



CITY COUNCIL AGENDA REPORT

Meeting Date: January 12, 2023

From: Clay Holstine, City Manager

Subject: Resolution Confirming and Ratifying the Proclamation Declaring the Existence of a Local Emergency in the City of Brisbane in Response to Rain Storm of December 31, 2022 and Continuing the Existence of the Local Emergency

Community Goal/Result

Safe Community

Recommendation

Adopt the attached resolution

Background

A torrential rain storm, accompanied by significant winds, occurred on December 31, 2022 causing flooding and mudslides throughout the Bay Area and in Brisbane. As a result, City work crews and outside organizations worked around the clock and through the following days to address the damage to the community. Moreover, the City Manager, as Emergency Services Director, proclaimed a local emergency on January 6, 2023 to acknowledge the ongoing efforts to respond expeditiously to the emergency circumstances caused by the storm. Efforts to address the conditions caused by the storm continue and staff is requesting the City Council not only to ratify and confirm the Director of Emergency Service's proclamation of a local emergency but to continue the local emergency and the efforts to respond to the local emergency.

Discussion

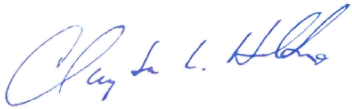
Staff is recommending that the City Council adopt a resolution ratifying and confirming the Director of Emergency Services' proclamation as to the existence of a local emergency in response to the storm and continuing the local emergency and the efforts to respond to the local emergency.

Financial Impact

There is no direct financial impact from City Council taking this action. The attached resolution, however, will put the City in a better position to recover funds that are expended in response to its efforts to respond to the local emergency.

Attachment:

1. Proclamation Declaring the Existence of a Local Emergency
2. Resolution Confirming and Ratifying the Proclamation of the Existence of a Local Emergency in the City of Brisbane in Response to the Rain Storm of December 31, 2022 and Continuing the Existence of the Local Emergency



Clay Holstine, City Manager

CITY OF BRISBANE
PROCLAMATION OF LOCAL EMERGENCY
BY DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Section 2.28.060 of the City of Brisbane Municipal Code empowers the City Manager, as Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session, and;

WHEREAS, the Director of Emergency Services of the City of Brisbane does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within the City, caused by torrential rain, wind, flooding and mudslides which began on December 31, 2022;

That these conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

That the City Council of the City of Brisbane is not in session and cannot immediately be called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the said City; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this City, and by the City of Brisbane Emergency Operations Plan, as approved by the City Council.

That this emergency proclamation shall expire in 7 days after issuance unless confirmed and ratified by the governing body of the City of Brisbane.

Dated: January 6, 2023 _____

By: _____



Clayton Holstine

Director of Emergency Services

50 Park Place, Brisbane, CA 94005

APPROVED AS TO FORM:



Thomas McMorrow, City Attorney

RESOLUTION NO. 2023-X

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE CONFIRMING AND RATIFYING THE DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Section 2.28.060 of the Brisbane Municipal Code empowers the City Manager/Director of Emergency Services to proclaim a local emergency if the City Council is not in session and requires the City Council to take action to ratify the proclamation thereafter; and

WHEREAS, conditions of extreme peril to the health, safety and welfare of persons occurred in the aftermath of a torrential rain storm and wind that began on December 31, 2022, causing widespread flooding and mudslides in Brisbane:

WHEREAS, actions continue to be taken to protect public health, safety and welfare; and

WHEREAS, due to conditions in the City caused by the torrential rain storm and wind, the City of Brisbane's Director of Emergency Services declared a Local Emergency on January 6, 2023.

WHEREAS, for the reasons expressed above, conditions of extreme peril and a serious threat to the public health, safety and welfare have arisen, and continue to exist, in the City of Brisbane; and

WHEREAS, the City Council does hereby find that the above described conditions of extreme peril and serious threat to the public health, safety, and welfare did warrant and necessitate the proclamation of the existence of a local emergency in the City of Brisbane and those conditions continue at this time.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BRISBANE DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

Section 1. That the "Proclamation of Existence of a Local Emergency", as issued by the Director of Emergency Services/City Manager, is hereby ratified and confirmed.

Section 2. During the existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the Emergency Organization of the City shall be those prescribed by State law, ordinances, and resolutions of the City of Brisbane, and by the City of Brisbane Emergency Operation Plan.

Section 3. The local emergency shall continue to exist until the City Council proclaims its termination.

Section 4. This resolution is effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a special meeting on January 12, 2023.

I hereby certify that the foregoing resolution was adopted by the City Council at a special meeting held on January 12, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ingrid Padilla, City Clerk

Approved as form:



Thomas McMorrow, City Attorney