

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSE RATIFYING AND CONTINUING 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 (7) days thereafter, or the proclamation shall have no further force or effect; 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, the purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorize issuance of orders and regulations, and activate pre-established emergency provisions; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, based on the following:

1. The City established an Incident Management Team on January 31, 2024 in response to the National Weather Service (“NWS”) Flood Watch and High Wind Watch for the San Francisco Bay Area, in anticipation of flooding from multiple significant atmospheric river storms through the weekend predicted to produce

heavy rains and inflow into waterways throughout the City that could result in high stream flows and potential flooding.

2. The NWS forecasted two to three inches of rain on the valley floor in San José from Saturday through Monday, and more significant amounts at high elevations, which would result in run-off into the valley, exacerbating flood conditions.
3. The NWS also forecasted a high wind watch in effect throughout the county, with southerly winds 35 to 40 miles per hour and gusts up to 60 miles per hour in valley locations in the greater Bay Area and Central Coast, creating an additional risk of power outages and falling trees which can damage homes, cause additional flooding, and pose a real threat to life.
4. Based on worsening conditions, direct observation of rising water levels and potential for flooding along the waterways, the Director of Emergency Services signed a proclamation of a Local Emergency on February 3, 2024, including an evacuation order in areas of concern along the City's waterways, in particular the banks of the Guadalupe River, in order to protect the lives of people living or occupying those areas who were subject to life-threatening harm from sudden high stream flows that can result from the expected heavy rains.

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 in the City; and

WHEREAS, on February 3, 2024, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City; and

WHEREAS, the associated emergency conditions are on-going and the emergency 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 February 3, 2024, 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 proclamation of local emergency related to significant rainfall resulting from the atmospheric rivers and potential storms throughout the month of February.
3. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of San José.
4. The Director of Emergency Services is hereby directed to report to the City Council within sixty (60) days on the need for further continuing the local emergency.

ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk