

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA TERMINATING 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”); and

WHEREAS, on January 6, 2023, the City Council adopted and ratified said Proclamation of Existence of Local Emergency during a Special City Council Meeting; and

WHEREAS, Cal. Gov. Code Section 8630(d) requires that a governing body proclaim termination of the local emergency at the earliest possible date that conditions warrant; and

WHEREAS, flood conditions appear to have subsided in the City, thus warranting the termination of the local emergency.

NOW, THEREFORE, pursuant to California Government Code section 8630, the City Council of the City of Capitola does resolve as follows:

1. The local emergency ratified by the City Council on January 6, 2023, is hereby terminated.

PASSED AND ADOPTED by the City Council of the City of Capitola, California, this 23rd day of February, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Margaux Keiser, Mayor

ATTEST:

Julia Moss, City Clerk