

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE 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 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; 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**, conditions of extreme peril to the safety of persons and property arose on October 26, 2019 within the City, based on predicted high wildfire risk and high wind conditions from Saturday, October 26, at 5:00 P.M. to Monday, October 28, at 2:00 P.M., and based on notifications from Pacific Gas and Electric Company (“PGE”) of a potential Public Safety Power Shut-off (“PSPS”) event affecting the City, at which time the City Council was not in session and the Director of Emergency Services’ designee issued a proclamation declaring the existence of a local emergency within the City; and

**WHEREAS**, on October 30, 2019, the City Council adopted Resolution No. 79290 to ratify and continue the Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services due to ongoing forecasted high wildfire danger conditions; and

**WHEREAS**, Government Code Section 8630 requires that the City Council review the need for continuing the local emergency and terminate the local emergency when conditions warrant; 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 City Council terminates the Proclamation of Existence of a Local Emergency, as issued by the Director of Emergency Services' designee on October 26, 2019 and ratified and continued by the City Council on October 30, 2019, related to high wildfire and wind conditions and notification from PGE of the PSPS event expected to impact the City.
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 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.

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