



CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 18, 2013 CONSENT CALENDAR

SUBJECT: DECLARATION OF A LOCAL EMERGENCY DUE TO SEVERE MONSOONAL WEATHER FLOW FROM AUGUST 25 THROUGH SEPTEMBER 10, 2013, RATIFYING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES AND REQUESTING STATE CONCURRENCE.

FROM: David H. Ready, City Manager

BY: Fire Department and Chief of Staff/City Clerk

SUMMARY

The City Council will consider two resolutions: 1) ratifying the actions of the Director of Emergency Services and continuing the existence of a local emergency; and 2) requesting the California Governor's Office concurrency in a local emergency.

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY AND RATIFYING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES, PURSUANT TO PALM SPRINGS MUNICIPAL CODE CHAPTER 2.20, RELATING TO THE MONSOONAL WEATHER PATTERN FROM APPROXIMATELY AUGUST 25 THROUGH SEPTEMBER 10, 2013."
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING STATE DIRECTOR, CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES' CONCURRENCE IN LOCAL EMERGENCIES."

STAFF ANALYSIS:

As a result of the Mountain Fire that occurred between July 15 and 30, 2013, excessive debris and ash were mixed into water coming down the Palm Canyon Wash during the monsoonal weather pattern that occurred between August 25 and September 10, 2013. The nature of this additional material in the wash has created a thick gelatinous

Item No. **2.0.**

consistency material that plugged culverts which has resulted in over topping of roads. Araby and Golf Club Drive have been closed numerous times since the start of the monsoonal flow. Araby Drive has been under water and debris since September 3, 2013. Golf Club and Araby Drive had been cleaned at least twice during the monsoonal weather pattern in an attempt to keep the roads passable.

After the Mountain Fire was contained a Burn Area Emergency Response (BAER) Team was brought in to assess the damage done by the fire on watershed flows. The BAER Team efforts are focused on lands that are directly impacted by damage caused by the fire. This report provided recommendations on how to mitigate or help with the additional run-off. The BAER Team did not project the amount of water flow that was experienced during the recent monsoonal activity; and is working on reevaluating the mitigation measures to determine what, if any, additional steps can be taken to reduce the flow of debris and sediment coming downstream.

The National Weather Service is indicating they will not be issuing winter weather predications until the end of October; however, if this report shows above average rain fall then this situation will reoccur.

FISCAL IMPACT:

City staff is still in process of determining the extent of damage to City roads and facilities, and the related cost estimates. The initial and preliminary estimates by the City's Disaster Response Team, indicate that the cost to the City in response to the local emergency will be in excess of \$100,000.

Federal Assistance may not be available for Araby Drive per the Stafford Act, Title IV, Section 406:

(b) FEDERAL SHARE

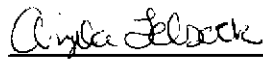
- (1) MINIMUM FEDERAL SHARE – Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

Note: Paragraph (2) takes effect after FEMA has promulgated an implementing regulation.

- (2) REDUCED FEDERAL SHARE – The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster –

- (A) That has been damaged, on more than one occasion within the preceding 10-year period by the same type of event; and
- (B) The owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.


Adoption of the Confirmation Resolution and the Governor's Concurrence Resolution is required for any potential reimbursement by Federal and/or State funds; should such funds become available, and all other local emergency conditions and thresholds are met.



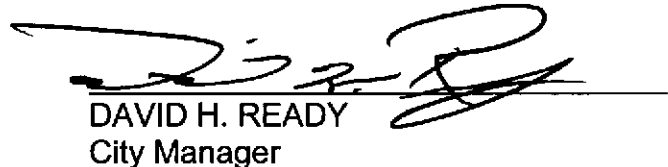
ANJILA LEBSOCK
Emergency Services Coordinator



JOHN ALLEN
Fire Chief



JAMES THOMPSON
Chief of Staff/City Clerk



DAVID H. READY
City Manager

Attachments:

- Proposed Resolution Confirm Local Emergency
- Proposed Resolution Requesting Concurrence
- Emergency Services Director Declaration
- Riverside County Local Emergency Declaration

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY AND RATIFYING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES, PURSUANT TO PALM SPRINGS MUNICIPAL CODE CHAPTER 2.20, RELATING TO THE MONSOONAL WEATHER PATTERN FROM APPROXIMATELY AUGUST 25 THROUGH SEPTEMBER 10, 2013.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

A. On August 25 through September 10, 2013, the City of Palm Springs experienced a severe extreme monsoonal weather flow that resulted in flooding and debris flow. City infrastructure has been damaged in the path of the Palm Canyon Wash. The City has known damages at Araby Drive, Golf Club Drive, and East Palm Canyon Drive.

B. The conditions of extreme peril to the safety of persons and property arose within said city.

C. Chapter 2.20 of the Palm Springs Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session.

D. The City Council was not in session on September 11, 2013.

E. At approximately 3:20 p.m. on September 11, 2013, the City of Palm Springs, Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Palm Springs Municipal Code Chapter 2.20, Federal and State Laws.

F. While the causes of said emergency are no longer present, the City is in the very early recovery phase of the disaster due to, but not limited to: monsoonal weather flow which continue to pose a potential threat to safety of persons and property within the City.

G. The initial and preliminary estimates by the City's Disaster Response team, indicate that the cost to the City in response to the local emergency and disaster will be in excess of \$100,000.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS HEREBY DETERMINES, RESOLVES AND APPROVES:

SECTION 1. The above findings are true and correct and are adopted findings of the City Council of the City of Palm Springs.

SECTION 2. The City Council hereby ratifies the actions of the Director of Emergency Services proclaiming the existence of a "Local Emergency" at 3:30 p.m. on September 11, 2013.

SECTION 3. The City Council hereby ratifies the actions of the Director of Emergency Services and subordinate emergency personnel for all actions taken during the disaster including but not limited to:

- a. Prepare and submit cost estimates for disaster recovery to Riverside County Office of Emergency Services.
- b. Take necessary actions to clean debris from roadways to return them to serviceable status.
- c. Close roads as necessary to protect the safety of the general public.

SECTION 4. The City Council further proclaims and orders that said local emergency shall be deemed to continue to for a period of two weeks, to September 25, 2013, unless otherwise continued by the City Council and/or terminated in advance by the City Council.

SECTION 5. The City Manager, or designee, as the Director of Emergency Services is authorized and directed to continue to alleviate the conditions that pose a threat to the safety of persons and property within the City, consistent with all applicable rules and regulations of the City; and authorized and directed to take such other and further actions, and sign such other and future documents, as is necessary and proper to implement this Resolution on behalf of the City.

SECTION 6. The City Emergency Services Coordinator is hereby designated as the authorized representative of the City of Palm Springs for the purpose of receipt, processing, and coordination of all inquires and requirements necessary to obtain available Federal and State assistance.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 18TH DAY OF SEPTEMBER, 2013.

DAVID H. READY, CITY MANAGER

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on September 18, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING STATE DIRECTOR, CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES' CONCURRENCE IN LOCAL EMERGENCIES.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

A. On August 25 through September 10, 2013, the City Council of the City of Palm Springs found that due to a severe extreme monsoonal weather flow that resulted in flooding and debris flow, a condition of extreme peril to life and property did exist within said City.

B. In accordance with State Law the City Council now proclaims an emergency does exist throughout said City.

THE CITY COUNCIL OF THE CITY OF PALMS SPRINGS, CALIFORNIA, DETERMINES, RESOLVES AND APPROVES:

SECTION 1. The above finds are true and correct and are adopted findings of the City Council of the City of Palm Springs.

SECTION 2. The City Council requests the State Director of the California Governor's Office of Local Emergency Services' concurrence in the local emergency.

SECTION 3. A copy of this resolution be forwarded to the Secretary of the California Emergency Management Agency with a request that he find it acceptable in accordance with provisions of the Natural Disaster Assistance Act.

SECTION 4. Anjila Lebsock, Emergency Service Coordinator, is hereby designated as the authorized representative of the City of Palm Springs for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State assistance.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL, THIS 18TH DAY OF SEPTEMBER 2013.

DAVID H. READY, CITY MANAGER

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, Resolution No. _____, is a full, true, and correct copy, and was duly adopted at the regular meeting of the City Council of the City of Palm Springs on September 18, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

EMERGENCY SERVICES DIRECTOR DECLARING A LOCAL EMERGENCY

EXECUTIVE ORDER OF THE CITY OF PALM SPRINGS,
CALIFORNIA, PROCLAIMING THE EXISTENCE OF A
LOCAL EMERGENCY BY THE CITY OF PALM SPRINGS
DIRECTOR OF EMERGENCY SERVICES.

THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF PALM
SPRINGS, CALIFORNIA, HEREBY FINDS AS FOLLOWS:

A. Palm Springs Municipal Code Chapter 2.20 empowers the Director of
Emergency Services (City Manager or Designee) 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.

B. That conditions of extreme peril to the safety of persons and property have
arisen within said city, caused by extreme monsoonal weather flow that resulted in
flooding and debris flow commencing on or about August 25, 2013.


C. That the City Council of the City of Palm Springs is not in session, and
cannot immediately be called into session.

THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF PALM
SPRINGS, CALIFORNIA, HEREBY DECLARES AND ORDERS AS FOLLOWS:

SECTION 1. That a local emergency now exists throughout the City of Palm
Springs, California.

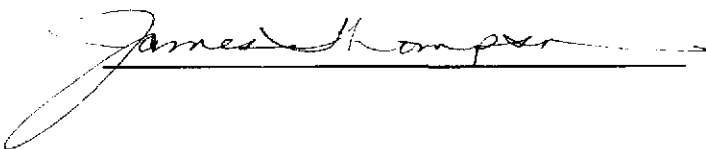
SECTION 2. During the existence of said local emergency the powers, functions
and duties of the emergency organization of the City of Palm Springs shall be those
prescribed by state law, ordinances, and resolutions of the City of Palm Springs, SEMS,
Local Hazard Mitigation Plan and the Emergency Operations Plan, as approved by the
City Council, and the use of the National Incident Management System (NIMS)
approved by City Council Resolution No. 21683.

THIS DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY
ADOPTED AND APPROVED AT 3:20 P.M., THIS 11TH DAY OF SEPTEMBER 2013.



DAVID H. READY, CITY MANAGER
Director of Emergency Services

ATTEST:

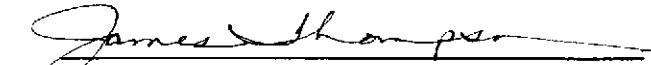


JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that the Director of Emergency Services of the City of Palm Springs, California, hereby proclaimed the existence of a local emergency pursuant to Palm Springs Municipal Code Chapter 2.20 at 3:20 P.M., this 11TH day of SEPTEMBER 2013.


JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

*Section 8630 of the Government Code provides: "... (c)(1) The governing body shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for continuing the local emergency. However, in no event shall a review take place more than 21 days after the previous review. (2) Notwithstanding paragraph (1), if the governing body meets weekly, it shall review the need for continuing the local emergency at least every 14 days until the local emergency is terminated. (d)The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant."

COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

PROCLAMATION OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Ordinance 533.5 of the County of Riverside empowers the Director of Emergency Services to proclaim the existence of a "Local Emergency" when the Board of Supervisors is not in session; and,

WHEREAS, the Director of Emergency Services finds:

That at the time of this proclamation the Board of Supervisors is not in session; and,

WHEREAS, monsoonal storms, producing significant rainfall and weather events, have caused conditions of extreme peril to the safety of persons and property within the County of Riverside beginning on August 22nd and continuing; and,

WHEREAS, there exists a critical threat to life, property, communities, critical infrastructure and the environment; and,

WHEREAS, State, Federal and local government resources have been called upon to assist with the response and clean-up efforts; and,

WHEREAS, the burn areas surrounding the recent Mountain, Falls and Silver fires have been severely impacted by mud and debris flows; and,

WHEREAS, private property, public roads, public infrastructure, tribal lands, schools, and special districts have all been impacted by the severe weather and mud and debris flows; and,

WHEREAS, the potential of the aforementioned conditions of extreme peril warrant and necessitate the proclamation of a "Local Emergency".

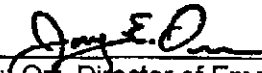
NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a "Local Emergency" exists throughout the County of Riverside; and,

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said "Local Emergency", the powers, functions and duties of the Director of Emergency Services and the Emergency Management Organization of this County shall be those prescribed by State law and the charter, ordinances, resolutions and approved plans of the County of Riverside in order to mitigate the effects of said "Local Emergency"; and,

IT IS FURTHER PROCLAIMED AND ORDERED that said "Local Emergency" shall be deemed to continue to exist for the next fourteen days, and thereafter by ratification of the Board of Supervisors, until its termination is proclaimed by the Board of Supervisors of the County of Riverside; and,

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this proclamation be forwarded to the Governor of California with the request that he proclaim the existence of a State of Emergency throughout the impacted areas of Riverside County, and the Riverside County Board of Supervisors formally request California Disaster Assistance Act (CDAA) funding, and the Governor to request a Presidential Declaration and to request a Small Business Administration (SBA) Disaster Declaration.

Dated: September 11, 2013



Jay Orr, Director of Emergency Services
County of Riverside