


**CITY OF YUCAIPA
AGENDA REPORT**

TO: Honorable Mayor and City Council
FROM:  Ray Casey, City Manager
FOR: City Council Meeting of January 25, 2010
SUBJECT: Ratification of the City of Yucaipa City Manager Disaster Proclamation Due to flood and snow storm in the City of Yucaipa

RECOMMENDATION:

That City Council adopt Resolution No. 2010-04, ratifying the Proclamation of the existence of a local emergency by the City Manager.

DISCUSSION:

On Thursday, January 21, 2010, the City of Yucaipa City Manager proclaimed a local emergency due to flood and snow storm in Yucaipa. Pursuant to Yucaipa Municipal Code Section 8.36.075, the City Manager has the authority to proclaim a local emergency when the City Council is not in session.

Yucaipa Municipal Code Section 8.36.030 defines a local emergency as "...the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, or earthquake or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission."

In accordance with Government Code Section 8630, a proclamation by the City Manager remains in effect for seven days unless ratified by the governing body. This action seeks the Council's ratification of the proclamation.

FISCAL IMPACT:

This action will assist City departments to recover expenditures for damage to public property incurred during the fires.

Attachment: Resolution No. 2010-04

RESOLUTION NO. 2010-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, RATIFYING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY BY THE CITY MANAGER AND REQUESTING THE STATE DIRECTOR, OFFICE OF EMERGENCY SERVICES' CONCURRENCE IN THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, on January 20, 2010, a storm event in Yucaipa posed a significant threat and left in its wake dangerous conditions, at which time the City Council was not in session; and

WHEREAS, in response to the emergency situation created by the rain and snow storm event, the City Manager proclaimed a local state of emergency on January 21, 2010; and

WHEREAS, the City Manager now requests the City Council to ratify the City Manager's proclamation of the existence of a local emergency in accordance with the City of Yucaipa Municipal Code Section 8.36.075 and state law;

NOW, THEREFORE, the City Council of the City of Yucaipa does hereby resolve, determine and order as follows:

SECTION 1. The Proclamation of Local Emergency issued by the City Manager is hereby ratified.

SECTION 2. The Proclamation of Local Emergency shall continue to exist until its termination is proclaimed by the City Council.

SECTION 3. The City Council shall review the necessity for continuing the local emergency no less frequently than every fourteen (14) days until the emergency is terminated.

SECTION 4. A copy of this Resolution shall be forwarded to the State Director of Emergency Services with a request that it be found acceptable in accordance with the provisions of the California Disaster Assistance Act and that the Director concur in the proclamation of local emergency.

SECTION 5. The City Manager is hereby designated as the authorized representative of the City of Yucaipa for the purpose of receipt, processing and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

SECTION 6. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Yucaipa this 25th day of January 2010.

Dick Riddell
Mayor

ATTEST:

Jennifer Shankland
City Clerk



LOCAL EMERGENCY PROCLAMATION

WHEREAS, Section 8.36.150 of the City of Yucaipa Municipal Code empowers the City Manager to proclaim the existence or threatened existence of a local state of emergency to proclaim the existence or threatened existence of local emergency when said City of Yucaipa is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the City Manager of the City of Yucaipa does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within said City of Yucaipa, caused by flood and snow storm, which began on the 19th day of January 2010, and;

That these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of said City/County, and;

That the City Council of the City of Yucaipa 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 of Yucaipa; and

IT IS FURTHER PROCLAIMED AND ORDERED:

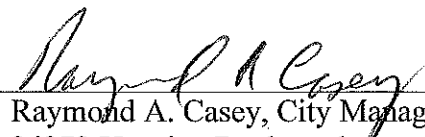
That during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City of Yucaipa shall be those prescribed by State Law, by Ordinances and Resolutions of this City of Yucaipa, and that this emergency proclamation shall expire in seven (7) days after issuance unless confirmed and ratified by the governing body of the City of Yucaipa, and;

That a copy of this proclamation be forwarded to the State Director of Emergency Services and the Governor of California with a request that the Governor proclaim the County of San Bernardino and the City of Yucaipa to be in a State of Emergency.

Dated:

1/21/10

By:


Raymond A. Casey, City Manager
34272 Yucaipa Boulevard
Yucaipa, California