



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

**SUBJECT: RATIFICATION OF AND
TERMINATION OF A
PROCLAMATION OF LOCAL
EMERGENCY**

DATE: February 15, 2019

ACTION

On February 13, 2019, the Director of Emergency Services proclaimed a local emergency related to a National Weather Service (NWS) Flood Warning and need to prepare for a local evacuation commencing on February 14. Pursuant to the San José Municipal Code and the California Government Code, these actions must be ratified by the City Council within seven (7) days or the proclamation shall have no further force or effect.

RECOMMENDATION

Adopt a resolution ratifying and terminating the Director of Emergency Services' proclamation of the existence of a local emergency.

OUTCOME

Ratification of the Director of Emergency Services' (City Manager) or designee's proclamation of a local emergency allows the City to exercise extraordinary police powers, such as evacuation; immunity for emergency actions; authorization of issuance of orders and regulations; activation of pre-established emergency provisions; and is a prerequisite for requesting state or federal assistance. Termination of the proclamation of local emergency when conditions warrant is required by law.

BACKGROUND

The City activated the Emergency Operations Center ("EOC") on Wednesday, February 13, 2019 in anticipation of potential flooding due to the impacts caused by a second wave of an Atmospheric River affecting San José and the surrounding area, and in response to the NWS Flood Warning along the Guadalupe River. Through the night, heavy rain fell creating a

significant rise in the Guadalupe River, which was forecast to enter the flooding stage at 8.81 feet at Alma Street.

The City of San José EOC was staffed by 7:00 p.m. to monitor the conditions and activate the Joint Emergency Action Plan with Valley Water (formerly known as the Santa Clara Valley Water District). Field staff deployed by Department of Public Works provided direct observation of the rising water levels and potential for flooding. In consultation with the department directors in the EOC and phone conferences with NWS and Valley Water, and with evidence by the increasing flood threat, the Director of Emergency Services designee, Kip Harkness, proclaimed a Local Emergency at 03:57 am. The action allowed our Police Department to issue an evacuation for public safety.



National Weather Service's Forecast

Notices of the Flood Warning were initiated at 6:00 p.m. on February 13. The alerts were made by digital recording, text and social media via AlertSCC in three languages: English, Spanish and Vietnamese. Door to door delivery of the notices was accomplished by 11:30 p.m. that night. With updated news from the NWS, evacuation planning began just after midnight. Following the Proclamation of Local Emergency, evacuation announcements were delivered by Police personnel starting at 04:05 am on February 14, and shelter operations were established at the Willow Glen Community Center.

As decisions were made on distributing the Flood Warning and Evacuation Order, the Mayor and the Councilmembers of the affected districts were notified.

ANALYSIS

The authority to proclaim 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. 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, the Proclamation of Local Emergency must be ratified by the City Council within seven (7) days if Proclaimed by the Director of Emergency Services or his/her designee or it shall have no further force or effect. In addition, ratification is a prerequisite for requesting state or federal assistance. In addition, the City Council must proclaim the termination of the Local Emergency as soon as conditions warrant. Since the flooding did not occur, the emergency is terminated.

A Proclamation of Local Emergency provides the authority to:

- 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.
- Promulgate orders and regulations necessary to provide for protection of life and property.
- Request the governor proclaim state of emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

EVALUATION AND FOLLOW-UP

No further action by the City Council is necessary. If the Proclamation of a Local Emergency is approved by the California Office of Emergency Services Director or concurrence is identified by the Governor in a Gubernatorial Proclamation of an Emergency, the San José Office of Emergency Management will take action to file reimbursement claims.

PUBLIC OUTREACH

The memorandum will be posted for the February 20, 2019 agenda.

HONORABLE MAYOR AND CITY COUNCIL

February 15, 2019

Subject: Ratification and Termination of Proclamation of Local Emergency

Page 4

COORDINATION

The report was prepared by the Office of Emergency Management in coordination with the City Attorney's Office.

COMMISSION RECOMMENDATION

No commission recommendation or input is associated with this section.

CEQA

Statutory Exempt, Section 15269, Emergency Projects

A handwritten signature in black ink, appearing to read "D. Sykes", with a long horizontal line extending to the right.

David Sykes
City Manager

For questions, please contact Raymond Riordan, Director of the City Manager's Office of Emergency Management at (408) 794-7055.