



# TOWN OF PORTOLA VALLEY

## STAFF REPORT

---

**TO:** Mayor and Members of the Town Council

**FROM:** Jeremy Dennis, Town Manager and Director of Emergency Services  
Cara Silver, Town Attorney

**DATE:** January 11, 2023

**RE:** Adoption of Resolution Ratifying the Proclamation of Existence of Local Emergency Issued by Director of Emergency Services and Further Proclaiming the Continued Existence of the Emergency

### RECOMMENDATION

Staff recommends that the Town Council ratify the proclamation of existence of local emergency issued by the Director of Emergency Services and adopt a resolution declaring a local emergency due to flooding.

### BACKGROUND

On January 4, 2023, in response to the atmospheric river occurring on New Year's weekend and subsequent storms in early January, 2023, the Town Manager serving as the Director of Emergency Services issued a Proclamation declaring the existence of a local emergency on January 4, 2023. (Attachment 1).

The atmospheric river throughout New Year's Eve weekend brought unprecedented rainfall levels, including approximately 5.8 inches in the 24-hour period beginning early on New Year's Eve Day. Local impacts so far include:

- Local flooding on Portola Road and Mapache
- Minor Mudslides on Portola, Alpine, Hayfields, Westridge
- Silted up drainage ditches on Portola and Alpine
- Fallen trees on Portola, Alpine, Los Trancos

Additional rain could bring power outages, additional flooding of right of way and buildings and road blockages.

Under the Town's Code, the Town Council must ratify the Town Manager's proclamation within 7 days of adoption. The Emergency Services Officer also recommends that the Town

Council adopt the attached resolution confirming the continuing existence of a local emergency and ordering:

1. That a Local Emergency now exists throughout the Town of Portola Valley, California;
2. During the existence of this Local Emergency, the Town Manager/Director of Emergency Services shall have the authority to adopt emergency orders or regulations to ensure the health and wellbeing of the public and mitigate the effects of the Local Emergency, including but not limited to public health, safety and welfare measures, employee service levels and purchasing and procurement;
3. During the existence of the Local Emergency, the Town Council authorizes the Mayor to appoint a subcommittee of two council members to approve the warrant list on behalf of the Town Council in the event regular Town Council meetings are cancelled or prompt payment is needed while the Council is not in session.
4. During the existence of this Local Emergency, the powers, functions and duties of the Town Manager/Director of Emergency Services and the Town Council shall be those prescribed by state law, by the existing ordinances and resolutions of the Town Council as well as this resolution and any subsequent emergency orders or regulations adopted by the Town Council or Director of Emergency Services.

State law requires the Council to rescind the order as soon as the emergency is over. If the order is not extended or rescinded, it automatically expires in 60 days.

#### **DISCUSSION**

Extension of the emergency declaration will allow for continuity of service and allow staff to respond quickly to new needs. The local declaration makes the town eligible for reimbursement for costs incurred in its emergency response to the current storms. Adoption of the declaration also provides the Town with immunity for certain actions taken to address the emergency.

#### **ATTACHMENT**

1. January 4, 2023 Proclamation
2. Town Council Resolution Declaring Local Emergency

**Approved by:** Jeremy Dennis, Town Manager

## **PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES OF THE TOWN OF PORTOLA VALLEY BASED ON ATMOSPHERIC RIVER STORMS**

WHEREAS, Section 2.24.090 of the Municipal Code of the Town of Portola Valley empowers the Director of Emergency Services ("Director") of the Town of Portola Valley ("Town") to proclaim the existence or threatened existence of a local emergency when the Town is threatened by conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of the Town that are likely to be beyond the control of the services, personnel, equipment, and facilities of the Town and require the combined forces of other political subdivisions to combat; subject to ratification by the Town Council within seven (7) days; and

WHEREAS, Section 2.24.080 of the Municipal Code of the Town of Portola Valley designates the Town Manager as the Director;

WHEREAS, the Director hereby finds conditions of extreme peril to the safety of persons and property have arisen within the Town due to the following:

The County of San Mateo has declared a local state of emergency and has activated its Emergency Operations Center in response to a series of atmospheric river storms that began on December 31, 2022 and are expected to continue through at least January 6, 2023;

The County of San Mateo's Board of Supervisors ratified a local State of Emergency Declaration in the aftermath of a statewide declaration;

The atmospheric river storms have already created strong winds and heavy rains that have displaced residents and caused significant flooding and damage to roads and infrastructure throughout the Bay Area;

The National Weather Service reports that the County has already received 5.8 inches of rain from the current storm and predicts the County will receive another 3.4 inches of rain beginning midday on January 4, 2023, with storms expected to continue through the weekend;

Local impacts of this storm event have included: local flooding on Portola Road and Mapache; minor mudslides on Portola, Alpine, Hayfields and Westridge; silted up drainage ditches on Portola and Alpine; and fallen trees on Portola, Alpine, and Los Trancos.

Additional storms may bring power outages, further right of way and structure flooding, mudslides, downed trees and road closures.

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency;

**NOW, THEREFORE,** the Director of Emergency Services does hereby proclaim:

1. The existence of a local emergency within the Town of Portola Valley on the fourth day of January, 2023 and;
2. That during the existence of said Local Emergency, the powers, functions, and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the Town in order to mitigate the effects of said Local Emergency, and
3. That the Local Emergency shall be deemed to continue to exist for the next seven (7) days, and thereafter by ratification of the Town Council, until its termination is proclaimed by the Town Council of the Town of Portola Valley.

Dated: January 4, 2023

  
\_\_\_\_\_  
Director of Emergency Services

**RESOLUTION NO. \_\_\_\_-2023**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY  
RATIFYING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY ISSUED  
BY THE DIRECTOR OF EMERGENCY SERVICES AND FURTHER PROCLAIMING  
THE CONTINUED EXISTENCE OF THE EMERGENCY**

WHEREAS, Section 2.24.090 of the Municipal Code of the Town of Portola Valley authorizes the Director of Emergency Services ("Director") of the Town of Portola Valley ("Town") to proclaim a local emergency when the Town is threatened by conditions of a disaster or extreme peril to the safety of persons and property with the Town that are likely to be beyond the control of the services, personnel, equipment, and facilities of the Town and require the combined forces of other political subdivisions to combat; and subject to ratification by the Town Council within seven (7) days; and

WHEREAS, Section 2.24.080 of the Municipal Code of the Town of Portola Valley designates the Town Manager as the Director; and

WHEREAS, on January 4, 2023, the Director proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within the Town resulting from a series of atmospheric river storms that began on December 31, 2022 and based on the following:

- The County of San Mateo has declared a local state of emergency and has activated its Emergency Operations Center in response to a series of atmospheric river storms that began on December 31, 2022 and are expected to continue through at least January 6, 2023;
- The County of San Mateo's Board of Supervisors ratified a local State of Emergency Declaration in the aftermath of a statewide declaration;
- The atmospheric river storms have already created strong winds and heavy rains that have displaced residents and caused significant flooding and damage to roads and infrastructure throughout the Bay Area;
- The National Weather Service reports that the County has already received 5.8 inches of rain from the current storm and predicts the County will receive another 3.4 inches of rain beginning midday on January 4, 2023, with storms expected to continue through the weekend;
- Local impacts of this storm event have included: local flooding on Portola Road and Mapache; minor mudslides on Portola, Alpine, Hayfields and Westridge; silted up drainage ditches on Portola and Alpine; and fallen trees on Portola, Alpine, and Los Trancos;
- Additional storms may bring power outages, further right of way and structure flooding, mudslides, downed trees and road closures.

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

NOW, THEREFORE, the Town Council of the Town of Portola Valley does hereby:

1. Ratify and confirm the proclamation of the existence of a Local Emergency, as issued by the Director of Emergency Services for the Town of Portola Valley, as attached in Exhibit A, and a Local Emergency now exists throughout the Town of Portola Valley, California;
2. During the existence of this Local Emergency, the Director of Emergency Services shall have the authority to adopt emergency orders or regulations to ensure the health and wellbeing of the public and mitigate the effects of the Local Emergency;
3. During the existence of the Local Emergency, the Town Council authorizes the Mayor to appoint a subcommittee of two council members to approve the warrant list on behalf of the Town Council in the event regular Town Council meetings are cancelled or prompt payment is needed while the Council is not in session.
4. During the existence of this Local Emergency, the powers, functions, and duties of the Director of Emergency Services and the Town Council shall be those prescribed by state law, by the existing ordinances and resolutions of the Town Council as well as this resolution and any subsequent emergency orders or regulations adopted by the Town Council or Director of Emergency Services.

State law requires the Council to rescind the order as soon as the emergency is over. If the order is not extended or rescinded, it automatically expires in 60 days.

I, Melissa Thurman, Town Clerk of Portola Valley, do hereby certify that the above and foregoing Town Council Resolution was duly and regularly passed and adopted at a meeting by said Town Council on the 11th day of January, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said Town on this 11th day of January, 2023.

---

Melissa Thurman, MMC  
Town of Portola Valley