



AGENDA

Special Meeting of the
Scotts Valley City Council
In-Person and Remote Access
Date: January 18, 2023
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 Or Zoom Video Conference: https://us02web.zoom.us/j/82627415802 Dial in: (669) 900-9128 or (669) 444-9171 Webinar ID: 826 2741 5802	The agenda was posted at City Hall, SV Senior Center, SV Public Works and on the Internet at www.scottsvalley.org .

CALL TO ORDER 6:00 PM

ROLL CALL

ROLL CALL	
ELECTED OFFICIALS: Jack Dilles, Mayor Randy Johnson, Vice Mayor Donna Lind, Council Member Derek Timm, Council Member Allan Timms, Council Member	CITY STAFF MEMBERS: Mali LaGoe, City Manager Kirsten Powell, City Attorney Cathie Simonovich, City Clerk Lauren Lambert, Deputy City Clerk

PUBLIC COMMENT TIME

This is the opportunity for individuals to make and/or submit written or oral comments to the Council on any items within the purview of the Council, which are NOT part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda.

REGULAR AGENDA

1. Consider approval of Resolution No. 2022 declaring a local emergency regarding the atmospheric river winter storms and naming the City Manager the Director of Civil Defense and Disaster

ADJOURNMENT

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: January 18, 2023
TO: Honorable Mayor and City Council
FROM: Kirsten Powell, City Attorney
SUBJECT: **EXTENSION OF CITY'S DECLARATION OF LOCAL EMERGENCY**

SUMMARY OF ISSUE

On December 30 and 31, 2022, the City of Scotts Valley experienced a major rain event (the "December 2022 Atmospheric River Winter Storm"). As a result of the December 2022 Atmospheric River Winter Storm, flooding, debris from trees, and mud impacted the City of Scotts Valley. Soil conditions remained saturated as a result of the December 2022 Atmospheric River Winter Storm.

On January 4 and 5, 2023, and January 8 and 9, 2023 major rain events (the "January 2023 Atmospheric River Winter Storms") occurred which caused additional flooding and other storm impacts, including downed trees, power outages, retaining wall failures and mudslides. The December 2022 and January 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 16 inches over a 14-day period and wind in excess of 60 MPH.

A fourth winter storm hit Scotts Valley on January 13 and 14, 2023, which brought 3 inches of rainfall and resulted in additional damage to the City, including a second mudslide on Green Hills Road which has closed the roadway and is expected to remain closed until at least January 17, 2023. The County of Santa Cruz proclaimed the existence of a local emergency in the County on January 3, 2023. The Governor of California declared a state of emergency on January 4, 2023 and on January 14, 2023, the President of the United States issued a [Presidential Major Disaster Declaration](#) to support the California's emergency response to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state.

On January 14, 2023, the City Manager acting as the Director of Civil Defense and Disaster proclaimed an emergency in accordance with Scotts Valley Municipal Code Chapter 2.48. Pursuant to Government Code Section 8630, a local emergency shall be deemed to continue to exist for a period of up to seven days, and thereafter by ratification and extension by the City Council, until the local emergency is terminated by the City Council. The proposed resolution ratifies the proclamation of local emergency and deems it to continue to exist until terminated by the City Council.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15320,15378 and 15061(b)(3) as it is an organizational structure change and does not have the potential to result in either a direct or reasonable foreseeable indirect physical change in the environment.

FISCAL IMPACT

Staff has not yet determined the extent of the damage caused by the storms, or the expected cost of repairs. There is no fiscal impact to the City associated with this action.

STAFF RECOMMENDATION

It is recommended that the City Council approve the resolution.

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RESOLUTION NO. 2022

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY DECLARING A LOCAL EMERGENCY REGARDING THE ATMOSPHERIC RIVER WINTER STORMS AND NAMING THE CITY MANAGER THE DIRECTOR OF CIVIL DEFENSE AND DISASTER

WHEREAS, Scotts Valley Municipal Code section 2.48.050 enables the City to designate the City Manager as the director of civil defense and disaster and enables such director to proclaim the existence or threatened existence of a local emergency when the City is affected by a "disaster" which is defined as actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity; and

WHEREAS, on December 30 and 31, 2022, the City of Scotts Valley experienced a major rain event (the "December 2022 Atmospheric River Winter Storm"); and

WHEREAS, as a result of the December 2022 Atmospheric River Winter Storm, flooding, debris from trees, and mud have impacted the City of Scotts Valley; and

WHEREAS, soil conditions in the City of Scotts Valley remained saturated as a result of the December 2022 Atmospheric River Winter Storm; and

WHEREAS, on January 4 and 5, 2023, and January 8 and 9, 2023 major rain events (the "January 2023 Atmospheric River Winter Storms") occurred which caused additional flooding and other storm impacts, including downed trees, power outages, retaining wall failures and mudslides; and

WHEREAS, the December 2022 and January 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 16 inches over a 14-day period and wind in excess of 60 MPH is impacting the City; and

WHEREAS, a fourth winter storm hit Scotts Valley on January 13 and 14, 2023, which brought 3 inches of rainfall and resulted in additional damage to the City, including a second mudslide on Green Hills Road which has closed the roadway and is expected to remain closed until at least January 17, 2023; and

WHEREAS, current estimates of the damage caused by the December 2022 Atmospheric River Winter Storm and the January 2023 Atmospheric River Winter Storms exceeds \$75,000, although true extent of the damage caused by the storms has yet to be ascertained; and

WHEREAS, the County of Santa Cruz proclaimed the existence of a local emergency in the County on January 3, 2023; and

WHEREAS, the Governor of California declared a state of emergency on January 4, 2023; and

WHEREAS, on January 14, 2023, the President of the United States issued a [Presidential Major Disaster Declaration](#) to support the California's emergency response

to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state.

WHEREAS, on January 14, 2023, the City Manager acting as the Director of Civil Defense and Disaster proclaimed an emergency in accordance with Scotts Valley Municipal Code Chapter 2.48; and

WHEREAS, in order for the City of Scotts Valley local emergency to remain in effect, it must be ratified by the Scotts Valley City Council; and

WHEREAS, pursuant to Scotts Valley Municipal Code Chapter 2.48, the City has established a Civil Defense and Disasters Council to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of a disaster; and

WHEREAS, the December 2022 and January 2023 Atmospheric River Winter Storms constitute a disaster under Chapter 2.48; and

WHEREAS, the City Council needs to name a Director of Civil Defense and Disaster to direct the day to day operations during an emergency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Scotts Valley hereby declares that as of December 30, 2022, a local emergency exists in the City of Scotts Valley due to the December 2022 and January 2023 Atmospheric River Winter Storms and hereby ratifies the Proclamation Of Existence Of Local Emergency Issued By The City Of Scotts Valley Director Of Civil Defense And Disaster issued by the City Manager on January 14, 2023, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the City Manager is hereby designated the Director of Civil Defense and Disaster and authorized to perform all duties outlined in Sections 2.48.050 and 2.48.060 of the Scotts Valley Municipal Code.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a special meeting held on the 18th day of January, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Jack Dilles, Mayor

Attest: _____
Cathie Simonovich, City Clerk

PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY ISSUED BY THE CITY OF SCOTTS VALLEY DIRECTOR OF CIVIL DEFENSE AND DISASTER

WHEREAS, Scotts Valley Municipal Code section 2.48.050 designates the City Manager as the director of civil defense and disaster and enables such director to proclaim the existence or threatened existence of a local emergency when the City is affected by a "disaster" which is defined as actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity; and

WHEREAS, on December 30 and 31, 2022, the City of Scotts Valley experienced a major rain event (the "December 2022 Atmospheric River Winter Storm"); and

WHEREAS, as a result of the December 2022 Atmospheric River Winter Storm, flooding, debris from trees, and mud have impacted the City of Scotts Valley; and

WHEREAS, soil conditions in the City of Scotts Valley remained saturated as a result of the December 2022 Atmospheric River Winter Storm; and

WHEREAS, on January 4 and 5, 2023, and January 8 and 9, 2023 major rain events (the "January 2023 Atmospheric River Winter Storms") occurred which caused additional flooding and other storm impacts, including downed trees, power outages, retaining wall failures and mudslides; and

WHEREAS, the December 2022 and January 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 16 inches over a 14-day period and wind in excess of 60 MPH is impacting the City; and

WHEREAS, a fourth winter storm hit Scotts Valley on January 13 and 14, 2023, which brought 3 inches of rainfall and resulted in additional damage to the City, including a second mudslide on Green Hills Road which has closed the roadway and is expected to remain closed until at least January 17, 2023; and

WHEREAS, current estimates of the damage caused by the December 2022 Atmospheric River Winter Storm and the January 2023 Atmospheric River Winter Storms exceeds \$75,000, although true extent of the damage caused by the storms has yet to be ascertained; and

WHEREAS, the County of Santa Cruz proclaimed the existence of a local emergency in the County on January 3, 2023; and

WHEREAS, the Governor of California declared a state of emergency on January 4, 2023; and

WHEREAS, on January 14, 2023, the President of the United States issued a [Presidential Major Disaster Declaration](#) to support the California's emergency response

to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state.

NOW, THEREFORE, IT IS PROCLAIMED AS FOLLOWS:

1. The City of Scotts Valley is currently in a state of local emergency, and such conditions have existed since on or around December 30, 2022. A local emergency, as defined in Government Code Section 8558(c), Public Contract Code Section 1102, and Scotts Valley Municipal Code Section 2.48.020, now exists in the City of Scotts Valley.
2. During the existence of said local emergency the City Manager, as the director of civil defense and disaster, will use those powers, functions, and duties as permitted by Federal, State, and local law, including Scotts Valley Municipal Code Chapter 2.48, in order to mitigate the effects of the local emergency.
3. Pursuant to Scotts Valley Municipal Code section 2.48.010, any expenditures made in connection with such civil defense and disaster activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city.
4. Pursuant to Government Code section 8630, the local emergency shall be deemed to continue to exist for a period of up to seven (7) days, and thereafter by ratification and extension by the City Council until it is terminated by the City Council.

January 14, 2023

Mali LaGoe

Mali LaGoe, City Manager