

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

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

**WHEREAS**, 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 26, 2019 within the City, based on the following:

1. Predicted High wildfire risk and high wind conditions from Saturday, October 26, at 5 pm to Monday, October 28 at 2 pm: Specifically, the temperature is predicted to be at high 75- low 90 degrees Fahrenheit, the

humidity level is 30%, with winds of 45 to 60 mph and gusts expected to reach 70 miles per hour, predicted to be a historic wind event

- a. The National Weather Service Issued a Red Flag Warning at 12 P.M. on October 22, 2019.
  - b. The National Weather Service projects the wind event to last 40 hours.
2. Public Safety Power Shut-off event (“PSPS”): On October 24, 2019 at 1046 hours, the Pacific Gas and Electric Company (“PGE”) notified the City of San Jose that it would execute a PSPS in response to high wildfire and wind conditions in the surrounding area. The PSPS will be initiated between the hours of 1700 on Saturday, October 26, 2019 and 1400 on Monday October 28, 2019 and may result in power outages in Santa Clara County, including the south and east portion of the City of San Jose, and extend through Thursday, October 31, 2019.
  3. The anticipated area that will be without power during the PSPS include portions of City Council Districts 2, 4, 5, 8, 9, and 10 in the southern and eastern portions of the City.
  4. 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 wildfire and high wind 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 wildfire 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, which impacts fire suppression capabilities and increases wildfire danger.

2. PSPS increases the likelihood of sanitary sewer system disruption in the Impacted Area, including the operation of 2 sanitary lift stations and 1 water pump station, which must operate on backup generators. If a lift station or water pump is unable to operate, it could result in:
  - a. Sewage spills in the Impacted Area, which would contaminate groundwater, harm the environment, and endanger public health;
  - b. Therefore, it is necessary to maintain backup generation and continuously refuel those generators to the 2 sanitary lift and 1 water pump stations in the Impacted Area in order 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 during peak traffic times and result in:
  - a. Non-functional traffic lights and street lights in more than 8 main arterials and thoroughfares in the Impacted Area. This can cause severe gridlock, panic, increase the likelihood of accidents and obstruct emergency vehicles and refueling trucks providing services to the Impacted Area
  - b. Major intersections / traffic arteries in the Impacted Area include impacts to 66 traffic signals along:
    - Tully Rd
    - Quimby Rd
    - Aborn Rd
    - San Felipe Rd
    - Almaden Expy
    - Camden Ave
    - Cottle Rd
    - Santa Teresa Blvd
4. PSPS impacts vulnerable populations such as:
  - a. Medical Baseline customers who rely on electrically-powered 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. These impacts necessitate emergency response, specifically:
  1. Department of Parks, Recreation and Neighborhood Services (PRNS) personnel to conduct in person notifications and check-ins to Medical Baseline enrollees as well as senior care facilities.
  2. The City to provide resource support (food, water, emergency supplies, etc.) at activated Community Resource Centers;
  3. The City to providing generators as necessary to prioritized facilities to the extent possible.
5. High wind event can cause trees to topple and debris to become airborne and cause injury.

**WHEREAS**, in response to the high wildfire and high wind conditions and anticipated PSPS, which threatened extreme peril and continuous emergency response, the Director of Emergency Services activated the City's Emergency Operations Center (EOC) on Saturday, October 26, 2019 at 4:00 P.M.; and

**WHEREAS**, the efforts required to prepare for, respond to, mitigate, and recover from the October 26, 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 / are no longer] ongoing and the emergency [should be / 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 October 26, 2019, 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 declaration of local emergency.
3. Said local emergency shall be deemed to continue to exist until its termination is proclaimed 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 thirty days on the need for further continuing the local emergency.
5. 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 Jose 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 26, 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