



CITY OF PORT HUENEME

City Council Agenda Staff Report

DATE: December 27, 2023

TO: Honorable City Council

FROM: James Vega, City Manager
Kevin Spaulding, City Attorney

SUBJECT: Ratification of Declaration of Local Emergency and Consideration of Extension or Termination of Same

RECOMMENDATION:

It is recommended that the City Council:

1. Receive an update on the local emergency declared on December 21, 2023;
2. Ratify the adoption of a resolution of the Declaration of Local Emergency resolved by James Vega as the Director of Civil Defense Disaster Services on December 21, 2023;
3. Consider the adoption of a resolution of the City Council of Port Hueneme, California, ratifying and extending the proclamation of a local emergency issued by the Director of Civil Defense and Disaster Services on December 21, 2023 due to flooding and rainstorm impacts under Government Code Section 8630 and Chapter 2 of the Port Hueneme Municipal Code ("Disaster Council"); or termination of local emergency.

BACKGROUND/ANALYSIS:

On or about the early morning hours of December 21, 2023, the City of Port Hueneme ("City") experience torrential rainfall, which resulted in substantial flooding throughout the City. The flooding has damaged residential homes, City facilities, and various properties throughout the City, and has resulted in the evacuation of several residents.

On December 21, 2023, pursuant to Government Code section 8630 and Port Hueneme Municipal Code section 3104(a), the City Manager, as Director of Civil Defense Disaster Services, declared a local emergency to address the conditions within the City, which included "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 such as . . . flood [or] storm . . ." (Gov. Code § 8558, subd. (c)). This Resolution is attached hereto as "Attachment A."

A local emergency declared by a local official pursuant to a local ordinance may not extend beyond seven (7) days unless the legislative body ratifies the action. (Gov.

Code § 8630, subd. (b)). In addition, the City Council must review the necessity of continuing the local emergency at least one every sixty (60) days.

The current conditions within the City include significant flooding and damages resulting thereof, with cleanup efforts and costs expected to extend past the initial 7 day period.

Given the current situation, as expressed above, it is recommended that the City Council extend the declaration of local emergency for a period not to exceed sixty (60) days unless earlier terminated pursuant to Government Code section 8630, subdivision (d).

FISCAL IMPACT:

The City experienced significant damages as a result of the flooding and storm. The declaration of emergency is intended to aid the City in potentially recovering costs related to these damages.

ATTACHMENTS:

- A. Resolution - December 21, 2023 Declaration of Local Emergency
- B. Resolution - Proposed Ratification of Local Emergency

RESOLUTION NO. _____

A RESOLUTION OF THE DIRECTOR OF CIVIL DEFENSE AND DISASTER COUNCIL OF THE CITY OF PORT HUENEME, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO FLOODING AND RAINSTORM IMPACTS UNDER GOVERNMENT CODE SECTION 8630 AND CHAPTER 2 OF THE PORT HUENEME MUNICIPAL CODE ("DISASTER COUNCIL")

WHEREAS, Government Code Section 8630 authorizes the City Council, or an official designated by ordinance of the City Council, to proclaim the existence of a local emergency; and

WHEREAS, Port Hueneme Municipal Code Section 3103(a) designates the City Manager as the Director of Civil Defense and Disaster Services for the City of Port Hueneme; and

WHEREAS, pursuant to Port Hueneme Municipal Code Section 3104(a), the Director of Civil Defense and Disaster Services is specifically empowered to proclaim the existence or threatened existence of a disaster or local emergency, as defined in Government Code Section 8558(c), if the City Council is not in session, subject to confirmation by the Council at the earliest practicable time;

WHEREAS, the City Council is not in session and cannot immediately be called into session;

WHEREAS, Government Code Section 8558(c) defines a local emergency, in relevant part, as "the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as ... epidemic ... or disease, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat ... "; and

WHEREAS, storm and flood impacts have created a risk to the community and resulted in evacuations and other critical needs likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to the storm and flood impacts; and

WHEREAS, the Director of Civil Defense and Disaster Services finds that these conditions warrant and necessitate that the City proclaim the existence of a local emergency; and

WHEREAS, the Director of Civil Defense and Disaster Services does hereby find that an extreme threat to public health now exists in Port Hueneme due to storm and flood impacts.

NOW, THEREFORE, THE DIRECTOR OF CIVIL DEFENSE AND DISASTER SERVICES OF THE CITY OF PORT HUENEME DECLARES AND PROCLAIMS THAT CONDITIONS OF EXTREME PERIL TO THE SAFETY OF PERSONS AND PROPERTY HAVE ARISEN THROUGHOUT THE CITY OF PORT HUENEME AND A LOCAL EMERGENCY NOW EXISTS IN THE CITY OF PORT HUENEME ON ACCOUNT OF THE STORM AND FLOOD IMPACTS.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this local emergency the powers, functions, and duties of the Civil Defense and Disaster Council of Port Hueneme, as defined in Port Hueneme Municipal Code Section 3103(a) & (b), shall be those

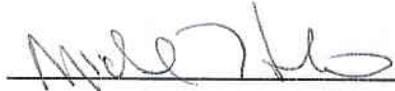
prescribed by state law, the Port Hueneme Municipal Code, including Sections 3101 - 3107, and by other applicable ordinances, resolutions and approved emergency plans of Port Hueneme. The City Council shall take action to ratify this proclamation at the earliest practicable time, or the local emergency shall not remain in effect.

PASSED AND ADOPTED this 21st day of December, 2023.



James Vega, Director of Civil Defense Disaster Services/City Manager

ATTEST:



Michael Federico, Chief of Police

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF PORT HUENEME, CALIFORNIA, RATIFYING AND EXTENDING THE PROCLAMATION OF A LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF CIVIL DEFENSE AND DISASTER SERVICES ON DECEMBER 21, 2023 DUE TO FLOODING AND RAINSTORM IMPACTS UNDER GOVERNMENT CODE SECTION 8630 AND CHAPTER 2 OF THE PORT HUENEME MUNICIPAL CODE ("DISASTER COUNCIL")

WHEREAS, Government Code Section 8630 authorizes the City Council, or an official designated by ordinance of the City Council, to proclaim the existence of a local emergency; and

WHEREAS, Port Hueneme Municipal Code Section 3103(a) designates the City Manager as the Director of Civil Defense and Disaster Services for the City of Port Hueneme; and

WHEREAS, pursuant to Port Hueneme Municipal Code Section 3104(a), the Director of Civil Defense and Disaster Services is specifically empowered to proclaim the existence or threatened existence of a disaster or local emergency, as defined in Government Code Section 8558(c), if the City Council is not in session, subject to confirmation by the Council at the earliest practicable time; and

WHEREAS, the City Council was not in session and could not immediately be called into session; and

WHEREAS, Government Code Section 8558(c) defines a local emergency, in relevant part, as "the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as ... epidemic ... or disease, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat ... "; and

WHEREAS, storm and flood impacts have created a risk to the community and resulted in evacuations and other critical needs likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to the storm and flood impacts; and

WHEREAS, on December 21, 2023, the Director of Civil Defense and Disaster Services found = that these conditions warrant and required that the City proclaim the existence of a local emergency; and

WHEREAS, the Director of Civil Defense and Disaster Services found that an extreme threat to public health existed in Port Hueneme due to storm and flood impacts; and

WHEREAS, Government Code section 8630, subdivision (c), states that a declaration of local emergency issued by a local official pursuant to a municipal code shall only remain in effect for a period not to exceed seven (7) days unless ratified by the legislative body; and

WHEREAS, the City Council was convened at the earliest practicable time and within the seven-day restriction on continuing a declaration of local emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT HUENEME, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: Ratifies the declaration of the Director of Civil Defense and Disaster Services that conditions of extreme peril to the safety of persons and property issued on December 21, 2023.

SECTION 2: Proclaims that a local emergency continues to exist in the City of Port Hueneme on account of the storm and flood impacts.

SECTION 3: Proclaimed and ordered that during the existence of this local emergency the powers, functions, and duties of the Civil Defense and Disaster Council of Port Hueneme, as defined in Port Hueneme Municipal Code Section 3103(a) & (b), shall be those prescribed by state law, the Port Hueneme Municipal Code, including Sections 3101 - 3107, and by other applicable ordinances, resolutions and approved emergency plans of Port Hueneme. The City Council shall take action to ratify this proclamation at the earliest practicable time, or the local emergency shall not remain in effect.

SECTION 4: This Resolution shall take effect immediately upon its passage.

SECTION 5: The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED, this 27th day of December, 2023.

Misty Perez, Mayor

ATTEST:

Georgianna Nicole Alvarez
City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
) ss
COUNTY OF VENTURA)

I, Georgianna Nicole Alvarez, City Clerk of the City of Port Hueneme, California, do hereby certify that the foregoing Resolution No. ____ was duly adopted at the regular meeting of the City Council on the __ day of ____, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Georgianna Nicole Alvarez
City Clerk