

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, RATIFYING THE DIRECTOR OF  
EMERGENCY SERVICE'S PROCLAMATION OF  
EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, due to severe storms caused by a series of atmospheric river systems that have struck California since December 27, 2022 (the "2023 January Storms"), bringing high winds and substantial rainfall, there has been significant flooding, wind gusts, falling debris, downed trees, and power outages throughout the County of San Luis Obispo and the City of Atascadero; and

**WHEREAS**, as a result of the 2023 January Storms, major flooding of Atascadero Creek, Graves Creek, Dove Creek, multiple seasonal creeks, Atascadero Lake, and the Salinas River in the City of Atascadero caused and continues to cause damage to public and private property in the City of Atascadero; and

**WHEREAS**, the 2023 January Storms has or is expected to cause landslides, which threaten and/or damage public and private property in Atascadero, California; and

**WHEREAS**, critical infrastructure in the City of Atascadero has been damaged and/or compromised as a result of the 2023 January Storms; and

**WHEREAS**, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) and Atascadero Municipal Code Title 4 Chapter 4, Emergency Organization and Functions, empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session; and

**WHEREAS**, the Director of Emergency Services of the City of Atascadero did find that conditions of extreme peril to the safety of persons and property have arisen within said city, caused by the 2023 January Storms and that the City Council of the City of Atascadero was not in session; and

**WHEREAS**, the Director of Emergency Services did, based upon those findings, declare a local emergency pursuant to local, State, and Federal Law, on January 9, 2023; and

**WHEREAS**, the City Council convened for an emergency meeting pursuant to State Law at the earliest possible time and within 7 days of such proclamation on January 10, 2023, which meeting was duly noticed pursuant to the emergency meeting procedures contained in the Ralph M. Brown Act; and

**WHEREAS**, soil conditions in the City of Atascadero and County of San Luis Obispo remain saturated as a result of the 2023 January Storms and additional atmospheric storm events are expected to continue, increasing the likelihood of further damage from earth slippage events, including the potential for additional flooding; and

**WHEREAS**, the conditions of extreme peril to the safety of persons and property did and still exist within the City of Atascadero, caused by the 2023 January Storms.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATASCADERO:**

**SECTION 1.** The Proclamation of Existence of a Local Emergency, as issued by the Director of Emergency Services on January 9, 2023, is hereby ratified and confirmed.

**SECTION 2.** The City Council has reviewed the need for continuing the declaration of local emergency and finds, based on substantial evidence, that the public interest and necessity require the continuance of the Proclamation of Existence of Local Emergency related to the 2023 January Storms.

**SECTION 3.** Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Atascadero.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the 10th day of January, 2023.

CITY OF ATASCADERO

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Heather Moreno, Mayor

ATTEST:

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Lara K. Christensen, City Clerk

BY THE DIRECTOR OF EMERGENCY SERVICES  
OF THE CITY OF ATASCADERO, STATE OF CALIFORNIA

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY

**WHEREAS**, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the 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 an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat;

**WHEREAS**, on January 4, 2023, the Governor declared a state of emergency throughout California to support the ongoing response to recent winter storms; and

**WHEREAS**, Atascadero Municipal Code Section 4-4.07 empowers the Director of Emergency Services for the City of Atascadero to proclaim the existence of a local emergency when the City is affected or likely to be affected by the existence of disaster or extreme peril which is, or is 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 control; and

**WHEREAS**, due to severe storms caused by a series of atmospheric river systems that have struck California since December 27, 2022 (the "2023 January Storms"), bringing high winds and substantial rainfall, there has been significant flooding, wind gusts, falling debris, downed trees, and power outages throughout the County of San Luis Obispo and the City of Atascadero; and

**WHEREAS**, as a result of the 2023 January Storms, major flooding of Atascadero Creek, Graves Creek, Dove Creek, multiple seasonal creeks, Atascadero Lake, and the Salinas River in the City of Atascadero caused and continues to cause damage to public and private property in the City of Atascadero; and

**WHEREAS**, the 2023 January Storms has or is expected to cause landslides, which threaten and/or damage public and private property in Atascadero, California; and

**WHEREAS**, critical infrastructure in the City of Atascadero has been damaged and/or compromised as a result of the 2023 January Storms; and

**WHEREAS**, current estimates of the damage caused by the 2023 January Storms are unknown, and the true extent of the damage caused by the 2023 January Storms has yet to be ascertained; and

**WHEREAS**, soil conditions in the City of Atascadero and County of San Luis Obispo remain saturated as a result of the 2023 January Storms, and as additional atmospheric storm events are expected to continue over the next 24 hours and again on January 14-16, 2023, increasing the likelihood of further damage from earth slippage events, including the potential for additional flooding; and

**WHEREAS**, at the time of this Proclamation the City Council is not in session.

**NOW, THEREFORE, IT IS PROCLAIMED AS FOLLOWS:**

**SECTION 1.** Conditions caused by the 2023 January Storms in the City of Atascadero, including but not limited major flooding of Atascadero Creek, Graves Creek, Dove Creek, multiple seasonal creeks, Atascadero Lake, and the Salinas River, falling debris, downed trees, and landslides threatening public and private property, significant critical infrastructure impacts, as well as other currently undiscovered and future damage related to the 2023 January Storms, constitute conditions of disaster and extreme peril to the safety of persons, their property and public services.

**SECTION 2.** As of 8:00 a.m., January 9, 2023, an emergency, as defined in Section 4-4.03 of the Atascadero Municipal Code, Government Code Section 8558(c), and Public Contract Code Section 1102, now exists in the City of Atascadero.

**SECTION 3.** 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 of Atascadero in order to mitigate the effects of the local emergency.

**SECTION 4.** Pursuant to Section 4-4.10 of the Atascadero Municipal Code, all expenditures made in connection with this local emergency, including mutual aid activities, shall be deemed to be for the direct protection and benefit of the inhabitants and property of the City of Atascadero.

**SECTION 5.** The City Manager, or her designee, is hereby designated as the authorized Agent for the City of Atascadero for the purposes of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available County, State, and Federal assistance.

**SECTION 6.** Pursuant to Government Code section 8630, the local emergency shall be effective immediately and deemed to continue to exist for a period of up to seven (7) days, and thereafter by ratification and extension by the City Council, at least every 30 days, until it is terminated by the City Council.

DATE: 1/9/23



RACHELLE RICKARD  
CITY MANAGER  
DIRECTOR OF EMERGENCY SERVICES

Distribution: City Council  
Governor Gavin Newsom  
County of San Luis Obispo Office of Emergency Services  
5<sup>th</sup> District Supervisor Debbie Arnold  
2<sup>nd</sup> District Supervisor Bruce Gibson  
Assemblymember Dawn Addis  
Senator John Laird  
Congressmember Jimmy Panetta  
California Office of Emergency Services