

YMON NOV 16, 2015  
Item # 5401  
(R-2016-249)

RESOLUTION NUMBER R- 310079

DATE OF FINAL PASSAGE DEC 02 2015

A RESOLUTION OF THE CITY COUNCIL DECLARING A  
STATE OF EMERGENCY REGARDING ANITCIPATED EL  
NIÑO WEATHER CONDITIONS.

WHEREAS, the City Council Committee on the Environment heard a presentation from the Scripps Institution of Oceanography on October 7, 2015, in which the presenter stated that strong El Niño conditions exist and have an approximately 95% chance of persisting through the winter of 2015/2016; and

WHEREAS, these El Niño conditions make unusually heavy rains highly likely in San Diego this winter; and

WHEREAS, in their current condition, many City drainage channels are not capable of handling the flow caused by heavy, extended rains; and

WHEREAS, many of the City's drainage channels abut residential and commercial properties, which may flood suddenly and unexpectedly, endangering public health, safety, and welfare; and

WHEREAS, impending El Niño rains threaten extreme peril to life and property within the City; and

WHEREAS, these conditions are or are likely to be beyond the control of the City's services, personnel, equipment, and facilities; and

WHEREAS, strict compliance with state regulations prevent, hinder, and delay the City's ability to prevent widespread flooding and other weather-related damage; and

WHEREAS, California Government Code section 8630 empowers the City Council to proclaim the existence or threatened existence of a local emergency; and

WHEREAS, California Government Code section 8571 allows the Governor to suspend any regulatory statute or regulation of any state agency where the Governor determines strict compliance would prevent, hinder, or delay the mitigation of the effects of an emergency; NOW, THEREFORE,

BE IT RESOLVED, pursuant to the authority granted to the City Council by California Government Code section 8630, that a state of emergency exists due to the imminent risk of flooding caused by El Niño.

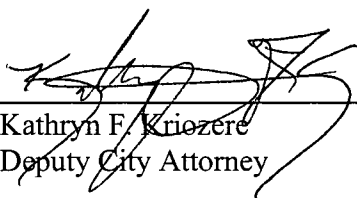
BE IT FURTHER RESOLVED that during the existence of this local emergency, the powers, functions, and duties of the Mayor and City shall be those prescribed by state law, the City Charter, ordinances, resolutions, and approved plans of the City.

BE IT FURTHER RESOLVED that the City requests that the Governor proclaim a state of emergency.

BE IT FURTHER RESOLVED that the City requests that the Governor suspend any section of Division 7 of the California Water Code, Division 13 of the California Public Resources Code, or Division 2 through 6 of the California Fish and Game Code that would prevent, hinder, or delay state or local agencies' efforts to maintain and repair essential drainage and flood control infrastructure.

BE IF FURTHER RESOLVED that the City Clerk forward a copy of this resolution to the Governor with the request that he proclaim the City of San Diego to be in a state of emergency.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Kathryn F. Kriezere  
Deputy City Attorney

KFK:jls  
11/10/2015  
Or.Dept: Council Office  
Doc. No. 1168379

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 16 2015

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk  
  
KEVIN L. FAULCONER, Mayor

Approved: 11/20/15  
(date)

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 16 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 02 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By *Stacy Brady*, Deputy

Office of the City Clerk, San Diego, California

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