

## **RESOLUTION NO.**

### **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:

NAYS:

ABSENT:

ABSTAIN:

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Margaux Keiser, Mayor

ATTEST:

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Julia Moss, City Clerk