



## Legislation Text

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**File #:** 23-228, **Version:** 1

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Report regarding a resolution continuing to declare and ratify the existence of a local emergency relating to major storm and flooding events. (*Sharon Ranals, City Manager and Sky Woodruff, City Attorney*)

### **RECOMMENDATION**

Staff recommends that the City Council adopt a resolution continuing to declare and ratify the existence of a local emergency, initially proclaimed by the City Manager in her capacity as the Director of Emergency Services, relating to major storm and flooding events.

### **BACKGROUND**

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.

Under the Municipal Code, an “emergency” for the purpose of declaring a Local Emergency is defined as “the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property” within South San Francisco, caused by conditions such as “air pollution, fire, flood, storm. . .” In such circumstances, the City Manager acting as the Director of Emergency Services is authorized to proclaim the existence or threatened existence of a Local Emergency if the City Council is not in session, or to request the City Council to proclaim such a state of Local Emergency.

On January 3, 2023, the 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. As shown by events leading up to that proclamation, South San Francisco has experienced unprecedented atmospheric river weather events, which resulted in storm, heavy rainfall and damaging winds that have continued throughout the weeks after. These severe weather conditions have resulted in flooding, mudslides, fallen trees, and related incidents. For instance, storm weather damages included flooding and closure of Highway 101 at Oyster Point in both directions (which has since been re-opened); water leaks and damages at various City facilities; and mudslides at Hillside Blvd. and the Sign Hill areas. The County of San Mateo and the City have both opened and been operating their respective Emergency Operations Center (EOC) in response to red/major storm advisories issued by the National Weather Service.

In response to the major storm events, 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. The proclamation issued on January 3, 2023 was intended 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”.

On January 10, 2023, the City Manager issued a second proclamation proclaiming the continued existence of a Local Emergency due to major storm and flooding events, which also reaffirmed the findings, bases and intents of the January 3, 2023 proclamation. Since then, the conditions leading up to said Local Emergency proclamation continue to remain. Thus, it is recommended that the City Council ratify the City Manager's proclamation of a Local Emergency.

On January 11, 2023, the City Council ratified the 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.

At this time, the circumstances present in South San Francisco continues to support the existence of a local emergency due to major storm events. The recent atmospheric storms on March 13 and 14, 2023 continue to create additional emergency conditions requiring immediate City response and attention. 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. For instance, it was necessary for the contractors Teichert and Interstate Grading and Paving 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 Oyster Point Marina. Such work occurred at various locations in the City including Rocca Ave and Park Ave near Sign Hill, South Airport Blvd, Utah Ave, De Nardi Way, and Shaw Road. Additional emergency work continues to be necessary. Pursuant to the local emergency and the authority under Public Contract Code section 22050, the commencement of such work has been and continue to be necessary to respond to emergency circumstances that have arisen due to said storm events.

#### FISCAL IMPACT

The declaration of a Local Emergency itself has no direct fiscal impact but would ensure the City's ability to receive mutual aid, enter into necessary contracts, secure available federal, state and regional assistance funding, and able to appropriately direct resources in response to the local emergency.

#### RELATIONSHIP TO STRATEGIC PLAN

This action is related Priority Area 3.0, Public Safety, under the goal of disaster response and crisis communication.

#### CONCLUSION

Staff recommends that the City Council adopt a resolution continuing to declare and ratify the existence of a local emergency, initially proclaimed by the City Manager in her capacity as the Director of Emergency Services, relating to major storm and flooding events.