

PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, Title 8, Chapter 8.08, Part 2, Section 8.08.210 of the Municipal Code of the City of San Jose empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by public calamity and the City Council is not in session; and

WHEREAS, the Director of Emergency Services of the City of San Jose ("City") does hereby find the following conditions exist:

1. The City activated its Emergency Operations Center ("EOC") on December 30, 2022 in anticipation of potential flooding from multiple significant atmospheric rivers, producing heavy rains and causing inflows into waterways throughout the City, including but not limited to Ross, Los Gatos, Fisher, Coyote, and Penetencia Creeks and the Guadalupe River, that could result in high stream flows and potential flooding in surrounding areas.
2. The current forecast is for four (4) atmospheric rivers to reach the City through at least January 16, 2023. Each of these anticipated atmospheric rivers is forecast by the National Weather Service to produce significant rainfall.
3. The current conditions of saturated soils and significant run off will contribute to increased water in waterways throughout the City, including but not limited to Ross, Los Gatos, Fisher, Coyote, and Penetencia Creeks and the Guadalupe River.
4. The most significant concern is for our unhoused residents who live anywhere within the banks of waterways throughout the City, including but not limited to the areas listed above.
5. There has been movement of some unhoused residents out of the waterways, but significantly more persons will be in harm's way when the next forecasted storm arrives on Wednesday, January 4, 2023.

WHEREAS, the Director of Emergency Services finds that the heavy rains are expected to produce, cause, or threaten to cause extreme peril to the City's residents, which will necessitate continuous emergency response, including but not limited to mandatory evacuation of unhoused persons living within or otherwise located along the banks of waterways throughout the City. Specifically, unhoused persons living within or otherwise located along the banks of waterways throughout the City, including but not limited to Ross, Los Gatos, Fisher Coyote, and Penetencia Creeks and the Guadalupe River, are subject to life threatening harm from sudden high stream flows that can result from the expected heavy rains.


WHEREAS, the City Council of the City of San Jose is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists in and around the banks of waterways throughout the City, including but not limited to Ross, Coyote, Los Gatos, Fisher, and Penetencia Creeks and the Guadalupe River, as specified above; and

IT IS FURTHER PROCLAIMED AND ORDERED that:

1. During the existence of said local emergency, the powers, functions, and duties of the emergency organization of this city shall be those prescribed by state law, by ordinance, and resolutions of this City; and that this emergency proclamation shall expire in seven (7) days after issuance, unless confirmed and ratified by the City Council of the City of San Jose.
2. Persons living within or otherwise located along the banks of waterways throughout the City, including but not limited to Ross, Los Gatos, Fisher, Coyote, and Penetencia Creeks and the Guadalupe River, are subject to life threatening harm from sudden high stream flows that can result from the expected heavy rains and therefore are hereby ordered to immediately evacuate those areas and to remain out of those areas until further notice.

Date: 1/3/2023

By: 

Jennifer A. Maguire

Director of Emergency Services
City of San Jose