

RESOLUTION NO. _____ (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE
RATIFYING THE CITY MANAGER'S PROCLAMATION OF THE
EXISTENCE OF A LOCAL EMERGENCY DUE TO SEVERE FLOODING**

WHEREAS, the California Emergency Services Act (California Government Code section 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as flood or storm, which are or are likely to be beyond the control of services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; and

WHEREAS, Public Contract Code section 1102 defines emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, Public Contract Code section 20168 states that a legislative body may pass a resolution by a four-fifths vote declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property; and

WHEREAS, Public Contract Code section 22050(b)(1) permits the City Council to delegate the authority to repair or replace a public facility, take any directly related and immediate action required by the emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts to the city manager by four-fifths vote; and

WHEREAS, Section 4-2.02 of the City of Watsonville ("City") Municipal Code

defines emergency as, among other things, an extraordinary flood or storm; and

WHEREAS, Section 4-2.03 of the City's Municipal Code designates the City Manager as the Director of Emergency Services for the City and empowers the Director of Emergency Service to proclaim the existence or threatened existence of a local emergency when the City Council is not in session; and

WHEREAS, beginning on March 9, 2023, the City experienced a major rain event (the "2022-23 Atmospheric River Winter Storm"); and

WHEREAS, as a result of the 2022-23 Atmospheric River Winter Storm, the City undertook major preparations to protect the community from major flooding and damage to public and private property in the City; and

WHEREAS, staff proactively engaged with Santa Cruz and Monterey Counties, state and federal partners to work jointly to monitor, shore up, and maintain the Pajaro River Levee; and

WHEREAS, staff proactively engaged with Santa Cruz and Monterey Counties, state and federal partners to work jointly to monitor, shore up, and protect the City of Watsonville Wastewater Treatment Plant; and

WHEREAS, the 2022-23 Atmospheric River Winter Storm is expected to cause damages, estimated to exceed \$1 million, although the true extent of the damage has yet to be ascertained; and

WHEREAS, soil conditions in the City and surrounding areas remain saturated as a result of the 2022-23 Atmospheric River Winter Storm; and

WHEREAS, on March 9, 2023, when the City Council was not in session, the City Manager, acting as the Director of Emergency Services, issued a Proclamation of the

Existence of a Local Emergency, pursuant to Municipal Code section 4-2.03, finding that conditions of disaster and extreme peril to the safety of persons, their property and public services exist in the City as a result of the 2022-23 Atmospheric River Winter Storm; and

WHEREAS, the conditions for emergency supporting the City Manager's March 9, 2023, Proclamation continue to exist in the City; and

WHEREAS, due to the potential for severe flooding, impact to private and public infrastructure, like the Wastewater Treatment Plant and evacuation warnings and mandatory evacuations ordered as a result, there is substantial evidence that the emergency will not permit a delay resulting from a competitive solicitation for bids, and emergency repair work is necessary to respond to the emergency; and

WHEREAS, the City Council must adopt this Resolution with a four-fifths vote to delegate emergency contracting authority to the City Manager pursuant to Public Contracting Code sections 1102, 20168, and 22050.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA THAT the March 9, 2023 Proclamation of the Existence of a Local Emergency issued by the City Manager, acting as the Director of Emergency Services, is hereby confirmed and ratified by the City Council of the City of Watsonville.

BE IT FURTHER RESOLVED that said local emergency shall be deemed to continue to exist and shall be reviewed at least once every 60 days until its termination is proclaimed by the City Council of the City of Watsonville per California Government Code section 8630.

BE IT FURTHER RESOLVED that pursuant to Municipal Code section 4-2.04,

Public Contract Code sections 1102, 20168, and 22050, the City Manager or designee is hereby authorized to repair or replace a public facility, take any directly related and immediate action required by the emergency, and procure the necessary equipment, services, and supplies for those purposes; and

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to take whatever other action is authorized under the City of Watsonville Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes.