

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSE RATIFYING AND CONTINUING 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 (7) days thereafter, or the proclamation shall have no further force or effect; and

WHEREAS, pursuant to 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, and activate pre-established emergency provisions; 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 December 30, 2022 in anticipation of potential flooding from multiple significant atmospheric rivers, producing heavy rains and 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 could result in high stream flows and potential flooding in surrounding areas.

2. The current forecast is for four (4) atmospheric rivers to reach the City through at least January 16, 2023. Each of these anticipated atmospheric rivers is forecast by the National Weather Service to produce significant rainfall.
3. The current conditions of saturated soils and significant run off will contribute to increased water in waterways throughout the City, including but not limited to Ross, Los Gatos, Fisher, Coyote, and Penetencia Creeks and the Guadalupe River.
4. The most significant concern is for our unhoused residents who live anywhere within the banks of waterways throughout the City, including but not limited to the areas listed above.
5. There has been movement of some unhoused residents out of the waterways, but significantly more persons remain in harm's way as the next forecasted storms arrive.

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 City; and

WHEREAS, on January 3, 2023, 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 on-going and the emergency should not 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 on January 3, 2023, is hereby ratified and confirmed.
2. The City Council has reviewed the need for continuing the declaration of local emergency and finds based on substantial evidence that the public interest and

necessity require the continuance of the proclamation of local emergency related to significant rainfall resulting from the anticipated atmospheric rivers.

3. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of San José.
4. The Director of the Office of Emergency Services is hereby directed to report to the City Council within sixty (60) days on the need for further continuing the local emergency.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk