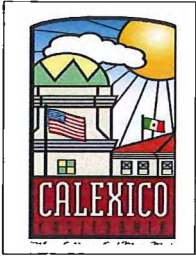


**AGENDA
ITEM**

7



CITY COUNCIL AGENDA STAFF REPORT

DATE: October 5, 2022

TO: Mayor and City Council

APPROVED BY: Esperanza Colio Warren, City Manager

PREPARED BY: Diego Favila, Fire Chief

SUBJECT: Adopt Resolution of the City Council of the City of Calexico Proclaiming the Existence of a Local Emergency

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Recommendation:

Adopt resolution of the City Council of the City of Calexico Proclaiming the Existence of a Local Emergency.

Background:

During the weekend of September 9, 2022 a tropical storm event resulting from Hurricane Kay caused emergency damages to the property of several key city facilities of the City of Calexico. City Public Works Department also attained multiple damage to roads, water system and drainage systems. Governor Gavin Newsom on September 16, 2022 proclaimed a state of an Emergency. The County of Imperial has declared a local emergency for Imperial County, and we understand that local cities are likely to follow suit. The City of Calexico is requesting consideration to receive California Disaster Assistance Act Proclamation regarding Hurricane Kay. The totality of the damage is still being assessed.

Discussion and Analysis:

The City Manager, City Fire Chief and City Attorney have determined that a declaration of local emergency by the City Council may help the City obtain state disaster funds if the city ends up having to make expenditures related to Hurricane Kay. Under Chapter 2.36 of the City Municipal Code, a declaration of local emergency also positions the City to act prudent for the City to be prepared.

It is worth reiterating that this declaration of emergency is reactive in nature. The Cities emergency operations staff remain in close contact with their California and Imperial County counterparts. The City will continue to assess damages and work alongside our partner agencies.

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Fiscal Impact:

The estimated costs in responding to Tropical Storm Kay is currently unknown for the City of Calexico at the present,

Coordinated With:

City Manager.
Public Works Department.
City Attorney.

Attachment:

1. Resolution Proclaiming the Existence of a Local Emergency.
2. Letter to California Governor's Office of Emergency Services.
3. State of California Proclamation of State of Emergency.

RESOLUTION NO. 2022-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Government Code Section 8630 and Chapter 2.36 of the Calexico Municipal Code empower the City Council to proclaim the existence or threatened existence of a local emergency when the City of Calexico is affected or likely to be affected by a public calamity; and

WHEREAS, the City Fire Chief, who is the Director of Emergency Services, declared an emergency on October 5, 2022 pursuant to the Calexico Municipal Code and is authorized to make certain orders and take certain actions;

WHEREAS, the City Council has been requested by the Director of Emergency Services of the City to ratify his declaration and proclaim the existence of a local emergency; and

WHEREAS, the City Council does hereby find that conditions of extreme peril to the safety of persons and property have arisen within the City of Calexico caused by a violent Tropical Storm Kay (producing high winds and flooding) and commencing on the 9th day of September 2022; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Calexico that it hereby proclaims that a local emergency now exists throughout the City and have existed since September 9, 2022.

BE IT FURTHER RESOLVED that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Calexico.

BE IT FURTHER RESOLVED that during the existence of said local emergency, the powers, functions, and duties of the Director of Emergency Services and the Emergency Organization of this City shall be those prescribed by state law, ordinances, and resolutions of this City and by the City of Calexico Emergency Plan.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Calexico at a regular meeting this 5th day of October, 2022.

JAVIER, MAYOR

ATTEST:

GABRIELA T. GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS.
CITY OF CALEXICO)

I, Gabriela T. Garcia, City Clerk of the City of Calexico, do hereby certify that the above foregoing Resolution No. 2022-56 was duly passed and adopted by the City Council of the City of Calexico on this 5th day of October, 2022 by the following vote, to wit:

AYES:
NOES:
ABSENT:

GABRIELA T. GARCIA, CITY CLERK



City of Calexico

608 HEBER AVENUE

• CALEXICO, CA 92231

• (760) 768-2102

October 05, 2022

California Governor's Office of Emergency Services
Attn: Mr. Mark Ghilarducci, Director
3650 Schriever Avenue
Mather, Ca 95655

Re: California Disaster Assistance Act

Director Ghilarducci,

Please accept this letter as an official written request for consideration to receive a California Disaster Assistance Act declaration regarding Tropical Storm Kay 2022. On Wednesday October 5, 2022. The City of Calexico proclaimed a local emergency due to the September Storm Event. The City Council held a Regular City Meeting and adopted Resolution No. 2022-56 ratifying the proclamation of the existence of a local emergency by the City Fire Chief.

With significant estimated damage assessment costs to the City of Calexico, the need for a local emergency declaration remains vital to the interests of the City and residents, to accomplish work necessary to mitigate the impact of this event.

The City of Calexico has determined that this event is beyond our capabilities to respond to and recover from and is requesting state assistance through the California Disaster Assistance Act.

Thank you for your consideration.

Sincerely,

CITY OF CALEXICO

Esperanza Colio Warren
City Manager

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on September 9, 2022, Tropical Storm Kay ("Kay"), downgraded from a hurricane, brought heavy rain and winds to Southern California necessitating the repositioning of significant resources, including swift water rescue teams and the California National Guard, to protect health and safety and preserve the lives and property of the people of the state of California; and

WHEREAS the numerous wildfires over the last several years throughout Southern California counties have caused massive burn scars, exacerbating the potential for precipitation to cause flooding and debris flows; and

WHEREAS on September 12, 2022, Kay brought approximately two inches of rain within a short period of time over the El Dorado Fire burn scar and portions of the Apple Fire burn scar in San Bernardino County and additional rain through the next day; caused debris flows; prompted widespread evacuations and shelter-in-place orders; threatened, damaged or destroyed at least 30 homes and critical infrastructure, including power and water lines, businesses, and roads; caused one fatality; and necessitated the deployment of urban search and rescue teams in areas impacted by significant debris flow; and

WHEREAS the storm system, including debris flows, also damaged or destroyed roads in Imperial, Inyo, Los Angeles, and Riverside counties; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to Kay in Imperial, Inyo, Los Angeles, Riverside, and San Bernardino counties; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by Kay, by reason of its magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by Kay; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of Kay.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Imperial, Inyo, Los Angeles, Riverside, and San Bernardino Counties due to Kay.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of Kay and applied for unemployment insurance benefits during the time period beginning September 12, 2022, and ending on the close of business on March 13, 2023, in San Bernardino County, and who are otherwise eligible for unemployment insurance benefits.
4. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of an identification card, driver's license card, vehicle registration certificate, or certificate of title, or registration stickers, by any individual who lost such records as a result of Kay in San Bernardino County. Such records shall be replaced without charge.
5. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title are suspended with regard to any registration or transfer of title by any resident of San Bernardino County, who is unable to comply with those requirements as a result of Kay. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
6. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of Kay in San Bernardino County. Such copies shall be provided without charge.
7. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, United States Code, Title 23, section 125, in order to obtain federal assistance for local road and highway repairs or reconstruction.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of September 2022.

A handwritten signature in blue ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State