

Resolution No. **2023-08-03-0401**

## **STOCKTON CITY COUNCIL**

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### **RESOLUTION OF THE STOCKTON CITY COUNCIL CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO PUBLIC HEALTH AND SAFETY CONCERNS RELATED TO UNHOUSED INDIVIDUALS**

The California Emergency Services Act, Government Code sections 8550, et seq., authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

Stockton Municipal Code section 2.82 empowers the City Manager, acting as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is exposed to an actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City and the City Council is not in session; and

The Stockton Shelter for the Homeless has declared its closure effective August 15, 2023, displacing nearly 250 unhoused individuals within the City of Stockton, and threatening to extend the City's resources beyond capacity. Such a displacement could jeopardize the public health and safety of the City; and

On July 31, 2023, the City of Stockton Director of Emergency Services proclaimed the existence of a local emergency; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:**

1. The Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services is hereby ratified.
2. The monetary limit on City Manager contracting and purchasing authority set out in Stockton Municipal Code section 3.68.040 is suspended in order to allow the City Manager the ability to effectively and efficiently continue the response to public health and safety concerns and City operations during the pendency of this local emergency.
3. The City Manager or designee is authorized to utilize the General Fund Contingency and American Rescue Plan Act (ARPA) Contingency as needed for emergency response expenses related to this proclaimed emergency with a report of uses back to the City Council in the quarterly budget status reports.
4. The City Manager shall direct the coordination of services and staff of the emergency organization of the City, as well as direct the City's cooperation in all dealings with public and private agencies dealing with the matters pertaining to this emergency.

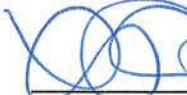
5. The City Manager is authorized to follow recommendations from State, Federal, and Local authorities, including but not limited to, the San Joaquin County Office of Emergency Services, the California Office of Emergency Services, FEMA, and other such organizations.

6. The local emergency shall continue to exist until its termination is proclaimed by the City Manager or the City Council.

7. The City Manager is hereby authorized and directed to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED August 3, 2023.

  
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KEVIN J LINCOLN II  
Mayor of the City of Stockton

ATTEST:  
  
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ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton



# CITY OF STOCKTON

## PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY

The Stockton Municipal Code Section 2.82 empowers the City Manager, as Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is affected by conditions of disaster or of extreme peril to the safety of persons and property within the City and the Council is not in session.

The City Manager, acting as Director of Emergency Services, does hereby find that:

1. The City is at risk of suffering severe injury or loss due to the instability of the Stockton Shelter for the Homeless (Stockton Shelter);
2. The Stockton Shelter has indicated that it will be discontinuing service in the community effective August 15, 2023, immediately displacing nearly 250 unhoused individuals within the Stockton community;
3. Such a displacement would extend the City's resources beyond capacity, and as a precautionary measure, the City has a need to intervene and make its best efforts to stabilize the situation; and
4. The City Council of the City of Stockton is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be prescribed by state law, ordinances, and resolutions of this City, and by the City of Stockton Emergency Plan.

DATE: JULY 31, 2023

  
HARRY BLACK  
CITY MANAGER  
DIRECTOR OF EMERGENCY SERVICES

ATTEST:  
  
FOV ELIZA R. GARZA  
CITY CLERK





# City of Stockton

## Legislation Text

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**File #:** 23-0732, **Version:** 1

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### **RESOLUTION RATIFYING THE LOCAL EMERGENCY PROCLAMATION DUE TO PUBLIC HEALTH AND SAFETY RELATED TO UNHOUSED INDIVIDUALS**

#### RECOMMENDATION

It is recommended that Council adopt a resolution to:

1. Ratify the Proclamation of the Existence of a Local Emergency from July 31, 2023;
2. Authorize the City Manager to execute contracts and make purchases related to public health and safety, utilizing the City's Emergency Procurement Policy;
3. Authorize the City Manager to utilize General Fund Contingency and American Rescue Plan Act (ARPA) Contingency as needed to cover emergency response expenses; and
4. Authorize the City Manager to take all necessary and appropriate actions to carry out the purpose and intent of this resolution.

#### Summary

Acting as the City's Director of Emergency Services, the City Manager issued a Proclamation of the Existence of a Local Emergency on July 31, 2023, in response to a declaration by the Stockton Shelter for the Homeless (Stockton Shelter) that it would be closing its doors for services, effective August 15, 2023 (Attachment A).

Under Stockton Municipal Code (SMC) 2.82, such a proclamation must be ratified by the City Council within seven (7) days of issuance, or the proclamation shall have no further force or effect. With the severity and complexity of this situation, the City has a need to continue the Emergency Proclamation beyond seven (7) days.

#### DISCUSSION

##### Background

Under SMC 2.82, the purpose of the City's Emergency Organization and Function is to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency, as well as provide direction and coordination of the emergency functions of the City with all other public agencies, corporations, organizations, and affected private persons. SMC states that the City Manager shall be the Director of Emergency Services.

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An emergency is defined as the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, [...] epidemic, riot, earthquake or other conditions [...] which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City [...].

### Present Situation

During the week of July 24<sup>th</sup>, City and County staff met with representatives from the Stockton Shelter who indicated they would work with all parties involved to facilitate transition of the shelter management and operations in an effort to keep individuals housed.

On or around July 28, 2023, the City was made aware that the Stockton Shelter announced to its staff and others that it would be discontinuing services and operations as of August 15, 2023, and dissolving completely. Such a closure would displace nearly 250 unhoused individuals within the Stockton community, extending the City's ability to provided resources beyond its capacity, causing a severe public health and safety concern.

Issuing the Proclamation of Local Emergency provides the City Manager, acting as the Director of Emergency Services, the authority to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property; to require emergency services of any City officer or employee; among other duties. Regulatory issues enacted under an Emergency Proclamation must also be confirmed by the City Council at the earliest practicable time.

Under SMC 2.82, the City Manager shall also control and direct the efforts of the emergency organization of the City to accomplish the purposes set forth herein; direct and coordinate services of staff; and represent the City in all dealings with public and private agencies on matters pertaining to the emergencies as defined herein.

Proclaiming a Local Emergency also provides a process for rapidly acquiring needed materials and services for critical, unforeseen government need amid an emergency, under the Emergency Procurement Policy. An emergency procurement is any acquisition of supplies, services, construction, or demolition made in order to respond to or avert a threat to public health, safety, and/or welfare. This policy also provides for the waiving of some typical procurement procedures, such as temporarily lifting the City Manager's contracting authority, in order to ensure purchases which are responsive to the emergency are made in a timely manner.

This Proclamation and Resolution, if adopted, shall be reviewed and renewed as needed. This Proclamation and Resolution shall remain in effect absent direction from the City Council and action from the City Manager.

### FINANCIAL SUMMARY

The full financial impact caused by addressing the local emergency are unknown at this time, however, the City has committed to tracking expenses related to the response. These expenses may be above and beyond their normal budgets for operations and maintenance. Council Resolution #2023-06-20-1601 (12) authorizes the City Manager or designee to move General Fund Contingency

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funds to other budget units in the case of an unexpected emergency. The proposed resolution confirms this authority specific to this local emergency.

To secure a managing partner for shelter operations and stabilize the response to unsheltered homeless following requirements with state and federal guidelines, such as low barrier and housing first it is anticipated that a commitment of up to \$5.3 million would be required over three years. This funding amount is anticipated to be augmented by a similar amount from the County.

Possible sources of funds that can be utilized to stabilize and continue shelter operations include:

- American Rescue Plan Act (ARPA) - Contingency
- Homeless Housing, Assistance and Prevention (HHAP) Grant - Round 1 and 3
- General Fund - Contingency up to \$2 million

It is important to note that Federal and State Funding such as ARPA and HHAP have restrictions that include eligible uses, currently adopted plans that dictate use and spending deadlines. A combination of funding sources will be necessary to allow for flexibility and grant compliance.

Attachment A - Emergency Proclamation - July 31, 2023