

Office of the City Manager

RECEIVED AT  
COUNCIL MEETING OF:

OCT 15 2019

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

## URGENCY ITEM AGENDA MATERIAL

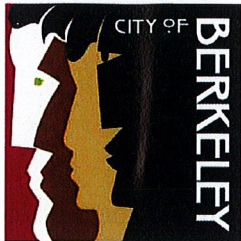
**Meeting Date:** October 15, 2019

**Item Description:** Resolution Ratifying and Terminating the Proclamation of Emergency by the Director of Emergency Services Due to PG&E Public Safety Power Shutoff

The attached agenda item regarding the Public Safety Power Shutoff is submitted by the City Manager for addition to the October 15, 2019 agenda. Items of an urgent nature, with a need to take immediate action may be added to the agenda pursuant to the Brown Act under Government Code Section 54954.2(b)(2). In order to add this item to the agenda, the council must vote by a 2/3 majority (six yes votes) to add the item to the agenda. Once the item is added to the agenda (Consent or Action) it requires a simple majority (five yes votes) for adoption.

This item requests the Mayor and City Council to review and ratify a Resolution declaring the Proclamation of Local Emergency Issued on October 9, 2019 which empowered the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency.

The Director of Emergency Services has determined that the situation resulting from said conditions is now within control of the normal protective services and accordingly, a termination of said local emergency is also warranted. Accordingly, the Resolution also terminates the local emergency.



City Attorney's Office

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Farimah Brown, City Attorney  
Subject: Resolution Ratifying and Terminating the Proclamation of Emergency by the Director of Emergency Services Due to PG&E Public Safety Power Shutoff

RECOMMENDATION

Adopt a Resolution Ratifying and Terminating the Proclamation of Emergency by the Director of Emergency Services due to the PG&E Public Safety Power Shutoff on October 9, 2019.

FISCAL IMPACTS OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code Section 8630, and Berkeley Municipal Code Chapter 2.88, on October 9, 2019 the City Manager, in her capacity as Director of Emergency Services, Proclaimed an Emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the Pacific Gas & Electric (PG&E) Public Safety Power Shutoff (PSPS) across the Bay Area impacting the City of Berkeley and its surrounding areas.

This item requests the Mayor and City Council to review and ratify a Resolution declaring the Proclamation of Local Emergency Issued on October 9, 2019 which empowered the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency.

The Director of Emergency Services has determined that the situation resulting from said conditions is now within control of the normal protective services and accordingly, a termination of said local emergency is also warranted. Accordingly, the Resolution also terminates the local emergency.

BACKGROUND

The Director of Emergency Services proclaimed an Emergency due the planned power shutoff beginning October 9, 2019. PG&E informed City officials that critical weather



conditions persist and power shutoffs were already underway in a significant portion of the Bay Area's Northern Counties with power shut-offs expected in the City of Berkeley by on October 9, 2019.

The National Weather Service upgraded the Fire Weather Watch to a Red Flag Warning and Wind Advisory for the Bay Area, which included the City of Berkeley through Thursday, October 10. Based on the Red Flag Warning, PSPS and Wind Advisory, the Director of Emergency Services operationalized the City's Emergency Operation Centers (EOCs) to support residents and to respond to the impacts of an extended power outage and potential wild fires.

The Director of Emergency Services has now determined that the situation resulting from said conditions is now deemed within control and accordingly, a termination of said local emergency is warranted.

**ENVIRONMENTAL SUSTAINABILITY**

Not applicable.

**RATIONALE FOR RECOMMENDATION**

The Resolution would enable the Director of Emergency Services to efficiently allocate resources due to the ongoing and imminent threat to public safety.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000  
Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998  
David Brannigan, Fire Chief, 981-5500

**Attachments:**

1: Resolution

RESOLUTION NO. -N.S.

RESOLUTION RATIFYING AND TERMINATING THE PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630, authorize the proclamation of a local emergency when conditions of extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, as the Director of Emergency Services, may request the City Council to proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services the circumstances warrant it, a proclamation of local emergency may be issued, which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services on October 9, 2019 did proclaim the existence of a local emergency caused by sudden and severe power shortages as a result of a Pacific Gas & Electric (PG&E) Public Safety Power Shutoff; and

WHEREAS, as a consequence of the power outages, public safety systems, communications including emergency alerts, infrastructure, water systems, transportation, schools, food storage, and the private sector may have been impacted; and

WHEREAS, the City Council does find that the aforesaid conditions were of extreme peril, and the City Council could not be convened at that time, and that these conditions did warrant and necessitate the proclamation of a local emergency.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services, is hereby ratified and confirmed; and

BE IT FURTHER RESOLVED that said local emergency was deemed to continue to exist until its termination is proclaimed and ordered by the City Council; and

BE IT FURTHER RESOLVED that the Director of Emergency Services has determined that the situation resulting from said local emergency is now within control due to the termination of the power shut offs and accordingly a termination of said local emergency is warranted;

BE IT FURTHER RESOLVED, that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the charter, ordinances, resolutions and approved plans of the City of Berkeley.