



CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM

**Meeting Date:** January 21, 2020  
**To:** Honorable Mayor and City Councilmembers  
**From:** Fire Chief Bill Braga, Director of Emergency Services  
**Subject:** Termination of Emergency Proclamation of Local Emergency issued by the Director of Emergency Services (Fire Chief)  
**Recommendation:** That the City Council Approve the Resolution under Government Code Section 8630 Terminating the 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: \$

**Account Code/Costs authorized in City Approved Budget:** N/A Ac (verified by Administrative Services Department)

**INTRODUCTION:**

This item is to request that the City Council Approve the Resolution under Government Code Section 8630 and Terminating the Local Emergency as Approved by the City Council at their November 5, 2019 City Council Meeting and as issued by the Director of Emergency Services (Fire Chief) proclaiming the existence or threatened existence of a local emergency.

**BACKGROUND**

On October 23, 2019, a large wildfire (Kincade Fire) started north of Sonoma County. With PGE planned power outages, and mandatory evacuations ordered by the County Sheriff, our community was threatened by conditions of extreme peril to the safety of persons and property.

Fire Chief Bill Braga, Acting as Director of Emergency Services, signed an Emergency Proclamation on October 29, 2019 (Attachment 2) which found that conditions of extreme peril to the safety of persons or property within the City exist, which have been caused by PGE planned power outages and the Kincade Wildfire Incident. The City Council, at its November 5, 2019 meeting, ratified the Fire Chief's emergency declaration.

**DISCUSSION:**

Pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster. The purpose of a local emergency proclamation is to provide extraordinary police powers; immunity for emergency actions; authorize issuance of orders and regulations; activate pre-established emergency provisions; and is a prerequisite for requesting state or federal assistance.

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.

Conditions of extreme peril is no longer deemed to be beyond the control of normal protective services, personnel, equipment and facilities of and within said City of Sebastopol. Estimates for overtime expenses have been sent to Cal OES under the Fire Management Assistance Grant (FMAG) for their review. Staff recommends that Council adopt the attached resolution (Attachment 1) terminating the declaration of a local emergency in order to comply with Government Code Section 8630 (California Emergency Services Act).

**Fiscal Analysis:**

Termination of the local emergency is now in order. The City of Sebastopol, during the approved extension periods, have submitted estimated overtime expenses, and are now able to qualify for reimbursement of certain expenditures associated with disaster response related to the recent Kincadee Wildfire Incident, PGE power outages, and mandatory evacuations for the entire City of Sebastopol.

**RECOMMENDATION:**

That the City Council adopt a resolution Terminating the Declaration of a Local Emergency.

**Attachments:**

- 1. Resolution Terminating the Declaration of a Local Emergency
- 2. Emergency Proclamation

RESOLUTION NUMBER: \_\_\_\_\_ -2020

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL PROCLAIMING THE TERMINATION OF THE EXISTENCE OF A LOCAL EMERGENCY CAUSED BY PGE PLANNED POWER OUTAGES AND THE KINCADE FIRE INCIDENT 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, based on said power outages and fire event of October 2019, the Fire Chief, Acting as Director of Emergency Services, of the City of Sebastopol, declared the existence of a local emergency with the City on October 29, 2019; and

WHEREAS, the City Council ratified that Proclamation on November 5, 2019, Attachment 2; and

WHEREAS, Section 8630 of the California Emergency Services Act requires that the City Council of the City of Sebastopol review, at least every 60 days until such local emergency is terminated, the need for continuing the local emergency; and

WHEREAS, the City Council of the City of Sebastopol has reviewed the need to terminate the existence of the local emergency; and

WHEREAS, the situation resulting from said conditions of extreme peril is no longer deemed to be beyond the control of normal protective services, personnel, equipment and facilities of and within said City of Sebastopol.

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol does hereby proclaim the Termination of Existence of a Local Emergency; 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 21st day of January 2020, by the following vote:

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: \_\_\_\_\_

Mayor Patrick Slayter

ATTEST: \_\_\_\_\_

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: \_\_\_\_\_

Larry McLaughlin, City Attorney

RESOLUTION NUMBER: 6268-2019

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

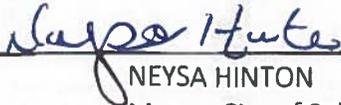
WHEREAS, the City Council finds, based on the facts set forth above and in the attached proclamation, that the circumstances described do constitute an emergency pursuant.

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

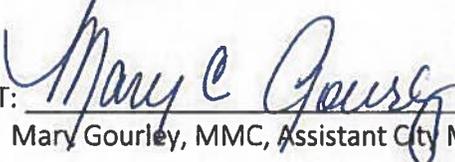
BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take whatever other action is authorized under the Sebastopol Municipal Code and state and federal law, subject to authorization required from the City Council, consistent with this Resolution and its basic purposes.

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:

APPROVED:   
NEYSA HINTON  
Mayor, City of Sebastopol

**VOTE:**

AYES: Councilmembers Carnacchi, Glass, Gurney, and Vice Mayor Slayter  
NOES: None  
ABSENT: Mayor Hinton  
ABTAIN: None

ATTEST:   
Mary Gourley, MMC, Assistant City Manager/City Clerk

APPROVED AS TO FORM:   
Larry M. Laughlin, City Attorney

**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