



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Raymond Riordan

**SUBJECT: EXTENSION OF THE  
PROCLAMATION OF THE  
EXISTENCE OF A LOCAL  
EMERGENCY**

**DATE:** April 3, 2023

Approved

Date

4/5/23

## **RECOMMENDATION**

Adopt a resolution extending the Director of Emergency Services' January 3, 2023 Proclamation of the Existence of a Local Emergency, that is currently set to expire on April 28, 2023, by 60 days, as the public safety threat for high water flows and flooding remains.

## **SUMMARY AND OUTCOME**

Pursuant to the San José Municipal Code and the California Government Code, the City Manager, as the Director of Emergency Services, proclaimed the existence of a local emergency due to the threat of high water flows, potential for drowning and flooding beyond the banks of the waterways in the City, and high winds that could topple trees. This proclamation was ratified by the City Council on January 10, 2023. The Government Code also allows the Proclamation of the Existence of a Local Emergency to be extended by the City Council every 60 days if the threat remains.

Extending the Director of Emergency Services' (City Manager) or designee's Proclamation of the Existence of a Local Emergency allows the City to exercise extraordinary police powers, such as evacuation; issue orders and regulations; and activate pre-established emergency provisions, and is a prerequisite for requesting State or federal assistance.

## **BACKGROUND**

From the beginning of the water year October 1, 2022 through December 25, 2022, the San Francisco Bay Area received five to seven inches of rain. This mainly came from weak fronts moving across the region. December 26, 2022, saw a change to the pattern as it ushered in the first in a series of storms that tapped into the high moisture content of the sub-tropics. This weather phenomena is known as an "Atmospheric River" or "Pineapple Express". The storm

series engulfed the San Francisco Bay and Monterey Bay regions, and much of the State, from late December through mid-January.

The City initially activated the Emergency Operations Center on Friday, December 30, 2022, in response to the National Weather Service's High Wind Watch and Flood Watch in anticipation of flooding as a result of multiple significant back to back Atmospheric Rivers. The Emergency Operations Center remained in a response posture until January 19, 2023. The incoming storms produced heavy rains, causing inflows into waterways throughout the City, including but not limited to Ross, Los Gatos, Fisher, Coyote, and Penitencia Creeks and the Guadalupe River, that resulted in public safety threats from high stream flows and potential flooding.

Approximately twelve storm systems have since brought a wide variety of hazardous weather to the San Francisco Bay Area, which required high level alert for our responders and re-activation of an Incident Management Team in the Emergency Operations Center on March 9, 2023. These systems varied in dynamic set-up from narrow cold-frontal rain bands and atmospheric rivers, and even included a low-pressure center that underwent "bomb cyclogenesis". These storms produced hazardous weather throughout the months of February and March which included large surf over 30 feet, wind gusts up to 100 miles per hour, widespread flooding which included river flooding, gusty thunderstorm outflow winds, small hail, two waterspouts, and several reported shallow landslides, just to name a few. Unfortunately, there was loss of life experienced from these storms.

The resulting stream flow from the surrounding mountains into the Guadalupe River, Coyote Creek, and their tributaries created dangerous conditions along the waterways in the City. The Public Works Department and Department of Transportation deployed staff into the storms to monitor the waterways and identify blockages or areas of concern. Parks, Recreation and Neighborhood Services established shelters with Housing support during demobilizations. Along with good coordination with the National Weather Service, Valley Water, County of Santa Clara, the American Red Cross, and HomeFirst Services of Santa Clara County, the City's response to the storms continued to be epic.

Starting on January 3, 2023, the City sheltered as many as 283 residents who needed respite from the storm, food, and comfort. The American Red Cross assisted the staff from Parks, Recreation, and Neighborhood Services at the Camden and Seven Trees Community Centers. The City subsequently demobilized the shelters beginning on January 22, 2023. As the storms continued, on March 9, 2023 the City again established a shelter at Seven Trees Community Center to support the fifty-three residents evacuated along the streams. The shelter was demobilized on March 17, 2023. Upon demobilizing each shelter, shelterees were evaluated by the Housing Department and services continued at designated Evacuee Transition Facilities.

## **ANALYSIS**

The threat of flooding continues along the waterways, as the reservoirs remain full and the ground remains saturated, which creates significant runoff from the mountains. The prediction of above average rain through the rainy season indicates public safety along the waterways remains at risk due to high flows in the waterways, with the potential for flooding. High wind conditions add additional threats as tree roots in saturated soils cannot grip the soil and may topple onto structures and residents.

The authority to Proclaim the Existence of 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 this case the City Manager signed a Proclamation of the Existence of a Local Emergency on January 3, 2023. Pursuant to Title 8, Chapter 8.08 Part 2 Section 808.210 of the San José Municipal Code and the California Government Code, Section 8680.9, a Proclamation of the Existence of a Local Emergency was ratified by the City Council on January 10, as prescribed by the code, within seven days. The City Council may extend the emergency if the threat remains, and extend every 60 days, as needed.

A Proclamation of the Existence of a Local Emergency provides the authority to:

- Promulgate orders and regulations necessary to provide for protection of life and property.
- 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.

Extending the Proclamation of the Existence of a Local Emergency for this event maintains a mandatory evacuation area along the waterways to protect lives. Persons living within or otherwise located along the banks of waterways throughout the City, including but not limited to Ross, Los Gatos, Fisher, Coyote, and Penitencia Creeks and the Guadalupe River, are subject to life threatening harm from sudden high stream flows that can result from the expected ongoing rains. They are therefore ordered to evacuate those areas and to remain out of those areas until further notice.

## **EVALUATION AND FOLLOW-UP**

The Governor of the State of California and the President of the United States declared an emergency in Santa Clara County which includes the City of San José. The Administration will return to the City Council at a future meeting with the magnitude of damages and impacts on City services and facilities and provide information about potential reimbursement and funding strategies for the repairs. When the threat is determined to have passed, the City Council must

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terminate the emergency. Staff will return to the City Council to extend the proclamation as needed every 60 days, or until the threat has eliminated.

### **COORDINATION**

The report was prepared in coordination with the City Attorney's Office.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the April 18, 2023 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this section.

### **CEQA**

Statutory Exempt, Section 15269, Emergency Projects Undertake specific actions necessary to prevent or mitigate an emergency.

### **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.

/s/

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Emergency Management

For questions, please contact Raymond Riordan, Director of the City Manager's Office of Emergency Management, at [ray.riordan@sanjoseca.gov](mailto:ray.riordan@sanjoseca.gov) or (408) 794-7055.