



**ITEM: 15**

**AGENDA: MAY 21, 2014**

**Additional Agenda Item – Per California Government Code Section 54954.2(b)(2)**

**CURRENT BUSINESS**

- 15. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, RATIFYING A LOCAL EMERGENCY PROCLAMATION -** Request Council ratify the Proclamation of the Existence of a Local Emergency, issued by the Assistant City Manager as Assistant Director of Emergency Services.

Staff Recommendation: Approval (Attorney's Office: Jennifer McCain, Assistant City Attorney)

RESOLUTION NO. 2014-72

May 20, 2014

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: JENNIFER K. MCCAIN, Assistant City Attorney 

SUBJECT: Agenda Item # 15 (Current Business)

California Government Code Section 54954.2(b)(2) permits the City Council to add an item to its agenda after the 72 hour posting deadline set forth in Section 54954.2(a) provided that two requirements are met. First, there must be a need to take immediate action on the item. Second, the need to take action on the item must have occurred after the posting of the agenda. A two-thirds vote of the legislative body is required to add the item, after which it can be considered as a normal item of business.

Item 15 has been added because the Assistant Director of Emergency Services proclaimed a state of emergency on May 15, 2014, after the posting of the agenda due to the high winds and wildfires threatening the City of Escondido. There is a need to take immediate action because Escondido Municipal Code Section 7-6(a)(1) requires the City Council to ratify the proclamation within seven days.

RESOLUTION NO. 2014-72

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
RATIFYING A LOCAL EMERGENCY  
PROCLAMATION

WHEREAS, Section 7-5 and 7-6 of the Escondido Municipal Code and Section 8630 of the California Government Code provide legal authority for the City Manager, acting in his capacity as the Director of Emergency Services (or his designee, acting in the capacity of Assistant Director of Emergency Services), to proclaim the existence or threatened existence of a local emergency if the City Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose within the City of Escondido as a result of high winds and wild fires, commencing in the afternoon and evening hours of the 15<sup>th</sup> day of May 2014, at which time the City Council of the City of Escondido was not in session; and

WHEREAS, as a result of the threats to persons and property because of the high winds and fire, the Assistant City Manager, acting as the Assistant Director of Emergency Services, did proclaim the existence of a local emergency within the City on the 15<sup>th</sup> day of May 2014; and

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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California:

1. That the above recitations are true.

2. That the Proclamation of the Existence of a Local Emergency, issued by the Assistant City Manager as Assistant Director of Emergency Services, is hereby ratified and confirmed.

3. That the Proclamation became of no force and effect by operation of law under Escondido Municipal Code Section 7-6, seven days after it was issued.

4. A copy of the Proclamation of the Existence of a Local Emergency is attached as Exhibit "A" and is incorporated by this reference.

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY

(By Assistant Director of Emergency Services)  
Escondido Municipal Code Section 7-6

WHEREAS, Escondido Municipal Code (EMC) Chapter 7 contains procedures for local emergencies, and EMC Section 7-6 empowers the City Manager or the Acting Director of Emergency Services , to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session; and

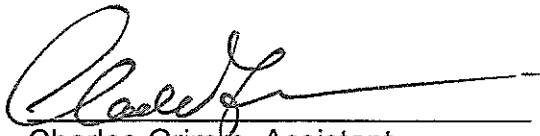
WHEREAS, the Assistant Director of Emergency Services of the City of Escondido does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within the City, caused by fire.

That the City Council of the City of Escondido is not in session (and cannot immediately be called into session);

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said City; and

IT IS FURTHER 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 those prescribed by state law, by ordinances and resolutions of this City, and by the City of Escondido Emergency Plan, as authorized by Chapter 7 of the Escondido Municipal Code.



Charles Grimm, Assistant  
City Manager  
Director of Emergency Services  
City of Escondido

5/15/14  
Date

14:50  
Time

Approved as to Form



Jennifer K. McCain  
Assistant City Attorney