



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Raymond Riordan

SUBJECT: SEE BELOW

DATE: April 29, 2024

Approved

Date

5/7/24

**SUBJECT: AMENDMENTS TO TITLE 8, CHAPTER 8.08 (OFFICE OF
EMERGENCY SERVICES) OF THE SAN JOSE MUNICIPAL CODE**

RECOMMENDATION

Approve an ordinance amending Title 8, Chapter 8.08 (Office of Emergency Services) of the San José Municipal Code to clarify roles and responsibilities, define key terminology, and add continuity of government as a new component of the ordinance.

SUMMARY AND OUTCOME

The proposed amendments to the ordinance will clarify roles and responsibilities, define key terminology, and add continuity of government as a new component of the ordinance. These changes will assist the Director of Emergency Services in providing direction to the Emergency Management Organization when activated in response to disasters and emergencies.

BACKGROUND

The City of San José last approved and adopted changes to the City of San José Municipal Code, Office of Emergency Services, in 1997. Since then, recurring disasters in California and across the United States have caused the Federal government, the State of California, and local jurisdictions everywhere to revise laws, regulations, and standard operating procedures.

Emergency management, as a body of work, is considered by practitioners to be both a science and a system. As such, emergency management is universally accepted as the standard by which local jurisdictions mitigate, prepare for, respond to, and recover from disasters and large-scale emergencies.

ANALYSIS

The purpose of the City of San José Municipal Code 8.08 (Office of Emergency Services) is to establish the foundational anchor point for the structure of the City's Emergency Management Organization and the policies and procedures that define how the City will effectively prepare for, respond to, recover from, and mitigate against natural or human-caused disasters. The structure of the City's Emergency Management Organization is being updated to include primary responsibilities and define delegations of authority, including continuity of government. The recommended amendments will also add definitions that are widely accepted terminology that not only comply with Federal and State laws and regulations, but also clarify disaster response and recovery elements.

The ordinance, including proposed amendments, addresses the following topics:

- Identifies the Director of Emergency Services and the Office of Emergency Management;
- Identifies the orders of succession for the Director of Emergency Services to include the Assistant Director of Emergency Services and the Emergency Operations Center Director;
- Describes the appointment of the Office of Emergency Management Director and establishes a reporting structure;
- Identifies the duties of the Director of Emergency Services;
- Describes the City of San José's Emergency Management Organization;
- Describes the duties and responsibilities of the Office of Emergency Management;
- Describes the City of San José's Emergency Operations Center;
- Revises the name of the Emergency Services Council and its membership to align with the definition of a Disaster Council, as noted in the California Emergency Services Act;
- Describes the functions, powers, and duties of the Disaster Council;
- Defines Continuity of Government by requiring specific actions of all departments;
- Describes the nature of expenditures during emergency activities;
- Specifies powers activated under a proclamation of local emergency; and
- Defines acts constituting misdemeanors during an emergency.

EVALUATION AND FOLLOW-UP

The San José Municipal Code sections governing emergency management will be evaluated on a continual basis. At a minimum, a review of Chapter 8.08 will coincide with the maintenance schedule of the Emergency Operations Plan, base plan, or every five years. Any proposed revisions to Chapter 8.08 will be presented to the City Council for adoption by the City Manager's Office of Emergency Management as approved through the Emergency Services Council described in the ordinance.

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COORDINATION

This memorandum has been coordinated with the City Attorney's Office, City Manager's Office, the City Manager's Budget Office, and the Emergency Management Working Group.

The Emergency Management Work Group, established in July 2017, was initiated to provide an interdepartmental platform to discuss policies, programs, and plans related to emergency management and response. There are two teams within the Emergency Management Work Group, a policy team and an operational management team. These teams include Department Directors, Assistant Directors, Deputy Directors, and/or department representatives given the authority to commit department resources to facilitate departmental capability and readiness to respond to an emergency. Representatives from all departments reviewed the suggested updates to the ordinance and all comments were integrated into the draft herein presented.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the May 21, 2024 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

The Emergency Services Council convened on April 22, 2024, and the members unanimously approved the City's amended Chapter 8.08 to the San José Municipal Code, with a recommendation for the City Council to adopt.

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.



RAYMOND RIORDAN
Director, City Manager's Office of Emergency
Management

For questions, please contact Jay McAmis, Deputy Director, City Manager's Office of Emergency Management, at jay.mcamis@sanjoseca.gov or (408) 794-7043.