

CITY OF SEBASTOPOLE
CITY COUNCIL
AGENDA ITEM

Meeting Date: November 5, 2019
To: Honorable Mayor and City Councilmembers
From: City Administration
Fire Chief/Director of Emergency Services
Subject: Consideration of Approval of Resolution Ratifying an Emergency Proclamation issued by the Director of Emergency Services
Recommendation: That the City Council Approve the Resolution under Government Code Section 8630 ratifying an Emergency Proclamation issued by the Director of Emergency Services proclaiming the existence or threatened existence of a local emergency.
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost:
Amount: \$

INTRODUCTION:

This item is to request that the City Council Approve the Resolution under Government Code Section 8630 and ratifying an Emergency Proclamation issued by the Director of Emergency Services proclaiming the existence or threatened existence of a local emergency.

Government Code Section 8630 States:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

BACKGROUND

Due to conditions of extreme peril to the safety of persons and property within the City of Sebastopol caused by (1) electric utility Pacific Gas & Electric's (PG&E) suspension of the provision of electricity to the entire portion of the City due to a Red Flag Warning (high wind speeds), low humidity, and high temperature conditions that increase the risk of wildfire threat to the City, and by (2) the Kincade Fire Incident and severe winds that is causing the spread of that fire and possible creation of new fires due to the severe Red Flag conditions.

This has impacted all PG&E customers within the City as well as impacting those in the immediate surrounding areas and other jurisdictions.

DISCUSSION:

The de-energization and threat of the spread of wildfire will last an indefinite period, and significantly impact the health and safety of City residents as well as critical public services and infrastructure. Conditions require the provision of additional public safety and emergency services notwithstanding impaired response capability as well

as the need to promulgate emergency orders and regulations to facilitate the maintenance of order and reduction in potential loss of life and property.

Section 2.36.060 (a) of the Sebastopol Municipal Code empowers the Director of Emergency Services to Request the City Council to proclaim the existence or threatened existence of a “local emergency” if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.

Fire Chief Bill Braga, Acting as Director of Emergency Services, signed an Emergency Proclamation on October 29th (Attachment 1) which found that conditions of extreme peril to the safety of persons or property within the City exist, which have been caused by the PG&E outages as well as the threat of the Kincade Fire. The outages are impacting the health and welfare of our citizens, along with a threat to our city infrastructure.

The City Council is requested to adopt the attached resolution (Attachment 2) ratifying the Emergency Proclamation.

Fiscal Analysis:

There are no direct budget impacts associated with ratifying an Emergency Proclamation issued by the Director of Emergency Services proclaiming the existence or threatened existence of a local emergency. Declaration of a local emergency may provide the opportunity for the City of Sebastopol to get reimbursed by Federal or State Agencies for with costs associated with storm related impacts.

RECOMMENDATION:

That the City Council adopt a resolution ratifying an Emergency Proclamation issued by the Director of Emergency Services proclaiming the existence or threatened existence of a local emergency.

Attachments:

1. Emergency Proclamation
2. Resolution Ratifying the Proclamation

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY

(by Director of Emergency Services)

WHEREAS, California Government Code sections 8558 and 8630 empower the City of Sebastopol to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of disaster or of extreme peril to the safety of persons and property within the City's territorial limits; and

WHEREAS, Section 2-36.060 (a) of the Sebastopol City Code empowers 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 conditions of disaster or of extreme peril to the safety of persons and property within the City, and the City Council is not in session; and

WHEREAS, the Director of Emergency Services of the City of Sebastopol does hereby find:

1. That at the time of this proclamation, the City Council of the City of Sebastopol is not in session (and cannot immediately be called into session).
2. That conditions of extreme peril to the safety of persons and property have arisen within said City, caused by electric utility Pacific Gas & Electric's (PG&E) notification to the City that PG&E may suspend the provision of electricity to a significant portion of the City due to forecasted high wind speeds, low humidity, and high temperature conditions that increase the risk of wildfire to the City. The potential suspension of electric service (known as de-energization) may impact many tens of thousands of PG&E customers within the City and the immediately surrounding areas. The de-energization may last an indefinite period, and significantly impact the health and safety of City residents as well as critical public services and infrastructure. Conditions will require the provision of additional public safety and emergency services notwithstanding impaired response capability caused by the electric outages. The City may need to promulgate emergency orders and regulations to facilitate the maintenance of order and reduction in potential loss of life and property.
3. These conditions of extreme peril warrant and necessitate the proclamation of a local emergency before the potential de-energization begins, so as to enable the City and other local government entities in the affected region to adequately plan, prepare and pre-position resources to enable effective response to the de-energization of the electrical system, and to warn City residents and visitors of the potential of suspension of electrical services to enable them sufficient time to plan and prepare.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists in the City of Sebastopol.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City

shall be those prescribed by state law, by ordinances and resolutions of this City, and by the City of Sebastopol's Emergency Operations Plan.

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist for the next seven (7) days, and thereafter by ratification of the City Council.

IT IS REQUESTED that the Governor of the State of California proclaim a State of Emergency due to the potential de-energization of the electrical systems in the State of California, waive regulations that may hinder response and recovery efforts, and make available California Disaster Assistance Act funding.

Date

10/29/19



Director of Emergency Services
City of Sebastopol

RESOLUTION NUMBER: _____ -2019

CITY OF SEBASTOPOL

Resolution of the City of Sebastopol City Council Ratifying an Emergency Proclamation issued by the Director of Emergency Services

WHEREAS, the California Emergency Services Act (California Government Code sections 8630, 8550 et seq.) empowers the City Council to designate by ordinance a local official with the power to proclaim the existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven days; and

WHEREAS, Section 2.36.050 of the Sebastopol Municipal Code identifies the Fire Chief as the Director of Emergency Services; and

WHEREAS, Section 2.36.060 (a) of the Sebastopol Municipal Code empowers the Director of Emergency Services to Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session; and

WHEREAS, emergence of the Kincade Fire, City wide evacuation, and City wide PGE outages beginning on October 23, 2019 and is ongoing through the City of Sebastopol and which event constitutes the existence of a condition of disaster or extreme peril to the safety of persons and property within the entire City of Sebastopol; and

WHEREAS, the impacts of these events are currently being evaluated and are expected to result in an unknown and significant amount of city expenses to cover the additional staff time, consultant work, equipment and materials as well as contractor costs; and

WHEREAS, based on said event, the Fire Chief, Acting as Director of Emergency Services, of the City of Sebastopol declared the existence of a local emergency within the City on October 29, 2019, and

WHEREAS, the City Council has now been asked to ratify that Proclamation; and

WHEREAS, the City Council finds, based on the facts set forth above and in the attached proclamation, that the circumstances described do constitute an emergency pursuant.

NOW, THEREFORE, BE IT RESOLVED that the Proclamation of the Existence of a Local Emergency issued by the Fire Chief, acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Sebastopol; and

BE IT FURTHER RESOLVED, that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Sebastopol; and

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take whatever other action is authorized under the Sebastopol Municipal Code and state and federal law, subject to authorization required from the City Council, consistent with this Resolution and its basic purposes.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 5th day of November 2019, by the following vote:

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____

Mayor Neysa Hinton

ATTEST: _____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____

Larry McLaughlin, City Attorney