



Agenda Item A.8
CONSENT CALENDAR
Meeting Date: July 15, 2008

TO: Mayor and Councilmembers

FROM: Dan Singer, City Manager

CONTACT: Vyto Adomaitis, Redevelopment, Neighborhood Services, and Public Safety Director

SUBJECT: Resolution Declaring a Local Emergency Due to the Gap Fire

RECOMMENDATION:

Adopt resolution No.08-__ entitled "a Resolution of the City Council of the City of Goleta, California Declaring a Local Emergency Caused by Fire and confirming the request for a Local of Emergency."

DISCUSSION:

On Wednesday, July 2, 2008, the Gap Fire had grown to over 1,200 acres, and threatened populated areas of the City and damaged power lines resulting in large scale outages within the City limits. Mandatory evacuations, road closures, and economic impacts to the City, combined to make this emergency (now at almost 10,000 acres) one of the most significant Goleta events in recent memory and caused the County of Santa Barbara, on Thursday, July 3, to declare a Local of Emergency (see Attachment 3: County Proclamation and Board of Supervisor Resolution).

Subsequently, the City Manager, acting in the capacity of the City's Director of Emergency Services, proclaimed the existence of a local emergency on Tuesday, July 8, 2008 (see Attachment 1), calling on the Governor to proclaim a Local of Emergency. It is now recommended that the City Council adopt a Resolution Declaring the Existence of a Local Emergency (Attachment 2) caused by fire commencing on or about July 2, 2008.

In having the City's Director of Emergency Services proclaim the existence of a local emergency on Tuesday, July 8, 2008, the action to adopt the attached resolution coincides with the timeline provided in the City's Ordinance 06-06, Section 2.50.60 (a). This section states, "Whenever the Director of Emergency Services proclaims a local emergency, the City Council shall take action to ratify the proclamation within 7 days thereafter or the proclamation shall have no further force or effect."

The Council's action will further the significance of this regional emergency and assist the City in obtaining potential reimbursement for expenses related to the fire response.

Submitted By:

Approved By:

Vyto Adomaitis
RDA, NS & Public Safety
Director

Daniel Singer
City Manager

ATTACHMENTS:

1. Proclamation of the Existence of a Local Emergency
2. Resolution Declaring the Existence of a Local Emergency

ATTACHMENT 1
Proclamation of the Existence of a Local Emergency

PROCLAMATION OF THE EMERGENCY SERVICES DIRECTOR REQUESTING GOVERNER TO PROCLAIM A STATE OF EMERGENCY CAUSED BY FIRE AND CONFIRMING THE REQUEST FOR A STATE OF EMERGENCY

WHEREAS, Chapter 12, Section 6 of the Municipal Code of the City of Goleta empowers the Director of Emergency Services to proclaim the existence or threatened existence of a disaster or an emergency, and the termination thereof; and

WHEREAS, Section 8558(c) of the Government Code defines a "Local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission; and

WHEREAS, the Emergency Services Director finds that the conditions of extreme peril to the safety of persons and property have arisen within said City, as a result of the Gap Fire commencing on or about July 1 ;2008; and

WHEREAS, the conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

WHEREAS, the Gap Fire began on July 1, 2008 and lead to mandatory evacuations; and

WHEREAS, by July 2, 2008 the Gap Fire had grown to over 1,200 acres, and threatened populated areas and damaged power lines that have resulted in large scale outages. Mandatory evacuations remain in place and other populations have been displaced trough evacuation warnings. The Gap Fire has of this date, now consumed 1,200 acres and has required extensive local, state and federal fire resources. These conditions constitute a local emergency as defined in Government Code Section 8558 (c); and

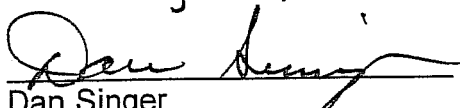
NOW, THEREFORE, BE IT PROCLAIMED that a local emergency now exists in the City of Goleta; and

1. Due to the expansion of the Gap Fire, the County of Santa Barbara proclaimed a local state of emergency at 9:55 p.m. Wednesday evening, July 2, 2008.

2. City of Goleta Resolutions 02-63, 02-64 and Ordinance 02-25 Established the City of Goleta's Disaster Council. The City of Goleta's Disaster Council received formal recognition and approval as "an accredited disaster council" by the Governor's Office of Emergency Services on November 27, 2006.
3. A local emergency now exists throughout said City;
4. That all the recitals set forth herein above are true and, correct, and valid; and
5. That conditions of extreme peril to the safety of persons and property within the City of Goleta, County of Santa Barbara have arisen as a result of the Gap Fire, commencing on July 1, 2008. The Gap Fire has grown to over 1,000 acres and is threatening populated areas, critical utilities such as water and power supplies, which has led to mandatory evacuations, evacuation warnings and large scale power outages.
6. That in furtherance of this proclamation of local emergency, there is hereby invoked in the City of Goleta and all of the powers and mechanisms set forth in the California Emergency Services Act (Government Code sections 8550), Chapter 12, Section 6 of the Municipal Code of the City of Goleta and all other applicable laws, as said powers and mechanisms may hereafter be used by authorized personnel of the City of Goleta; and
7. It is ordered that during the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this city shall be those prescribed by state law, by ordinances, and resolutions of this city approved by the City Council; and
8. That a copy of the Proclamation of Local Emergency shall be posted on all outside public access doors of the City of Goleta.
9. That this Proclamation of Local Emergency shall be effective immediately and shall remain in effect for a period of (7) days from the date hereof, unless ratified by the City Council of the City of Goleta, and extended, or unless sooner terminated.

IT IS ORDERED that a copy of this Proclamation be forwarded to the State Director of Emergency Services and the Governor of California with a request that the Governor include City of Goleta in California's existing proclamation of emergency.

Dated: July 8, 2008

By: 
Dan Singer
Director of Emergency Services

ATTACHMENT 2
Resolution Declaring the Existence of a Local Emergency

RESOLUTION NO. 08-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA DECLARING A LOCAL EMERGENCY CAUSED BY FIRE AND CONFIRMING THE REQUEST FOR A LOCAL OF EMERGENCY

WHEREAS,

Government Code Section 8558, 8630, and Chapter 12, Section 6 of the Municipal Code of the City of Goleta empowers the Director of Emergency Services to proclaim the existence or threatened existence of a disaster or an emergency, and the termination thereof; and

WHEREAS, the City Council of the City of Goleta has been requested by the Director of Emergency Services of said City to confirm the existence of a local emergency therein; and

WHEREAS, Section 8558(c) of the Government Code defines a "Local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission; and

WHEREAS, the City Council finds that the conditions of extreme peril to the safety of persons and property have arisen within said City, as a result of the Gap Fire commencing on or about July 1 ;2008; and

WHEREAS, the conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

WHEREAS, by July 2, 2008 the Gap Fire had grown to over 1,200 acres, and threatened populated areas and damaged power lines that have resulted in large scale outages. Mandatory evacuations remain in place and other populations have been displaced through evacuation warnings. The Gap Fire has of this date, now consumed 1,200 acres and has required extensive local, Local and federal fire resources. These conditions constitute a local emergency as defined in Government Code Section 8558 (c); and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY PROCLAIM

SECTION 1:

Due to the expansion of the Gap Fire, the County of Santa Barbara proclaimed a local of emergency at 9:55 p.m. Wednesday evening, July 2, 2008.

SECTION 2:

City of Goleta Resolutions 02-63, 02-64 and Ordinance 02-25 Established the City of Goleta's Disaster Council. The City of Goleta's Disaster Council received formal recognition and approval as "an accredited disaster council" by the Governor's Office of Emergency Services on November 27, 2006.

SECTION 3:

A local emergency now exists throughout said City;

SECTION 4:

It is ordered that during the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this city shall be those prescribed by state law, by ordinances, and resolutions of this city approved by the City Council; and

SECTION 5:

It is further proclaimed and ordered that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Goleta.

IT IS FURTHER ORDERED that the request to the Governor of California, by the Director of Emergency Services, to proclaim the City of Goleta to be in a Local of Emergency, confirmed by the City Council of the City of Goleta.

IT IS FURTHER PROCLAIMED AND ORDERED that the need for continuing the local emergency shall be reviewed by the City Council until it is terminated.

PASSED, APPROVED AND ADOPTED this ___th day of July, 2008.

MICHEAL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

JULIE HAYWARD BIGGS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 08-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 15th day of July, 2008, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK