

Resolution No. 2023-008 N.C.S. of the City of Petaluma, California

RATIFYING THE EMERGENCY PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES DATED EFFECTIVE JANUARY 3, 2023 PURSUANT TO GOVERNMENT CODE SECTION 8630(B) AND SECTION 2.32.060(A) OF THE PETALUMA MUNICIPAL CODE

WHEREAS, beginning December 27, 2022, severe winter storms related to a series of atmospheric river systems struck California, bringing high winds, substantial precipitation, and river and urban flooding; and

WHEREAS, it is forecasted that additional and continuing storms related to this series of atmospheric river systems threaten California, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and

WHEREAS, California Governor, Gavin Newsom, has, on January 4, 2023, proclaimed a state of emergency throughout California in response to the atmospheric river events pursuant to the powers granted the Governor under the Emergency Services Act, Government Code Section 8550 and following, and Section 8625 in particular; and

WHEREAS, the Governor's January 4 emergency proclamation directs state agencies to enter into contracts to arrange for the procurement of materials, goods and services necessary to quickly assist with the response to and recovery from the impact of the storms as necessary to assist local governments and for the protection of public health and the environment; and

WHEREAS, the Governor's January 4 emergency proclamation also suspends applicable provisions of the Government Code and Public Contract Code, including, but not limited to, travel, advertising, and competitive bidding requirements, to the extent necessary to address the effects of the storms; and

WHEREAS, the Governor's January 4 emergency proclamation also directs that any fairgrounds that the Office of Emergency Services determines suitable to assist individuals impacted by the storms shall be made available to the Office of Emergency Services pursuant to Section 8589 of the Emergency Services Act, and that the Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within Sonoma County caused by the atmospheric river events, which are fast moving storms causing major flooding in parts of Sonoma County, threatening people and structures, and resulting in downed trees, disrupted utility services and damaged roadways; and

WHEREAS, the conditions of extreme peril caused by the atmospheric river events over the past five days and continued heavy rains have caused severe ground saturation that has not dissipated at normal soil drainage rates, and that continue to cause major flooding, which has impacted significant Sonoma County and community operations and resources and requires the provision of additional public safety, health and emergency services; and

WHEREAS, conditions of extreme peril to the safety of persons and property will continue within Sonoma County based on forecasted severe atmospheric river storms of the next six days bringing an additional six to twenty inches of rain, along with high winds, and significant risk of downed trees, debris flows, power outages and road blockages, and based on best available current information, the Russian River is project to exceed flood

stage near Guerneville, with other areas in Sonoma County expected to flood as well, and the situation is of such severity and magnitude that effective response is beyond the capability of the individual affected local governments; and

WHEREAS, based on the effects of the atmospheric river event impacts in Sonoma County, the Sonoma County Administrator, in her capacity as the Sonoma County Director of Emergency Services has on January 3, 2023 proclaimed the existence of a state of emergency in Sonoma County; and

WHEREAS, in response the atmospheric river events, City of Petaluma first responders and other City staff and have been responding and deploying City equipment and other resources in response to the early 2023 atmospheric river events in Sonoma County and making preparations for local storm impacts, including by monitoring Petaluma River levels, establishing sand bag filling locations, making evacuation preparations, giving notice to flood prone businesses and residential areas, monitoring local flooding conditions, closing flooded roadways, coordinating with local nongovernmental organizations for potential coordinated emergency response efforts, and taking other actions as needed to protect the public safety; and

WHEREAS, in recent local emergency events Petaluma has provided essential sheltering resources for evacuees, and such sheltering resources in Petaluma may be required again in response to the atmospheric river events, and City staff are making provision for the potential of receiving evacuees from the neighboring cities and unincorporated Sonoma County; and

WHEREAS, the City of Petaluma intends to take all necessary and appropriate steps to protect the public health and safety and to avoid interrupted services of the City, other local government service providers, local businesses, and non-profit organizations, and to coordinate with Federal, State and local governments to deploy resources in a coordinated fashion to help minimize the threat posed by the current atmospheric river events; and

WHEREAS, Section 8630(b) of the Government Code and Section 2.32.060 of the Petaluma Municipal Code empower the Director of Emergency Services or a designated Acting Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the city is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

WHEREAS, the Acting Director of Emergency Services of the City of Petaluma will proclaim the existence of a local emergency within the city effective as of the 3rd day of January, 2023; and

WHEREAS, the City Council does hereby find that conditions of extreme peril to the safety of persons and property have arisen within the city at which time the City Council of the City of Petaluma was not in session; and

WHEREAS, the City Council further finds that the conditions of extreme peril, which are ongoing, did and do warrant and necessitate the proclamation of the existence of a local emergency; and

WHEREAS, declaring a state of emergency is exempt from CEQA pursuant to CEQA Guidelines Section 15269(c) as a specific action necessary to prevent or mitigate an emergency, and this action is also exempt pursuant to the “commonsense exemption” CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that this action will not have a significant effect on the environment as it is an administrative activity that does not directly or indirectly effect the environment.

NOW, THEREFORE, BE IT RESOLVED, PROCLAIMED, AND ORDERED by the City Council of the City of Petaluma as follows:

1. Declaring a state of emergency is exempt from CEQA pursuant to CEQA Guidelines Section 15269(c) as a specific action necessary to prevent or mitigate an emergency, and this action is also exempt pursuant to the "commonsense exemption" CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that this action will not have a significant effect on the environment as it is an administrative activity that does not directly or indirectly effect the environment.
2. The Proclamation of Existence of a Local Emergency, as issued by the Acting Director of Emergency Services and attached hereto and made a part hereof as Exhibit A, is hereby ratified and confirmed by the City Council of the City of Petaluma, in accordance with Government Code Section 8630(b), Section 2.32.060 of the Petaluma Municipal Code, and other applicable law.
3. Such proclaimed local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Petaluma.
4. These conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Petaluma.
5. In accordance with Section 2.32.060, paragraph (F)(3) of the Petaluma Municipal Code, the City Manager, as the City's Emergency Services Director, is empowered to require emergency service of any City officer or employee.
6. In accordance with Section 2.32.090 of the Petaluma Municipal Code, all officers and employees of the City, along with volunteer forces and groups aiding during an emergency, may be charged with duties incident to the protection of life and property in the City during this proclaimed emergency.
7. In accordance with Government Code Section 3100, all public employees are declared to be disaster service works subject to such disaster service activities in response to this proclaimed emergency as by be assigned to them by their superiors or by law.
8. During the existence of this declared emergency, the powers, functions, and duties of the Emergency Organization of the City of Petaluma shall be those prescribed by state law and by ordinances and resolutions of the City.

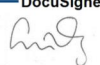
Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 9th day of January 2023, by the following vote:

Approved as to

DocuSigned by:


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City Attorney

AYES:

Mayor McDonnell, Barnacle, Vice Mayor Cader Thompson, Healy, Nau, Pocekay, Shribbs

NOES:

None

ABSENT:

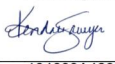
None

ABSTAIN:


None

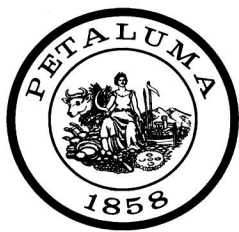
ATTEST:

DocuSigned by:


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City Clerk

DocuSigned by:


FE316449A062476...
Mayor



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Kevin McDonnell
Mayor

Brian Barnacle
Janice Cader-Thompson, Dist. 1
Mike Healy
Karen Nau, Dist. 3
Dennis Pocekay
John Shribbs, Dist. 2
Councilmembers

City Manager's Office
11 English Street
Petaluma, CA 94952

Phone (707) 778-4345

E-Mail:
citymgr@cityofpetaluma.org

Economic Development
Phone (707) 778-4549
Fax (707) 778-4586

Housing Division
Phone (707) 778-4555

Information Technology Division
Phone (707) 778-4417
Fax (707) 776-3623



EMERGENCY PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY Director of Emergency Services (Petaluma Municipal Code §2.32.060(A))

WHEREAS, Section 8630 of the California Government Code authorizes the governing body of a city and officials designated by ordinance adopted by the governing body to proclaim a local emergency as defined in Government Code Section 8558; and

WHEREAS, Section 8558(c) of the Government Code defines “local emergency” to mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and that require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage that requires extraordinary measures beyond the authority vested in the California Public Utilities Commission; and

WHEREAS, Section 2.32.060(A) of the Petaluma Municipal Code authorizes the City’s Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, in accordance with Section 2.32.050(A) of the Petaluma Municipal Code, the City Manager is the City’s Director of Emergency Services; and

WHEREAS, beginning December 27, 2022, severe winter storms related to a series of atmospheric river systems struck California, bringing high winds, substantial precipitation, and river and urban flooding; and

WHEREAS, it is forecasted that additional and continuing storms related to this series of atmospheric river systems threaten California, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and

WHEREAS, California Gavin Newsom has, on January 4, 2023, proclaimed a state of emergency throughout California in response to the atmospheric river events pursuant to the powers granted the Governor under the Emergency Services Act, Government Code Section 8550 and following, and Section 8625 in particular; and

WHEREAS, the Governor's January 4 emergency proclamation directs state agencies to enter into contracts to arrange for the procurement of materials, goods and services necessary to quickly assist with the response to and recovery from the impact of the storms as necessary to assist local governments and for the protection of public health and the environment; and

WHEREAS, the Governor's January 4 emergency proclamation also suspends applicable provisions of the Government Code and Public Contract Code, including, but not limited to, travel, advertising, and competitive bidding requirements, to the extent necessary to address the effects of the storms; and

WHEREAS, the Governor's January 4 emergency proclamation also directs that any fairgrounds that the Office of Emergency Services determines suitable to assist individuals impacted by the storms shall be made available to the Office of Emergency Services pursuant to Section 8589 of the Emergency Services Act, and that the Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within Sonoma County caused by the atmospheric river events, which are fast moving storms causing major flooding in parts of Sonoma County, threatening people and structures, and resulting in downed trees, disrupted utility services and damaged roadways; and

WHEREAS, the conditions of extreme peril caused by the atmospheric river events over the past five days and continued heavy rains have caused severe ground saturation that has not dissipated at normal soil drainage rates, and that continue to cause major flooding, which has impacted significant Sonoma County and community operations and resources and requires the provision of additional public safety, health and emergency services; and

WHEREAS, conditions of extreme peril to the safety of persons and property will continue within Sonoma County based on forecasted severe atmospheric river storms of the next six days bringing an additional six to twenty inches of rain, along with high winds, and significant risk of downed trees, debris flows, power outages and road blockages, and based on best available current information, the Russian River is project to exceed flood stage near Guerneville, with other areas in Sonoma County expected to flood as well, and the situation is of such severity and magnitude that effective response is beyond the capability of the individual affected local governments; and

WHEREAS, based on the effects of the atmospheric river event impacts in Sonoma County, the Sonoma County Administrator, in her capacity as the Sonoma County Director of Emergency Services has on January 3, 2023 proclaimed the existence of a state of emergency in Sonoma County; and

WHEREAS, in response the atmospheric river events, City of Petaluma first responders and other City staff and related equipment and other mutual aid resources are preparing for local storm impacts, including by monitoring Petaluma River levels, establishing sand bag filling locations, making evacuation preparations, giving notice to flood prone businesses and residential area, and coordinating with local nongovernmental organizations for coordinated emergency response efforts; and

WHEREAS, in recent local emergency events Petaluma has provided essential sheltering resources for evacuees, and such sheltering resources in Petaluma may be required again in response to the atmospheric river events, and City staff are making provision for the potential of receiving evacuees from the neighboring cities and unincorporated Sonoma County; and

WHEREAS, the City of Petaluma intends to take all necessary and appropriate steps to protect the public health and safety and to avoid interrupted services of the City, other local government service providers, local businesses, and non-profit organizations, and to coordinate with Federal, State and local governments to deploy resources in a coordinated fashion to help minimize the threat posed by the current atmospheric river events; and

WHEREAS, the Director of Emergency Services of the City of Petaluma hereby finds that:

- A. Conditions of extreme peril to the safety of persons and property have arisen within the City of Petaluma caused by the threat to the public health, safety and welfare caused the current, ongoing atmospheric river events;
- B. These conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Petaluma; and
- C. The City Council of the City of Petaluma is not in session and cannot be immediately called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Emergency Services Director of the City of Petaluma that:

1. A local emergency as defined in California Government Code Section 8558(c) now exists and has existed throughout the City of Petaluma commencing on _____, as a result of the threats posed by the current, ongoing atmospheric river events to the health, safety and welfare of Petaluma residents and visitors and other Sonoma County residents to continuity of services provided by the City, other local governments, businesses and non-profit organizations in the City.

2. In accordance with Petaluma Municipal Code Section 2.32.060(F)(3), the City's Director of Emergency Services is authorized to require emergency service of any City officer or employee.
3. In accordance with Petaluma Municipal Code Section 2.32.090, all officers and employees of the City, along with volunteer forces and groups aiding during an emergency, may be charged with duties incident to the protection of life and property in the City during a proclaimed emergency.
4. In accordance with California Government Code Section 3100, all public employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or law, and in accordance with California Government Code Section 8665, refusal or neglect to obey lawful orders issued to disaster service workers is a misdemeanor.
5. During the existence of this declared emergency, the powers, functions, and duties of the Emergency Organization of the City of Petaluma shall be those prescribed by state law and by ordinances and resolutions of the City.
6. In accordance with California Government Code Section 8630(b) and Petaluma Municipal Code Section 2.32.060(a) this emergency proclamation shall expire in seven (7) days after issuance unless confirmed and ratified by the governing body of the City of Petaluma.

Dated: _____

By: _____
Peggy Flynn
City Manager and Director of
Emergency Services

Attest:

Kendall Sawyer
City Clerk

C: Honorable Mayor and Petaluma City Council members
City Department Directors