RESOLUTION NO. 4265

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY RELATED TO STORM ACTIVITY AND
LANDSLIDES OCCURRING IN FEBRUARY 2019

WHEREAS, under Government Code section 8630 and Town of San Anselmo Ordinance No. 624, the Town Manager, as the Town’s Director of Emergency Services, is empowered to proclaim the existence of a local emergency when the Town is affected or likely to be affected by a public emergency; and

WHEREAS, a local emergency as defined by Government Code section 8558(c) means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the Town caused by conditions such as a storm, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of Town and require the combined forces of other political subdivisions to combat; and

WHEREAS, the Town Manager, acting as the Director of Emergency Services, proclaimed a local emergency on February 21, 2019, in the Proclamation of a Local Emergency By the Director of Emergency Services ("Emergency Proclamation") attached as Exhibit A and incorporated herein by reference; and

WHEREAS, state law and the Town Code require the Town Council to ratify the Emergency Proclamation within seven (7) days of its adoption; and

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

Section 1. Environmental Review

The Town Council finds that adoption of this resolution is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), because it relates to an emergency. (CEQA Guidelines §15269).

Section 2. Findings

The Town Council further finds as follows:

That conditions of extreme peril to the safety of persons and property have arisen in the Town due to a series of severe storm systems and an atmospheric river with significant wind-driven rainfall that resulted in localized flooding, landslides and road closures beginning on February 13, 2019; and

That these conditions resulted in a landslide damaging public infrastructure and private property and causing the closure of Summit Avenue in San Anselmo; and
That these conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency; and

That these conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the Town and that the conditions of extreme peril and property and infrastructure damage warrant and necessitate the proclamation of the existence of a local emergency; and

That a local emergency is deemed to exist in the Town of San Anselmo in accordance with the Emergency Proclamation by the Director of Emergency Services on February 21, 2019, at which time the Town Council was not in session.

Section 3. Ratification of Emergency Proclamation

Be it further resolved that the Town Council ratifies the Emergency Proclamation and the local emergency shall be deemed to continue to exist until its termination is proclaimed by the San Anselmo Town Council. The Town Council will review the need for continuing the local emergency at least once every thirty days until the Town Council terminates the local emergency declaration. During the existence of the local emergency, the powers, functions, and duties of the emergency organization of the Town of San Anselmo shall be those prescribed by state law and the ordinances and resolutions of the Town.

A copy of this Resolution and the attached Proclamation will be forwarded to the Governor’s Office of Emergency Services.

Section 4. Emergency Repair and Remediation

Be it further resolved that on the basis of expert opinion evidence provided by the Town Public Works Director and Town staff at the Town Council meeting of February 26, 2019, the Council finds that impending peril exists and has existed at the following locations in San Anselmo: 9 Summit Road, 5 Francis Avenue, 130 Sir Francis Drake and on Butterfield Road.

The appropriate remedial action to halt, stabilize and/or abate the impending peril posed by the February storms is as described by the Town Public Works Director and Town staff in his oral testimony and written staff report at the Town Council meeting. Accordingly, the Town Council directs Town staff to implement all such remedial action to the extent, within the Town Manager’s discretion, funding is available to pay the cost of such action.

The Town Council affirms the Town Manager and Town Engineer’s decision to take immediate action to repair the damage on Summit Road resulting from the February 16 landslide. The evidence supports the finding that the landslide on Summit constituted a sudden, unexpected occurrence that posed a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property,
and/or essential public services. The Council further affirms that the public interest and necessity demanded the immediate expenditure of public money to safeguard life, health, or property.

The foregoing Resolution was adopted at the emergency meeting of the San Anselmo Town Council held on February 27, 2019, by the following vote:

AYES: Brown, Colbert, Wright
NOES: None
ABSENT: Coleman, Greene
ABSTAIN: None

ATTEST:

[Signature]

Matt Brown, Mayor

Carla Kacmar, Town Clerk
TOWN OF SAN ANSELMO
PROCLAMATION OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, under Government Code section 8630 and Town of San Anselmo Ordinance No. 624, the Town Manager, as the Town’s Director of Emergency Services, is empowered to proclaim the existence of a local emergency when the Town is affected or likely to be affected by a public emergency; and

WHEREAS, Ordinance No. 624, codified as Title 3, Chapter 2 of the San Anselmo Municipal Code, provides that where the Director of Emergency Services proclaims a local emergency, the Town Council must take action to ratify the proclamation within seven days (SAMC § 3-2.06(a)(1)).

NOW, THEREFORE, IT IS HEREBY PROCLAIMED as follows:

The Director of Emergency Services does hereby find as follows:

That conditions of extreme peril to the safety of persons and property have arisen within this Town, caused by a series of severe storm systems and an atmospheric river with significant wind-driven rainfall that resulted in localized flooding, landslides and road closure, commencing on or about February 13, 2019; and,

That these conditions resulted in a landslide causing the closure of local roadways including Summit Avenue and damaging public infrastructure and facilities; and

That these conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the Town; and

That the Town Council of the Town of San Anselmo is not in session and cannot immediately be called into session; and

That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, IT IS FURTHER PROCLAIMED that a local emergency now exists throughout this Town; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the Town shall be those prescribed by state law, and by ordinances and resolutions of San Anselmo approved by the Town Council.

IT IS FURTHER ORDERED that a copy of this proclamation be forwarded to the Director of the Governor’s Office of Emergency Services.