

## **RESOLUTION NO. 4301**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA RATIFYING THE EMERGENCY SERVICES DIRECTOR'S PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, the California Emergency Services Act (California Government Code sections 8630, 8550 et seq.) empowers the City of Capitola ("City") City Council to authorize, by ordinance a local official, to proclaim the existence of a local emergency when the City Council is not in session; and

WHEREAS, a local emergency proclaimed by an official designated by ordinance shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body; and

WHEREAS, Capitola Municipal Code Sections 8.08.050 designates the City Manager as the Director of Emergency Services for the City, and Capitola Municipal Code Section 8.08.060 empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City is affected or likely to be affected by the existence of disaster or extreme peril which is, or is likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to control; and

WHEREAS, Capitola Municipal Code Section 8.08.020 defines an 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 air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions...which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities for this city, requiring the combined forces of other political subdivisions to combat"; and

WHEREAS, commencing on December 30, 2022, the City experienced heavy rains causing flood related significant damage to public infrastructure and private property throughout the City; and

WHEREAS, on January 4, 2023, due to the conditions created by the weather, the Director of Emergency Services issued a Proclamation of Existence of Local Emergency ("Proclamation"), a copy of which is attached hereto; and

WHEREAS, on January 4, 2023, the Director of Emergency Services issued an evacuation order for Capitola Village/Riverview neighborhoods; and

WHEREAS, at the time of issuance of the Proclamation, the City Council was not in session.

NOW, THEREFORE, the City Council of the City of Capitola does resolve as follows:

1. A local emergency exists throughout the City; and

2. The Proclamation issued by the City Manager acting as the Director of Emergency Services on January 4, 2023 is hereby ratified; and
3. During the existence of said emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City of Capitola shall be those prescribed by State law, ordinances, and resolutions of the City and by the City of Capitola Emergency Plan; and
4. Pursuant to Capitola Municipal Code Section 8.08.090, all expenditures made in connection with this local emergency, including mutual aid activities, shall be deemed to be for the direct protection and benefit of the inhabitants and property of the City of Capitola; and
5. Said local emergency shall be deemed to continue to exist until it is terminated by the City Council.

PASSED AND ADOPTED by the City Council of the City of Capitola, California, this 6<sup>th</sup> day of January, 2023, by the following vote:

AYES: BROOKS, CLARKE, PEDERSEN, BROWN, KEISER

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

DocuSigned by:  
*Margaux Keiser*  
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Margaux Keiser, Mayor

ATTEST:

DocuSigned by:  
*Julia Moss*  
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Julia Moss, City Clerk

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY  
BY THE DIRECTOR OF EMERGENCY SERVICES  
OF THE CITY OF CAPITOLA, STATE OF CALIFORNIA**

**WHEREAS**, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat;

**WHEREAS**, Capitola Municipal Code Section 8.08.060 empowers the Director of Emergency Services for the City of Capitola to proclaim the existence of a local emergency when the City is affected or likely to be affected by the existence of disaster or extreme peril which is, or is likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to control; and

**WHEREAS**, on December 30 and 31, 2022, Santa Cruz County, including the City of Capitola, experienced a major rain event (the “2022-23 Atmospheric River Winter Storm”); and

**WHEREAS**, as a result of the 2022-23 Atmospheric River Winter Storm, major flooding of Soquel Creek in Santa Cruz County caused damage to public and private property in the unincorporated County just upstream from Capitola; and

**WHEREAS**, various other roads and infrastructure in the City of Capitola has been damaged as a result of the 2022-23 Atmospheric River Winter Storm; and

**WHEREAS**, current estimates of the damage caused by the 2022-23 Atmospheric River Winter Storm exceed \$1.5 million, and the true extent of the damage caused by the 2022-23 Atmospheric River Winter Storm has yet to be ascertained; and

**WHEREAS**, soil conditions in the City of Capitola and County of Santa Cruz remain saturated as a result of the 2022-23 Atmospheric River Winter Storm, and an additional atmospheric storm event is expected on January 4 and 5, 2023, increasing the likelihood of further damage from earth slippage events, including the potential for flooding; and

**WHEREAS**, at the time of this Proclamation, the City Council is not in session.

**NOW, THEREFORE, IT IS PROCLAIMED AS FOLLOWS:**

1. Conditions caused by the 2022-23 Atmospheric River Winter Storm in the City of Capitola, including but not limited to flooding along Soquel Creek, as well as other currently undiscovered damage related to the 2022-23 Atmospheric River Winter Storm, constitute conditions of disaster and extreme peril to the safety of persons, their property and public services.

2. An emergency, as defined in Section 8.08.020 of the Capitola Municipal Code, Government Code Section 8558(c), and Public Contract Code Section 1102, now exists in the City of Capitola.

3. During the existence of said local emergency the powers, functions, and duties of the City Manager or designee shall be those prescribed by State law and the ordinances, resolutions, codes and approved plans of the City of Capitola in order to mitigate the effects of the local emergency.

4. Pursuant to Section 8.08.090 of the Capitola Municipal Code, all expenditures made in connection with this local emergency, including mutual aid activities, shall be deemed to be for the direct protection and benefit of the inhabitants and property of the City of Capitola.

5. The City Manager, or his designee, is hereby designated as the authorized Agent for the City of Capitola for the purposes of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available County, State, and federal assistance.

6. Pursuant to Government Code section 8630, the local emergency shall be deemed to continue to exist for a period of up to seven (7) days, and thereafter by ratification and extension by the City Council until it is terminated by the City Council.

DATE: January 4, 2023

DocuSigned by:  
*Jamie Goldstein*  
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JAMIE GOLDSTEIN  
CITY MANAGER/ DIRECTOR OF  
EMERGENCY SERVICES

APPROVED AS TO FORM:

DocuSigned by:  
*Samantha W. Zutler*  
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SAMANTHA W. ZUTLER  
CITY ATTORNEY

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