



**TOWN OF LOS GATOS
SPECIAL MEETING OF THE TOWN COUNCIL
AMENDED AGENDA
JANUARY 10, 2023
TELECONFERENCE
3:30 PM**

*Maria Ristow, Mayor
Mary Badame, Vice Mayor
Matthew Hudes, Council Member
Rob Moore, Council Member
Rob Rennie, Council Member*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Town Council meeting.

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk's Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

***Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.
Rebroadcast of Town Council Meetings on the 2nd and 4th Tuesdays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube***

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

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IMPORTANT NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join. <https://losgatosca.gov.zoom.us/j/89319486005?pwd=ckY4WURlZFpKcVhNcFZmbWFvOUl2Zz09>
Passcode: 816231. You can also type in 893 1948 6005 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100

When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may email to Clerk@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment). Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

REMOTE LOCATION PARTICIPANTS *The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: MAYOR MARIA RISTOW, VICE MAYOR MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, COUNCIL MEMBER ROB MOORE, and COUNCIL MEMBER ROB RENNIE. All votes during the teleconferencing session will be conducted by roll call vote.*

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Town Council without first being recognized;
- Interrupting speakers, Council Members, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

MEETING CALL TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council only on matters that are listed on the agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

1. Proclaimed a State of Emergency for the Purposes of Determining By A Majority Vote, Whether, as a Result of the Emergency, Meeting In Person Would Present Imminent Risks to the Health or Safety of Attendees. *(Added Item)*
2. Adopt a resolution ratifying the Director of Emergency Service's Proclamation of Local Emergency Pursuant to Government Code Section 54956.5 and Town Code Section 8.10.035 and Government Code Section 8630.

ADJOURNMENT

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/10/2023

ITEM NO: 1

DATE: January 9, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Ratifying the Director of Emergency Service's Proclamation of Local Emergency Pursuant to Government Code Section 54956.5 and Town Code Section 8.10.035 and Government Code Section 8630.

RECOMMENDATION:

Adopt a resolution ratifying the Director of Emergency Service's Proclamation of Local Emergency Pursuant to Government Code Section 54956.5 and Town Code Section 8.10.035 and Government Code Section 8630 (Attachment 1).

DISCUSSION:

Municipal Code Section No. 8.10.035, Article A-1 of the Los Gatos Municipal Code empowers the Director of Emergency Services (Town Manager), or in the Director's absence the Acting Director to proclaim the existence or threatened existence of a local emergency when the Town of Los Gatos is affected or likely to be affected by a public calamity and the Town Council is not in session. Starting December 27, 2022, a series of severe winter storms started to strike the Bay Area. Since then, the National Weather Service (NWS) has continued to project a series of storms with intensity and duration sufficient for heavy rainfall, strong winds, flooding, downed trees and other debris, and power outages. Based on the aforementioned the Director of Emergency Services issued a Proclamation of Local Emergency on January 4, 2023 (Attachment 2).

The Town Council is required to take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect. Ratification of the Director of Emergency Services' proclamation of a local emergency allows the Town to:

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

1. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Town Council;
2. Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the Town for the fair value thereof and, if required immediately, to commandeer the same for public use;
3. Require emergency services of any Town officer or employee and, in the event of the proclamation of a state of emergency in the County in which this Town is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as the Director deems necessary in the execution of the Director's duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers;
4. Requisition necessary personnel or material of any Town department or agency; and
5. Execute all of the Director's ordinary powers as Town Manager, all of the special powers conferred upon the Director by this chapter or by resolution or emergency plan pursuant hereto adopted by the Town Council, and all powers conferred upon the Director by any statute, by an agreement approved by the Town Council, and by any other lawful authority.

Termination of the proclamation of local emergency when conditions warrant is required by law.

CONCLUSION:

Pursuant to the Town of Los Gatos Municipal Code and the California Government Code, these actions must be ratified by the Town Council within seven days or the proclamation shall have no further force or effect. Ratification of the Proclamation of Local Emergency is required by law and allows the Town to exercise emergency powers as necessary.

COORDINATION:

This item was coordinated with the Disaster Council and Town Attorney.

FISCAL IMPACT:

No impact; however, the Town may be eligible for reimbursement for costs incurred associated with the storms.

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SUBJECT: Adopt a Resolution to Ratify an Emergency Proclamation

DATE: January 9, 2023

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Resolution Ratifying the Proclamation of a Local Emergency
2. Proclamation of a Local Emergency dated January 4, 2023

RESOLUTION 2023-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RATIFYING AND CONTINUING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES.

WHEREAS, Municipal Code Section No. 8.10.035, Article A-1 of the Los Gatos Municipal Code empowers the Director of Emergency Services, or in the Director's absence the Acting Director, to proclaim the existence or threatened existence of a local emergency when the Town of Los Gatos is affected or likely to be affected by a public calamity and the Town Council is not in session, and

WHEREAS, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary powers to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, obtain vital supplies, and require emergency services of employees; and

WHEREAS, a local emergency proclamation is a prerequisite for requesting state or federal assistance; and

WHEREAS, conditions of extreme peril to safety of persons and property have arisen within the Town, based on the following:

1. Beginning December 27, 2022, severe winter storms related to a series of atmospheric river systems struck California, bringing high winds, substantial precipitation, and river and urban flooding; and
2. The National Weather Service continues to forecast that additional and continuing storms related to this series of atmospheric river systems threaten Santa Clara County and the Town of Los Gatos, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and
3. These storms threaten critical infrastructure, movement of resources, burn scars from recent wildfires potentially causing mud and debris flows; resulting in and threatening power outages to households and businesses; and cause and continue to threaten river and urban flooding due to excessive and prolonged rainfall; and
4. Based on the aforementioned the Governor of the State of

California, in accordance with the authority in the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code Section 8625, proclaimed a State of Emergency to exist throughout California on January 4, 2023; and

5. On January 4, 2023, the County of Santa Clara proclaimed a local emergency due to the severity and duration of winter storms; and
6. On January 8, 2023, President Biden approved an Emergency Declaration for California allowing federal disaster assistance be made available to the state of California to supplement state, local and tribal response efforts due to emergency conditions resulting from severe winter storms, flooding and mud slides beginning Jan. 8, 2023, and continuing.

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

WHEREAS, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the Town may seek financial assistance and may request reimbursement of expenses incurred during any response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and

WHEREAS, on January 4, 2023, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the Town; and

WHEREAS, the associated emergency conditions are on-going and the emergency should not be terminated at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS THAT:

1. The Proclamation of Existence of a Local Emergency (Exhibit A), as issued by the Director of Emergency Services on January 4, 2023, is hereby ratified and confirmed.
2. The Town Council has reviewed the need for continuing the declaration of local emergency and finds based on the severity and intensity of winter storms the threat persists.
3. Said local emergency shall be deemed to continue to exist until terminated by the Town Council of the Town of Los Gatos.

4. The Director of the Office of Emergency Services is hereby directed to report to the Town Council within sixty (60) days on the need for further continuing the local emergency.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 10th day of January 2023, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

Proclamation by the Director of Emergency Services of a Local Emergency

WHEREAS, Municipal Code Section No. 8.10.035, Article A-1 of the Los Gatos Municipal Code empowers the Director of Emergency Services, or in the Director's absence the Acting Director to proclaim the existence or threatened existence of a local emergency when the Town of Los Gatos is affected or likely to be affected by a public calamity and the Town Council is not in session, and;

WHEREAS, the Director of Emergency Services of the Town of Los Gatos hereby finds:

1. Beginning December 27, 2022, severe winter storms related to a series of atmospheric river systems struck California, bringing high winds, substantial precipitation, and river and urban flooding; and
2. It is forecasted that additional and continuing storms related to this series of atmospheric river systems threaten Santa Clara County and the Town of Los Gatos, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and
3. These storms threaten critical infrastructure, movement of resources, burn scars from recent wildfires potentially causing mud and debris flows; resulting in and threatening power outages to households and businesses; and cause and continue to threaten river and urban flooding due to excessive and prolonged rainfall; and
4. Based on the aforementioned the Governor of the State of California, in accordance with the authority in the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code Section 8625, proclaimed a State of Emergency to exist throughout California; and

WHEREAS, the above facts give rise to conditions of extreme peril to the safety and health of persons within the Town of Los Gatos.

WHEREAS, these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the Town of Los Gatos, and;

WHEREAS, the efforts required to prepare for, respond to, mitigate, and recover from these storms are likely to impose extraordinary requirements and expenses on the Town, requiring diversion of resources from day-to-day operations; and

WHEREAS, the Town Council of the Town of Los Gatos is not in session and cannot immediately be called into session:

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the Town of Los Gatos, and;

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of the Town of Los Gatos shall be those prescribed by state law, by ordinances, and resolutions of this Town, and that this emergency proclamation shall expire in 7 days after issuance unless confirmed and ratified by the Town Council of the Town of Los Gatos.

Dated: 4 January 2023

By: Laurel Prevetti

Print Name Laurel Prevetti

Town Manager

Address 110 E. Main Street

Los Gatos CA
95030