

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE RATIFYING AND TERMINATING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Section 8.08.210 of Chapter 8.08 of Title 8 of the San José Municipal Code empowers the Director of the Emergency Services (City Manager or Designee) to proclaim the existence or threatened existence of a local emergency if the Council of the City of San José (“City”) is not in session, and requires that the City Council shall take action to ratify the proclamation within seven days thereafter, or the proclamation shall have no further force or effect; and

WHEREAS, 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 police powers; immunity for emergency actions; authorize issuance of orders and regulations; activate pre-established emergency provisions; and

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

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

1. The City activated its Emergency Operations Center (“EOC”) on Wednesday, February 13, 2019 in anticipation of potential flooding due to a significant

atmospheric river producing heavy rains and causing inflows into the Guadalupe River and Ross Creek that could result in high stream flows and potential flooding in the surrounding neighborhoods.

2. On Thursday, February 14, 2019, flood evacuation orders were issued for the Alma and Ross Creek neighborhoods of San José.
3. The efforts required to prepare for, respond to, mitigate, and recover from the February storms imposed extraordinary requirements and expenses on the City.

WHEREAS, the City 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 vicinity of the Alma and Ross Creek neighborhoods; 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 City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and

WHEREAS, on February 14, 2019, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City; and

WHEREAS, the associated emergency conditions are no longer ongoing and the emergency should be terminated at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Proclamation of Existence of a Local Emergency, as issued by the Director of Emergency Services, is hereby ratified and confirmed.
2. The Director of Emergency Services is authorized to request that the Governor of the State of California proclaim a State of Emergency for the City of San Jose and request a federal declaration for assistance including, but not limited to, California Disaster Assistance Act (CDAA), Federal Individual Assistance Act, and U.S. Small Business Administration Disaster Declaration, to assist with losses and emergency repairs required by and within the City because locally available resources are inadequate to cope with the local emergency.
3. The City Council terminates the proclamation of the existence of a local emergency related to the February 13, 2019 flood warning.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk