

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES MAKING
A PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY DUE TO
STATEWIDE WINTER STORMS/ATMOSPHERIC RIVER**

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 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, beginning December 27, 2022, severe winter storms related to a series of atmospheric river systems struck California, bringing high winds, substantial precipitation, and river and urban flooding; and

WHEREAS, it is anticipated that additional and continuing storms related to this series of atmospheric river systems will threaten California, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and

WHEREAS, in preparation for the forecasted storms, multiple California Conservation Corps flood fight crews, fire swift water rescue, and urban search and rescue teams have been strategically prepositioned for emergency response; sandbags have been made available throughout the State; and shelters are opening for displaced individuals; and

WHEREAS, these storms have already forced the closure of and caused damage to highways and roads, caused levee and culvert failures, and mandatory evacuations in severely impacted counties, and such storm-related impacts will likely continue to be caused for at least another few weeks; and

WHEREAS, these storms continue to threaten critical infrastructure, movement of resources, and potential power outages to thousands of households and businesses, and have caused and continue to threaten river and urban flooding due to excessive and prolonged rainfall; and

WHEREAS, due to the series of atmospheric river systems continuously impacting counties throughout the State, the counties have not had time to mitigate the cascading impacts of these storms; and

WHEREAS, under the provisions of Government Code section 8558(b), Governor Gavin Newsom found that conditions of extreme peril to the safety of persons and property exist due to these storms; and

WHEREAS, under the provisions of Government Code section 8558(b), Governor Gavin Newsom found that the conditions caused by these storms, by reason of their 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), Governor Gavin Newsom found that local authority is inadequate to cope with the magnitude of the damage caused by these storms; and

WHEREAS, under the provisions of Government Code section 8571, Governor Gavin Newsom found that strict compliance with various statutes and regulations specified in his Proclamation would prevent, hinder, or delay the mitigation of the effects of these storms; and

WHEREAS, on January 4, 2023, Governor Gavin Newsom proclaimed a state of emergency and ordered as follows:

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. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these storms. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these storms.
4. Any fairgrounds the Office of Emergency Services determines suitable to assist individuals impacted by these storms shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval.
5. 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 highway repairs or reconstruction.

6. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.

7. Any state-owned properties the Office of Emergency Services determines suitable for staging of debris as a result of these storms shall be made available to the Office of Emergency Services for this purpose in accordance with Government Code section 8570.

8. Drivers may exceed the hours-of-service limits specified in California Vehicle Code section 34501.2 and California Code of Regulations, Title 13, section 1212.5 while operating a vehicle engaged in fuel transportation in support of emergency relief efforts, subject to the following conditions:

a. Motor carriers or drivers currently subject to an out-of-service order are eligible for the exemption once the out-of-service order expires or when they have met the conditions for its rescission.

b. In accordance with Section 1214, Title 13, California Code of Regulations, no motor carrier operating under the terms of this Proclamation will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that they need immediate rest shall be given at least ten consecutive hours off-duty before being required to return to service.

c. Drivers shall maintain a driver's record of duty status, regardless of number of hours worked each day. These records shall be prepared, submitted, and maintained as required by Section 1213, Title 13, California Code of Regulations.

9. Consistent with Parts 390 and 395, Title 49, Code of Federal Regulations, drivers may exceed the hours-of-service limits specified while operating a vehicle engaged in fuel transportation in support of emergency relief efforts. These waivers shall be in effect for the duration of the driver's direct assistance in providing emergency relief, or thirty (30) days from the date of this Proclamation, whichever is less.

10. In order to allow out-of-state contractors and other utilities driving their own vehicles to provide mutual aid assistance for the restoration of electrical power within the counties impacted by these storms, applicable provisions of the Vehicle Code including, but not limited to, Vehicle Code section 34620 requiring a motor carrier permit [licensing] and imposition of certain fees, are suspended for motor carriers providing such assistance. Also, the requirements for motor carriers and drivers in Vehicle Code

sections 1808.1 [pull-notice program that checks for driver's license violations], 27900 [display name on vehicle], 27901 [size and color of display name on vehicle], 34505.5 [requirement to have been inspected within 90 days], and 34501.12 [requirement to set up home base in California] are suspended while providing mutual aid assistance for the emergency restoration of services; and

WHEREAS, on January 4, 2023, the Monterey County Office of Emergency Services issued a local proclamation of emergency because of expected winter storm/atmospheric river impacts and placed a Flood Watch in effect; and

WHEREAS, the Gonzales City Code appoints the City Manager as the Director of Emergency Services; and

WHEREAS, after reviewing all of the afore-referenced circumstances and facts, the Acting Director of Emergency Services requests and recommends that the Gonzales City Council proclaim the existence of a local emergency; and

WHEREAS, after consideration of all items before it, including but not limited to the Acting Director of Emergency Services' recommendation, the Gonzales City Council now desires to declare a state of emergency to make additional resources available to address the effects of winter storms and the atmospheric river.

NOW, THEREFORE, the City Council of the City of Gonzales does resolve as follows:

1. Conditions of extreme peril to the safety of persons and property have arisen within the City of Gonzales, caused by the effects of severe weather.
2. The aforementioned conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency as recommended by the City's Emergency Service Director.
3. The City Council does hereby proclaim and declare the existence of a local emergency in the City of Gonzales.
4. During the existence of said local emergency, the powers, functions and duties of the Emergency Services Director and the City's Civil Defense and Disaster organization shall be those prescribed by State Law, City ordinances, resolutions, and approved plans of the City in order to mitigate the effects of said local emergency. In this regard, the Council desires to make clear the powers, functions, and duties include:
 - a. As necessary for the public health, life, and property, entering into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the severe weather conditions. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive

bidding requirements, as well as any City procurement or related policy, are suspended to the extent reasonably necessary to address the effects of the severe weather conditions.

b. The Emergency Services Director is expressly authorized to assist with any lawful order, including the enforcement of an order issued by Governor Gavin Newsom.

5. The Government Code Section 8630 requirement that the Council review the need for continuing the local emergency at least once every sixty (60) days until the City Council terminates the local emergency has been waived for the duration of the statewide emergency declared by Governor Newsom. If this declaration of local emergency extends for more than the duration of the statewide emergency declared by Governor Newsom, City Staff are directed to thereafter return this item for Council review of the need for continuing the local emergency at least once every sixty (60) days until the City Council terminates the local emergency.

6. This Resolution shall take effect immediately. This Resolution and its contents will be published and promulgated in as widespread a manner as is reasonable feasible under the conditions prevailing during this local emergency.

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

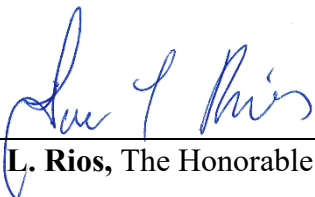
PASSED AND ADOPTED by the City Council of the City of Gonzales at an adjourned regular meeting duly held on the 10th day of January, 2023 by the following vote:

AYES: **COUNCIL MEMBERS:** Mayor Pro Tem Scott Funk, Liz Silva, Lorraine Worthy, Maria Orozco, and Mayor Jose L. Rios

NOES: **COUNCIL MEMBERS:** None


ABSTAIN: **COUNCIL MEMBERS:** None

ABSENT: **COUNCIL MEMBERS:** None



Jose L. Rios, The Honorable Mayor

ATTEST:



Mary Villegas, Deputy City Clerk