

In-person participation by the public will be permitted. In addition, remote public participation is available in the following ways:

Submit a written public comment prior to the meeting: Public comments submitted to cityclerk@atwater.org by 1:00 p.m. on the day of the meeting will be distributed to the City Council and made part of the official minutes but will not be read out loud during the meeting.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the City in advance of the meeting, and as soon as possible, at (209) 357-6241.

NOTICE OF SPECIAL MEETING CITY COUNCIL OF THE CITY OF ATWATER

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Atwater will be held on **Tuesday, January 17, 2023 at 4:30 PM**, or as soon thereafter as may be held. This meeting will be held in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California.

AGENDA

SPECIAL MEETING CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Ambriz ____, Button ____, Cale ____, Raymond ____, Nelson ____



PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, residents wishing to address the City Council regarding **only the items on the agenda may do so when the item is read for consideration**. You may state your name and address for the record; however, it is not required. Please limit comments to three (3) minutes or less. Under the provisions of the California Government Code, the City Council may not discuss or take action on any item that is not on the agenda.

RESOLUTIONS:

- 1. Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services (City Manager Waterman)**

Staff's Recommendation: Motion to adopt Resolution No. 3364-23 ratifying the Proclamation of Existence of a Local Emergency by the City Manager/Director of Emergency Services dated January 10, 2023; or

Motion to approve staff's recommendation as presented.

ADJOURNMENT:

Dated this 13th day of January 2023.



Mike Nelson, Mayor

pc: Mayor and City Council Members
Atwater Signal/Merced Sun Star
Atwater New Times



**CITY COUNCIL
OF THE
CITY OF ATWATER**

RESOLUTION NO. 3364-23

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ATWATER RATIFYING THE
PROCLAMATION OF EXISTENCE OF A LOCAL
EMERGENCY BY THE DIRECTOR OF
EMERGENCY SERVICES**

WHEREAS, Government Code section 8630 and Atwater Municipal section 2.44.060 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on January 4, 2023 the Governor of the State of California declared a State of Emergency; and

WHEREAS, on January 4, 2023 Merced County declared a State of Emergency; and

WHEREAS, on January 8, 2023 President Joseph R. Biden, Jr., declared that an emergency exists in the State of California which included Merced County, and ordered Federal assistance to supplement State, tribal and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding and mudslides; and

WHEREAS, on January 10, 2023, the City Manager, in her capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Atwater, pursuant to Atwater Municipal Code section 2.44.060; and

WHEREAS, since the health, safety, and welfare of Atwater residents, businesses, visitors, and staff is of utmost importance to the City, additional emergency measures may be needed to protect the community; and

WHEREAS, ratification of a formal declaration of a local emergency as set forth herein, which further effectuates, consummates, and perfects the intent of the City's prior emergency measures taken on January 10, 2023, is necessary to allow additional resources to flow to the City in a timely fashion; and

WHEREAS, section 2.44.050 of the Atwater Municipal Code designates the City Manager as the Director of Emergency Services; and

WHEREAS, conditions related to successive and severe winter storms, flooding and mudslides warranted the proclamation of a local emergency, as defined by Atwater Municipal Code Chapter 2.44 et seq.; and

WHEREAS, the City Council must ratify that proclamation within seven (7) days, or the proclamation of a local emergency will not remain effective; and

WHEREAS, the local emergency proclamation enables the City to more effectively respond to the emergency conditions, and potentially obtain reimbursement for the response, and authorizes other political subdivisions and state agencies to provide mutual aid; and

WHEREAS, in order to help preserve the public health of its residents, this City Council makes these findings and gives the direction herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Atwater that it hereby ratifies the Proclamation of the Existence of a Local Emergency issued by the City Manager in her capacity as Director of Emergency Services, dated January 10, 2023, attached to this Resolution as **Exhibit "A."**

BE IT FURTHER RESOLVED that because a substantial threat to public health and safety exists that has a substantial likelihood that serious harm will be experienced unless immediate action is taken, the City Manager is authorized to take any lawful personnel action that protects the health and safety of the workforce or the community and the City is authorized to postpone and/or delay any associated meet and confer obligations when taking actions in response to the emergency. In addition, the City Manager is authorized and directed to make any necessary appropriations/purchases for goods or services directly related to remediating, mitigating, and/or providing relief of the impacts of this crisis and will report any and all such purchases made pursuant to this authority to the City Council every 30 days.

BE IT FURTHER RESOLVED that the City Manager or her designee is hereby authorized to carry out executive orders and guidance provided by Federal, State, and County government as deemed necessary.

BE IT FURTHER RESOLVED that said local emergency shall be deemed as continuing to exist until proclaimed otherwise by the Director of Emergency Services or the City Council, or until it ceases by operation of law.

The foregoing resolution is hereby adopted this 17th day of January 2023.

AYES:

NOES:

ABSENT:

APPROVED:

MIKE NELSON, MAYOR

ATTEST:

KORY J. BILLINGS, CITY CLERK



PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY BY DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Government Code section 8630 and Atwater Municipal Code section 2.44.060 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on January 4, 2023 the Governor of the State of California declared a State of Emergency; and

WHEREAS, on January 4, 2023 Merced County declared a State of Emergency; and

WHEREAS, on January 8, 2023 President Joseph R. Biden, Jr., declared that an emergency exists in the State of California which included Merced County, and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding, and mudslides; and

WHEREAS, the City Manager, as Director of Emergency Services of the City does hereby find that:

- 1) Conditions of extreme peril to the safety of persons and property have arisen within the City of Atwater caused by flood and storm commencing on or about the 31st of December 2022.
- 2) It is forecasted that extreme winter storms and atmospheric river events could continue to cause further damage and potential flooding within the city.
- 3) That the City Council of the City of Atwater is not in session and cannot immediately be called into session.

IT IS HEREBY PROCLAIMED AND ORDERED by the Director of Emergency Services, as follows:

- 1) Conditions of extreme peril to the safety of persons and property have arisen within the City of Atwater caused by flood and storm commencing on or about the 31st of December 2022.
- 2) It is forecasted that extreme winter storms and atmospheric river events could cause further damage and potential flooding within the city.
- 3) That the City Council of the City of Atwater is not in session and cannot immediately be called into session.
- 4) It is hereby now proclaimed that a Local Emergency now exists throughout the City.

- 5) That during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and allowed under the ordinances and resolutions of this City.
- 6) That this proclamation of local emergency shall cease automatically in 60 days unless it is renewed by the City Council prior to its expiration.

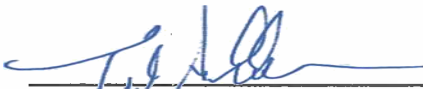


LORI WATERMAN,
CITY MANAGER AND
DIRECTOR OF EMERGENCY SERVICES



DATE

APPROVED AS TO FORM:



FRANK SPLENDORIO,
CITY ATTORNEY

January 13, 2023

DATE