

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

WHEREAS, the California Emergency Services Act (California Government Code section 8630, et. seq.) establishes procedures for proclaiming local emergencies and responding promptly to the needs that arise during emergencies; 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 caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, 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, a winter storm event commencing in late December 2023, and continuing into January and February 2024 has resulted in and is anticipated to result in multiple significant rainfall and coastal flooding events causing damage to public infrastructure and private property within Carmel-by-the-Sea; and

WHEREAS, on January 9, 2024, the Monterey County Board of Supervisors adopted a Resolution ratifying the County Administrative Officer's proclamation of a local emergency issued on January 3, 2024; and

WHEREAS, due to the ongoing winter storms threatening life and safety, structures, and other critical infrastructure, Governor Gavin Newsom declared a State of Emergency in multiple California counties, including Monterey County, on February 2, 2024; and

WHEREAS, on February 3, 2024, the County of Monterey Department of Emergency Management named the current emergency event as the "2024 February Winter Storms"; and

WHEREAS, the February Winter Storms have caused major flooding and damage to public and private property, and such as road closures, loss of power, and fallen trees; 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 or closure; damage to storm drain infrastructure; and damage to public and private utilities and damage to public facilities and parks throughout Monterey County; damage and loss of beach access stairs, and beach erosion; and

WHEREAS, soil conditions in the City remain saturated because of the 2024 February

Winter Storms, and additional storms are expected to occur, increasing the likelihood of further damage from earth slippage events, including the potential for flooding; and

WHEREAS, the true extent of the damages caused by the 2024 February Winter Storms, has yet to be ascertained.

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

- A. Conditions caused by the 2024 February Winter Storms in the City, including without limitations the currently undiscovered damage related to these storms, 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 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 February 8, 2024, at 9:00 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 8th day of February 2024.



Director of Emergency Services Chip Rerig