

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
BY THE CITY ADMINISTRATOR**

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, caused by conditions such as an epidemic, 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, including conditions such as an epidemic, 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 severe 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 interim County Administrative Officer of the County of Monterey proclaimed the existence of a local emergency on January 4, 2023; 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, landslides, and culvert failure affecting the safety of said roadways; obstruction of public roadways from stormwater, storm debris and roadway failure; damage to storm drain infrastructure; and damage to public and private utilities and damage to public facilities and parks throughout Monterey County; and,

WHEREAS, current estimates of the damage caused by the 2022-23 Atmospheric River Winter Storm exceed \$1.5 million, and the true extent of the damage caused by the 2022-23 Atmospheric River Winter Storm has yet to be ascertained; and

WHEREAS, soil conditions in the City and remain saturated as a result of the 2022-23 Atmospheric River Winter Storm and an additional atmospheric storm event is expected on January 14, 15, and 16, increasing the likelihood of further damage from earth slippage events, including the potential for flooding; and

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

- A. Conditions caused by the 2022-23 Atmospheric River Winter Storm in the City, including without limitations the currently undiscovered damage related to the 2022-23 Atmospheric River Winter Storm, constitute conditions of disaster and extreme peril to the safety of persons, their property, and public services; and
- B. An emergency, as defined in Section 2.64.020 of the City Municipal Code, Government Code Section 8558(c), the Public Contracts Code Section 1102, now exists in the City; and
- C. During the existence of said local emergency the powers, functions, and duties of the City Manager or designee shall be those prescribed by State law and the ordinances, resolutions, codes, and approved plans of the City in order to mitigate the effects of local emergency; and
- D. Pursuant to section 2.64.020 of the City municipal code, all expenditures made in connection with this local emergency, including mutual aid activities, shall be deemed to be for the first protection and benefit of the inhabitants and property of the City; and
- E. The City Administrator, or his designee, is hereby, designated as the authorized Agent for the City for the purposes of receipt, processing, and coordination of all inquiries and requirement necessary to obtain available County, State, and Federal assistance; and
- F. Pursuant to Government Code section 8630, the local emergency shall be deemed to continue to exist for a period of up to seven (7) days, and thereafter by ratification and extension by the City Council until it is terminated by the City Council.
- G. At the time of this proclamation, the City Council is not in session.

NOW, THEREFORE, BE IT RESOLVED, a local emergency is hereby declared on January 12, 2023, at 11:00 a.m. within the City of Carmel-by-the-Sea. During the local emergency, the powers and duties of the City Administrator and of the City Council shall be as defined in state and federal law, and the ordinances, resolutions, and approved plans of the City of Carmel-by-the-Sea in order to mitigate the effects of said local emergency; and

This proclamation shall be transmitted to the City Council within seven (7) days for ratification, and this local emergency shall continue until terminated by further declaration of the undersigned, or by resolution of the City Council.

SIGNED AND SUBSCRIBED on this 13th day of January 2023

A handwritten signature in black ink, appearing to read "C. Rerig", is written above a horizontal line.

Director of Emergency Services
Chip Rerig