



CITY OF ATASCADERO EMERGENCY MEETING AGENDA

*****VIRTUAL MEETING INFORMATION*****

The City Council Meeting will not be physically open to the public and will be virtual only. City Council Members and staff will be teleconferencing into the meeting.

HOW TO OBSERVE THE MEETING REMOTELY:

To participate remotely, residents can livestream the meeting on [Zoom](#), the City's YouTube channel, and listen live on KPRL Radio 1230AM and 99.3FM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website and on the City's YouTube Channel. To participate remotely using the Zoom platform please visit https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA.

HOW TO SUBMIT PUBLIC COMMENT:

Individuals who wish to provide public comment virtually may call **(669) 900-6833** (Meeting ID: 889 2347 9018) to listen and provide public comment via phone or via the [Zoom](#) platform using the link above.

AMERICAN DISABILITY ACT ACCOMMODATIONS:

Any member of the public who needs accommodations should contact the City Clerk's Office at cityclerk@atascadero.org or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

City Council agendas and minutes may be viewed on the City's website: www.atascadero.org/agendas.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, www.atascadero.org. Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are made a part of the record or referred to in their statement will be noted in the Minutes and available for review by contacting the City Clerk's office. All documents will be available for public inspection by appointment during City Hall business hours.



Atascadero City Council

Staff Report - City Manager

AB 361 Requirements for Virtual Meetings

RECOMMENDATION:

Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to allow for the conduct of virtual meetings.

DISCUSSION:

On Friday, September 17, 2021, the Governor signed AB 361. AB 361 amends Government Code Section 54953 to provide more clarity on the Brown Act's rules and restrictions surrounding the use of teleconferencing to conduct meetings. This Section of the Government Code Section 54953(e) creates alternate measures to protect the ability of the public to appear before local legislative bodies.

With the passage of AB 361, local agencies are allowed to conduct virtual meetings during a declared state of emergency, provided local agencies comply with specified requirements. The City Council must adopt a Draft Resolution finding that the requisite conditions exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with AB 361. (Government Code Section 54953(e).) AB 361 requires the City Council to reconsider the circumstances of the state of emergency not later than 30 days after teleconferencing for the first time pursuant to AB 361 and every 30 days thereafter in order to continue to conduct remote teleconference meetings.

Due to severe winter storms that have struck California since late February 2023 (the "2023 March Storms"), bringing damaging winds and historic precipitation, there has been significant flooding, wind gusts, falling debris, and downed trees throughout the County of San Luis Obispo and the City of Atascadero. On March 1, 2023, Governor Newsom declared a state of emergency in several counties throughout California, including San Luis Obispo County, to support disaster relief and response to recent winter storms. That declaration is still in effect.

On March 10, 2023, the City Council was not in session and 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, was determined to exist in the City of Atascadero and the City Manager, as the Director of Emergency Services, proclaimed the existence of a local emergency. Additionally, President Biden declared, on March 10, 2023, that an emergency exists in the State of California and ordered Federal

assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from severe winter storms, flooding, landslides, and mudslides beginning on March 9, 2023, and continuing.

As a result of the 2023 March Storms, 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. Critical infrastructure in the City of Atascadero has been damaged and/or compromised as a result of the 2023 March Storms and these storms have and are expected to continue to cause landslides, threatening and/or damaging public and private property in the City.

Soil conditions in the City of Atascadero and County of San Luis Obispo remain saturated and today's storm continues to threaten the City and County, bringing strong winds, above normal precipitation, and unusually cold temperatures, increasing the likelihood of further damage from earth slippage events, including the potential for additional flooding. Rain and wind are expected to continue throughout the day and evening and the public has been requested to restrict the use of the roadways to essential travel only. Given the continued and ongoing conditions of the March 2023 Storms, and out of an abundance of caution for the protection of life and safety, the public interest and necessity are best served by adoption of the Draft Resolution.

In order to conduct tonight's meeting by remote teleconferencing, the City Council must make the following findings (Gov. Code § 52953(e)(3)):

- The City Council has considered the circumstances of the state of emergency.
- Any of the following circumstances exist:
 - The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - State or local officials continue to impose or recommend measures to promote social distancing.

Should the Draft Resolution not be adopted, and the City Council (or an individual Council Member) elects to attend virtually, the City must comply with the pre-pandemic teleconferencing provisions of the Brown Act (Government Code Section 54953(b)(3)) or the newly enacted provisions of Assembly Bill 2449 (Government Code Section 54953(f)(1)).

Adoption of the Draft Resolution does not prohibit the conduct of a traditional or hybrid meeting in accordance with state and local regulations and if the Draft Resolution were not adopted, hybrid City Council meetings will continue to be conducted, allowing public participation both virtually and in-person.

FISCAL IMPACT:

None.

ATTACHMENT:

Draft Resolution

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, PROCLAIMING THE NEED TO MEET BY TELECONFERENCE PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, all meetings of the City of Atascadero legislative bodies are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, Government Code section 54953(e) was added by AB 361, signed by Governor Newsom on September 17, 2021; and

WHEREAS, due to severe winter storms that have struck California since late February 2023 (the “2023 March Storms”), bringing damaging winds and historic precipitation, 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 March 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 March 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 March Storms; and

WHEREAS, on March 1, 2023, Governor Newsom declared a State of Emergency as a result of the winter storms impacting various counties throughout California, including San Luis Obispo County; and

WHEREAS, consistent with 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, 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 March 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 March 10, 2023; and

WHEREAS, such State of Emergency remains in effect; and

WHEREAS, soil conditions in the City of Atascadero and County of San Luis Obispo remain saturated as a result of the 2023 March Storms, and additional storms have and/or will continue to threaten the City and County, bringing strong winds, above normal precipitation, and unusually cold temperatures, 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 March Storms.

WHEREAS, Government Code Section 54953(e) requires that the City Council must reconsider the circumstances of the state of emergency every 30 days in order to continue to conduct remote teleconference meetings in compliance with AB 361.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. Findings. The City Council does hereby find that:

1. The City Council has considered the circumstances of the state of emergency declared as a result of the March 2023 Storms.
2. The state of emergency continues to directly impact the ability of the members to meet safely in person.

SECTION 3. Compliance with Government Code Section 54953(e). The City Council and other legislative bodies will continue to meet by teleconference in accordance with Government Code section 54953(e).

SECTION 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the date of adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Atascadero may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED at a regular meeting of the City Council held on the _____ day of March, 2023.

On motion by Council Member _____ and seconded by Council Member _____ the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk



Atascadero City Council

Staff Report - City Manager

Ratify Proclamation of Existence of Local Emergency

RECOMMENDATION:

Council adopt Draft Resolution, ratifying the Director of Emergency Services' proclamation of the existence of a local emergency.

DISCUSSION:

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. The proclamation gives the City certain powers and immunities that do not exist in the absence of such a declaration and is required for many FEMA or other reimbursement purposes. The proclamation must be ratified and confirmed by the City Council within seven (7) days of the action by the Director of Emergency Services/City Manager.

Due to severe winter storms that have struck California since late February 2023 (the "2023 March Storms"), bringing damaging winds and historic precipitation, there has been significant flooding, wind gusts, falling debris, and downed trees throughout the County of San Luis Obispo and the City of Atascadero. On March 10, 2023, the City Council was not in session and 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, was determined to exist in the City of Atascadero and the City Manager, as the Director of Emergency Services, proclaimed the existence of a local emergency.

Soil conditions in the City of Atascadero and County of San Luis Obispo remain saturated as a result of the 2023 March Storms, and additional storms have and/or will continue to threaten the City and County, bringing strong winds, above normal precipitation, and unusually cold temperatures, increasing the likelihood of further damage from earth slippage events, including the potential for additional flooding and the public interest and necessity require the continuance of the Proclamation of Existence of Local Emergency related to the 2023 March Storms. The City Council Meeting, scheduled for March 14, 2023, is within the seven-day requirement that the

City Council ratify and confirm the Director of Emergency Services' proclamation and make findings to continue the existence of a local emergency.

Adoption of the Draft Resolution will meet State law requirements to continue the declaration of a local emergency and said local emergency will continue to exist until terminated by the City Council.

FISCAL IMPACT:

None.

ATTACHMENT:

Draft Resolution

DRAFT RESOLUTION

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

WHEREAS, due to severe winter storms that have struck California since late February 2023 (the "2023 March Storms"), bringing damaging winds and historic precipitation, 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 March 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 March 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 March 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 March 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 March 10, 2023; and

WHEREAS, the City Council convened for a meeting pursuant to State law at the earliest possible time and within 7 days of such proclamation on March 14, 2023, which meeting was duly noticed pursuant to the 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 March Storms, and additional storms have and/or will continue to threaten the City and County, bringing strong winds, above normal precipitation, and

unusually cold temperatures, 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 March 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 March 10, 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 March 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 an emergency meeting of the City Council held on the 14th day of March, 2023.

On motion by Council Member _____ and seconded by Council Member _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

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 March 1, 2023, the Governor declared a state of emergency in several counties throughout California, including San Luis Obispo County, to support disaster relief and 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 winter storms that have struck California since late February 2023 (the "2023 March Storms"), bringing damaging winds and historic precipitation, 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 March 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 March 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 March Storms; and

WHEREAS, current estimates of the damage caused by the 2023 March Storms are unknown, and the true extent of the damage caused by the 2023 March 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 March Storms, and it is forecasted that additional storms will continue to threaten the City and County, bringing strong winds, above normal precipitation, and unusually cold temperatures, 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 March 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 March Storms, constitute conditions of disaster and extreme peril to the safety of persons, their property and public services.

SECTION 2. As of 7:00 a.m., March 10, 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.

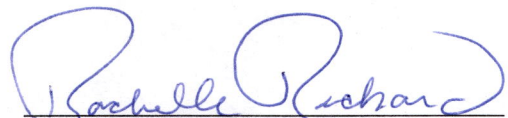
SECTION 3. During the existence of said local emergency the powers, functions, and duties of the City Manager or designee shall be those prescribed by State law and the ordinances, resolutions, codes and approved plans of the City of Atascadero in order to mitigate the effects of the local emergency.

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: 3/10/23



RACHELLE RICKARD
CITY MANAGER
DIRECTOR OF EMERGENCY SERVICES

Distribution: City Council
County of San Luis Obispo Office of Emergency Services