

City of Piedmont
COUNCIL AGENDA REPORT

DATE: January 9, 2023

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of a Resolution Ratifying the Proclamation of Local
Emergency by Director of Emergency Services

RECOMMENDATION

Approve the attached resolution which ratifies the declaration of local emergency by the Director of Emergency Services.

BACKGROUND

On December 30, 2022, the City of Piedmont began to be impacted by a series of winter storms, the first of which dropped over 6.85 inches of rain on Piedmont in just over 36 hours. As of the evening of January 5, 2023, the City of Piedmont has received almost 10 inches of rain since the first storm began to impact the city, which is over 40% of the city's average annual rainfall in just one week. The large amount of rain has also caused landslides in several locations, which have forced the temporary closure of city streets and the red-tagging of homes. In addition, many basements have flooded and there has been storm damage to city facilities. The storms have also brought significant winds to Piedmont, which have caused the downing of many trees on public and private property, as well as power outages.

The National Weather Service has forecast that several more storms will impact the Bay Area and Piedmont over the next two weeks.

On January 4, 2023, the City Administrator, acting in her capacity as Director of Emergency Services, proclaimed the existence of a local emergency (Attachment B). The City Code provides that such a declaration triggers applicable provisions of City emergency plans and grants the Director of Emergency Services the powers specified in Section 5.6 of the City Code, including emergency requisition and procurement, coordination with other emergency efforts, and emergency rulemaking authority where needed for the protection of public safety.

Under Government Code section 8630 and Chapter 5 of the Piedmont City Code, the City Administrator is designated as the City's Director of Emergency Services and is empowered to proclaim the existence or threatened existence of a local emergency where actual or threatened conditions of disaster or peril to safety, that 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, including epidemics. Under Section 5.6 of the City Code and Government Code section 8360, the City Council must take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.

FISCAL CONSIDERATIONS

The City has incurred significant costs in responding to the storm, including overtime for the Public Works, Police, and Fire Departments. The City has also retained outside contractors to assist with remediating damage to public property from landslides, downed trees on public property, and damage to city facilities.

Adoption of this resolution will facilitate the ability for the City to request resources including financial support and reimbursement from the State Office of Emergency Services (OES) and Federal Emergency Management Agency (FEMA) for costs incurred in preparation and/or response to these winter storms.

ATTACHMENTS:

- A: Resolution Ratifying Proclamation of Local Emergency by Director of Emergency Services

By: John O. Tulloch, Assistant City Administrator / City Clerk

RESOLUTION _____**A RESOLUTION RATIFYING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY (WINTER STORMS) BY THE CITY ADMINISTRATOR IN HER CAPACITY AS DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, Government Code section 8630 and Chapter 5 *et seq.* of the Piedmont City Code empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, the City Administrator is the Director of Emergency Services of the City of Piedmont; and

WHEREAS, the National Weather Service along with the State of California have indicated that the storms that began impacting the City of Piedmont on or about December 30, 2022 are catastrophic in nature, and pose an extreme peril to the safety of persons and property within the City of Piedmont; and

WHEREAS, the storms that began impacting the City of Piedmont on or about December 30, 2022 are likely to be beyond the control of the services, personnel, equipment, and facilities of Piedmont; and

WHEREAS, the Governor of the State of California proclaimed a State of Emergency in response to these winter storms on January 4, 2023; and

WHEREAS, in order to ensure the availability of mutual aid and an effective response to potential injuries or property damage resulting from the winter storms that began impacting the City of Piedmont on or about December 30, 2022, it is necessary to proclaim a local emergency; and

WHEREAS, in response to these developments, the City Administrator in her capacity as the City's Director of Emergency Services has proclaimed the existence of a local emergency; and

WHEREAS, as contemplated in the Emergency Service Act contained in Government Code Section 8550 *et seq.*, including Section 8558(c), a local emergency exists because of the existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Piedmont caused by the aforesaid conditions which are likely beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat, and the declaration of a local emergency shall enable the City of Piedmont and other local government entities to adequately plan, prepare and secure resources to be able to effectively respond to the impact of the winter storms which began impacting the City of Piedmont on or about December 30, 2022;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

1. The proclamation of existence of a local emergency, as issued by the City Administrator in her capacity as the Director of Emergency Services, attached hereto as “Exhibit 1” is hereby ratified and approved by the City Council; and
2. In accordance with Government Code section 8360, this local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Piedmont, and it shall be terminated at the earliest possible date that conditions warrant. The Council shall review this emergency at least once every sixty days.

[END OF RESOLUTION]

**CITY OF PIEDMONT
PROCLAMATION OF LOCAL EMERGENCY**

WHEREAS, Government Code section 8630 and Chapter 5 *et seq.* of the Piedmont City Code empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, the City Administrator is the Director of Emergency Services of the City of Piedmont; and

WHEREAS, the National Weather Service along with the State of California have indicated that the storms that that began impacting the City of Piedmont on or about December 30, 2022 are catastrophic in nature, and pose an extreme peril to the safety of persons and property within the City of Piedmont; and

WHEREAS, the storms that that began impacting the City of Piedmont on or about December 30, 2022 are likely to be beyond the control of the services, personnel, equipment, and facilities of Piedmont;

NOW, THEREFORE, the Director of Emergency Services finds that:

- A. The winter storms that began impacting the City of Piedmont on or about December 30, 2022 have posed and continue to pose a significant danger to public safety within Piedmont due to the severity of the wind and rain that could impact the City.
- B. The winter storms that began impacting the City of Piedmont on or about December 30, 2022 have posed and continue to pose a significant danger to property within Piedmont due to the severity of the wind and rain that could impact the City.
- C. Conditions of extreme peril to the safety of persons and property have arisen within the City caused by the winter storms that began impacting the City of Piedmont on or about December 30, 2022 that will impact significant City and community operations, including critical public infrastructure and services, and which will require the provision of additional public safety and emergency services.
- D. As contemplated in the Emergency Service Act contained in Government Code Section 8550 *et seq.*, including Section 8558(c) and as defined in Piedmont City Code Section 5.2, a local emergency exists because of the existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Piedmont caused by the aforesaid conditions and necessitate the proclamation of a Local Emergency to enable the City of Piedmont and other local government entities to adequately plan, prepare and secure resources to be able to effectively respond to the threat posed by the winter storms which began impacting the City of Piedmont on or about December 30, 2022, and to warn City of Piedmont residents and visitors of the threat posed by these storms and to enable them sufficient time to plan and prepare for the next wave of storms which will impact the City; and
- E. At the time of this proclamation, the City Council is not in session (and cannot immediately be called into session).

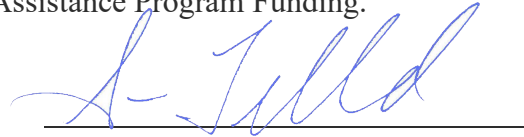
NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency exists in accordance with the findings set forth above, commencing on or about the time and date of the signature of the Director of Emergency Services below.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this 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.

IT IS FURTHER PROCLAIMED AND ORDERED that this local emergency shall continue to exist until ratified by the City Council. The City Council shall terminate the local emergency at the earliest possible date that conditions warrant.

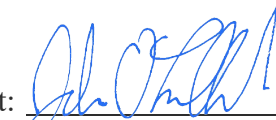
IT IS REQUESTED that the Governor of the State of California include the City of Piedmont in any emergency declaration by the State; ensure the City of Piedmont is included in any emergency declaration that may be issued by the President of the United States of America; waive regulations that may hinder response and recovery efforts; and make available California Disaster Act and State Private Nonprofit Organizations Assistance Program Funding.

Date and Time: January 4, 2022 – 8:30 p.m.



Sara Lillevand
Director of Emergency Services

Attest:



John O. Tulloch
City Clerk