

**REPORT TO THE
CITY COUNCIL**
City of Salinas, California

DATE: March 21, 2017

FROM: Gary Petersen, Director of Public Works

BY: Don Reynolds, Assistant Public Works Director

**SUBJECT: LOCAL STATE OF EMERGENCY
EMERGENCY RESPONSE AND RECOVERY BUDGET**

RECOMMENDATION:

It is recommended that the City Council:

1. Approve a Resolution proclaiming a state of emergency in the City caused by a succession of winter storms during the month of February; and
2. Adopt a resolution approving \$1,560,000 supplemental appropriation in the Special Construction Assistance fund for the Reimbursable Disaster Events capital project 9260.

DISCUSSION:

California Government Code Section 8558(c) defines a Local Emergency, in 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 such conditions, including flooding and severe wind, 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. Similarly, Section 11A-2 of the Salinas City Code defined an “emergency” as the “actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the city, caused by such conditions...[which are] or are likely to be beyond the control of the services, personnel, equipment, and facilities of the city, requiring the combined forces of other political subdivisions to combat.”

La Nina storms systems first hit California in January of this year. Statewide, various geographic areas were impacted, and the storms that hit the first week of February were particularly damaging to areas of Monterey County. The impact of the Soberanes Fire complicated with flooding caused severe damage in the Big Sur region ultimately taking out the Pfeifer Bridge and closing and isolating 350 people who live there. As a result of these occurrences, the Chief Administrative Officer declared a state of emergency in the County on February 15, which was ratified by the Board of Supervisors February 22.

Beginning at approximately 4:30 A.M. Friday February 17, the City began to experience the urgent conditions imposed by heavy rains and severe winds. The City's Police, Fire and Public Works were all present at the County's Emergency Operations Center, and the City's Public Works Corporate Yard shifted into the emergency response mode. All fourteen City Maintenance crewmembers were deployed to respond to more than 700 calls for service in a 72-hour period. The City averages 100-calls for service annually, and this extreme volume is just one graphic example of how busy staff and contractors have been trying to clean-up the following areas:

1. The loss of more than 1,000 fallen trees;
2. The closure of North Main Street in two different neighborhoods, Natividad Road and many other smaller arterials;
3. The flooding of Santa Rita Creek;
4. The near failure of Lift Station #1 (Tom O. Wong Lane and Rossi Street);
5. The loss of power and internet services for a period of 24-hours following the wind storm, closing City offices Friday February 17th;
6. The need for PG&E to establish emergency staging area at the Salinas Sports Complex to respond to the many calls for service and downed utility lines through-out the City of Salinas;
7. Hundreds of fallen fences and retaining walls throughout the City;
8. Debris flows in Natividad Creek and Gabilan Creek;
9. The closure of Central Park and Sherwood Park (downed trees);
10. The closure of City offices February 17, 2017;
11. Damage to culverts and stromwater infrastructure throughout the City of Salinas;
12. Damage to City streets and bike and pedestrian paths;
13. Damage to the City's two golf courses; and
14. Damage to the Salinas Animal Shelter and to hangars and other structures at the Salinas Municipal Airport.

This list continues to be developed and reported through the County OES to the State. This summarized damage report is exemplary of the state of the emergency conditions that existed in Salinas for the period of February 17, 2017 to February 20, 2017.

On March 7, 2017, the Governor signed a Proclamation of a State of Emergency in California beginning February 1, 2017 "when an atmospheric river swept across California" making a finding that

“conditions of extreme peril to the safety of persons and property exist in these counties due to storm damage.” Monterey County is included as one of several impacted local jurisdictions in this Proclamation, and the damage report from Monterey County includes the damages listed above that occurred in Salinas.

Several administrative and procedural questions arose during the week of March 6, 2017 as staff began to shift from “response” mode to “repair mode.” After a meeting with the Fire Chief, Finance Director, and County OES, with the City Attorney’s concurrence, it was recommended that Salinas should consider executing its own Proclamation declaring a State of Emergency in Salinas during the month of February consistent with State and County Proclamations. The attached resolution is modeled after the Cal-OES template and the County’s Resolution adopted February 22, 2017.

If the City’s Proclamation is approved by the State, and subsequently by FEMA, the receipt of assistance from them will rely on the adequacy and documentation of our process. As referenced in the Resolution, certain purchasing processes are waived during the disaster response to speed the delivery of services, but later when conditions stabilize, delivery systems shift to recovery and repair mode, and a return to normal processes should occur. This Resolution therefore defines when the City made its own transition from “response” to “repair,” and how the City Charter and City Codes are applied differently to accommodate this transformation. This transition is best determined by the jurisdiction that is actually responding to and recovering from the emergency and in this case, the City is that jurisdiction. The Resolution defines the month of February as the response to the emergency, and March 1 as the estimated initiation of the recovery phase. In summary, the first Resolution is intended to establish the necessary justification and to seek approval and support from the County and State OES to assist Salinas with its recovery from this emergency.

The Finance Director has provided the second Resolution that identifies the preliminary cost estimates and requests a supplemental appropriation of \$1.56 million dollars to cover the outstanding costs until state and federal assistance arrives.

ISSUE:

Shall the City Council:

1. Approve a Resolution proclaiming a state of emergency in the City caused by a succession of winter storms during the month of February; and
2. Adopt a resolution approving \$1,560,000 supplemental appropriation in the Special Construction Assistance fund for the Reimbursable Disaster Events capital project 9260?

FISCAL IMPACT:

The cost estimates exceed the City’s capacity to respond to this emergency. A temporary account is in place to capture labor and contractor expenses relative to the response to the emergency, and this request to approve the City’s proclamation of the State of Emergency will legitimize its needs for State and Federal aid from the costs incurred from the State of Emergency. The City has a preliminary estimate of approximately \$1,560,000 as shown in the table below, and is seeking approval to establish a budget to expend against.

Emergency Response and Recovery	Estimate	Appropriation Account	Use
Payroll & benefits	\$150,000	5800.12.9260-61100	Salary and Overtime
Golf Course	\$100,000	5800.12.9260	Outside Services & Other Expenses
Santa Rita Storm Water Control Facility	\$300,000	5800.12.9260	
El Gabilan Storm Water Control Facility	\$50,000	5800.12.9260	
Natividad Storm Water Control Facility	\$75,000	5800.12.9260	
City-Wide Debris Removal	\$400,000	5800.12.9260	
Street Repair	\$35,000	5800.12.9260	
Airport Hangar Repair	\$300,000	5800.12.9260	
Assessment District Damage	\$75,000	5800.12.9260	
Contingency	\$75,000	5800.12.9260	
	\$1,560,000		

TIME CONSIDERATIONS:

The local jurisdiction is required to declare a state of emergency within 10-days of its occurrence, and report damages within 60-days of the declaration. In this case, the County met this requirement on behalf of the City on February 22. Still after careful consideration, it has been determined that the City will best served in the long-run operating under its own Proclamation.

ALTERNATIVES/IMPLICATIONS:

The City Council can decide not to approve these Resolutions and choose not to declare a State of Emergency. Not approving the Resolutions may place the City at risk of not being eligible for State or Federal relief.

CITY COUNCIL GOALS:

Recovering from the emergency caused by the Storms is consistent with all five City Council priorities.

CONCLUSIONS:

The City suffered extensive damage caused by the storms in February this year. These storms caused damage beyond the control and ability of the City to respond, invoking mutual aid situations and placing its residents in peril. The cost to respond and now recover from the State of Emergency is estimated to be more than \$1.5 million. It is staff’s recommendation that the City Council adopt the first Resolution Proclaiming a State of Emergency in Salinas during the month of February 2017, and a second Resolution that appropriates funds and a budget to pay for these costs in advance of receiving State and federal relief assistant.

Back Up Pages
Resolution Proclaiming a State of Emergency in Salinas
Resolution Appropriating Funds in Advance of receiving State and Federal assistance

RESOLUTION NO. _____ (S.A.)

**RESOLUTION OF THE CITY OF SALINAS PROCLAIMING THE
EXISTANCE OF A LOCAL STATE OF EMERGENCY CAUSED BY A
SUCCUSSION OF WINTER STORMS DURING THE MONTH OF
FEBRUARY 2017**

WHEREAS, Section 11A of the Salinas City Code and Section 1.1 of the City Charter provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency; and

WHEREAS, Section 2.68.060 of the Monterey County Code and Section 8630 of the State Government Code empower the County Administrative Officer or his or her designee, or the Board of Supervisors if the Board is in session at the time, to proclaim the existence of a Government Code Section 8558.(c) local emergency when the County is affected by or likely to be affected by a public calamity; and

WHEREAS, on February 15, 2017, the County of Monterey Board of Supervisors, by adopting Resolution 17-045, ratified a Proclamation of Local Emergency as defined by Government Code 8558(c) and Public Contract Code Section 1102 for a succession of winter storms occurring on February 7th through February 20th, 2017 which resulted in multiple significant rainfall and wind events causing damage to the public infrastructure and private property within Monterey County; and

WHEREAS, the County's Office of Emergency Services has been providing the City's damage reports to the State Office of Emergency Services (OES) since the time the damage occurred; and

WHEREAS, on March 7, 2017, under the provisions of the State's Government Code Section 8558(b), the Governor signed a Proclamation of a State of Emergency beginning February 1, 2017 when an atmospheric river swept across California, bringing high winds and substantial precipitation severely impacting counties throughout the State and making a finding that conditions of extreme peril to the safety of persons and property exist in these counties due to the storm damage; and

WHEREAS, pursuant to Section 8625 of the Government Code, the Governor in signing this Proclamation acted on behalf of the counties, specifically Monterey County, and this Proclamation was sent to petition emergency relief from the Federal Government to address the needs that far exceed the ability of the cities of Monterey County and the County's ability to respond; and

WHEREAS, the City has its own specific needs, therefore, the City Council, does hereby find as follows:

1. Damages to infrastructure which occurred from localized flooding, roadway slope erosion and embankment split-outs, debris flows, landslides, and culvert failure affecting the safety of said roadways; obstruction of public roadways from fallen trees, storm water, storm debris and roadway failure; damage to storm drain infrastructure and lift stations; damage to public/private utilities and damage to hundreds of public and private fences and retaining walls, and damages to public facilities and parks. Until action is taken to address these safety concerns, such

damage will result in road closures, park closures, and loss of access to critical infrastructure that will continue to impact public safety and response;

2. That the foregoing conditions were and continue to be beyond the control of the services, personnel, equipment, and facilities of the City of Salinas and require the combined forces of other political subdivisions, including but not limited to state and federal assistance to combat;
3. That the aforesaid conditions of extreme peril warranted and necessitated the proclamation of the existence of a local emergency and immediate action by the City was necessary to mitigate the effects of the local emergency, first described to State OES by the County of Monterey to State OES February 15, 2017 in their Resolution 17-045 on behalf of the City;
4. Since February 7 through February 20, 2017, the weather conditions warranting and necessitating a proclamation of the existence of a local emergency have not been resolved and that immediate action continued to be necessary through the end of February 2017 to mitigate the effects of the local emergency;
5. Such occurrences have resulted in the loss of more than 1,000 fallen trees in Salinas, which is more than ten times the annual average;
6. The protective response to the emergency conditions did not permit a delay resulting from competitive solicitation for bids up through the end of February 2017; and
7. Emergency conditions unique to the City of Salinas continued to exist through the end of February 2017, necessitating a declaration and Proclamation of Local Emergency by the City in support of and to add further clarity and define County and State efforts to assist the City and its residents.

NOW, THEREFORE, BE IT RESOLVED that the above recitals are true and correct.

BE IT FURTHER RESOLVED that the City Council has reviewed the need to proclaim a State of Emergency in Salinas during the month of February 2017 and the City Council finds that the need continues to exist.

BE IT FURTHER RESOLVED that during the existence of said local emergency, the City's Fire, Police and Public Works Department's response was immediate and necessary to protect life and property within the City during the month of February.

BE IT FURTHER RESOLVED that now in the month of March, the City is transitioning from response to damage assessment and recovery and that as this process of assessment continues, new losses and risks that can potentially bring new peril to its residents emerge.

BE IT FURTHER RESOLVED, that the emergency response has already incurred more than one-million dollars of damage and response cost estimates and unanticipated loss that exceeds the City's resources to respond and repair the damages.

BE IT FURTHER RESOLVED that a copy of this Proclamation be forwarded to the Director of the California Governor's Office of Emergency Services (director-Cal OES), requesting that the Director of Cal OES find this proclamation of Local Emergency, are hereby ratified by the City Council of the City of Salinas.

- a. The Governor of California proclaim a state of emergency in the City of Salinas.

- b. The Governor suspend those statutes, regulations, and rules and orders that may hinder response and recovery efforts.
- c. The Governor order recovery assistance be made to the City of Salinas under the California Disaster Act.
- d. That the Governor order the State to expedite access to Federal resources and any other appropriate federal disaster relief programs for the City of Salinas.

BE IT FURTHER RESOLVED that the City shall review this need for continuing the local emergency at once every thirty days.

BE IT FURTHER RESOLVED that the Public Works Director or his designee is hereby authorized to engage independent contractors and engineering services to complete all necessary work to mitigate the effects of said local emergency. Contracts for this work may be executed without prior City Council's approval of plans and specifications, and working details, without giving notice for bids to let contracts provided such action does not affect the City's eligibility for state and federal funds.

BE IT FURTHER RESOLVED, the repair work is statutorily exempt from the California Environmental Quality Act (CEQA) under CEQA guidelines Section 15269(c) for emergency projects.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon adoption.

PASSED AND APPROVED on March 21, 2017, by the Salinas City Council, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor Joe Gunter

ATTEST:

Patricia m. Barajas, City Clerk

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION APPROVING A \$1,560,000 SUPPLEMENTAL
APPROPRIATION TO PAY FOR THE DISASTER RECOVERY COSTS FROM
THE RECENT STORMS**

WHEREAS, On March 21, 2017, the City Council approved a Resolution proclaiming the existence of a local state of emergency caused by a succession of winter storms during the month of February 2017; and

WHEREAS, the City had winds high speeds over 70 mph causing damage and causing over 1,000 trees fall over or break and landing on homes, cars and roads and more, causing major damage throughout the City and erosion from rain that compromised the man-made storm water control facilities; and

WHEREAS, on February 15, 2017, the County of Monterey Board of Supervisors, by adopting Resolution 17-045, ratified a Proclamation of Local Emergency as defined by Government Code 8558(c) and Public Contract Code Section 1102 for a succession of winter storms occurring on February 7, 2017 through February 20, 2017 which resulted in multiple significant rainfall and wind events causing damage to the public infrastructure and private property within Monterey County; and

WHEREAS, on March 7, 2017, under the provisions of the State's Government Code Section 8558(b), the Governor signed a Proclamation of a State of Emergency beginning February 1, 2017 when an atmospheric river swept across California, bringing high winds and substantial precipitation severely impacting counties throughout the State and making a finding that conditions of extreme peril to the safety of persons and property exist in these counties due to the storm damage; and

WHEREAS, pursuant to Section 8625 of the Government Code, the Governor in signing this Proclamation acted on behalf of the counties, specifically Monterey County, and this Proclamation was sent to petition emergency relief from the Federal Government to address the needs that far exceed the ability of the cities of Monterey County and the County's ability to respond; and

WHEREAS, the President of the United States has not yet declared a Presidential Declaration of a Major Disaster but that action is anticipated to occur; and

WHEREAS, the City Council of the City desires to appropriate such \$1,560,000 to the Reimbursable Disaster Events project for debris removal and repair of water control facilities in advance of the receipt of FEMA funds; and

NOW, THEREFORE, be it resolved that the Council of Salinas, that the foregoing recitals and associated staff report are true and correct.

BE IT FURTHER RESOLVED, that the City Council hereby approves the supplemental appropriation in the Construction Assistance fund for the Reimbursable Disaster Events project 9260 in the amount of \$1,560,000. Staff expects reimbursement from FEMA after the filing process is completed.

PASSED AND APPROVED on March 21, 2017, by the Salinas City Council, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk