

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Norberto L. Dueñas

**SUBJECT: CONTINUATION OF
PROCLAMATION OF LOCAL
EMERGENCY**

DATE: September 5, 2017

RECOMMENDATION

Adopt a resolution continuing the proclamation of the existence of a local emergency as a result of flooding.

OUTCOME

Continuation of the proclamation of the existence of a local emergency allows for the City to receive and provide mutual aid, seek recovery of cost of extraordinary services as permitted and promulgate orders and regulations necessary to provide for protection of life and property.

BACKGROUND

On Tuesday, February 21, 2017 many parts of San Jose were impacted by flooding, and the City Council ratified two Proclamations of the Existence of a Local Emergency on February 28, 2017. The Proclamation of the Existence of a Local Emergency must be reviewed by City Council, and, if appropriate, continued, within thirty (30) day renewal periods.

ANALYSIS

The authority to proclaim a Local Emergency in San José is vested in the City Council, or in an emergent situation, the Director of Emergency Services (City Manager), or designated alternate. In the event the City Council ratifies the proclamations, and the proclamations extend beyond seven (7) days, the City Council must review the need to continue the proclamations at least every thirty (30) days until the Local Emergency is terminated. In any case, the City Council must proclaim the termination of the Local Emergency as soon as conditions warrant.

A proclamation of Local Emergency provides the City the authority to:

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- Provide mutual aid consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements.
- Receive mutual aid from state and other governmental agencies.
- In the absence of a State of War Emergency or State of Emergency, seek recovery of the cost of extraordinary services incurred in executing mutual aid agreements.
- Promulgate orders and regulations necessary to provide for protection of life and property.

EVALUATION AND FOLLOW-UP

The Mayor and City Council will need to take action within thirty (30) days to continue the proclamations and will need to take action to terminate the Local Emergency once conditions warrant.

PUBLIC OUTREACH

The memorandum will be posted for the September 26, 2017 Council agenda.

COORDINATION


This memorandum was prepared in coordination with the City Attorney's Office, Finance Department, Budget Office, and Office of Emergency Management.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this report.

CEQA

Statutory Exempt, Section 15629, Emergency Projects.


Norberto L. Dueñas
City Manager

For questions, please contact David Sykes, Assistant City Manager, at (408) 535-8185.