local emergency is confirmed to exist and shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Pacifica;

BE IT FURTHER RESOLVED that during the existence of this local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City of Pacifica shall be those prescribed by state law, by the existing ordinances and resolutions of the City of Pacifica, as well as this resolution and any subsequent emergency orders of the City Council.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 27th day of March, 2023, by the following vote:

AYES, Councilmembers: *Beckmeyer, Bier, Bigstych, Boles, Vaterlaus*

NOES, Councilmembers: *n/a*

ABSENT, Councilmembers: *n/a*

ABSTAIN, Councilmembers: *n/a*

Tygarjas T. Bigstych

Tygarjas Twyrls Bigstych, Mayor

ATTEST:
Sarah Coffey

Sarah Coffey, City Clerk

APPROVED AS TO FORM:
Michelle Kenyon

Michelle Kenyon, City Attorney

Attachment A



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

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www.cityofpacifica.org

MAYOR
Tygarjas Bigstyk

MAYOR PRO TEM
Sue Vaterlaus

COUNCIL
Sue Beckmeyer
Mary Bier
Christine Boles

PROCLAMATION OF A LOCAL EMERGENCY RELATED TO THE MARCH 2023 STORM EVENTS

WHEREAS, Section 4-2.01 *et seq.* of the Pacifica Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, the City Manager, the Director of Emergency Services of the City of Pacifica, does hereby find that:

1. Conditions of extreme peril to the safety of persons and property have arisen within the City of Pacifica caused by the recent extreme weather events, including flooding and high windstorms, occurring on March 8, 9, 13, 14, 15, 19 and 21, 2023; and
2. The City Council of the City of Pacifica is not in session and cannot immediately be called into session.

WHEREAS, the City provides this written notification to the San Mateo County and State Cal OES Regional and Headquarters offices of a proclamation of a local emergency; and

WHEREAS, such proclamation shall be subject to confirmation by the Pacifica City Council at the earliest possible time;

NOW, THEREFORE, BE IT PROCLAIMED that a local emergency now exists throughout the City of Pacifica;

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of the City of Pacifica shall be those prescribed by state law, Ordinances, and Resolutions of the City of Pacifica.

DATED: March 23, 2023

BY: _____

Kevin Woodhouse
Director of Emergency Services