

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2023-043

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY DUE TO THE 2022-
2023 ATMOSPHERIC RIVER WINTER STORM**

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.020 of the City of Carmel-by-the-Sea ("City") Municipal Code defines emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City, which are or 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; and

WHEREAS, Chapter 2, section 2.64.050 of the City of Carmel-by-the-Sea ("City") Municipal Code designates the City Administrator as the Director of Emergency Services for the City; and

WHEREAS, Chapter 2, section 2.64.060 empowers the City Administrator, as the Director of Emergency Services, to proclaim the existence or threatened 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 (7) days; and

WHEREAS, California Governor Gavin Newsom proclaimed a state of emergency on January 4, 2023, in response to sever winter storms that relate to a series of atmospheric river systems that struck California in December 2022, and are forecasted to continue; and

WHEREAS, the Board of Supervisors of the County of Monterey adopted a resolution ratifying the County Administrative Officer's proclamation of a local emergency issued on January 4, 2023; and

WHEREAS, on December 30 and 31, 2022, Monterey County, including the City, experienced a major rain event (the "2022-23 Atmospheric River Winter Storm"); and

WHEREAS, as a result of the 2022-23 Atmospheric River Winter Storm, major flooding in the County, including the City, caused damage to public and private property, such as road closures, and loss of power; and

WHEREAS, various other roads and infrastructure in the City have been damaged as a result of the 2022-23 Atmospheric River Winter Storm; and

WHEREAS, damage to infrastructure have included localized flooding, roadway slope erosion and embankment slip-outs, debris flows, risk of falling trees, landslides, and culvert failure affecting the safety of said roadways; obstruction of public roadways from stormwater, storm debris, fallen trees and roadway failure; damage to storm drain infrastructure and other infrastructure; and

WHEREAS, Monterey County currently estimates of the damage caused by the 2022-23 Atmospheric River Winter Storm exceed \$80 million, and the true extent of the damage caused by the 2022-23 Atmospheric River Winter Storm has yet to be ascertained; and

WHEREAS, based on said events, the City Administrator of the City of Carmel-by-the-Sea declared the existence of a local emergency within the City on January 13, 2023; and

WHEREAS, the Proclamation of the Existence of a Local Emergency issued by the City Administrator acting as the Director of Emergency Services was ratified by the City Council of the City of Carmel-by-the-Sea on January 17, 2023; and

WHEREAS, said local emergency shall be deemed to continue to exist and shall be reviewed at least once every 30 days until its termination is proclaimed by the City Council of the City of Carmel-by-the-Sea per California Government Code section 8630; and

WHEREAS, the City Administrator or his designee is authorized to take whatever other action is authorized under the Carmel-by-the-Sea Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA THAT:

Section 1. Imminent Risk to Health and Safety. Soil conditions in the City and remain saturated as a result of the 2022-23 Atmospheric River Winter Storm, increasing the likelihood of further damage from earth slippage events, including the potential for flooding, risk of falling trees, and other infrastructure damage.

Section 2. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the date of adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution rescinding this Resolution.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 2nd day of May, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk