

Office of the City Manager

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COUNCIL MEETING OF:

NOV 12 2019

OFFICE OF THE CITY CLERK
CITY OF BERKELEY

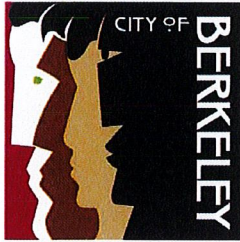
URGENCY ITEM AGENDA MATERIAL

Meeting Date: November 12, 2019

Item Description: Resolution 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 November 12, 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 terminate a Resolution declaring the Proclamation of Local Emergency issued on October 25, 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.



City Manager's Office

CONSENT CALENDAR

November 12, 2019

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

RECOMMENDATION

Adopt a Resolution Terminating the Proclamation of Emergency by the Director of Emergency Services due to the PG&E Public Safety Power Shutoff on October 25, 2019, ratified by Council on October 29, 2019 (Resolution No. 69,151 N.S.).

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code Section 8630, and Berkeley Municipal Code Chapter 2.88, on October 25, 2019 the City Manager, 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. On October 29, 2019, the Mayor and City Council ratified the Resolution Proclaiming a Local Emergency, issued on October 25, 2019 (Resolution No. 69,151 N.S.).

The Director of Emergency Services has now determined that the conditions of extreme peril to the safety of persons and property within the City as a consequence of the PSPS event ceased.

This item requests the Mayor and City Council to terminate the Resolution declaring the Proclamation of Local Emergency on October 25, 2019.

BACKGROUND

The Director of Emergency Services proclaimed an Emergency on October 25, 2019 due to the PG&E Public Safety Power Shutoff. PG&E informed City officials that critical weather conditions existed and power shutoffs were necessary. Concurrently, the National Weather Service issued wide-spread Red Flag Warnings and Wind Advisories for the Bay Area, including portions of the City of Berkeley. Based on the Red Flag Warning, PSPS and Wind Advisory, the Director of Emergency Services activated the City's Emergency Operation Center (EOC) in order to effectively 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 no longer exist. Accordingly, a termination of said local emergency is warranted.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

RATIONALE FOR RECOMMENDATION

Pursuant to California Government Code Section 8630(d), and Berkeley Municipal Code Chapter 2.88, the Mayor and City Council must terminate the existence of a local emergency at the earliest possible date that conditions warrant.

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, (510) 981-5500

Attachment:
1: Resolution

RESOLUTION NO. -N.S.

RESOLUTION 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 25, 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 found 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; and

WHEREAS, on October 29, 2019, the City Council ratified and confirmed the Proclamation of Local Emergency, issued by the Director of Emergency Services; and

WHEREAS, on November 12, 2019, the Director of Emergency Services determined that the conditions of extreme peril to the safety of persons and property within the City as a consequence of the PSPS event had ceased; and

WHEREAS, pursuant to California Government Code Section 8630(d), and Berkeley Municipal Code Chapter 2.88, the Mayor and City Council must terminate the existence of a local emergency at the earliest possible date that conditions warrant.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it hereby terminates the Proclamation of Local Emergency, issued by the Director of Emergency Services on October 25, 2019, ratified by Council on October 29, 2019.