



3/27/2023

City Council Special Meeting

**Handouts received after
agenda posted**

RESOLUTION NO. 2023-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
RATIFYING AND EXTENDING THE PROCLAMATION
OF LOCAL EMERGENCY ISSUED ON MARCH 24, 2023
RELATED TO FLOOD CONDITIONS**

WHEREAS, on March 24, 2023, the City of Lemoore Director of Emergency Services, City Manager Nathan Olson, issued a Proclamation declaring the existence of a local emergency, pursuant to Government Code section 8550 *et seq.* and Section 2-4-4 of the Lemoore Municipal Code, a true and correct copy of which is attached as Exhibit A (“Proclamation”); and

WHEREAS, the Proclamation was based on the actual or threatened existence of conditions of extreme peril to the safety of persons and property within the City of Lemoore caused by the recent atmospheric river storms and winter weather events which have brought significant amounts of runoff and flooding to Kings County, surrounding agricultural lands, and throughout California in a short period; and

WHEREAS, the Proclamation was further based on the large amounts of snow accumulated in the Sierra Nevada Mountains and destined for the watersheds of the Kings River, the Kaweah River, the Tule River and Cross Creek, in relation to which the City anticipates more flood releases from Pine Flat Dam, Terminus Dam and Success Dam, and controlled flood flows in Tulare River, Dry Creek, Cross Creek and other streams, on both the east and west sides of the Valley; and

WHEREAS, the City Council hereby finds that the above conditions of peril constituted an imminent and proximate threat to public safety warranted and necessitated the Proclamation and that such emergency conditions continue to exist; and

WHEREAS, pursuant to Government Code section 8630, the local emergency shall not remain in effect for more than seven (7) days unless ratified by the City Council; and

WHEREAS, the City Council desires to exercise its authority under Government Code section 8630 and Section 2-4-4 of the Lemoore Municipal Code to ratify the Proclamation and further to petition the Kings County Board of Supervisors and the Governor of the State of California for all assistance presently available to provide equipment, resources, manpower, and budgetary assistance in times of emergency.

WHEREAS, California Public Contract Code Section 22050(a) provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its Governing Body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

WHEREAS, pursuant to Section 22050(b), the City Council, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to Section 22050(a).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lemoore as follows:

1. The Proclamation issued by the City of Lemoore Director of Emergency Services on March 24, 2023, is hereby ratified.

2. The City Council petitions the Kings County Board of Supervisors and the Governor of the State of California for all assistance available including equipment, manpower, and budgetary resources to help to protect the life and property of the residents of the City of Lemoore under the current conditions of extreme peril.

3. The City Council finds that the above-described conditions further constitute emergency conditions within the meaning of Public Contract Code section 22050, which will not permit delay resulting from a competitive solicitation of bids for public works projects in relation to such conditions, and hereby authorizes the City Manager, or his designee, to enter into a public works contract or contracts directly related to and immediately required by said conditions, and to use, if necessary, day labor or force account for the performance of the work, including labor and furnishing of all materials or supplies in connection therewith, without advertising for or inviting bids. If the City Manager, or his designee, takes any action in accordance with this authorization, a report shall be made to the City Council justifying why the emergency would not permit a delay resulting from a competitive solicitation for bids and why the action was necessary to respond to the emergency. Said report shall be presented to the City Council, and City Council shall review the action, not later than seven (7) days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than fourteen (14) days after the action.

4. The need for continuing this local emergency shall be reviewed as required by Government Code section 8630 and the City Council shall proclaim the termination of this local emergency at the earliest possible date that conditions warrant.

PASSED AND ADOPTED by the City Council of the City of Lemoore at a Regular Meeting held on 27th day of March 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Marisa Avalos
City Clerk

Patricia Matthews
Mayor