



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Raymond Riordan

**SUBJECT: RATIFICATION OF A
PROCLAMATION OF LOCAL
EMERGENCY**

DATE: January 6, 2023

Approved

Date

1/6/2023

REASON FOR ADDENDUM

On January 3, 2023, the Director of Emergency Services proclaimed a Local Emergency related to a National Weather Service (NWS) Flood Watch and High Wind Warning and need to prepare for local evacuation notifications commencing on January 4, 2023. Pursuant to the San José Municipal Code and the California Government Code, these actions must be ratified by the City Council within seven days.

RECOMMENDATION

Adopt a resolution ratifying the Director of Emergency Services' proclamation of the existence of a local emergency.

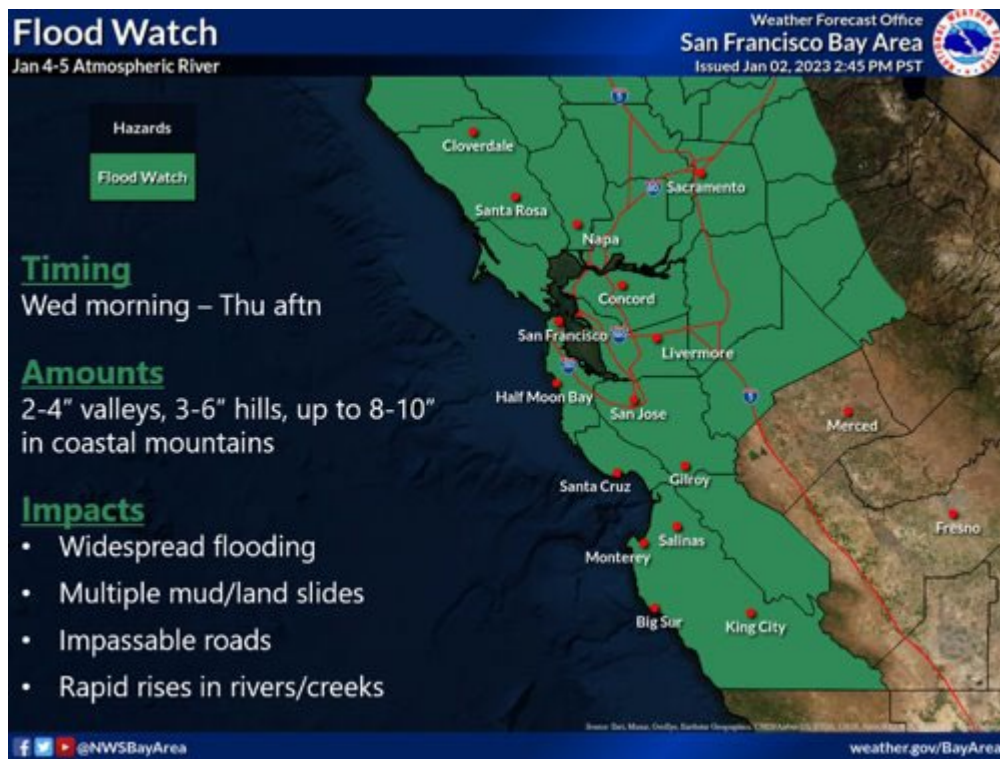
OUTCOME

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.

BACKGROUND

The City established an Incident Management Team within the Emergency Operations Center (EOC) on Friday, December 30, 2022 in anticipation of 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 Penitencia Creeks and the

Guadalupe River, that could result in high stream flows and potential flooding affecting San José and in surrounding areas, and in response to the NWS High Wind Watch and Flood Watch. The San José area has seen a series of wet and cold weather events over the past six weeks, with rain events beginning in late November into the end of 2022. In the month of December, the City of San José received 50% more rain than normal (Normal = 2.29” and this year was 3.4” of rain). The cumulative effect of these events has led to significant saturation of soils (per the U.S. Geologic Survey), the filling of some reservoirs (per Valley Water), and river/creek capacities being reached in some areas (per Valley Water). While many of our traditional hot spots for flooding events have not approached flood stage, areas like the Upper Penitencia Creek saw significant ponding of water in adjacent areas and obstructing debris.

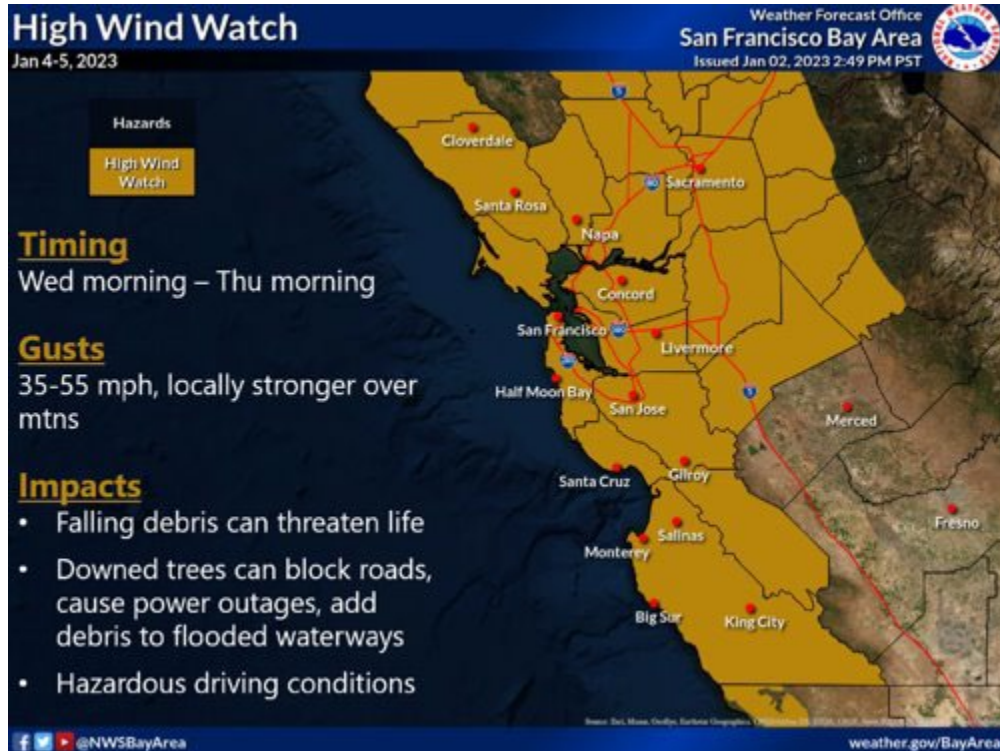


WARNING	A warning is issued when a hazardous weather or hydrologic event is occurring, imminent or likely. A warning means weather conditions pose a threat to life or property. People in the path of the storm need to take protective action.
ADVISORY	An advisory is issued when a hazardous weather or hydrologic event is occurring, imminent or likely. Advisories are for less serious conditions than warnings, that cause significant inconvenience and if caution is not exercised, could lead to situations that may threaten life or property.
WATCH	A watch is used when the risk of a hazardous weather or hydrologic event has increased significantly, but its occurrence, location or timing is still uncertain. It is intended to provide enough lead time so those who need to set their plans in motion can do so. A watch means that hazardous weather is possible. People should have a plan of action in case a storm threatens and they should listen for later information and possible warnings especially when planning travel or outdoor activities.

National Weather Service Flood Watch Forecast

NWS forecasted weather events that will impact the San José area in the next 10-12 days. Each of these storm events are capable of bringing moderate to heavy rain events, accompanied by periods of higher winds and cooler temperatures. Currently, the events are expected (1) January 4-5, (2) January 7-8, and (3) January 10-11. Additionally, lesser (light rain) events are forecasted to occur between these dates as the fronts move through our area.

NWS forecasted a high wind watch in effect 4:00 a.m. January 4 to 10:00 a.m. January 5, with southerly winds 20 to 30 mph with gusts up to 50 mph in valley locations in the greater Bay Area and Central Coast. Forecasted rain totals for January 3 to January 6 is anticipated to be 2 to 3 inches in San José, and for the next atmospheric rain event, January 6 to January 9, is anticipated to result in an additional 1.5 to 2 inches.



National Weather Service High Wind Forecast

The City of San José Incident Management Team was initiated by 12:00 p.m. to monitor the conditions and activate the Joint Emergency Action Plan with Valley Water (formerly known as the Santa Clara Valley Water District). Field staff deployed by Department of Public Works provided direct observation of the rising water levels and potential for flooding. In consultation with the department directors in the Emergency Operations Center and phone conferences with NWS and Valley Water, and with evidence by the increasing flood threat, the Director of Emergency Services (City Manager) signed a proclamation a Local Emergency at 5:30 a.m. The

action included an evacuation order within the boundary of the creeks and river in order to protect life.

The core responsibility of the Incident Management Team is to protect lives, protect property, protect the environment, communicate as a team and with our partners, and coordinate response within the City and among our many partners. While maintaining a focus as one team, acting with compassion in action, and communicating openly, honestly, and directly. The following priorities were established:

1. **Protect the lives of the most vulnerable** –
 - a. Especially our unhoused residents living in and near the creeks, with increased noticing;
 - b. Establish emergency powers to move more quickly and establish mandatory evacuation of key areas for public safety; and
 - c. Expand sheltering operations for the duration of the storm and the immediate aftermath.
2. **Protect property from damage** –
 - a. Ensure all city critical infrastructure is protected and function;
 - b. Monitor private property both the property of the unhoused, and other areas affected by flooding;
 - c. Maintain streets from flooding and tree/debris, keeping those streets clear, and routing traffic away from areas that aren't safe;
 - d. Monitor and respond known hot spots, including, but not limited to Ross, Penitencia, Coyote, Los Gatos, and Fisher Creeks and the Guadalupe River; and
 - e. Map and track responses.
3. **Protect the environment** –
 - a. Assist to clean and clear waterways when possible and appropriate removing debris to assist in stream flow and reduce environmental harm; and
 - b. Protect City parks and street trees.
4. **Communicate and coordinate** –
 - a. Keep each other, our residents, partners, and elected officials informed and learn and listen to them as well; and
 - b. Get ahead of any changes in weather and anticipate the needs of the field.

Notices of the Flood Watch and High Wind Watch were initiated on January 2. With updated news from the NWS, evacuation and notification planning began in the afternoon. Evacuation notifications to the public, with a focus on the unhoused population, were initiated on January 2 at 8:00 p.m. by digital recordings via Long-range Acoustical Devices (L-RAD) and social media in three languages: English, Spanish and Vietnamese. Door to door delivery of the notices was initiated on January 4 in the afternoon. Following the Proclamation of Local Emergency, a newly created Storm Preparedness webpage with storm safety preparation tips and resources was developed on January 3 to communicate to the public of the upcoming storms, a 24-hour evacuation center was established at the Seven Trees Community Center at 10:00 a.m. on

January 3, and Overnight Warming Locations were made available at Roosevelt Community Center and West Valley Branch Library.

As decisions were made on distributing the Flood Warning and Evacuation Order, the Mayor and the Councilmembers of the affected districts were notified.

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 days if Proclaimed by the Director of Emergency Services or his/her designee. In addition, the City Council must proclaim the termination of the Local Emergency as soon as conditions warrant.

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 Proclamation of Local Emergency for this event, specifically establishes a mandatory evacuation area along the waterways to protect lives. 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 Penitencia Creeks and the Guadalupe River, are subject to life threatening harm from sudden high stream flows that can result from the expected heavy rains. They are therefore ordered to immediately evacuate those areas and to remain out of those areas until further notice.

EVALUATION AND FOLLOW-UP

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 along with the Finance Department will take action to file reimbursement claims. Staff will return to the City Council to

HONORABLE MAYOR AND CITY COUNCIL

January 6, 2023

Subject: Ratification of Proclamation of Local Emergency

Page 6

extend the proclamation as needed every 60 days, until the emergency is over, and return at such time, to terminate the emergency when condition warrant it.

PUBLIC OUTREACH

The memorandum will be posted on the City's website for the January 10, 2023, City Council meeting 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

Statutory Exempt, Section 15269, Emergency Projects Undertake specific actions necessary to prevent or mitigate an emergency.

/s/

RAYMOND RIORDAN

Director of the City Manager's Office of
Emergency Management

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

Attachment: Proclamation of Local Emergency, issued by the Director of Emergency Services

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