

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at [www.oxnard.org](http://www.oxnard.org).



AGENDA  
OXNARD CITY COUNCIL  
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY  
OXNARD FINANCING AUTHORITY  
OXNARD HOUSING AUTHORITY

Meeting Location: Council Chambers, 305 West Third Street

January 24, 2023

**SPECIAL COUNCIL MEETING**

**6:00 - 6:30 PM**

**Zoom details to call-in for public comment during a meeting:**

- **Dial Phone Number: (888) 475-4499**
- **Enter Meeting ID: 878 0864 5806**
- **Passcode: 060843**

**If you wish to speak during public comments or a particular item on the agenda, please sign-on by following the zoom call-in steps listed above. Once the presiding officer calls for public speakers, press \*9 to raise your hand to inform the City Clerk you would like to speak during the public speaking section for that particular item on the agenda, while in the zoom waiting room. Press \*6 when asked to unmute. Listen to the instructions provided virtually on the phone while on hold in the zoom waiting room. Please note that there is a slight time delay when viewing the meeting via television.**

IN ACCORDANCE WITH ASSEMBLY BILL 361 AND IN RESPONSE TO THE DECLARED STATE AND LOCAL EMERGENCIES DUE TO THE NOVEL CORONAVIRUS, THE LEGISLATIVE BODY WILL MEET IN-PERSON AND REMOTELY. TO PARTICIPATE REMOTELY VISIT [WWW.OXNARD.ORG](http://WWW.OXNARD.ORG).

To find out how you may provide public comment, please refer to the instructions below or at [www.https://www.oxnard.org/city-meetings/](http://www.https://www.oxnard.org/city-meetings/).

The public may view the meeting from home on Spectrum channel 10, Frontier channel 35, or YouTube at [Youtube.com/oxnardnews](http://Youtube.com/oxnardnews). Video recordings of the meeting are typically available online following the meeting at the City's website at [www.oxnard.org/city-meetings](http://www.oxnard.org/city-meetings).

\*Please see the link for the Measure M pre-recorded presentation video for each item listed on this agenda.

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card to the City Clerk.
2. EMAIL COMMENTS OR SIGN UP TO SPEAK REMOTELY BEFORE THE MEETING
  - a. Submit a request to speak remotely by no later than 3 p.m. on the day of the meeting by using the form available at [www.oxnard.org/citymeetings](http://www.oxnard.org/citymeetings).

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

**Agenda Item Time Estimates include: (Minutes for Presentation + Council Discussion + Public Comment)**

- b. Submit an email to [cityclerk@oxnard.org](mailto:cityclerk@oxnard.org) no later than 3 p.m. on the day of the meeting (indicate the agenda item number in the subject line). All email correspondence will be forwarded to the legislative body prior to the start of the meeting and made part of the legislative record.
- c. Contact the City Clerk's Office at (805) 385-7803 to submit your request.

### 3. PROVIDING PUBLIC COMMENTS REMOTELY DURING THE MEETING

- a. To provide public comment during the meeting dial (888) 475-4499 and enter the Meeting ID and Passcode listed above as the Zoom details for this meeting. When the presiding officer announces the particular item on the agenda you want to speak on, **press \*9 to raise your hand** while in the zoom waiting room. Once called on, **press \*6 to unmute** your phone.
- b. Public comments on agenda items will be taken following the announcement of the item. After the item is announced, members of the public may register or otherwise be recognized for the purpose of providing public comment.

Please review the Zoom instructions on the registration page to help ensure there are no technical difficulties during your comments and help you understand public comment procedures using Zoom. Detailed participation instructions can be found at [www.oxnard.org/city-meetings](http://www.oxnard.org/city-meetings).

**In the event of a disruption which prevents a legislative body of the City of Oxnard from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the broadcast options are disrupted, but any of the other broadcast options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.**

\* The City has filed pre-election and post-election lawsuits regarding the validity of Measure M.

#### A. ROLL CALL, POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council

#### B. PUBLIC COMMENTS ONLY ON ITEMS ON THE AGENDA

#### C. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

##### 1. City Manager Department

SUBJECT: Ratification of Severe Storms Emergency Proclamation. (15 minutes)

RECOMMENDATION: That the City Council adopt a resolution ratifying the Proclamation of the Director of Emergency Services of the City of Oxnard Proclaiming the Existence of a Local Emergency.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

#### D. ADJOURNMENT



## CITY COUNCIL AGENDA REPORT

### REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY AGENDA ITEM NO. C.1

**DATE:** January 24, 2023

**TO:** City Council

**FROM:** Alexander Nguyen, City Manager, (805) 385-7430, alexander.nguyen@oxnard.org

**SUBJECT:** Ratification of Severe Storms Emergency Proclamation. (15 minutes)

#### RECOMMENDATION

That the City Council adopt a resolution ratifying the Proclamation of the Director of Emergency Services of the City of Oxnard Proclaiming the Existence of a Local Emergency.

#### BACKGROUND

Government Code section 8630 and Chapter 6 of the Oxnard City Code ("OCC") empower the City Manager of the City of Oxnard ("City"), acting in the capacity of the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session. On January 4, 2023, the Governor proclaimed a State of Emergency to exist in California as a result of the winter storms related to a series of atmospheric river systems that occurred and were forecast. On January 8, 2023, the President of the United States of America declared a state of emergency in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding and mudslides.

Beginning on January 9, 2023, City staff dedicated resources to respond within Oxnard and to assist other agencies in responding to severe storms throughout the County. On January 18, 2023, the Director of Emergency Services proclaimed the existence of a local emergency due to severe storms. The proclamation was necessary to ensure that the City is eligible to apply for reimbursement for costs related to the City's response to the emergency.

The Police, Fire, and Public Works Departments closely coordinated our actions and staffing augmentations to ensure we could meet the needs of our residents during this extraordinary weather event. This included having additional emergency response units and specialty-trained swift water rescue teams. Public Works had additional staff to manage road closures, flooding issues, and downed trees. The City's Emergency Operations Center (EOC) was activated at a monitoring level to assist in coordination and information sharing, both within the City and with our partners around the County.

Pursuant to Government Code Section 8630, the condition and powers granted through the proclamation continue for seven (7) days unless ratified by a resolution of the City Council. The resolution before you confirms and ratifies the local emergency consistent with Section 8630. Council must reconsider the local emergency every 60 days for it to continue.

#### STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

#### FINANCIAL IMPACT

The City will be requesting reimbursement for the costs associated with the emergency protective measures taken, including additional staffing as well as mitigating the issues created by this series of storms including debris removal. Historically the federal government reimburses 75% of eligible costs and the state government provides reimbursement on 75% of the remaining 25% of eligible expenses for a total of 96% of our eligible expenses related to the city's response.

## **COMMITTEE OUTCOME**

This item did not originate in Committee.

*Prepared by: Alexander Hamilton, Fire Chief, Alexander Nguyen, City Manager, Stephen Fischer, City Attorney, Jason Zaragoza, Deputy City Attorney*

## **ATTACHMENTS**

1. Signed\_Dir of Emer Serv resolution proclaiming local emergency\_2023.severe storms
2. City Council resolution ratifying the proclamation of a local emergency\_2023.severe storms

**CITY OF OXNARD**

**RESOLUTION NO. 15,663**

**RESOLUTION OF THE DIRECTOR OF EMERGENCY SERVICES  
OF THE CITY OF OXNARD PROCLAIMING THE EXISTENCE  
OF A LOCAL EMERGENCY**

WHEREAS, Chapter 6 of the Oxnard City Code empowers the City Manager of the City of Oxnard, acting in the capacity of the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the Director of Emergency Services does hereby find:

Severe winter storms commencing on or about January 4, 2023 have created conditions of extreme peril to the safety of persons and property within the City of Oxnard ("City") and throughout the County of Ventura ("County"); and

The severe storms caused damage within the City and throughout the County; and

The Governor of the State of California proclaimed a state of emergency on January 4, 2023, set forth in Exhibit A, attached hereto and incorporated herein by reference, as a result of the winter storms related to a series of atmospheric river systems that occurred; and

On January 8, 2023, the President of the United States of America declared a state of emergency in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding and mudslides; and

Beginning on January 9, 2023, City staff dedicated resources to respond within Oxnard and to assist other agencies in responding to severe storms throughout the County, including making available additional emergency response units and specialty-trained swift water rescue teams, managing road closures, flooding issues, and downed trees, and activating the City's Emergency Operations Center at a monitoring level to assist in coordination and information sharing, both within the City and throughout the County; and

The aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency within the City; and

The City Council of the City of Oxnard is not in session (and cannot immediately be called into session).

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED**

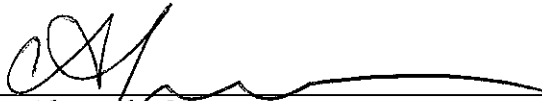
Section 1. That a Local Emergency now exists throughout the City.

Section 2. The conditions and powers granted during this Local Emergency shall continue for no more than seven (7) days unless this Proclamation is ratified by a

*rev. 2023*

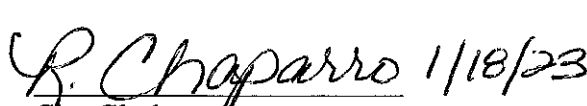
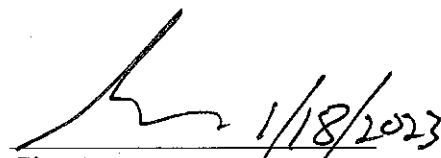
Resolution of the City Council pursuant to Government Code Section 8630.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the Local Emergency the powers, functions, and duties of the Office of Emergency Services and Disaster Council of the City shall be those prescribed by state law, and by the ordinances, resolutions and other adopted policies of the City.

Dated: 1/18/2023 By:   
Alexander Nguyen  
City Manager/Director of Emergency  
Services  
City of Oxnard

ATTEST:

APPROVED AS TO FORM:

 1/18/23  1/18/2023  
City Clerk City Attorney

**EXHIBIT A**

*rev. 2023*

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**PROCLAMATION OF A STATE OF EMERGENCY**

**WHEREAS** 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

**WHEREAS** it is forecasted that additional and continuing storms related to this series of atmospheric river systems threaten California, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and

**WHEREAS** in preparation for the forecasted storms, multiple California Conservation Corps flood fight crews, fire swift water rescue, and urban search and rescue teams have been strategically prepositioned for emergency response; sandbags have been made available throughout the State; and shelters are opening for displaced individuals; and

**WHEREAS** these storms forced the closure and caused damage to highways and roads, as well as caused levee and culvert failures, and mandatory evacuations in severely impacted counties, and such impacts will likely continue to be caused by the forecasted storms; and

**WHEREAS** these storms threatened and continue to threaten critical infrastructure, movement of resources, burn scars from recent wildfires potentially causing mud and debris flows; resulted in and threaten power outages to thousands of households and businesses; and caused and continue to threaten river and urban flooding due to excessive and prolonged rainfall; and

**WHEREAS** due to the series of atmospheric river systems continuously impacting counties throughout the State, the counties have not had time to mitigate the cascading impacts of these storms; and

**WHEREAS** under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to these storms; and

**WHEREAS** under the provisions of Government Code section 8558(b), I find that the conditions caused by these storms, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

**WHEREAS** under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these storms; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of these storms.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist throughout California.

**IT IS HEREBY ORDERED THAT:**

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these storms. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these storms.
4. Any fairgrounds the Office of Emergency Services determines suitable to assist individuals impacted by these storms shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval.
5. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, United States Code, Title 23, section 125, in order to obtain federal assistance for highway repairs or reconstruction.
6. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules

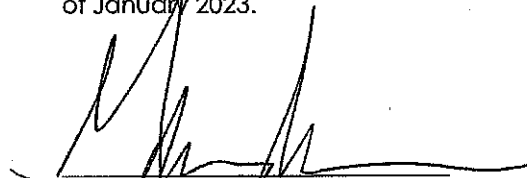
for specified emergency purchases, and those rules are hereby suspended.

7. Any state-owned properties the Office of Emergency Services determines suitable for staging of debris as a result of these storms shall be made available to the Office of Emergency Services for this purpose in accordance with Government Code section 8570.
8. Drivers may exceed the hours-of-service limits specified in California Vehicle Code section 34501.2 and California Code of Regulations, Title 13, section 1212.5 while operating a vehicle engaged in fuel transportation in support of emergency relief efforts, subject to the following conditions:
  - a. Motor carriers or drivers currently subject to an out-of-service order are eligible for the exemption once the out-of-service order expires or when they have met the conditions for its rescission.
  - b. In accordance with Section 1214, Title 13, California Code of Regulations, no motor carrier operating under the terms of this Proclamation will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that they need immediate rest shall be given at least ten consecutive hours off-duty before being required to return to service.
  - c. Drivers shall maintain a driver's record of duty status, regardless of number of hours worked each day. These records shall be prepared, submitted, and maintained as required by Section 1213, Title 13, California Code of Regulations.
9. Consistent with Parts 390 and 395, Title 49, Code of Federal Regulations, drivers may exceed the hours-of-service limits specified while operating a vehicle engaged in fuel transportation in support of emergency relief efforts. These waivers shall be in effect for the duration of the driver's direct assistance in providing emergency relief, or thirty (30) days from the date of this Proclamation, whichever is less.
10. In order to allow out-of-state contractors and other utilities driving their own vehicles to provide mutual aid assistance for the restoration of electrical power within the counties impacted by these storms, applicable provisions of the Vehicle Code including, but not limited to, Vehicle Code section 34620 requiring a motor carrier permit [licensing] and imposition of certain fees, are suspended for motor carriers providing such assistance. Also, the requirements for motor carriers and drivers in Vehicle Code sections 1808.1 [pull-notice program that checks for driver's license violations], 27900 [display name on vehicle], 27901 [size and color of display name on vehicle], 34505.5 [requirement to have been inspected within 90 days], and 34501.12 [requirement to set up home base in California] are suspended while providing mutual aid assistance for the emergency restoration of services.

**I FURTHER DIRECT** that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have  
hereunto set my hand and caused  
the Great Seal of the State of  
California to be affixed this 4th day  
of January 2023.

  
\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
SHIRLEY N. WEBER, Ph.D.  
Secretary of State

**CITY COUNCIL OF THE CITY OF OXNARD  
RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD  
RATIFYING THE PROCLAMATION OF THE DIRECTOR OF EMERGENCY  
SERVICES OF THE CITY OF OXNARD AND PROCLAIMING THE  
EXISTENCE OF A LOCAL EMERGENCY DUE TO SEVERE STORMS**

WHEREAS, Government Code section 8630 and Chapter 6 of the Oxnard City Code empower the City Manager of the City of Oxnard (“City”), acting in the capacity of the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on January 4, 2023, the Governor proclaimed a State of Emergency to exist in California as a result of the winter storms related to a series of atmospheric river systems that occurred; and

WHEREAS, on January 8, 2023, the President of the United States of America declared a state of emergency in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding and mudslides; and

WHEREAS, severe winter storms commencing on or about January 4, 2023 have created conditions of extreme peril to the safety of persons and property within the City and throughout the County of Ventura (“County”); and

WHEREAS, these severe storms caused damage within the City and throughout the County; and

WHEREAS, beginning on January 9, 2023, City staff dedicated resources to respond within Oxnard and to assist other agencies in responding to severe storms throughout the County, including making available additional emergency response units and specialty-trained swift water rescue teams, managing road closures, flooding issues, and downed trees, and activating the City’s Emergency Operations Center at a monitoring level to assist in coordination and information sharing, both within the City and throughout the County; and

WHEREAS, on January 18, 2023, the Director of Emergency Services proclaimed the existence of a local emergency due to severe storms; and

WHEREAS, pursuant to Government Code Section 8630, the conditions and powers granted by the proclamation continue for seven (7) days unless ratified by a resolution of the City Council.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED:**

A. The City Council hereby proclaims the existence of a local state of emergency in the City of Oxnard, pursuant to California Government Code Section 8630 and all other applicable law, and the Director of Emergency Services’ January 18, 2023

proclamation attached to this resolution as **Exhibit A** and incorporated into this resolution by this reference is hereby ratified; and

B. The local emergency shall be deemed to continue and exist until it is terminated by proclamation of the City Council of the City of Oxnard; and

C. During the existence of the local emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law, the existing ordinances and resolutions of the City of Oxnard, this resolution and any subsequent emergency orders of the City Council, and any other local, state or federal laws providing powers, immunities or duties in such emergency; and

D. To the extent permitted by law, City goods and services procurement requirements are stayed during this local emergency, as necessary to procure and respond to the local emergency, and the Director of Emergency Services is empowered to exercise all powers granted by any local, state or federal emergency laws, rules and regulations, and such procurements made by the Director of Emergency Services are hereby ratified; further, the Director of Emergency Services is authorized to appropriate and expend any City funds deemed necessary by the Director of Emergency Services in writing, including unappropriated City reserve funds, to exercise any of said emergency powers or procurement powers, and to transfer such funds to corresponding City budget line items or categories; and

E. To the extent permitted by law, this proclamation of a local emergency is intended to satisfy any local, state or federal law or regulation requiring such a proclamation as a prerequisite or requirement for mutual assistance, reimbursement or other cooperation with any other local, state or federal entity; this proclamation of local emergency also hereby activates any and all existing City emergency plans, and authorizes the Director of Emergency Services to amend such plans in writing as necessary; and

F. The Director of Emergency Services, as delegated by the City Council pursuant to Chapter 6 of the City Code, may promulgate orders and regulations necessary to provide for the protection of life and property; and

G. A copy of this Resolution and attached Proclamation shall be forwarded to the Director of the California Governor's Office of Emergency Services. The Director of the Governor's Office shall be asked to find it acceptable in accordance with state law and the Governor, pursuant to the Emergency Services Act, shall be asked to afford the City the benefit of recovering its costs pursuant to the State of Emergency proclaimed on January 4, 2023; and

H. The Director of Emergency Services shall ask the Governor to forward a copy of this Resolution and attached Proclamation to the President of the United States to make all relevant funds available to the City to keep the high level of response, recovery, and mitigation necessary to make the City and the County resilient during the emergency, including but not limited to authorization of Category A (debris removal) and Category B (protective measures) reimbursements.

I. Pursuant to Government Code section 8630(c), the City Council must review the need for continuing the Local Emergency at least once every 60 days until the governing body terminates the Local Emergency.

PASSED AND ADOPTED THIS 24th day of January 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John C. Zaragoza, Mayor

ATTEST:

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Rose Chaparro, City Clerk

APPROVED AS TO FORM:

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Stephen M. Fischer, City Attorney

**EXHIBIT A**  
**[January 18, 2023 Director of Emergency Services Proclamation]**

**CITY OF OXNARD**

**RESOLUTION NO. 15,663**

**RESOLUTION OF THE DIRECTOR OF EMERGENCY SERVICES  
OF THE CITY OF OXNARD PROCLAIMING THE EXISTENCE  
OF A LOCAL EMERGENCY**

WHEREAS, Chapter 6 of the Oxnard City Code empowers the City Manager of the City of Oxnard, acting in the capacity of the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the Director of Emergency Services does hereby find:

Severe winter storms commencing on or about January 4, 2023 have created conditions of extreme peril to the safety of persons and property within the City of Oxnard ("City") and throughout the County of Ventura ("County"); and

The severe storms caused damage within the City and throughout the County; and

The Governor of the State of California proclaimed a state of emergency on January 4, 2023, set forth in Exhibit A, attached hereto and incorporated herein by reference, as a result of the winter storms related to a series of atmospheric river systems that occurred; and

On January 8, 2023, the President of the United States of America declared a state of emergency in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding and mudslides; and

Beginning on January 9, 2023, City staff dedicated resources to respond within Oxnard and to assist other agencies in responding to severe storms throughout the County, including making available additional emergency response units and specialty-trained swift water rescue teams, managing road closures, flooding issues, and downed trees, and activating the City's Emergency Operations Center at a monitoring level to assist in coordination and information sharing, both within the City and throughout the County; and

The aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency within the City; and

The City Council of the City of Oxnard is not in session (and cannot immediately be called into session).

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED**

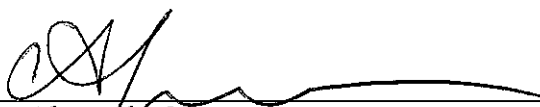
Section 1. That a Local Emergency now exists throughout the City.

Section 2. The conditions and powers granted during this Local Emergency shall continue for no more than seven (7) days unless this Proclamation is ratified by a

*rev. 2023*

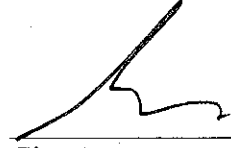
Resolution of the City Council pursuant to Government Code Section 8630.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the Local Emergency the powers, functions, and duties of the Office of Emergency Services and Disaster Council of the City shall be those prescribed by state law, and by the ordinances, resolutions and other adopted policies of the City.

Dated: 1/18/2023 By:   
Alexander Nguyen  
City Manager/Director of Emergency  
Services  
City of Oxnard

ATTEST:

APPROVED AS TO FORM:

 1/18/23  1/18/2023  
City Clerk City Attorney

**EXHIBIT A**

*rev. 2023*

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**PROCLAMATION OF A STATE OF EMERGENCY**

**WHEREAS** 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

**WHEREAS** it is forecasted that additional and continuing storms related to this series of atmospheric river systems threaten California, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and

**WHEREAS** in preparation for the forecasted storms, multiple California Conservation Corps flood fight crews, fire swift water rescue, and urban search and rescue teams have been strategically prepositioned for emergency response; sandbags have been made available throughout the State; and shelters are opening for displaced individuals; and

**WHEREAS** these storms forced the closure and caused damage to highways and roads, as well as caused levee and culvert failures, and mandatory evacuations in severely impacted counties, and such impacts will likely continue to be caused by the forecasted storms; and

**WHEREAS** these storms threatened and continue to threaten critical infrastructure, movement of resources, burn scars from recent wildfires potentially causing mud and debris flows; resulted in and threaten power outages to thousands of households and businesses; and caused and continue to threaten river and urban flooding due to excessive and prolonged rainfall; and

**WHEREAS** due to the series of atmospheric river systems continuously impacting counties throughout the State, the counties have not had time to mitigate the cascading impacts of these storms; and

**WHEREAS** under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to these storms; and

**WHEREAS** under the provisions of Government Code section 8558(b), I find that the conditions caused by these storms, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

**WHEREAS** under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these storms; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of these storms.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist throughout California.

**IT IS HEREBY ORDERED THAT:**

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these storms. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these storms.
4. Any fairgrounds the Office of Emergency Services determines suitable to assist individuals impacted by these storms shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval.
5. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, United States Code, Title 23, section 125, in order to obtain federal assistance for highway repairs or reconstruction.
6. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules

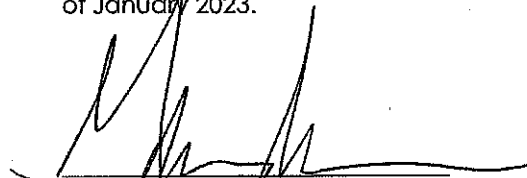
for specified emergency purchases, and those rules are hereby suspended.

7. Any state-owned properties the Office of Emergency Services determines suitable for staging of debris as a result of these storms shall be made available to the Office of Emergency Services for this purpose in accordance with Government Code section 8570.
8. Drivers may exceed the hours-of-service limits specified in California Vehicle Code section 34501.2 and California Code of Regulations, Title 13, section 1212.5 while operating a vehicle engaged in fuel transportation in support of emergency relief efforts, subject to the following conditions:
  - a. Motor carriers or drivers currently subject to an out-of-service order are eligible for the exemption once the out-of-service order expires or when they have met the conditions for its rescission.
  - b. In accordance with Section 1214, Title 13, California Code of Regulations, no motor carrier operating under the terms of this Proclamation will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that they need immediate rest shall be given at least ten consecutive hours off-duty before being required to return to service.
  - c. Drivers shall maintain a driver's record of duty status, regardless of number of hours worked each day. These records shall be prepared, submitted, and maintained as required by Section 1213, Title 13, California Code of Regulations.
9. Consistent with Parts 390 and 395, Title 49, Code of Federal Regulations, drivers may exceed the hours-of-service limits specified while operating a vehicle engaged in fuel transportation in support of emergency relief efforts. These waivers shall be in effect for the duration of the driver's direct assistance in providing emergency relief, or thirty (30) days from the date of this Proclamation, whichever is less.
10. In order to allow out-of-state contractors and other utilities driving their own vehicles to provide mutual aid assistance for the restoration of electrical power within the counties impacted by these storms, applicable provisions of the Vehicle Code including, but not limited to, Vehicle Code section 34620 requiring a motor carrier permit [licensing] and imposition of certain fees, are suspended for motor carriers providing such assistance. Also, the requirements for motor carriers and drivers in Vehicle Code sections 1808.1 [pull-notice program that checks for driver's license violations], 27900 [display name on vehicle], 27901 [size and color of display name on vehicle], 34505.5 [requirement to have been inspected within 90 days], and 34501.12 [requirement to set up home base in California] are suspended while providing mutual aid assistance for the emergency restoration of services.

**I FURTHER DIRECT** that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of January 2023.

  
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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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SHIRLEY N. WEBER, Ph.D.  
Secretary of State