



Special Meeting Agenda

City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, August 26, 2020 2:00 p.m.

Virtual Meeting

MEETING GUIDELINES

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<<http://bit.ly/08262020SpecialCCMeeting>> or by calling in to: (669) 900-9128, then enter the meeting id: 825 6657 8032.

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SPECIAL MEETING

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CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2
Deputy City Clerk Michelle Bigelow

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

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ADOPTION OF AGENDA

OTHER BUSINESS

1. ADOPT RESOLUTION RATIFYING PROCLAMATION OF LOCAL EMERGENCY DUE TO SANTA CLARA UNIT (SCU) LIGHTNING COMPLEX FIRE

Recommendation:

Adopt resolution ratifying the August 20, 2020 emergency proclamation due to Santa Clara Unit (SCU) Lightning Complex Fire and evacuation warnings in the City of Morgan Hill.

Estimated Time: 30 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

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The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

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- Maintaining Infrastructure
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- Fostering a Positive Organizational Culture
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- Advancing Regional Initiatives

2020-2021 Strategic Priorities

- **Fiscal Sustainability**
- Affordable Housing and Homelessness
- Community Engagement and Messaging
- Economic Development
- Transportation



CITY COUNCIL STAFF REPORT

MEETING DATE: August 26, 2020

PREPARED BY: Donald Larkin, City Attorney
APPROVED BY: City Manager

ADOPT RESOLUTION RATIFYING PROCLAMATION OF LOCAL EMERGENCY DUE TO SANTA CLARA UNIT (SCU) LIGHTNING COMPLEX FIRE

RECOMMENDATION(S)

Adopt resolution ratifying the August 20, 2020 emergency proclamation due to Santa Clara Unit (SCU) Lightning Complex Fire and evacuation warnings in the City of Morgan Hill.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Preserving and Cultivating Public Trust
Advancing Regional Initiatives

REPORT NARRATIVE:

On Thursday, August 20, 2020, the City Manager/Director of Emergency Services proclaimed a local emergency due to the threat from the SCU Lightning Complex Fire (Attachment 1 and 2). At that time, portions of the City of Morgan Hill were placed on an evacuation warning. On August 23, 2020, the Holiday Lake Estates, Jackson Oaks, and Thomas Grade neighborhoods were placed in an evacuation order.

The emergency proclamation allows the City's emergency operations team to issue orders and regulations necessary to protect public health and safety. The proclamation also allows the City to seek reimbursement for activities taken in response to the emergency.

A local emergency may be declared during conditions of disaster or extreme peril to the safety of persons and property within the City. On August 20, 2020 CalFire issued an evacuation warning for portions of Morgan Hill on the east side of the City. An evacuation warning urges residents to be prepared to evacuate on short notice. Residents living in the Holiday Lake Estates, Jackson Oaks, and Thomas Grade neighborhoods were urged to evacuate voluntarily due to the limited means of egress from the neighborhoods.

On August 23, 2020, CalFire issued an evacuation order for the Holiday Lake Estates, Jackson Oaks, and Thomas Grade neighborhoods. The evacuation order required all

residents in those areas to leave before 5:00 p.m. The order was prompted by a “red flag warning” due to forecasted high winds and additional lightning strikes.

On August 24, the weather conditions improved enough to allow the evacuation orders to be downgraded to a warning. Evacuated Morgan Hill residents are allowed to return to their homes, but residents in the warning areas should be prepared to evacuate on short notice.

The Morgan Hill Police Department has been providing extra patrols in the evacuated areas to protect property. Those extra patrols will continue as residents return to their homes. The Police Department plans to return to normal operations on Thursday, August 27, but is prepared to return to emergency operations if conditions change.

COMMUNITY ENGAGEMENT: Inform

City staff is taking extensive action to inform residents about the wildfire threat, including door-to-door visits to residents in impacted neighborhoods, frequent e-mail and social media updates, operating a hotline, and town hall meetings.

ALTERNATIVE ACTIONS:

The Council could decide not to ratify the local emergency proclamation.

FISCAL AND RESOURCE IMPACT:

The fiscal impact of the local emergency is unknown at this time. Proclamation of a local emergency may make the City eligible for emergency funds, but the exact amount of funds eligible for reimbursement is unknown at this time.

CEQA (California Environmental Quality Act):

Not a Project: Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy, and procedure making (except where the policies and procedures may result in a change to the physical environment).

Specific actions taken under the emergency proclamation may be subject to separate CEQA exemptions. No such actions are currently being proposed. In the event any actions are taken that could result in a change to the physical environment, those actions will be evaluated separately.

LINKS/ATTACHMENTS:

1. Reso of CC Ratifying Proclamation
2. Proclamation of Local Emergency by CM--SCU Lightning Complex Fire signed

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL RATIFYING THE ACTION OF THE DIRECTOR OF EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING SUCH EMERGENCY

WHEREAS, Chapter 2.44 of the Morgan Hill Municipal Code provides for a Civil Disaster and Emergency Organization; and

WHEREAS, the declared purposes of Chapter 2.44 are to provide for the preparation and carrying out of plans for the protection of persons and property within the City of Morgan Hill (the "City") in the event of an emergency; and

WHEREAS, the City Manager, as Director of Emergency Services, determined that conditions of extreme peril to the safety of persons and property have arisen within the City of Morgan Hill caused by the imminent threat of wildland fire, and leading to evacuation warnings issued in the City; and

WHEREAS, efforts to prepare for evacuation and/or evacuate parts of the City has or will result in the disruption of City programs and services, and may require City facilities to be closed; and

WHEREAS, these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of said City; and

WHEREAS, on August 20, 2020, the Director of Emergency Services, pursuant to Morgan Hill Municipal Code Section 2.44.070, proclaimed the existence of a local emergency within the City; and

WHEREAS, these emergency conditions are expected to continue into the near future.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order, and/or direct as follows:

- a. That the Proclamation of existence of a local emergency, as issued by the Director of Emergency Services, is hereby ratified and confirmed as well as all actions,

including, but not limited to, the entering into of contracts by the City pursuant to the proclamation of local emergency; and

- b. That the local emergency is hereby continued and that during the existence of said local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by state law, ordinances, and resolutions of the City Council and by the City's Emergency Operations Plan; and
- c. That the Chief Building Official, or his/her designee, continues to be designated as the Local Hazard Mitigation Coordinator of the City for the purpose of assessing damage within the City and consulting with federal/state survey teams regarding hazard mitigation actions; and
- d. That the Emergency Services Coordinator, or his/her designee, continues to be designated as the authorized representative of the City for public and individual assistance of the City of Morgan Hill for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.
- e. During the local emergency, the City Manager may, at her discretion, waive the requirements of the City's local purchasing ordinances and policies as needed to provide emergency services.

Section 3. This Resolution shall take effect immediately upon adoption and remain in effect until such time as it is terminated by the City Council of the City of Morgan Hill.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Special Meeting held on the 26th day of August 2020 by the following vote:

AYES: **COUNCIL MEMBERS:**

NOES: **COUNCIL MEMBERS:**

ABSTAIN: **COUNCIL MEMBERS:**

ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

 RICH CONSTANTINE, Mayor

 IRMA TORREZ, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Donald A. Larkin, CITY ATTORNEY

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.20-XXX, adopted by the City Council at the meeting held on August 26, 2020.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

Attachment: Reso of CC Ratifying Proclamation [Revision 4] (2845 : Ratify Emergency Declaration)

**A PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF MORGAN HILL PROCLAIMING
THE EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, Morgan Hill Municipal Code Chapter 2.44 empowers the City Manager, as Director of Emergency Services, to proclaim, subject to ratification by the City Council within seven (7) days, the existence or threatened existence of a local emergency when the City of Morgan Hill (the "City") is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the expansion of the CSU Lightning Complex Fire towards the City of Morgan Hill, commencing at or about 3:00 p.m. on August 20, 2020; and

WHEREAS, the Director of Emergency Services finds that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. That the existence of a local emergency is hereby proclaimed; and

Section 2. That the Chief Building Official, or his/her designee, is designated as the Local Hazard Mitigation Coordinator of the City of Morgan Hill for the purpose of assessing damage within the City and consulting with federal/state survey teams regarding hazard mitigation actions; and

Section 3. That the Emergency Services Coordinator, or his/her designee, is hereby designated as the authorized representative of the City of Morgan Hill for public and individual assistance for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance; and

Section 4. This Proclamation shall remain in effect until such time as it is continued or terminated by the City Council of the City of Morgan Hill.

DATE: 8/20/2020

DocuSigned by:
Christina Turner
Christina J. Turner
Director of Emergency Services

ATTEST:

DocuSigned by:
Michelle Bigelow
Irma Torres
City Clerk

APPROVED AS TO FORM AND LEGALITY

DocuSigned by:
Donald A. Larkin
Donald A. Larkin
City Attorney

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