

## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kip Harkness

**SUBJECT:** RATIFICATION OF  
OCTOBER 26, 2019 PROCLAMATION  
OF LOCAL EMERGENCY

**DATE:** October 26, 2019

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### ACTION

On October 26<sup>th</sup>, 2019, the Director of Emergency Services proclaimed a local emergency related to the forecasted high fire conditions and resulting PG&E Public Safety Power Shut-Off Event (PSPS). 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. Moreover, the City Council must terminate the emergency when conditions warrant.

### RECOMMENDATION

- (a) Adopt a resolution ratifying and terminating or extending the Director of Emergency Services' Proclamation of October 26, 2019 of the existence of a local emergency resulting from predicted high wildfire risk conditions and PG&E's notice that it would execute a Public Safety Power Shutoff affecting portions of the City of San José.
- (b) Receive staff's update on the status of the Public Safety Power Shutoff, its impact on the City of San José, and recovery efforts.

### 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. Extending the emergency if conditions warrant would allow continued emergency response and recovery. Termination of the proclamation of local emergency when conditions warrant is required by law. Receiving staff's update on the status will inform the Council on the details of the PSPS event, staff's actions leading up to and during the event, and the status of recovery.

### BACKGROUND

HONORABLE MAYOR AND CITY COUNCIL

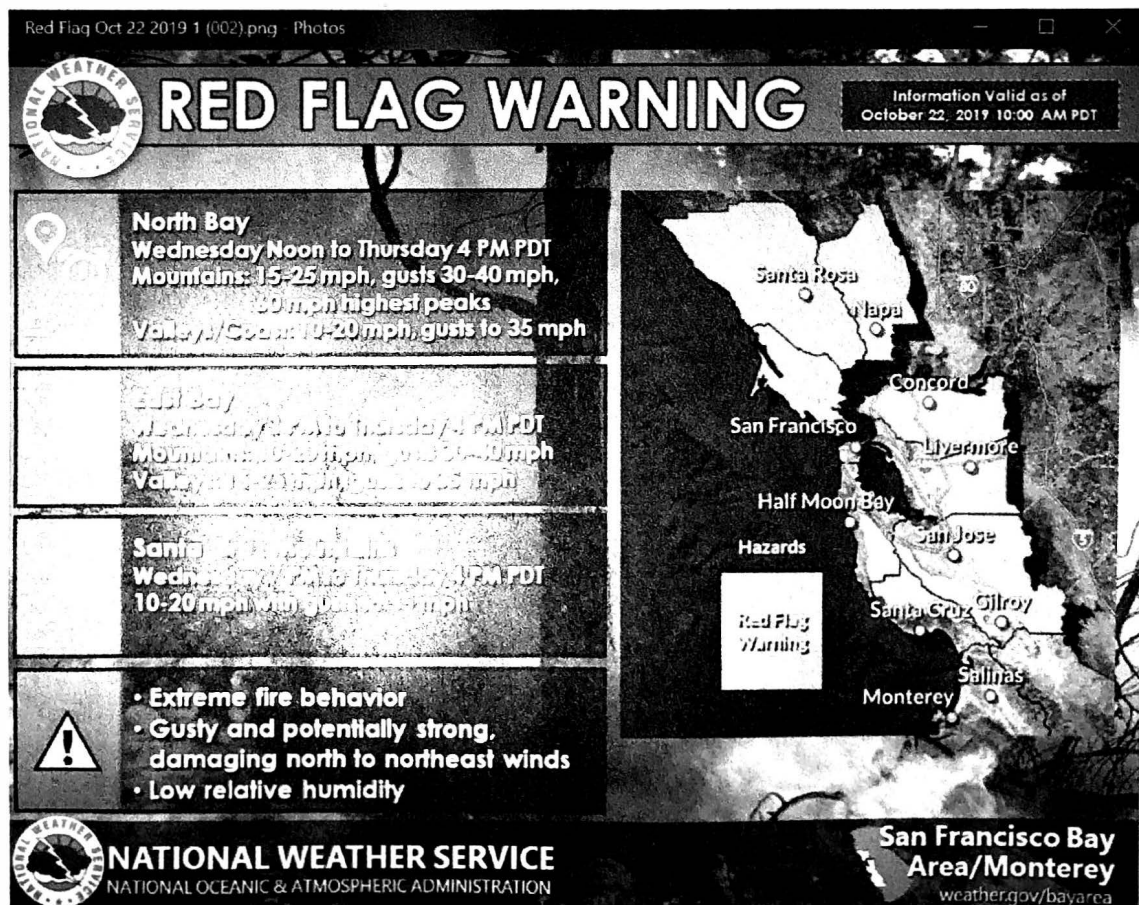
October 26, 2019

Subject: Ratification of Proclamation of Local Emergency

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1. Notice of Public Safety Power Shut Off

On Monday, October 24, 2019, Santa Clara County Office of Emergency Management (OEM) informed City of San Jose OEM that PG&E was declaring a PSPS event in 32 northern, central, coastal, and Bay Area counties, including Santa Clara County as a result of forecasted high fire and extreme winds conditions. A PSPS is a wide-spread power outage event initiated by PG&E to prevent power lines from sparking wildfires when fire conditions are high. The PSPS was expected to impact the City of San Jose starting on October 26, 2019 at 17:00 and lasting through October 28, 2019 at 14:00. Based on information from PG&E, the PSPS was expected to severely impact residents, businesses, schools, and critical facilities in Council Districts 2, 4, 5, 8, 9 and 10. Within Santa Clara County, 27,000 accounts were predicted to lose power, including Medical Baseline customers who rely on power for electrically-powered medical devices and mobility devices. Furthermore, the vulnerable population that would be affected by the PSPS includes children, seniors, individuals in assisted living facilities and healthcare facilities, and others who may be homebound and are unable to physically go to City resource or charging centers.



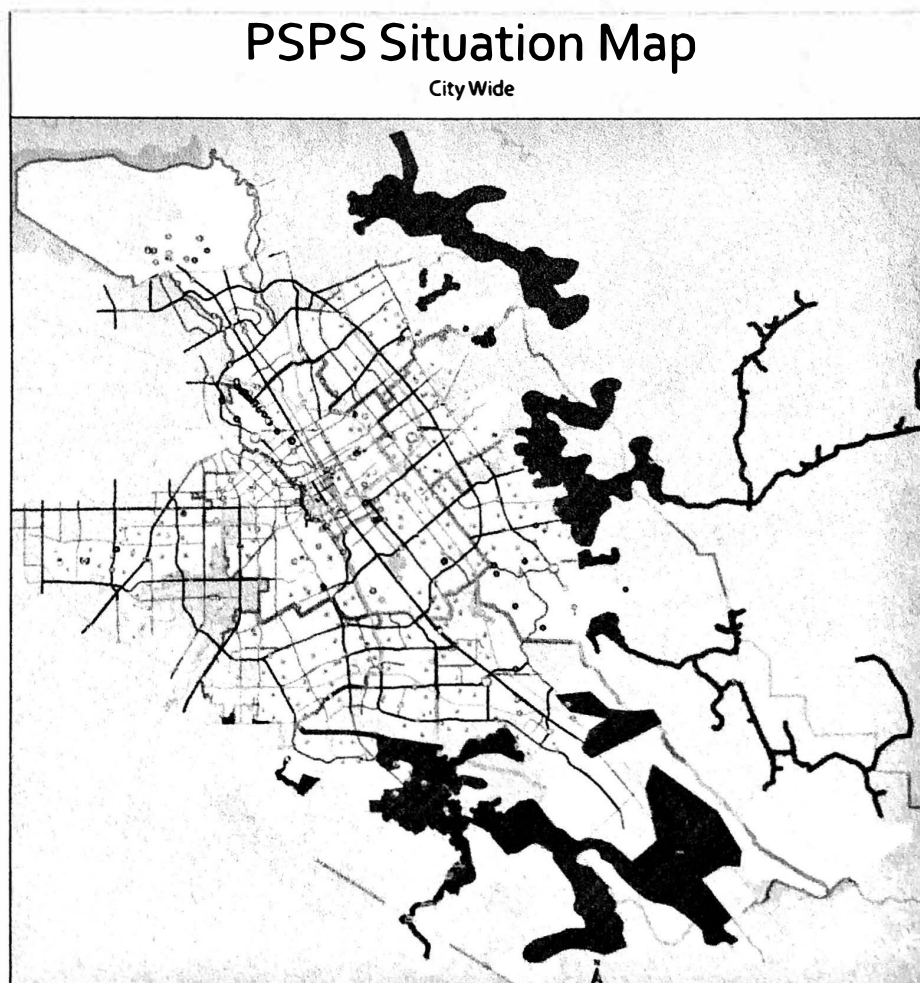
Notices of the Red Flag Warning were initiated at 12:00 P.M. on October 22, 2019. These Warnings were based on low humidity with seasonable temperatures ranging between 75°F- 90°F, and winds of 45-60 miles per hour, and gusts up to 70 miles per hour in portions of the Bay Area and Central Coast, which leads to increased Fire Danger.

In addition, the extreme high winds can cause trees to topple and debris to become airborne and cause injury.

## 2. Activation of Emergency Operations Center

The City planned to activate the Emergency Operations Center ("EOC") at 4:00 P.M. on Saturday, October 26, 2019 in anticipation of high wildfire conditions and expected PSPS.

The PSPS was expected to impact the areas of San José as shown below in dark blue.



Due to the expected scope and duration of the PSPS event, the City of San José EOC will be staffed with 27 personnel, according to the City Emergency Operations Plan and Power Vulnerability Plan. The Fire Department has also increased staffing. By 4:00 P.M. on October 26, 2019, EOC staff will begin to monitor the conditions and respond as needed.

PSPS alerts will be issued by digital recording, text, social media, and paper flyers in three languages: English, Spanish and Vietnamese. City staff will conduct phone and in-person notices on an on-going basis leading up to the PSPS. The Mayor and the Councilmembers of the affected districts will be notified and informed as staff makes decisions to activate the EOC, provide resource support, monitor situation status and traffic control, and distribute PSPS notifications to residents.

### 3. Proclamation of Local Emergency

The Director of Emergency Services designee, Kip Harkness, proclaimed a Local Emergency at 2:00 P.M. on October 26, 2019. The Proclamation of Local Emergency was issued after consultation with the department directors in the EOC, phone conferences with National Weather Service (NWS) and PG&E, and discussion with cross jurisdictional partners and agencies. The proclamation allows the City to respond with the resources necessary to ensure public safety and care for the community, including vulnerable populations and Medical Baseline customers of PG&E.

### 4. Public Safety Power Shut Off in San José

PSPS is expected to occur in San José City Council Districts 2, 4, 5, 8, 9 and 10 starting at 5:00 P.M. on October 26, 2019. The area expected to be impacted by the PSPS included the following critical facilities: 2 fire stations, 3 lift and pump stations, and 11 healthcare facilities, 3 community centers, and 2 public libraries, making up most of the eastern and southern areas of San José. PGE reported that re-energization could take up to 72 hours.

## 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.

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.

The City Council may continue the local emergency if conditions warrant and must review the need to continue the emergency every 60 days until the emergency terminates. Lastly, the City Council must proclaim the termination of the Local Emergency as soon as conditions warrant. Staff's report will provide additional up-to-date information on the status of the PSPS and whether conditions warrant continuing or terminating the local emergency.

#### **EVALUATION AND FOLLOW-UP**

If the City Council continues the local emergency, staff will return to Council within 60 days to provide a status report on the need to continue the local emergency or if conditions warrant termination.

If the City Council terminates the local emergency, no further action 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 October 30, 2019 agenda.

#### **COORDINATION**

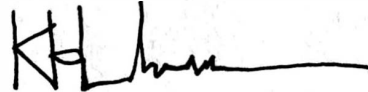
The report was prepared by the Office of Emergency Management in coordination with the City Attorney's Office.

#### **COMMISSION RECOMMENDATION**

No commission recommendation or input is associated with this section.

**CEQA**

CEQA: Statutory Exempt, Section 15269, Emergency Projects Undertaken for actions necessary to prevent or mitigate an emergency.

A handwritten signature in black ink, appearing to read 'Kip Harkness', with a long horizontal stroke extending to the right.

Kip Harkness

City Manager, designee as  
EOC Director, and  
Emergency Services Director

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