

RESOLUTION NO. 3943
A RESOLUTION OF THE TOWN OF SAN ANSELMO
PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Ordinance No.624 of the Town of San Anselmo empowers the Town Manager to proclaim the existence or threatened existence of a local emergency when said Town is affected or likely to be affected by a public calamity when the Town Council is not in session; and

WHEREAS, the Town Manager of the Town of San Anselmo found that conditions of extreme peril to the safety of persons and property arose within said Town caused by a series of severe winter storms between March 21 and March 26, 2011 and the Town Council was not in session and could not be immediately called into session; and

WHEREAS, Government Code Section 866 provides that in the event of public necessity and to avoid impending peril to persons or property as a result of gradual earth movement, a local public entity is not liable for damages to persons or property resulting from such impending peril or from any action taken to abate such peril providing the legislative body of the local public entity has, on the basis of expert opinion or other reasonable basis, done all of the following: (1) On the basis of adequate evidence such as expert opinion or otherwise, found the existence of such impending peril; (2) Determined appropriate remedial action to halt, stabilize, or abate such impending peril; and (3) Undertaken to implement such remedial action;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency exists in the Town, and it is further proclaimed that during the existence of said local emergency, the powers, functions and duties of the emergency organization of this Town shall be those prescribed by State law and the ordinances and resolutions of this Town and by the Town of San Anselmo Emergency Plan as approved by resolution of the Town Council.

IT IS FURTHER FOUND AND DETERMINED that (1) on the basis of expert opinion evidence provided by the Town Assistant Public Works Director at the Town Council meeting dated April 12, 2011, impending peril exists and has existed at the following locations in San Anselmo: 437 Scenic Avenue, 29 Summit Avenue, 50 Woodruff Road, Redwood Road near 390, 471 Scenic Avenue, Madrone Avenue Bridge and Florence Avenue between 30 and 34, and the creek behind 100 Sycamore; (2) appropriate remedial action to halt, stabilize, or abate such impending peril is as described by the Town Assistant Public Works Director in his oral and written staff report for said Town Council Meeting; and (3) the Town staff is directed 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.

In the course of responding to the emergency generally determined above, if Town staff locates other areas of imminent peril then staff is directed to take immediate action as appropriate and to return to the Town Council for additional findings as may be necessary.

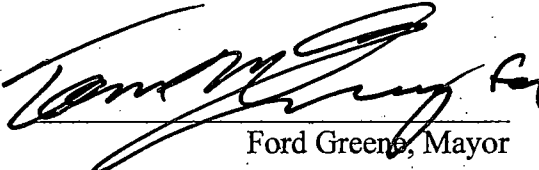
I hereby certify that the foregoing resolution was duly passed and adopted by the Town Council of the Town of San Anselmo at the meeting held on the 12th day of April, 2011, by the following vote:

AYES: Coleman, Kroot, McInerney, Thornton

NOES: None

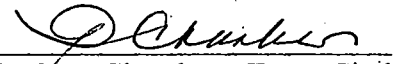
ABSENT: Greene

ABSTAIN: None



Ford Greene, Mayor

ATTEST:



Barbara Chambers, Town Clerk


**A PROCLAMATION OF
THE EXISTENCE OF A LOCAL EMERGENCY
BY THE TOWN MANAGER OF THE TOWN OF SAN ANSELMO**

WHEREAS, Ordinance No.624 of the Town of San Anselmo empowers the Town Manager to proclaim the existence or threatened existence of a local emergency when said Town is affected or likely to be affected by a public calamity when the Town Council is not in session; and

WHEREAS, the Town Manager of the Town of San Anselmo does hereby find that conditions of extreme peril to the safety of persons and property have arisen within said Town caused by a series of severe winter storms between March 21 and March 26, 2011 and the Town Council is not in session and cannot be immediately called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said Town, and it is further proclaimed that during the existence of said local emergency, the powers, functions and duties of the emergency organization of this Town shall be those prescribed by State law and the ordinances and resolutions of this Town and by the Town of San Anselmo emergency Plan as approved by resolution of the Town Council.

Dated: April 5, 2011


Debra Stutsman
Town Manager and
Director of Emergency Services