

RESOLUTION NO. 23-005 C.S.

A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY

**RATIFYING THE CITY MANAGER’S PROCLAMATION OF A LOCAL EMERGENCY
RELATED TO THE JANUARY 2023 STORM (ORDER 23-001)**

WHEREAS, on January 12, 2023, the City Manager, in his capacity as the Director of Emergency Services, proclaimed a local emergency. (Exhibit A.) This Resolution will provide City Council confirmation of, and agreement with, the Proclamation made by the City Manager. Ratification of the City Manager’s proclamation will allow the City to adequately plan, prepare, and deploy resources to effectively respond to the conditions caused by the storm;

WHEREAS, Monterey City Code section 11-4(b)(4) requires the City Council to ratify the City Manager’s proclamation of a local emergency within seven days;

WHEREAS, the City of Monterey Planning Office determined the project is exempt from the California Environmental Quality Act Guidelines (Article 18, Section 15269.c) because the City is adopting a Resolution declaring a local emergency related to COVID-19. Specific actions are needed to prevent or mitigate the conditions caused by the storm. The actions proposed are immediate actions and are necessary to protect the health and safety of the City’s citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY, pursuant to City Code section 11-4(b)(4) and Government Code section 8630, hereby ratifies, confirms, and is in agreement with, and incorporates herein, the Proclamation made by the City Manager declaring that a local emergency exists in the City of Monterey.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY, that this emergency shall automatically terminate on January 26, 2023 at 11:59 p.m. unless sooner terminated or extended by the City Council.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 17th day of January, 2023, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None


APPROVED:

ATTEST:

DocuSigned by:

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 Mayor of said City

DocuSigned by:

 ED8453AAE62C4AA...

 City Clerk thereof

Office of the City Manager
Monterey, California 93940



**PROCLAMATION OF A LOCAL EMERGENCY AND RELATED ORDERS OF
THE DIRECTOR OF EMERGENCY SERVICES**

ORDER 23-001

WHEREAS, pursuant to Government Code section 38791, the City Council may provide for a chief executive who, during periods of great public calamity such as an extraordinary flood or storm, has complete authority over the City and the right to exercise all police power vested in the City by the Constitution and general laws;

WHEREAS, the City Manager is designated as the Director of Emergency Services pursuant to City Code section 11-1(a);

WHEREAS, City Code section 11-4(b)(4) 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 extreme peril to the safety of persons and property within the City caused by such conditions as flood or storm and the City Council is not in session, provided that the emergency is confirmed by the City Council in seven days;

WHEREAS, Monterey City Code section 11-4(b)(9) states that the Director of Emergency Services shall have the power during a proclaimed emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property which are or may be affected by the emergency, including the temporary suspension of local ordinances and regulations, provided that such actions shall be confirmed at the earliest practical time by the City Council;

WHEREAS, Governor Newsom proclaimed a State of Emergency on January 4, 2023, to exist throughout the State of California due to atmospheric river systems;

WHEREAS, on January 9, 2023, the City Manager, as the Director of Emergency Services of the City of Monterey, activated the Emergency Operations Center ("EOC") due to an impactful weather system and in anticipation of heavy rain, flooding, strong and damaging winds, power outages, fallen trees, landslides and rockslides in hilly terrain. According to the National Weather Service, both flooding and fallen trees are a threat to life and property in the City and neighboring communities;

WHEREAS, on January 11, 2023, Monterey County Emergency Services advised that there is a high probability that the Salinas River will flood all access points into the Monterey Peninsula starting on January 12, 2023, and lasting through the evening of Sunday, January 15, 2023. Should

this occur, anyone who is on the Monterey Peninsula when flooding occurs will not be able to leave, and anyone who is not on the Monterey Peninsula will not be able to enter; and

WHEREAS, public safety staff is critical to the success of addressing the impending flood and providing emergency services in the City of Monterey. Many public safety staff reside outside of the perimeter of the potentially affected roadway chokepoints, and the staffing levels could face enormous negative impacts.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED:

SECTION 1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this proclamation and order.

SECTION 2. During the existence of this emergency, pursuant to Government Code section 8634 and 8568, during the period of this emergency, the following procedures otherwise required of the City by ordinance or other local regulation shall be waived where strict compliance would hinder or delay the mitigation effects of the emergency:

- a. Entering contracts;
- b. Incurring obligations;
- c. Employment of permanent and temporary workers;
- d. Utilization of volunteer workers;
- e. Appropriation and expenditure of public funds;
- f. Securing hotel rooms for public safety and other critical staff who reside outside of the perimeter of the Salinas River flood to ensure that they are available for the duration of the emergency, and for those who may be forced to stay inside the perimeter due to no egress; and
- g. Waiver of public funds when in the public interest.

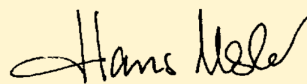
SECTION 3. Severability. If any section, subsection, clause, or phrase of this proclamation and order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections.

SECTION 4. This proclamation and order take precedence over ordinances and resolutions in conflict herewith.

SECTION 5. Duration. The local emergency shall not remain in effect for a period more than seven days unless it has been ratified by the City Council.

January 12, 2022 at 10:00 a.m.

Date and Time



Hans Uslar, City Manager and
Director of Emergency Services