



TOWN OF FAIRFAX

SPECIAL MEETING

STAFF REPORT

January 10, 2023

TO: Mayor and Town Council

FROM: Heather Abrams, Town Manager

SUBJECT: Adopt a Resolution confirming existence of a local emergency and ratifying the proclamation of local emergency issued by the Town Manager as EOC Director on January 5, 2023

RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The Town of Fairfax has creeks running through it, several bridges and other aging infrastructure, steep terrain, areas subject to flooding and landslide, and relatively frequent loss of power.

To prepare for storm season this year, Town staff and related agencies took many actions, including the following:

- The Town performed pre-season debris removal of logs, leaves, and other debris that typically form dams along the creeks, especially where Town Hall crosses a creek and debris gets caught on the building supports
- The Town participated with other Ross Valley Fire Department (RVFD) agencies and Marin County Office of Emergency Services (Marin OES) in planning and coordination meetings ahead of this year's series of heavy storms
- Marin County Flood Control installed a flood water detention basin at the Sunnyside site, which is operational
- Town staff prepared and replenished sand and bags near the temporary Skate Park
- Town staff updated Emergency FAQs (including what to do if you hear the Town's flood siren) on the Town's Police Department website
- Town staff communicated storm preparedness information to residents and businesses through the Town Newsletter and related social media posts.

This season, there are several significant storm systems that began on December 27, 2022, peaked again on January 4-5, 2023, and a significant storm is predicted for January 9-10, 2023. These storm systems cause repeated occurrences of high winds, heavy rain, and atmospheric river conditions resulting in fallen trees, localized flooding and accompanying destruction of property.

During the storm and initial clean up period:

- Fairfax Police Department (FPD), RVFD, and Town Public Works (PW) staff responded quickly to emergencies throughout the storms during dangerous conditions, including downed trees, live wires, clogged drainage ways

- FPD and Marin OES provided Nixle Alerts regarding storm hazards to protect public safety
- Town staff coordinated with Marin County Libraries to promote electronics charging and internet access during long power outages and the Town communicated with PG&E regarding unresolved power outages
- FPD, RVFD, and PW staff documented and are preparing a repair to damage at the Fairfax Fire Station due to wind-blown tree limbs
- Town staff called in a tree contractor to help remove a large volume of fallen tree limbs, dangerous hanging branches, and downed trees
- Town staff communicated with residents, businesses, and Council Members during the storm via special edition Town Newsletters and associated social media, updated alert banners on the Town website, and frequent council and staff updates

Staff is taking steps to document costs associated with these storms and prepare for reimbursement through possible State and Federal sources. One of these steps is to declare the events as an emergency.

DISCUSSION

California Governor Newsom declared a state of emergency on January 4, 2023.

California Government Code Section 8630 and Section 2.52.070 of the Town of Fairfax Code empowers the Town Manager as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency to protect the safety and welfare of the Town if the Town Council is not in session. The Town Manager declared an emergency on January 5, 2023 (Attachment B).

Staff is requesting that the Council confirm the emergency to exist and continues to exist until the emergency declaration is terminated by Council. Further, staff requests that Council ratify the proclamation of a local emergency issued by the Town Manager as the EOC Director on January 5, 2023.

FISCAL IMPACT

The full costs of increased staff hours, repairs needed, etc. is not yet known. Staff will keep the Council informed, and staff is planning to seek reimbursement to the greatest extent possible from CalOES and FEMA, as appropriate.

ATTACHMENT

A. Resolution

B. January 5, 2023 Proclamation of the Town Manager/Director of Emergency Services

RESOLUTION 23-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
CONFIRMING EXISTENCE OF A LOCAL EMERGENCY AND RATIFYING THE
PROCLAMATION OF LOCAL EMERGENCY ISSUED BY THE TOWN MANAGER AS EOC
DIRECTOR ON JANUARY 5, 2023**

WHEREAS, Section 2.52.070 of the Town of Fairfax Code empowers the Town Manager as the EOC Director to proclaim the existence of a local emergency, subject to ratification by the Town Council within seven days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the Town, commencing on or about noon on the 27th of December, 2022 caused by repeated occurrences of high winds, heavy rain, and atmospheric river conditions resulting in fallen trees, localized flooding and accompanying destruction of property; and

WHEREAS, at that time, the Town Council of the Town of Fairfax was not in session; and

WHEREAS, said Town Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency; and

WHEREAS, the Town Manager, as the EOC Director of the Town of Fairfax did proclaim the existence of a local emergency within said Town on the fifth day of January 2023.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that said local emergency is confirmed to exist and shall be deemed to continue to exist until its termination is proclaimed by the Town Council of the Town of Fairfax, State of California. Further, the Town Council of the Town of Fairfax hereby ratifies the proclamation of a local emergency issued by the Town Manager as the EOC Director on January 5, 2023.

The foregoing Resolution was duly passed and adopted at a special meeting of the Town Council of the Town of Fairfax held in said Town on the 10th day of January 2023, by the following vote, to wit:

AYES:
NOES:
ABSENT:

Chance Cutrano, Mayor

Attest:

Michele Gardner, Town Clerk

**TOWN OF FAIRFAX
EMERGENCY PROCLAMATION**

**A PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES
OF THE TOWN OF FAIRFAX PROCLAIMING THE EXISTENCE OF A LOCAL STATE OF
EMERGENCY DUE TO SEVERE WINTER STORMS**

WHEREAS, severe winter storms related to a series of atmospheric river systems struck California beginning December 27, 2022, bringing high winds, substantial precipitation, and flooding; and

WHEREAS, Fairfax has experienced high winds, fallen trees, and localized flooding as a result of the storms; and

WHEREAS, on January 4, 2023, the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the storms; and

WHEREAS, California Government Code Section 8630 and Section 2.52.070 of the Town of Fairfax Code empowers the Town Manager as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency to protect the safety and welfare of the Town if the Town Council is not in session; and

WHEREAS, the Town Council of the Town of Fairfax is not in session; and

WHEREAS, the Director of Emergency Services of the Town of Fairfax has determined that conditions of extreme peril to the safety of persons and property have arisen within the Town as a result of a severe storm system, causing extreme and unprecedented levels of rainfall in the San Francisco Bay Area, which meteorologists referred to as an "atmospheric river," including approximately 6 inches of rainfall in Fairfax. This system and the current second system is expected to cause flooding, downed trees, and the potential for damage to area roadways, and bringing down trees and power lines.

NOW, THEREFORE, BE IT PROCLAIMED by the Town Manager of the Town of Fairfax, as follows:

SECTION 1. A local emergency caused by severe storms now exists throughout the Town of Fairfax, which constitutes an extreme peril of health and safety of persons within the Town;

SECTION 2. The Town Manager, acting as the Director of Emergency Services, is hereby authorized to promulgate orders and regulations necessary to provide for the protection of life and property pursuant to California Government Code section 8634 and exercise all other appropriate authorities provided by section 2.52.070 of the Fairfax Town Code.

SECTION 3. During the existence of said local emergency the powers, functions, and duties of the emergency organization of this Town shall be those prescribed by State law and by ordinance of this Town and by the Town of Fairfax Emergency Operations Plan, as approved by the Town Council on November 6,2019.

SECTION 4. The Town Clerk shall forward a copy of this proclamation to the Governor of California, the State Director of the California Office of Emergency Services (Cal OES), and the Marin County Sheriff's Office, and all other appropriate County, State, and Federal government agencies with an interest therein.

AND BE IT FURTHER PROCLAIMED that this proclamation shall expire seven (7) days from the date of its issuance unless it is ratified by the Town Council of the Town of Fairfax.

Dated: January 5, 2023