

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE RATIFYING AND TERMINATING 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 Emergency Services (City Manager or Designee) to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by public calamity and 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 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; activate pre-established emergency provisions; and

**WHEREAS**; a local emergency proclamation is a prerequisite for requesting state or federal assistance; and

**WHEREAS**, conditions of extreme peril to the safety of persons and property arose on October 9, 2019 within the City, based on the following:

1. Predicted high fire risk conditions: Specifically, temperature of 65 degrees

to 80 degrees Fahrenheit, humidity level at 36%, winds at 45-50 miles per hour and expected to reach up to 55 miles per hour, projected to be the strongest winds of the season.

- a. The National Weather Service Issued a Red Flag Warning at 4:30 AM on October 4, 2019.
2. On October 7, 2019 at 7:30 AM, the Pacific Gas and Electric Company ("PGE") notified the City that it would execute a PSPS in response to high wildfire conditions in the surrounding area. The PSPS would be initiated between the hours of 12:00 AM Wednesday, October 9, 2019 and 9:00 PM Thursday, October 10, 2019 and could result in power outages across Santa Clara County, including the south and east portion of the City, and extend as long as Sunday, October 14, 2019, five days after the initial power shut-off event.
3. The anticipated area that would be without power during the PSPS includes portions of City Council Districts 2, 4, 5, 8, 9, and 10 ("Impacted Area") in the southern and eastern portions of the City.
4. The PSPS may be extended to account for latent impacts due to power line inspection, infrastructure and equipment damage, and sequenced re-energization throughout the affected region.

**WHEREAS**, the high fire conditions and PSPS event were expected to produce, cause, or threaten to cause extreme peril to the City's citizens, which would necessitate continuous emergency response. Specifically:

1. High fire risk conditions increase the likelihood and severity of wildfires given the strong winds and low humidity. A PSPS in the Impacted Area

also increases the likelihood of low water pressure, severely impacting fire suppression capabilities, and substantially increasing wildfire danger.

2. PSPS increases the likelihood of sanitary sewer system disruption in the Impacted Area, including inability to operate lift and pump stations on backup generators and decreased ability to process and treat wastewater, resulting in:
  - a. Sewage spills, which would contaminate groundwater, harm the environment, and endanger public health;
  - b. Impacts to surrounding jurisdictions whose wastewater is treated in City and County facilities;
  - c. And necessitating acquisition, installation, maintenance, and continuous refueling of back-up generators to maintain a minimum level of sewer service.
3. PSPS increases the likelihood of severe traffic congestion in the Impacted Area that could impact the rest of the City, resulting in:
  - a. Non-functional traffic lights and street lights in more than 5 main arterials and thoroughfares in densely populated portions of the City can cause severe gridlock, panic, and increased likelihood of accidents; major intersections/traffic arteries in the Impacted Area include:
    - White Rd. and Verba Buena Intersections
    - Capital Expressway and connecting intersections
    - Almaden Expressway and connecting intersections
    - Alum Rock Rd.
    - Quimby Rd.
    - Story Rd.
  - b. Inability of emergency vehicles and refueling trucks to provide

- services to the Impacted Area;
  - c. And necessitating continuous emergency Police response to monitor major traffic corridors, keep routes clear for emergency vehicles, and escort fuel and distribution trucks in the Impacted Area.
4. PSPS increases impact to vulnerable populations such as:
- a. Medical Baseline customers who rely on lifesaving medical devices and mobility devices;
  - b. Assisted living facilities and healthcare facilities, and others who are unable to physically go to community resource or charging centers
  - c. And necessitating additional staffing to conduct in person notifications and check-ins to Medical Baseline enrollees as well as senior care facilities.
5. PSPS will increase the likelihood of a fuel shortage as the event progresses beyond 48 hours, resulting in:
- a. Disruption and slow-down of refueling for back-up generators at critical facilities, including: 5 fire stations, 2 police stations, 2 lift and pump stations, 2 cooling centers, and 29 healthcare facilities (including 5 assisted living facilities), 2 public libraries, and up to 22 schools in City Council Districts 2, 4, 5, 8, 9 and 10, making up most of the eastern and southern areas of San Jose;
    - i. The City will provide resource support (food, water, emergency supplies, etc.) at activated Community Resource Centers;
    - ii. The City will be providing generators as necessary to prioritized facilities to the extent possible

- b. Disruption of Fire and Police services.

**WHEREAS**, in response to the high wildfire conditions and impending PSPS, which threaten extreme peril and necessitate continuous emergency response, the Director of Emergency Services activated the City's Emergency Operations Center (EOC) on October 9, 2019 at 7:00 A.M.; and

**WHEREAS**, the efforts required to prepare for, respond to, mitigate, and recover from the October 9, 2019 high wildfire conditions and PSPS imposed extraordinary requirements and expenses on the City; and

**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; and

**WHEREAS**, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and,

**WHEREAS**, the associated emergency conditions are no longer ongoing and the emergency should 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 October 9, 2019, is hereby ratified and confirmed.
2. The Director of Emergency Services is authorized to request that the Governor of the State of California proclaim a State of Emergency for the City of San José and request a federal declaration for assistance including, but not limited to, California Disaster Assistance Act (CDAA), Federal Individual Assistance Act, and U.S. Small Business Administration Disaster Declaration, to assist with losses and emergency repairs required by and within the City because locally available resources are inadequate to cope with the local emergency.
3. The City Council terminates the proclamation of the existence of a local emergency related to the October 9, 2019 high wildfire conditions and PSPS.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk