



## Legislation Text

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Resolution continuing to declare and ratify the existence of a local emergency relating to major storm and flooding events.

WHEREAS, Government Code sections 8630 and 8634, contained within Article 14 of the California Emergency Services Act, empower the City Council and Director of Emergency Services to proclaim the existence or threatened existence of a Local Emergency when the City of South San Francisco ("City") is affected or likely to be affected by a public calamity; and

WHEREAS, Section 2.72.060 of the South San Francisco Municipal Code empowers the City Manager, in the City Manager's capacity as the 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, or to request the City Council to proclaim such a state of Local Emergency; and

WHEREAS, South San Francisco Municipal Code section 2.72.060 (a)(1) provides that whenever a local emergency is proclaimed by the Director of Emergency Services, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect; and

WHEREAS, South San Francisco Municipal Code section 2.72.020 defines "emergency" for the purposes of proclaiming a Local 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, drought, sudden and severe energy shortage, plant or animal infestation or disease or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are 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 combat"; and

WHEREAS, on January 3, 2023, the Interim City Manager, in her capacity as the Director of Emergency Services, issued a proclamation proclaiming the existence of a Local Emergency due to major storm and flooding events; and

WHEREAS, the proclamation of the Director of Emergency Services is based on the following findings:

- (1) That at the time of the proclamation of the Director of Emergency Services, the City Council is not in session.
- (2) That conditions of extreme peril to the safety of persons and property have arisen within the City caused by major storm and flooding events. Specifically, the City has experienced significant atmospheric river conditions including storm, heavy rainfall and damaging winds during the past few days, which weather conditions have resulted in severe flooding, mudslides and related incidents. These incidents include: flooding and closure of Highway 101 at Oyster Point in both directions; flooded roadways in the City; water leaks and damages

at various City facilities; over-powered pumps; downed trees; and mudslides at Hillside Blvd. and the Sign Hill areas. Based on information from the National Weather Service and the County of San Mateo (“County”) Emergency Operations Center (“EOC”), an upcoming Red/Major Storm is expected for the City in the next few days. Said storm will include additional heavy rain and significant damaging wind. The City and County are expected to or have already commenced EOC operations at the time of this proclamation. In response to the major storm event, the City will need to take preventive and remedial actions, such as: establishing Temporary Evacuation Points, undertake streets, storm drain, and public facility repairs; debris clean-up; outreach and communication to the public regarding weather conditions and incidents; conduct damage assessments for facilities and locations impacted by storm, wind or flooding incidents; and staffing the EOC operations.

- (3) That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency.

WHEREAS, the proclamation of the Director of Emergency Services regarding the existence of a Local Emergency was issued on January 3, 2023 with the intent to ensure the availability of mutual aid; the ability to enter into necessary contracts pursuant to the provisions and restrictions of California Public Contract Code Section 22050; and an effective response to potential injuries or property damage resulting from the major storm and flooding events or other related conditions thereto which would constitute “extreme peril to the safety of persons and property within the City” as described therein; and

WHEREAS, on January 10, 2023, the Interim City Manager, in her capacity as the Director of Emergency Services, issued a proclamation proclaiming the continued existence of a Local Emergency due to major storm and flooding events, which proclamation is based on and reaffirmed the foregoing findings, bases and intent; and

WHEREAS, on January 11, 2023, the City Council ratified the Interim City Manager’s proclamation of local emergency via resolution. Once ratified, the Local Emergency will remain in effect until terminated by the City Council. In accordance with Government Code section 8630, the City Council will review the proclamation of local emergency within sixty (60) days from this ratification and would terminate the local emergency at the earliest possible date that conditions warrant. Additionally, consistent with Public Contract Code section 22050 (c)(2), the City Council must review the emergency action related to contracting at every regularly scheduled meeting until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action; and

WHEREAS, since the ratification and declaration of the Local Emergency, South San Francisco has experienced additional severe storm events including heavy rain and significant damaging wind, which have resulted in additional severe flooding, mudslides and related incidents as described above, and the City is continuing to operate its Emergency Operations Center while collaborating with County and regional agencies on monitoring severe weather conditions, formulating responses, and assessing damages; and

WHEREAS, the circumstances present in South San Francisco continues to support the existence of a local emergency due to major storm events; for instance, the City continues to respond to various facility damages, taking preventive and remedial measures regarding current and anticipated impacts of severe storms, conducting damages assessment, and take other emergency actions; in addition, it is also necessary for the City to retain contractors for emergency work without going through the competitive bidding process where required; and

WHEREAS, it was necessary for contractors to undertake emergency work to clear debris and sediment, repair storm drain backflow protection systems, install surface draining improvements, procure sand bags and erosion protection materials for City and residents, and procure and install temporary restrooms at various locations in the City including Oyster Point Marina, Rocca Ave and Park Ave near Sign Hill, South Airport Blvd, Utah Ave, De Nardi Way, and Shaw Road; and

WHEREAS, as such conditions continue to remain and in the interest of public health and safety, as affected by the emergency caused by the major storm and flooding events, the City Council desires to continue declaring and ratifying the Local Emergency; and

WHEREAS, based on substantial evidence set forth in this Resolution, the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of South San Francisco, do hereby declare and order the following:

1. The above recitals are true and correct and hereby declared to be findings of the City Council of the City of South San Francisco, and incorporated herein by this reference.
2. The City Council hereby continues to declare and ratify a Local Emergency as described in this resolution due to major storm and flooding events. It is hereby confirmed that a Local Emergency continues to exist throughout the City of South San Francisco.
3. During the existence of said Local Emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the City, as well as well as this resolution and any subsequent emergency orders of the City Council, in order to mitigate the effects of said Local Emergency.
4. Pursuant to the authorities set forth under California Public Contract Code Section 22050 et seq., the City Council determines that the emergency work undertaken pursuant to and for the Local Emergency continues to be necessary to address the hazards and life-threatening situations resulting therefrom and City staff is authorized to continue executing contracts for such work.

BE IT FURTHER RESOLVED AND ORDERED that this Local Emergency shall continue until it is terminated by proclamation of the City Council. Pursuant to Section 8630 of the Government Code, the City Council shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant.

BE IT FURTHER RESOLVED that City staff is directed to place an item on the City Council agenda for review at least ever sixty (60) days from the effective date of this Resolution to determine the need for continuing the Local Emergency pursuant to section 8630, Article 14, of the California Emergency Services Act. City staff is also directed, pursuant to Public Contract Code section 22050(c)(2), to place an item on every regular City Council agenda to review the emergency action related to contracting until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

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