



CITY COUNCIL REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET, GILROY, CA
95020

MAYOR
Greg Bozzo

COUNCIL MEMBERS
Dion Bracco
Tom Cline
Terence Fugazzi
Zach Hilton
Carol Marques
Kelly Ramirez

MONDAY, MARCH 3, 2025 | 6:00 PM

CITY COUNCIL PACKET MATERIALS ARE AVAILABLE ONLINE AT www.cityofgilroy.org
AGENDA CLOSING TIME IS 5:00 P.M. THE TUESDAY PRIOR TO THE MEETING

PUBLIC COMMENTS ON AGENDA ITEMS ARE TAKEN BEFORE THE CITY COUNCIL TAKES ACTION. [Please keep your comments to 3 minutes](#). Time restrictions may vary based on the Mayor's discretion.

Send written comments on any agenda item to publiccomments@cityofgilroy.org or City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by 1 p.m. on the meeting day will be distributed to the City Council before the meeting. Comments are also available at bit.ly/3NuS1IN.



In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk's Office at least 72 hours prior to the meeting at (408) 846-0204 or cityclerk@cityofgilroy.org to help ensure that reasonable arrangements can be made.



If you dispute any planning or land use decision from this meeting in court, you may only raise issues you or someone else presented at this meeting's public hearing or in written letters to the City Council before the hearing. Be aware that the time to seek a judicial review of any final decision made at this meeting is defined by Section 1094.6 of the California Code of Civil Procedure.

During this meeting, a Closed Session may be called under Government Code Section 54956.9 (d)(2). This will happen if, in the City's legislative body's opinion (based on current facts, circumstances, and legal advice), there's a significant risk of a lawsuit against the City.

Additional materials submitted after agenda distribution are available on www.cityofgilroy.org as soon as possible.

KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE, TO RECEIVE A FREE COPY OF THE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION STAFF AT (408) 846-0204.

If you need translation assistance, contact the City Clerk 72 hours before the meeting at 408-846-0204 or cityclerk@cityofgilroy.org.

Si necesita un intérprete durante la junta y gustaría dar un comentario público, comuníquese con el Secretario de la Ciudad un mínimo de 72 horas antes de la junta al 408-846-0204 o envíe un correo electrónico a la Oficina del Secretario de la Ciudad a cityclerk@cityofgilroy.org.



To access written translation during the meeting, please scan the QR Code or click this link:

Para acceder a la traducción durante la reunión, por favor escanee el código QR o haga clic en el enlace:

bit.ly/3FBiGA0

Choose Language and Click Attend | *Seleccione su lenguaje y haga clic en asistir*

Use a headset on your phone for audio or read the transcript on your device.

Use sus auriculares para escuchar el audio o leer la transcripción en el dispositivo.

The agenda for this meeting is outlined as follows:

1. OPENING

- 1.1. Call to Order
- 1.2. Pledge of Allegiance
- 1.3. Invocation
- 1.4. City Clerk's Report on Posting the Agenda
- 1.5. Roll Call
- 1.6. Orders of the Day
- 1.7. Employee Introductions

2. CLOSED SESSION

- 2.1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) and Paragraph (3) of Subdivision (e) of Government Code Section 54956.9 and Gilroy City Code Section 17A.11 (3) (b), based upon receipt of a written communication from Shenkman & Hughes, PC (available for inspection upon request at the office of the City Clerk). One case as defendant.

3. ADJOURN TO OPEN SESSION

Report of any action taken in Closed Session and vote or abstention of each Council Member if required by Government Code Section 54957.1 and GCC Section 17A.13(b); Public Report of the vote to continue in closed session if required under GCC Section 17A.11(5).

4. CEREMONIAL ITEMS - Proclamations and Awards

4.1. Presentation of Retirement Proclamation to Scott Barron

5. COUNCIL CORRESPONDENCE (Informational Only)

6. PRESENTATIONS TO THE COUNCIL

6.1. PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL

This part of the meeting allows public address on non-agenda topics within the Council's jurisdiction. To speak, complete a Speaker's Card from the entrances and give it to the City Clerk. Speaking time ranges from 1-3 minutes based on the Mayor's discretion. Extended discussions or actions on non-agenda items are restricted by law. For Council action, the topic may be listed on a future agenda.

Email written comments on non-agenda topics to publiccomments@cityofgilroy.org or mail them to City Hall, 7351 Rosanna Street, Gilroy, CA 95020, by 1:00 p.m. on the meeting day. These comments, available at City Hall, will be shared with the Council and included in the meeting record. Late submissions will be shared as soon as possible. A 10-page limit applies to hard-copy materials, but electronic submissions are unlimited.

7. REPORTS OF COUNCIL MEMBERS

Council Member Bracco – Downtown Committee, Santa Clara County Library Joint Powers Authority, Santa Clara Water Commission, Santa Clara Valley Water Joint Water Resources Committee, SCRWA

Council Member Fugazzi – Santa Clara Water Commission (alternate), Silicon Valley Regional Interoperability Authority Board (alternate), SCRWA, Visit Gilroy California Welcome Center, VTA Mobility Partnership Committee

Council Member Marques – ABAG, Downtown Committee, Santa Clara County Library Joint Powers Authority (alternate), Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, SCRWA (alternate)

Council Member Hilton – CalTrain Policy Group, Santa Clara County Expressway Plan 2040 Advisory Board (alternate), Silicon Valley Clean Energy Authority JPA Board, South County Youth Task Force Policy Team (alternate), VTA Policy Advisory Committee

Council Member Ramirez – ABAG (alternate), Gilroy Gardens Board of Directors

(alternate), Gilroy Sister Cities, Gilroy Youth Task Force (alternate), SCRWA, Santa Clara Housing and Community Development Advisory Committee

Council Member Cline – CalTrain Policy Group (alternate), Gilroy Sister Cities (alternate), Gilroy Youth Task Force, Santa Clara County Expressway Plan 2040 Advisory Board, Silicon Valley Clean Energy Authority JPA Board (alternate), Silicon Valley Regional Interoperability Authority Board, Visit Gilroy California Welcome Center (alternate), VTA Mobility Partnership Committee, VTA Policy Advisory Committee (alternate)

Mayor Bozzo – Gilroy Gardens Board of Directors, Santa Clara Valley Water Joint Water Resources Committee, South County Youth Task Force Policy Team, VTA Board of Directors (alternate), Santa Clara Housing and Community Development Advisory Committee (alternate)

8. CONSENT CALENDAR

Items under the Consent Calendar are deemed routine and approved with one motion. If a Council member or a member of the public wishes for a separate discussion on an item, it must be requested for removal before the Council's approval vote. If removed, the item will be discussed in its original order.

8.1. Approval of a Notice of Acceptance of Completion for the FY25 Annual CDBG Sidewalk/Curb Ramp Project No. 25-PW-291 and Approval of a Final Contract Amount of \$172,003.00

8.2. Claim of Virginia Ferree (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

9. BIDS AND PROPOSALS

10. PUBLIC HEARINGS

10.1. Hold the First Public Hearing Regarding the City's Transition from an At-Large to a District-Based Election System for the Purpose of Receiving Public Input on the Potential Contours of the New Districts and Hearing the Demographer's Presentation on the Transition Process and the Drawing of District Maps for the November 2026 and 2028 Elections

1. Disclosure of Ex-Parte Communications
2. Staff Report: Andrew Faber, City Attorney
3. Open Public Hearing
4. Close Public Hearing
5. Possible Action:

Hold a Public Hearing and receive public input and a presentation from the City of Gilroy's ("City") consulting Demographer, Redistricting Partners, regarding the process and criteria for establishing boundaries for district elections pursuant to the California Voting Rights Act ("CVRA") for the City Council. The City Council should further discuss the following topics:

1. The Communities of Interest within the City that should define the boundaries and composition of districts before any maps of any proposed district boundaries are drawn; and,
2. Whether the City should draw six districts and retain its directly elected Mayor, or draw 7 districts where City Councilmembers select the Mayor

on a rotating or other basis.

11. UNFINISHED BUSINESS

11.1. Special Event Ordinance Update

1. Staff Report: Jimmy Forbis, City Administrator
2. Public Comment
3. Possible Action:

Staff is seeking Council direction to continue to waive fees for special events organized by non-profit organizations in the downtown area, and provide direction on the establishment of Downtown event zones and a fee waiver program for special events.

12. INTRODUCTION OF NEW BUSINESS

12.1. Create a Pilot Below Market Rate (BMR) Preservation Program and Adopt a Resolution Amending FY 2024-25 Budget to Appropriate Program Budget Adjustments

1. Staff Report: Sharon Goei, Community Development Director
2. Public Comment
3. Possible Action:
 1. Receive report, direct staff to create a Pilot Below Market Rate (BMR) Preservation Program, become a partner agency in the Santa Clara County Office of Supportive Housing's BMR Partnership Program, and authorize staff to execute the necessary steps to preserve the affordability of BMR homes as outlined in the report, including entering into loan agreements with and repaying Santa Clara County and executing necessary documents as appropriate.
 2. Adopt a resolution amending the FY 2024-25 budget to appropriate Pilot BMR Preservation Program budget adjustments.

12.2. Presentation on Elected Officials' Roles in Emergency Management

1. Staff Report: Jimmy Forbis, City Administrator
2. Public Comment
3. Possible Action:

Receive a presentation on the roles and responsibilities of elected officials in emergency management and provide any feedback or direction as appropriate.

13. FUTURE COUNCIL INITIATED AGENDA ITEMS

14. CITY ADMINISTRATOR'S REPORTS

14.1. Santa Teresa Fire Station Update

14.2. **Demonstration and Update Regarding the Service Request Software**
 SeeClickFix

14.3. **Demonstration and Update on the Bicycle and Pedestrian Encouragement**
 GIS Map

15. **CITY ATTORNEY'S REPORTS**

16. **CLOSED SESSION**

16.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to GC**
 Sec. 54956.8 and GC Sec.17A.8(a)(2) 13.1.1.

Property: 140 5th Street (APN 799- 070- 23)

Negotiators: Jimmy Forbis, City Administrator and Victoria Valencia,
 Economic Development Manager

Other Party to Negotiations: Advantage Peak, LLC

Under Negotiations: Price and Terms of Lease

16.2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to**
 Government Code Section 54957 and Gilroy City Code Section 17A.8(a)(4)
 Name/Title: Jimmy Forbis, City Administrator

17. **ADJOURN TO OPEN SESSION**

Report of any action taken in Closed Session and vote or abstention of each Council
Member if required by Government Code Section 54957.1 and GCC Section 17A.13(b);
Public Report of the vote to continue in closed session if required under GCC Section
17A.11(5).

18. **ADJOURNMENT**

FUTURE MEETING DATES

March 2025

17 Regular Meeting - 6:00 p.m

April 2025

7 Regular Meeting - 6:00 p.m

21 Regular Meeting - 6:00 p.m

May 2025

5 Regular Meeting - 6:00 p.m

19 Regular Meeting - 6:00 p.m

Meetings are live streamed on the City of Gilroy's website at gilroy.city/meetings and on
YouTube at <https://bit.ly/45jor03>.

Access the 2025 City Council Meeting Calendar at <https://gilroy.city/2025>.

City of Gilroy
Proclamation

WHEREAS, Scott Barron has honorably served the City of Gilroy as a Code Enforcement Officer for over 24 years, dedicating a remarkable 27 years to the public service; and

WHEREAS, throughout his tenure, Scott has applied his expertise to uphold community standards, ensure compliance with zoning ordinances and municipal codes, and enhance public safety in our beloved city; and

WHEREAS, Scott is deeply respected by his colleagues for his extensive knowledge of code enforcement, his unwavering commitment to public service, and his collaborative spirit that fosters a positive teamwork environment; and

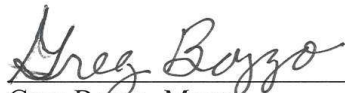
WHEREAS, Scott has made substantial contributions to the success of our community, providing invaluable guidance and unwavering support to both residents and his fellow colleagues; and

WHEREAS, Scott prepares to retire from the City of Gilroy on March 7, 2025, he looks forward to pursuing personal interests, cherishing quality time with family and friends, and embracing new adventures in this exciting chapter of his life.

NOW, THEREFORE, I, GREG BOZZO, Mayor of the City of Gilroy, and on behalf of the entire City Council, employees, and residents of Gilroy, join in thanking

SCOTT BARRON

for his commitment of service and wish him well in retirement for years to come.


Greg Bozzo, Mayor

Attested to by:


Beth Minor, Interim City Clerk



City of Gilroy

STAFF REPORT

Agenda Item Title: Approval of a Notice of Acceptance of Completion for the FY25 Annual CDBG Sidewalk/Curb Ramp Project No. 25-PW-291 and Approval of a Final Contract Amount of \$172,003.00

Meeting Date: March 3, 2025
 From: Jimmy Forbis, City Administrator
 Department: Public Works
 Submitted By: Daniel Padilla, City Engineer
 Prepared By: Susana Ramirez, Engineer I

STRATEGIC PLAN GOALS

Ensure Neighborhood Equity from City Services
 Maintain and Improve City Infrastructure

RECOMMENDATION

- a) Approve a Notice of Acceptance of Completion for the FY25 Annual Community Development Block Grant (CDBG) Sidewalk/Curb Ramp Project No. 25-PW-291.
- b) Approve a final contract amount of \$172,003.00 for the FY25 Annual CDBG Sidewalk/Curb Ramp Project No. 25-PW-291.

EXECUTIVE SUMMARY

Construction of the FY25 Annual Sidewalk/Curb Ramp Project (Project) was completed by Villalobos and Associates, and Public Works staff has reviewed and approved the performed work. The Project consisted of constructing twenty (20) new ADA-compliant pedestrian curb ramps for a total construction cost of \$172,003.00.

Staff recommends City Council approval of the attached Notice of Acceptance of Completion for the FY25 Annual CDBG Sidewalk/Curb Ramp Project No. 25-PW-291.

BACKGROUND

The City receives CDBG Program funding annually from the United States Department of Housing and Urban Development (HUD). The City of Gilroy Fiscal Year 2024 to Fiscal Year 2028 Capital Improvement Program (FY24-FY28 CIP) was adopted by the City Council on June 5, 2023. The FY25 Annual Sidewalk/Curb Ramp Project is included in the FY24-FY28 CIP as Project #800450.

On November 18, 2024, the City Council awarded a construction contract for the Project to Villalobos & Associates in the amount of \$141,755.00 with a project contingency of \$38,188.33 for a total allocation of \$179,943.33 and authorized the City Administrator to execute the contract and associated documents.

ANALYSIS

The Project scope of work included the construction of twenty (20) new ADA-compliant pedestrian curb ramps at the following locations:

- Two (2) at the intersection of Laurel Drive and Cypress Court
- Two (2) at the intersection of Cypress Court and Juniper Drive
- Two (2) at the intersection of Welburn Avenue and Doris Court
- One (1) at the intersection of Welburn Avenue and Carmel Street
- Two (2) at the intersection of Welburn Avenue and Diane Court
- Two (2) at the intersection of Sherwood Drive and Carmel Street
- One (1) at the intersection of Sherwood Drive and David Court
- Four (4) at the intersection of Irish Court and Parish Way
- Four (4) at the intersection of Hanna Street and El Cerrito Way

The overall schedule of Project construction was nine working days. Construction began on December 9, 2024, and was completed on December 20, 2024.

Staff recommends the City Council approve the Notice of Acceptance of Completion and the final contract amount of \$172,003.00 for the FY25 Annual CDBG Sidewalk/Curb Ramp Project No. 25-PW-291.

FISCAL IMPACT/FUNDING SOURCE

Construction of this Project was funded through CDBG Fund, Fund 245. There are no impacts to the City's General Fund.

The total Project construction cost was \$172,003. The CDBG grant amount awarded for curb ramps in FY25 was \$179,943.33. The remaining balance of \$7,940.33 will be returned to the City's CDBG Fund.

Attachments:

1. Notice of Acceptance of Completion of Project 25-PW-291

RECORDING REQUESTED BY:

City of Gilroy

WHEN RECORDED, MAIL TO:

City Clerk's Office

City of Gilroy

7351 Rosanna Street

Gilroy, CA 95020

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

**RECORD WITHOUT FEE UNDER SECTION 27383
GOVERNMENT CODE OF STATE OF CALIFORNIA**

Notice of Acceptance of Completion

FY25 Annual CDBG Sidewalk/Curb Ramp Project

Project No. 25-PW-291

Villalobos & Associates

SEPARATE PAGE PURSUANT TO GOVT. CODE 27361.6

NOTICE OF ACCEPTANCE OF COMPLETION

NOTICE IS HEREBY GIVEN that, as of the 3rd day of March, 2025, the City of Gilroy, California ("City") has accepted as completed the work required to be performed under the following agreement ("Agreement") by and between Villalobos & Associates ("Contractor") and City:

FY25 Annual CDBG Sidewalk/Curb Ramp Project
Project No. 25-PW-291
Villalobos & Associates

Project No.: 25-PW-291

Contractor Name: Villalobos & Associates

Contractor Address: 7810 Monterey Rd, Ste B, Gilroy, CA 95020

Surety on Contract: The Ohio Casualty Insurance Company

Location of Project: Gilroy, California

Description of Work:

The work includes the furnishing of all labor, materials, incidentals, and equipment necessary to perform the installation of twenty ADA compliant curb ramps at multiple locations throughout the City of Gilroy.

Interest of City:

<u> </u>	Owner in Fee
<u> </u>	Vendee under Agreement to Purchase
<u> </u>	Lessee
<u> </u>	Owner of Easements
<u> </u>	Holder of License
<u> X </u>	Owner of Streets
<u> </u>	Owner of Utilities, Water, Sewer, Storm Systems

Owner's Name/Address: City of Gilroy, 7351 Rosanna Street, Gilroy, CA 95020

Work Done: See above, Description of Work

This notice is given in accordance with the provisions of Section 3093 of the Civil Code of the State of California.

The undersigned, being duly sworn, deposes and says:

That I am an officer of the City of Gilroy, that I have read the foregoing Notice of Acceptance of Completion and know the contents thereof; and that the same is true of my own knowledge, except as to those matters that I believe to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at the City of Gilroy, County of Santa Clara, State of California, on _____.

CITY OF GILROY

BY: _____

Daniel Padilla

TITLE: City Engineer



City of Gilroy

STAFF REPORT

Agenda Item Title: Claim of Virginia Ferree (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

Meeting Date: March 3, 2025

From: Jimmy Forbis, City Administrator

Department: Administrative Services

Submitted By: LeeAnn McPhillips, Administrative Services and Human Resources Director / Risk Manager

Prepared By: LeeAnn McPhillips, Administrative Services and Human Resources Director / Risk Manager

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Based on the recommendation from Municipal Pooling Authority (MPA) and/or legal counsel, this claim is recommended for rejection.

EXECUTIVE SUMMARY

Based on the recommendation from Municipal Pooling Authority (MPA) and/or legal counsel, the following claim is submitted to the City Council for rejection at the March 3, 2025 meeting:

- Claim of Virginia Ferree

Attachments:

1. Claim of Virginia Ferree

File With: City Clerk's Office 7351 Rosanna Street Gilroy, CA 95020-6141	CITY OF GILROY CLAIM FOR DAMAGES To Person Or Property	CLAIM No. _____ 
INSTRUCTIONS 1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2) 2. Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2) 3. Read entire claim before filing. 4. See page 2 for diagram upon which to locate place of accident. 5. This claim form must be signed on page 2 at bottom. 6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.		
TO: CITY OF GILROY		Date of Birth of Claimant 6/1/1955
Name of Claimant Virginia Lee Ferree		Occupation of Claimant Merchant
Home Address of Claimant 711 Old Canyon Road, Space 57	City and State Fremont, CA 94536	Home Telephone Number (510) 825-3921
Business Address of Claimant N/A	City and State	Business Telephone Number (510) 791-2420
Give address and telephone number to which you desire notices or communications to be sent regarding this claim: Law Offices of Scott A. Bonzell 66 Franklin Street, Suite 300, Oakland, CA 94607 (510) 625-7700		Claimant's e-mail address scott@sab-law.net
When did DAMAGE or INJURY occur? Date <u>May 11, 2024</u> Time <u>Approx. 4:45 p.m.</u> If claim is for Equitable Indemnity, give date claimant served with the complaint: Date _____		Names of any city employees involved in INJURY or DAMAGE:
Where did DAMAGE or INJURY occur? Describe fully, and locate on diagram on reverse side of this sheet. Where appropriate, give street names and address and measurements from landmarks: The incident occurred adjacent to the parking lot at Christmas Hill Park, 7050 Miller Avenue, Gilroy.		
Describe in detail the DAMAGE or INJURY occurred: See Attachment.		
Why do you claim the city is responsible? See Attachment.		
Describe in detail each INJURY or DAMAGE: See Attachment.		
SEE PAGE 2 (OVER)		

THIS CLAIM MUST BE SIGNED ON REVERSE SIDE

The amount claimed, as of the date of presentation of this claim, is computed as follows:

Damages incurred to date (exact):

Damage to property \$ n/a
 Expenses for medical and hospital care \$ See below.
 Loss of earnings \$ See below.
 Special damages for \$ See below.

General damages \$ See below.
 Total damages incurred to date \$ See below.

Estimated prospective damages as far as known:

Future expenses for medical and hospital care \$ See below.
 Future loss of earnings \$ See below.
 Other prospective special damages \$ See below.
 Prospective general damages \$ See below.
 Total estimate prospective damages \$ See below.

Total amount claimed as of date of presentation of this claim: \$ In excess of the jurisdictional limit of the Superior Court (>\$25,000)

Was damage and/or injury investigated by police? Unknown. If so, what city? _____

Were paramedics or ambulance called? Yes. If so, name city or ambulance Gilroy Fire Department

If injured, state date, time, name and address of doctor of your first visit Claimant was seen on the day of the incident (5/11/24) at St. Louise Regional Hospital, 9400 No Name Uno, Gilroy, CA 95020; (408) 848-2000

WITNESSES to DAMAGE or INJURY: List all persons and addresses of persons known to have information:

Name Reggie Sweat Address 4009 Stanley Ave., #3, Fremont, CA Phone (510) 677-1948

Name Hayzel Reck Address 4964 Everglades Park Dr., Fremont, CA Phone (510) 200-6648

Name Juan Lopez Address 7767 Monterey Road, Gilroy, CA Phone (510) 850-8494

DOCTORS and HOSPITALS:

Hospital Washington Hospital Address 2000 Mowry Ave, Fremont, CA Date Hospitalized _____

Doctor Russell Nord, M.D. Address 38690 Stivers St., Fremont, CA Date of Treatment _____

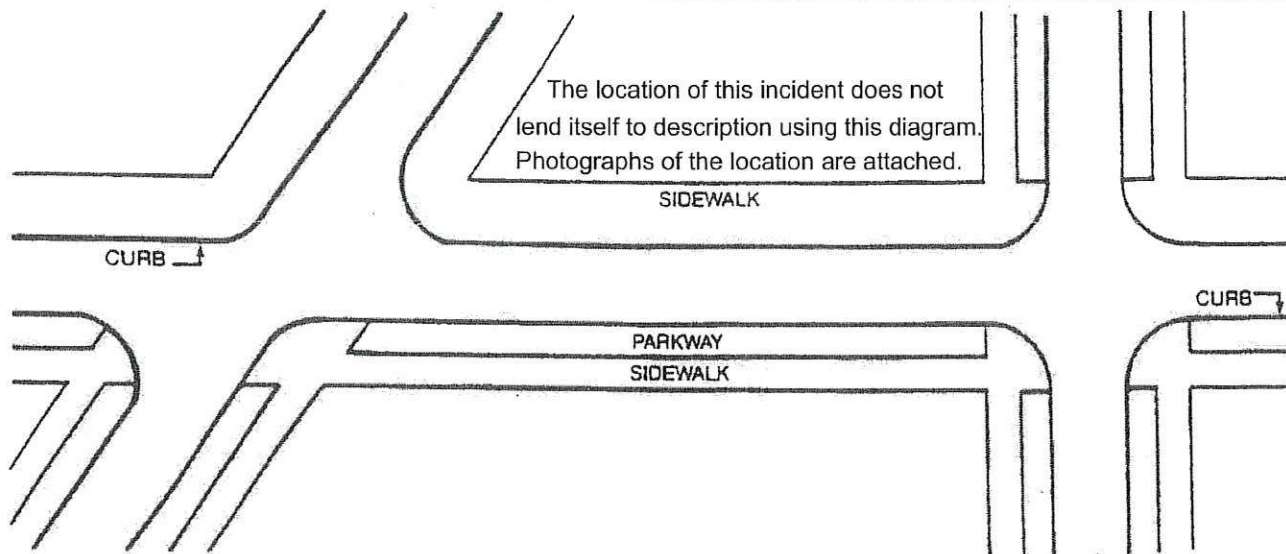
Doctor Eldan Eichbaum, M.D. Address 2500 Mowry Ave., Fremont, CA Date of Treatment _____

READ CAREFULLY

For all accident claims, place on following diagram names of streets, including North, East, South and West: Indicate place of accident by "X" and by showing house numbers or distances to street corners. If City Vehicle was involved, designate by letter "A" location of City Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City Vehicle:

Location of City at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Signature of Claimant or person filing on his behalf giving relationship to Claimant:

[Handwritten signature]

Typed Name:

Scott A. Bonzell
 Attorney for Claimant

Date:

11/8/24

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72).

Attachment to Claim of Virginia Lee Ferree

On May 11, 2024, claimant Virginia Lee Ferree and members of her family had a gathering at Christmas Hill Park in Gilroy to celebrate a birthday. Claimant was standing with her back to a short wooden fence which ran along a portion of the parking lot. As claimant made a small move backward, her leg came in contact with the top rail of the fence. The light pressure from claimant's leg caused the rail to break away, whereupon claimant lost her balance and fell backward, stumbling over the lower rail and the adjacent curb and landing on her back in the parking lot. Claimant struck her head on the pavement as she fell. The fall caused claimant to suffer injuries to her head, left knee and low back. Claimant's injuries required emergency medical treatment and extensive follow up care.

Christmas Hill Park is owned, controlled, operated and maintained by the City of Gilroy (hereinafter "the City"). The condition of the top rail of the subject wooden fence constituted a dangerous condition of public property at the time of claimant's fall. One end of the fence, where it attached to the support post, was severely rotted. It appeared that the rail had previously broken away from the support post and had been put back in place without an appropriate repair. Someone had attempted to secure the rail to the post using a small piece of wood as a shim. That makeshift repair - which did not include any nails, screws or other appropriate means of attachment - was no substitute for a proper fix, and the rail remained dangerously unstable. Photographs of the fence rail and claimant (being cared for by EMTs) are attached hereto.

Claimant is informed and believes that employees of the City, acting within the scope of their employment, created the dangerous condition which caused claimant's fall and injury. Claimant is further informed and believes that if the City did not create the dangerous condition, it nevertheless had actual knowledge of it prior to claimant's fall. At minimum, the City had constructive notice of the condition of the fence rail and knew or should have known of its dangerous character. The City is liable to claimant for the dangerous condition of public property pursuant to Government Code section 830, *et seq.*

The City is also liable to claimant under the doctrine of respondeat superior. The City is liable based upon laws and statutes including but not limited to Government Code sections 815.2, 815.4, 815.6 and 820, for the actionable conduct of its employees and contractors, including but not limited to those who participated in the conduct described above and who failed to fulfill their duties of care. The City is also liable for its failure to properly hire, train, supervise, instruct, manage or control its employees and contractors, including but not limited to the employees and contractors who participated in the conduct described above.

The City's employees, whose identities are unknown at present, are liable to claimant for causes of action including but not limited to negligence and improper conduct recognized under the common law, and/or statutory law, including but not limited to Government Code sections 820 and 840.2, *et seq.*

As a direct and proximate result of the incident described above, claimant has suffered injuries and damages, including both special damages and general damages. Claimant's medical expenses, income loss and general damages are in excess of the jurisdictional limit of the Superior Court (\$25,000).



City of Gilroy

STAFF REPORT

Agenda Item Title: Hold the First Public Hearing Regarding the City's Transition from an At-Large to a District-Based Election System for the Purpose of Receiving Public Input on the Potential Contours of the New Districts and Hearing the Demographer's Presentation on the Transition Process and the Drawing of District Maps for the November 2026 and 2028 Elections

Meeting Date: March 3, 2025
 From: Jimmy Forbis, City Administrator
 Andrew Faber, City Attorney
 Department: Administration
 Submitted By: Andrew Faber, City Attorney
 Prepared By: Andrew Faber, City Attorney

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Hold a Public Hearing and receive public input and a presentation from the City of Gilroy's ("City") consulting Demographer, Redistricting Partners, regarding the process and criteria for establishing boundaries for district elections pursuant to the California Voting Rights Act ("CVRA") for the City Council. The City Council should further discuss the following topics:

1. The Communities of Interest within the City that should define the boundaries and composition of districts before any maps of any proposed district boundaries are drawn; and,
2. Whether the City should draw six districts and retain its directly elected Mayor, or draw 7 districts where City Councilmembers select the Mayor on a rotating or other basis.

BACKGROUND

The City of Gilroy ("City") currently has an at-large election system, where each of the City's six Councilmembers are elected to staggered four-year terms by voters throughout the City. The mayor is also elected at-large to a four-year term.

1. Letter Alleging Violation of the CVRA and the City's Resolution of Intent to Transition from an At-Large Electoral System to One Based on Districts.

On December 16, 2024, the City received a letter from attorney Kevin Shenkman of Shenkman & Hughes in Malibu, California ("Plaintiffs' Counsel") -on behalf of his client the Southwest Voter Registration Education Project- alleging that the City is in violation of the California Voting Rights Act ("CVRA") because the City elects its Councilmembers at-large, and that the City's elections are characterized by racially polarized voting. Racially polarized voting occurs where there is a sufficient/ significant correlation between the race or ethnicity of voters and those voters' choice of candidates or other electoral choices, as compared to the choice of candidates or electoral choices preferred by the rest of the electorate. Plaintiffs' Counsel's letter demands that the City immediately transition from an at-large elections system to a district-based one. As noted above, the City currently has an at-large election system, where each of the City's six Councilmembers are elected by voters throughout the City. A district-based election system is one in which the City is divided into separate districts, each with one Councilmember who resides in that district and who is elected only by voters residing in that district.

On February 24, 2025, at its regularly scheduled meeting, adopted a resolution of intent to make the transition to district-based elections from the current at-large election system. The first district-based elections will be in 2026. There are two district-based options to consider: the creation of six districts and the retention of the at-large mayor position; or, the creation of seven districts where one of the City Councilmembers serves as mayor on a rotating basis.

2. The CVRA Rubric/ Violations of the CVRA

The CVRA was signed into law in 2002, and only applies to jurisdictions like the City that utilize an at-large election method where voters of the entire jurisdiction elect each of the members of the City Council. The CVRA prohibits an at-large method of election that impairs the ability of a protected class to elect candidates of their choice or their ability to influence the outcome of an election. The impairment occurs where there is racially polarized voting – that is, when voters' candidate or other electoral choices correlate in a statistically significant way with the race or ethnicity of the voter. The correlation makes it more difficult for members of racial or ethnic minorities to elect candidates of their choice as there is potential vote dilution in an at-large electoral system. The intent of the CVRA was to significantly expand protections against vote dilution over those provided by the Federal Voting Rights Act of 1965 ("FVRA").

Compared with the FVRA, it is easier for plaintiffs to prove a violation of the CVRA against public entities. Under the CVRA, proof of intent on the part of voters or elected officials to discriminate against a protected class is not required. The Legislature also mandated that those who mount a successful challenge under the CVRA recover their attorneys' fees. Furthermore, a violation of the CVRA (but not the FVRA) can exist even if it would not be possible through districting to create one or more "majority-minority" districts.

3. *The CVRA's Safe Harbor Provision*

On December 16, 2024, the City received a "demand letter" regarding an alleged violation of the CVRA. Under the CVRA, the City had 45 days to pass a resolution proclaiming its intent to transition from at-large elections to district-based elections, outlining the steps it will take to fully facilitate the entire transition, and the estimated timeframe to complete the transition. The City obtained a short extension; the City Council adopted its resolution at its regularly scheduled February 24 meeting.

The City now has 90 days from the February 24, 2025 resolution to complete the transition process. (Elec. Code § 10010, subd. (e)(3)). Thus, absent extension, the City must complete the transition to district-based elections by May 27, 2025, and has set the following tentative schedule:

First Hearing:	March 3, 2025 (Public Input on District Contours)
Second Hearing:	March 17, 2025 (same)
Third Hearing:	April 7, 2025 (Consideration of Draft Maps)
Fourth Hearing:	April 21, 2025 (Consideration of Draft Maps)
Fifth Hearing:	May 5, 2025 (Consideration of Draft Maps/ Order Of Elections)

4. *The Transition Process under the Safe Harbor Provision*

The City has engaged a demographer, Redistricting Partners, to support the transition effort to district-based elections. During this process, the City must:

- Hold at least five public hearings to receive public input and to consider draft maps. The public hearing on March 3, 2025 will be the first of two required public hearing for the public to provide input on communities of interest and the composition of districts, as well as whether the City should retain a directly elected mayor with six districts, or go to seven districts with a City Councilmember selected mayor with seven districts. The City will not consider any maps at this public hearing or the second public hearing, which has tentatively been scheduled for March 17, 2025.
- After the two required initial hearings to gather public input, the City Council will hold at least three additional public hearings starting in April of 2025 to consider and select a map with district boundaries based on the public input received

regarding the City's communities of interest and the City Council's direction as to whether the transition will produce six or seven districts with a directly elected mayor or one chosen by the seven City Councilmembers, respectively. Redistricting Partners will produce one or more maps for consideration by the City Council and the public before each meeting, which will be available to the public at least 7 days before any hearing at which the City Council considers the maps. Redistricting Partners will present those maps – explaining each map's attributes and the differences between or among them. During one or more of these three hearings the City Council will discuss the proposed sequence of election – that is, which districts will be on the ballot in November of 2026, and which will be up in 2028.

During this March 3, 2025 hearing - the first public hearing, the City's demographer, Redistricting Partners, will make a presentation on the CVRA and the transition process for preparing district boundaries. The intention of this hearing is to identify the neighborhoods or "communities of interest" within the City, as well as other local factors that should be considered by Redistricting Partners when drawing draft maps. The public will be invited to ask questions about the process and to provide input on communities of interest in the City. This will allow the demographer to better understand the City and allow the drawing of maps based on sound demographic and legal principles. The public is welcome to propose complete districting maps, (See below for more on the district formation criteria.) The public is also invited to provide input as to whether the City should move from a directly elected mayor with six districts to a system in which the Mayor is selected by the seven City Councilmembers on, for example, a rotating basis. This hearing will also identify and highlight resources available to the public on the City's website related to the transition to district-based elections. (See below for more information regarding the City's public outreach process.)

The format for the second hearing on March 17, 2025 will be the same. At the end of the second public hearing with full consideration of the input offered by the public, the City Council will provide direction to City staff and the City's demographer regarding the criteria to be considered, consistent with the required legal parameters, to create proposed district maps. The City Council will also be asked to provide direction on the number of districts to be created, as well as whether the City would like to retain the practice of directly electing the Mayor.

DISTRICT FORMATION CRITERIA

In creating the district boundaries, the City must ensure compliance with the following criteria mandated by the CVRA and the Federal Voting Rights Act:

- Each district must contain a nearly equal population.
- The districting plan must be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and,
- The districts must not be drawn with race as the predominant factor.

Additionally, Election Code section 21130 requires cities to adopt districts using the following criteria to the extent practicable, which are set forth in order of priority:

- Districts shall be geographically contiguous.
- To the extent practicable, the geographic integrity of any local neighborhood or local community of interest must be respected and maintained. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.
- District boundaries should be easily identifiable and understandable. To the extent practicable, districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the jurisdiction.
- To the extent practicable, and where it does not conflict with the preceding criteria, districts shall be drawn to encourage geographical compactness.

The City's demographer – Redistricting Partners – only will present maps that comply with these criteria.

PUBLIC OUTREACH

In addition to the formal public hearing process, the City is implementing a robust effort to encourage participation and inclusivity as a part of the districting process:

- Hosting a webpage dedicated to districting, which includes an explanation of the districting process, relevant demographic data, the process for getting public input (in all legally required languages), a calendar of public hearings and/or workshop dates, the notice and agenda for each hearing/workshop, audio/video records of the hearings/workshops, a copy of the draft map(s) considered, and a copy of the final adopted map;
- Invited the submission of community of interest ("COI") forms to allow the public to provide input on keeping communities of interest in single districts to the extent possible, and invited the submission of draft maps using an interactive mapping tool to allow the public to weigh-in on how the actual district lines might be drawn; and
- Providing the above referenced information to good government, civic engagement, and community groups that are active in the locality, including those active with minority and non-English speaking communities.

NUMBER OF DISTRICTS AND NATURE OF THE MAYOR'S ELECTION

Early in the process of transitioning to district-based elections, the City Council will provide direction to staff and consultants on the number of districts to be created. The City currently has six City Councilmembers elected to four-year staggered terms and a directly elected Mayor. The City Council will provide direction as to whether to maintain this system, or switch to one where there are seven districts – with the seven City Councilors selecting the Mayor on a rotating basis or some other basis.

FISCAL IMPACT/FUNDING SOURCE

The City of Gilroy must retain the services of a demographer to successfully transition to district elections. The cost of such services is \$45,000 to \$50,000. The City also must retain outside legal counsel to assist in the transition from at-large to district-based elections, the cost of which will be \$35,000 – 45,000. Lastly, it is contemplated that Sherkman & Hughes, the author of the letter received on December 16, 2024, will send an invoice to the City at the end of the transition process as allowed under the CVRA for fees and costs associated with the investigation that gave rise to the letter received on December 16, 2024 – usually for the services of a demographer and also attorneys' fees. The amount of that invoice is capped by the statute at approximately \$37,500 if the City meets the CVRA time limits. The total anticipated cost will range from \$117,500 to \$132,500 and would be paid from the City's General Fund (100). Should the Council adopt the Resolution of Intent, staff will proceed with engaging the demographer and outside legal counsel and the funding would be accommodated within the existing appropriations in FY25 as typically there are year-end savings.

ENVIRONMENTAL REVIEW

None.

PREVIOUS COUNCIL CONSIDERATION

During the regular meeting of February 24, 2025, the City Council adopted a Resolution declaring its Intent to Transition to District-Based Elections pursuant to California Elections Code Section 10010, with the transition taking effect for the November 2026 and 2028 Elections.

Attachments:

1. Resolution of Intent

RESOLUTION NO. 2025-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY DECLARING ITS INTENTION TO TRANSITION FROM AN AT-LARGE ELECTION SYSTEM TO A DISTRICT-BASED ELECTION SYSTEM PURSUANT TO CALIFORNIA ELECTIONS CODE 10010

WHEREAS, the City of Gilroy ("the City") is a Charter City with six elected members of the City Council elected to staggered four-year terms, and an elected mayor who also serves a four-year term; and

WHEREAS, the City Council is charged with managing the City's affairs, setting City policy, and adopting ordinances and resolutions necessary for efficient governmental operations; and

WHEREAS, members of the City Council and Mayor are currently elected to staggered four-year terms in "at-large" elections in which each City Councilmember and the Mayor are elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an at-large system to a district-based system or district-based system with an elected mayor in which each Councilmember is elected only by the registered voters in the district in which the candidate resides; and

WHEREAS, the City desires that its electoral system be fair and representative and provide the opportunity for all City residents to elect candidates of their choice to the City Council, and

WHEREAS, the City through its City Council and Mayor believes that a move to district-based City Council elections will enhance the opportunity for all City residents, including minority groups, to elect candidates of their choice in fair and representative elections; and

WHEREAS, on December 16, 2024, the City received a letter from attorney Kevin Shenkman asserting that the City's at-large City Councilmember electoral system violates the California Voting Rights Act ("CVRA"); and

WHEREAS, the City of Gilroy denies that its current at-large electoral system violates the CVRA or any other law in any aspect, and asserts that its current at-large system is fair and representative in all respects; and

WHEREAS, the City intends to make this transition from an at-large electoral system for members of the City Council to a district-based system in accordance with the procedural rules outlined in Government Code Section 34886 and Elections Code 10010, and intends to do so within 90 days unless that time is extended; and

WHEREAS, the City will work with an experienced demographer to assist the City in making the transition to district-based elections to elect members of the City Council; and

WHEREAS, the City will hold at least two public hearings within 30 days of the adoption of this resolution, the purposes of which are: (1) to hear presentations on both the CVRA and the move to district-based elections for members of the City Council; (2) to receive public input about the City in terms of communities of interest and the contours of districts; and, (3) to assist both the City Council and the City's demographer in understanding what district boundaries might make sense; and, (4) to explain to City residents the rules and parameters regarding drawing districts that comply with both state and federal election law; and

WHEREAS, these first hearings will occur and public input be received before the demographer draws any maps for consideration of the City Council; and

WHEREAS, there is no limitation as to the number of public hearings or meetings the City may hold for the purpose of receiving input from City residents; and

WHEREAS, the City will then hold at least additional two public hearings at which the demographer will present draft maps drawn in accordance with both state and federal law and which take into account public input received at the first two public input hearings; and

WHEREAS, at least one of these hearings of the two to collect public input and the two to present draft maps will be held after 6:00 p.m. on a weekday or on a Saturday; and

WHEREAS, any draft maps of new electoral districts presented for consideration at these additional public hearings will be published on the City's website and available for public release and review at least seven days before any hearing to consider those maps; and

WHEREAS, once the City Council has selected a draft map or is further along in the draft map process, the City will take public input at its public hearings on draft maps regarding the proposed sequence of elections, because given the City's staggered elections for City Council three new districts will be on the ballot in November of 2026 and the other three will be on the November 2028 ballot; and

WHEREAS, in making the determination as to the order of elections, the City Council will do so in furtherance of “the spirit of the CVRA”; and

WHEREAS, at a fifth or final meeting, the City Council will select one of the draft maps and set the order of elections.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gilroy hereby finds and resolves as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. The City Council hereby resolves, pursuant to Elections Code Section 10010, to bring the transition to a district-based election system for members of the City Council by ordinance as authorized by California Government Code Section 34886, for use in the City's Municipal Election for City Councilmembers in November 2026 and November 2028, and intends to do so within 90 days of this resolution absent an extension.
3. The City Council further resolves to retain a qualified demographer and to hold at least five public hearings for public input, with the first two hearings being for the purpose of public input on communities of interest and how maps should be drawn, with at least two more hearings at which draft maps will be presented. Any map that the City Council will consider will be published on the City's website and available to the public at least seven days in advance of that hearing. In these later hearings, the City Council will also receive public input on the sequence of elections to further the purposes of the CVRA. The City will publicly release a draft schedule of the public hearings in advance, within a reasonable timeframe from this Resolution, and post the same on its website.
4. At a fifth or final meeting, the City Council will select a map, and also set the order of elections in 2026 and 2028 in the spirit of the CVRA.
5. Working with the demographer, staff is directed to publicize relevant maps, information, notices, agendas and other materials regarding district-based elections and to establish means of communication to answer questions from the public.
6. All public hearings shall be noticed on the City's website, and in addition, as follows: posting on the City's website at least 7 calendar days in advance of the hearing and publication at least 7 days in advance of the hearing by means contemplated to provide notice to City residents including publication in local newspapers or other means; at least one of the CVRA hearings will occur on a Saturday or after 6 pm on a weekday.
7. The City will adopt a proposed schedule to complete the transition from an at-large elections system to a district-based elections system. The currently proposed schedule of the required public hearings is as follows. This schedule may be changed or augmented by future Council action.

CERTIFICATE OF THE CLERK

I, **BETH MINOR**, Interim City Clerk of the City of Gilroy, do hereby certify that the attached **Resolution No. 2025-07** is an original resolution, or true and correct copy of a City Resolution, duly adopted by the Council of the City of Gilroy at a Regular Meeting of said held on Council held **Monday, February 24, 2025**, with a quorum present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this **26 FEBRUARY 2025**.

DocuSigned by:

Beth Minor

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Beth Minor

Interim City Clerk of the City of Gilroy





City of Gilroy

STAFF REPORT

Agenda Item Title:	Special Event Ordinance Update
Meeting Date:	March 3, 2025
From:	Jimmy Forbis, City Administrator
Department:	Administration
Submitted By:	Jimmy Forbis, City Administrator
Prepared By:	Victoria Valencia, Economic Development Manager

STRATEGIC PLAN GOALS

Promote Economic Development Activities

RECOMMENDATION

Council discuss and provide feedback on the City's updated Special Event Ordinance.

BACKGROUND

At the August 19, 2024 Council Meeting, staff reported on the status of Chapter 13A, entitled "*Meetings, Assemblies, Parades, Sound-amplifying Systems, Live Music*".

As part of Council's previous direction, as well as from feedback staff received from event organizers, staff is in the process of creating general guidelines for a more consistent and transparent event permit process. These general guidelines include guidance for:

- Insurance requirements based on size and type of event.
- When police officers are required and when security is required.
- Event organizers' responsibility during events where alcohol is served or sold vs events where the event organizer has not applied for an Alcoholic Beverage Control (ABC) permit.
- Fire/Hazmat Requirements, including tents, open flames, and propane usage.
- Building requirements for stages and ADA accommodations.
- Traffic control and road closures.

ANALYSIS

Economic Impact

In 2024, there were four events held in the downtown area that were near or above 10,000 visitors on the day of the event: Garlic City Car Show on June 15, Tamal Festival on September 28, La Ofrenda on November 2, and the Holiday Parade on December 7. The average visitation to Downtown on Saturdays in 2024 was around 5,400 visitors. Visitation for both the Garlic City Car Show and La Ofrenda were 78% higher than the average visitation, Tamal Festival had the largest increase at 128% of the average visitation, followed by the Holiday Parade at 96%, then the Garlic City Car Show and La Ofrenda, both at 78%. For purposes of this report, attendance was determined by obtaining data in the area of Monterey Street from 3rd Street to 7th Street.

Approximately 40-50% of visitors to these events, with the exception of the Holiday Parade (62%) are Gilroy residents, followed by an average of 7% from Morgan Hill, 6% from Hollister, and dropping down to 2% for Salinas and San Jose. The remaining 33%-43% of visitors come from various Central Valley and Bay Area Cities, with a few coming from Southern California, Northern California, and other west coast states.

The four above events do not sell tickets, though they do each bring in 50-100 vendors varying from arts and crafts, specialty merchandise, and food and beverage. These are a mix of non-profit and for-profit vendors.

Event Criteria and Zones in Downtown

Currently, event organizers can request to close any street in the downtown area. Though a traffic control plan is required, this can be a barrier to a successful event due to cost. Due to safety concerns, City staff has taken over creating traffic control plans and providing road closure staff and devices. Because there is inconsistency with event areas downtown, staff recreates traffic control plans for each event.

Staff researched areas in downtown that could be utilized for community events that would lessen the impact on traffic circulation and emergency response times outside of an event area, as well as address concerns from downtown business owners. Staff has created zones that have a similar square footage as events typically held on Monterey Road. These zones would utilize areas that aren't normally activated, like the now-complete Gourmet Alley pedestrian-friendly space and the Donald "Elvis" Prieto Pop-Up Park. The zones proposed favor parking lots, as Monterey and 6th Street are both critical roads for commuter traffic and emergency response.

Events may still be held on Monterey Road; however, staff is recommending minimum attendee limits of 1,500 for side streets (4th Street or 5th Street from Monterey to Egleberry) and 2,500 for Monterey from Lewis Street to 6th Street. Events requesting closure of 6th Street are recommended to have a minimum of 5,000 attendees.

Recommended event zones include the three City-owned parking lots that are adjacent to Gourmet Alley between 4th Street and 7th Street; Hornlein Court; and Donald “Elvis” Prieto Pop-up Park. Event zones can be combined for larger events. The proposed event zones are included with this staff report.

Fee Schedule

Following the previous Council’s direction, fees related to special events held by non-profit organizations in and adjacent to the downtown area have been waived. This included the following day of event costs for events held from June 2024-December 2024:

- Police officers: \$41,973
 - Subsidized at 55%, \$74.50 per officer, with a minimum of 2 officers, 3 hours each.
 - 19 events, including June, July, and August Downtown Live, Beer Crawl, Heart of Gilroy, Tamal Festival, La Ofrenda, IFDES Procession, Our Lady of Guadalupe Procession, Our Lady of Juquila Procession, and Downtown Holiday Parade
- Traffic control: estimated at \$107,446
 - Includes traffic control set up and tear down, vehicle road blocks, k-rail rental and staff time
 - 9 events, including two August Downtown Live(s), Pachuco Car Show, Heart of Gilroy, Chalk Festival, Beer Crawl, Tamal Festival, La Ofrenda, and Downtown Holiday Parade.
 - *This amount is expected to decrease for this year’s events due to the purchase of the Meridian Rapid Defense barricades.*
- Fire Marshal inspections: \$4,670
 - \$467 per fire inspection
 - 10 events including Beer Crawl, Tamal Festival, La Ofrenda, Downtown Holiday Parade, and Natividad en la Comunidad

There are no set fees associated with processing special event permit applications. On average, economic development staff spends up to 15 hours on downtown events and 5 hours on events outside of the downtown. This includes review of the permit application, communication with the applicant and various city, county, and state departments.

Special event permit applications are also reviewed by a representative from each of the following departments and divisions of the City: Planning; Building; Fire Prevention/Hazmat; Fire; Police; Public Works-Operations; and Risk Management.

The cities of Morgan Hill, Monterey, Santa Clara and Watsonville charge various fees for events, including an application fee. Each of these cities have created a

standardized method for event organizers to seek fee reductions or waivers. Each city has a set application timeframe, and all aim to support community-enhancing events hosted by non-profit organizations. The policies for each city are attached to this staff report for review and reference.

ALTERNATIVES

Council may choose to direct staff not to continue to waive fees for events hosted by non-profits in the downtown area, though this could have a negative community impact and some events that are already being planned may need to be cancelled.

FISCAL IMPACT/FUNDING SOURCE

Since June 2024, there has been an impact to the General Fund of approximately \$154,089, based on the day-of event costs for police officers, traffic control teams, and fire inspections. Fiscal impact of any direction by Council regarding ongoing fee waivers or application of fees will be analyzed before adoption.

PUBLIC OUTREACH

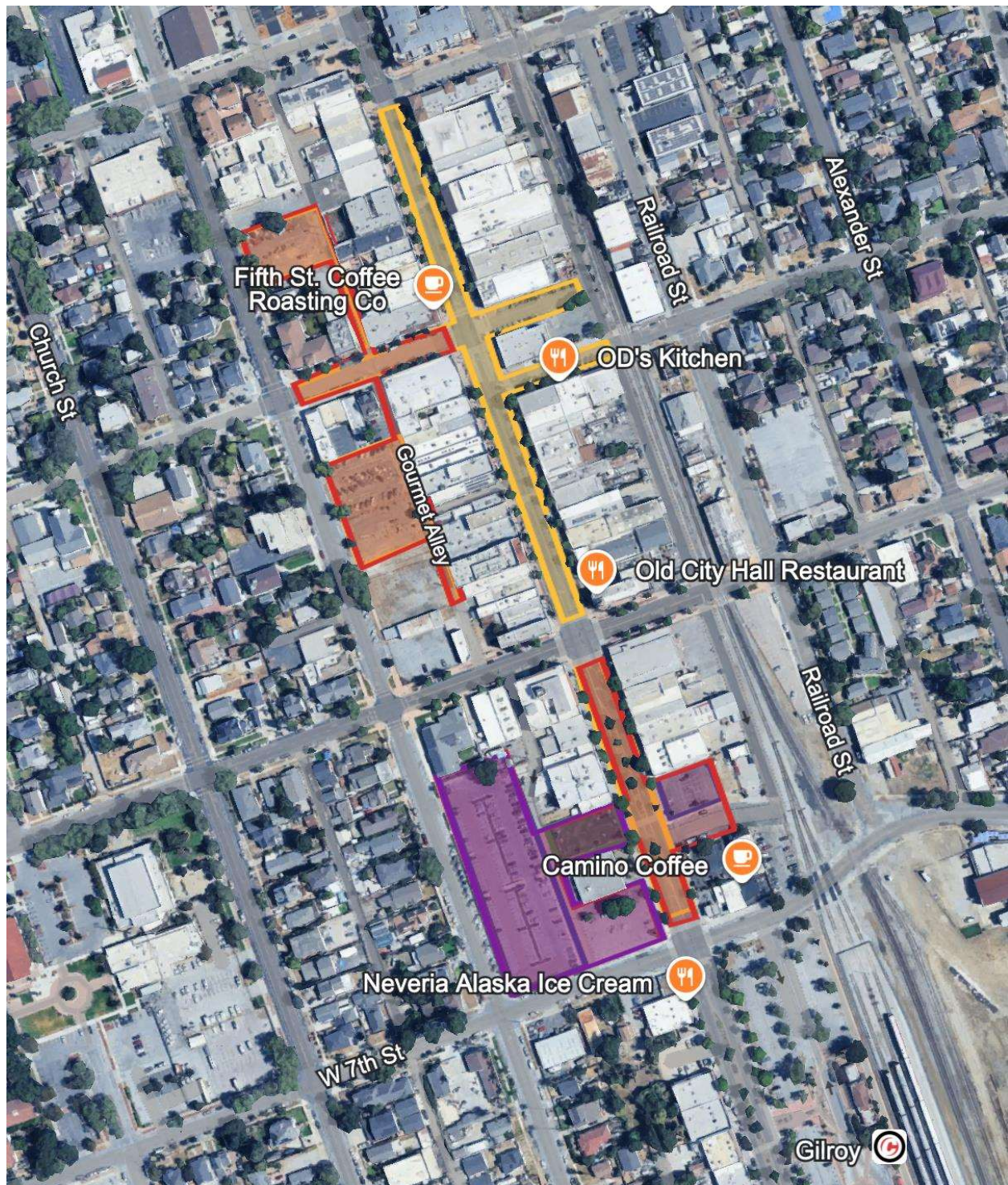
Staff sent a survey to 26 past event organizers and received responses from ten. Staff also had informal conversations with five event organizers in preparation for 2025 events.

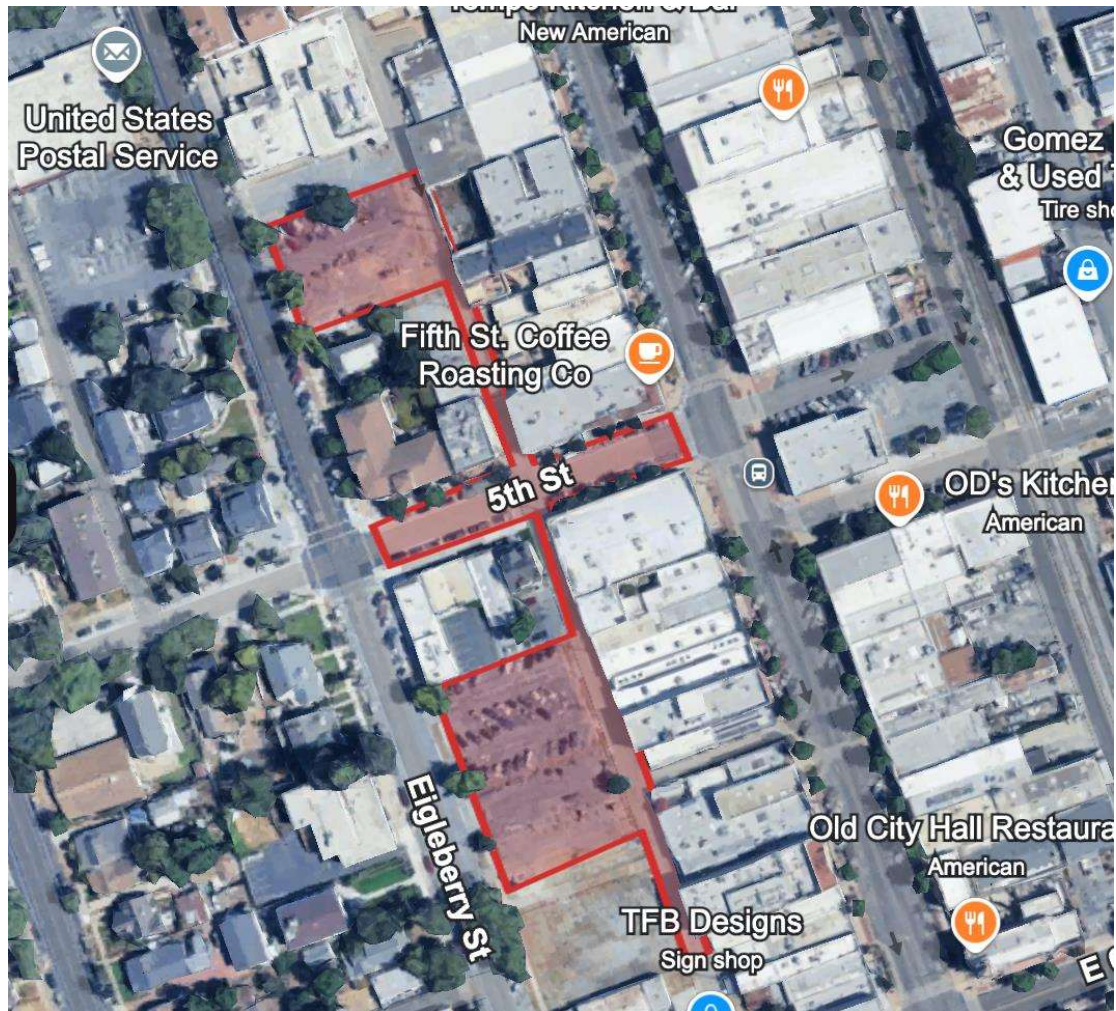
NEXT STEPS

1. If directed by Council, staff will return in April with a draft fee waiver policy.
2. Staff will hold a meeting with past event organizers to update them on changes that have been made to the current process, as well as gather feedback on proposed event zones and ordinance updates.

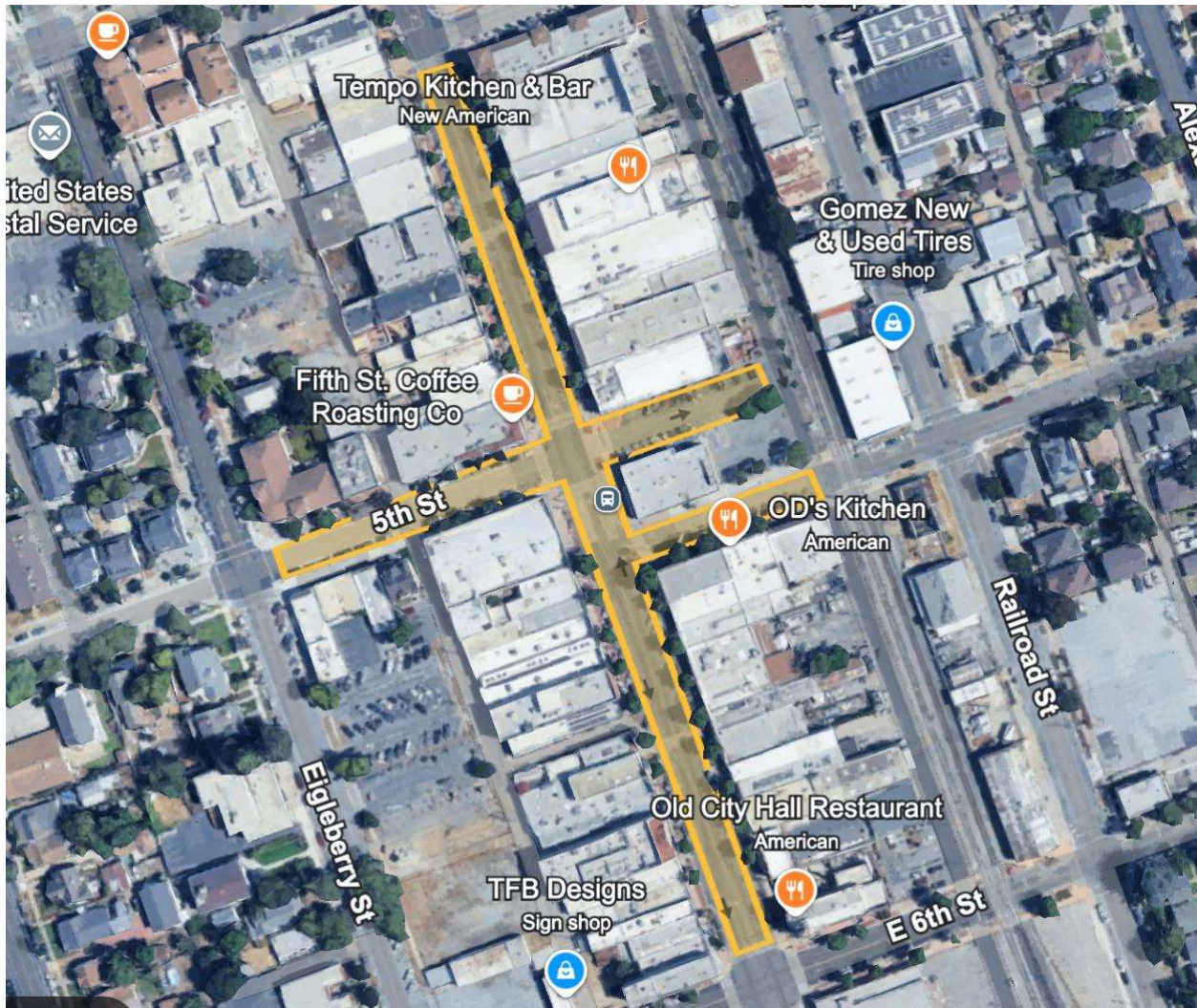
Attachments:

1. Proposed Event Zones
2. City of Morgan Hill, Monterey, Santa Clara, and Watsonville Fee Reduction and Waiver Policies

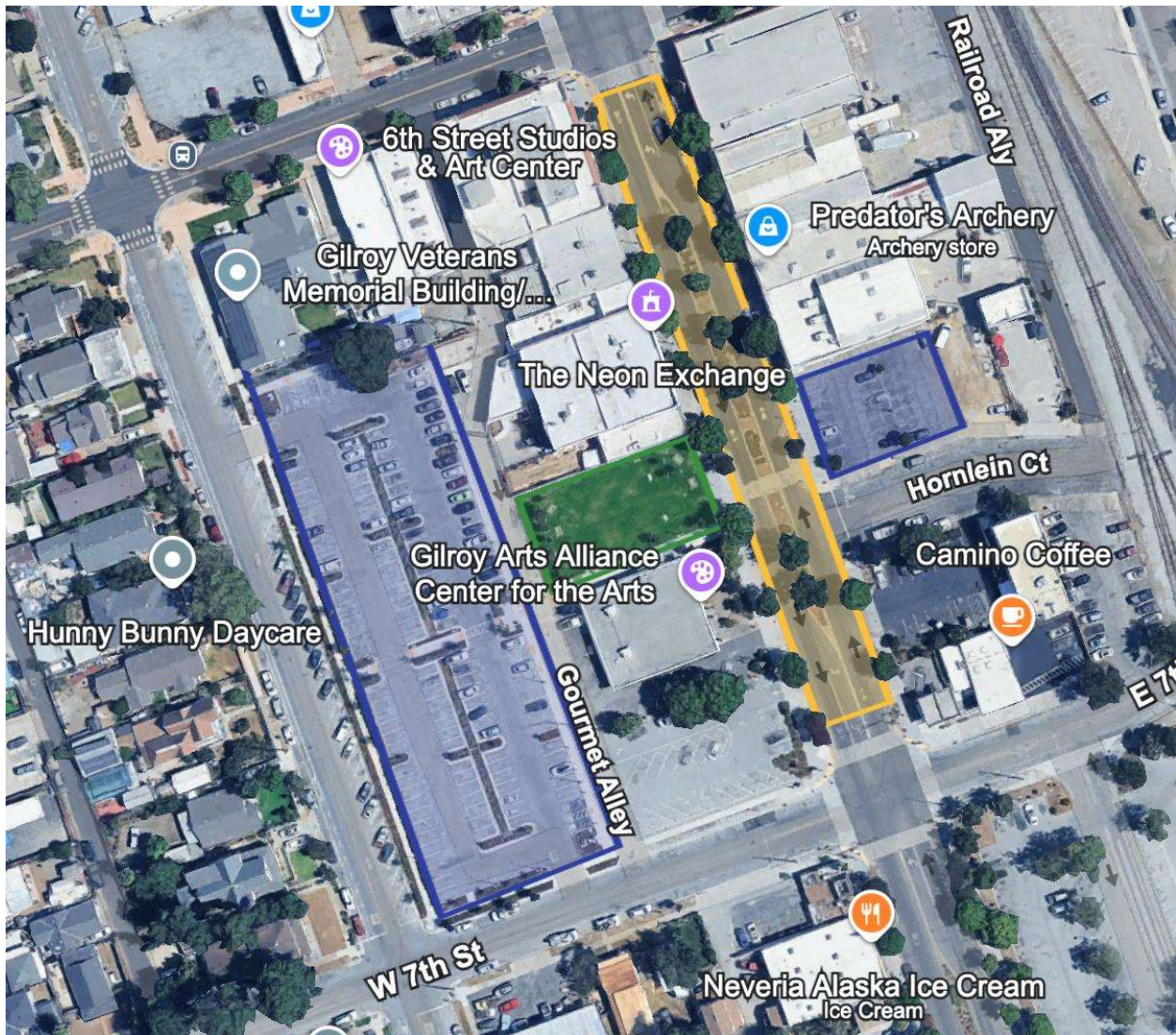
Proposed Downtown Event Zones:

1. Gourmet Alley and 5th Street:

2. Monterey Road, 4th to 6th Street, 5th Street, Martin Street, and Gardner Parking Lot



3. 6th-7th Street Large Event Zone: Gourmet Parking Lot, Donald “Elvis” Prieto Park, 6th-7th Street on Monterey Road, and Hornlein Court



CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-21-02**SUBJECT: CITY COUNCIL FUNDING REQUESTS****EFFECTIVE DATE: NOVEMBER 3, 2021****REVISED DATE: NA****ORIGINATING DEPARTMENT: COMMUNITY SERVICES DEPARTMENT**

Purpose

The purpose of this policy is to establish a process for community organizations to request funding to support fee waivers, event sponsorship, and other funding requests from the City Council. The policy is intended to allow the City Council to fully evaluate all funding requests at one time along with budget appropriation.

Policy

1. Applicant Criteria
 - a. The organization requesting funding must be a nonprofit.
 - b. The program, event, or activity provides a direct benefit to the Morgan Hill community.
 - c. Programs in alignment with the City Council's Goals and Priorities shall be given priority. City Council priorities are established by the City Council in January of each year.
 - d. Each organization must submit an inclusivity statement describing how the organization and/or the proposed activity is inclusive of the entire community.
 - e. Existing programs and events may be given priority.
2. Application Availability and Deadline
 - a. Applications for the next Fiscal Year (July-June) will be available on the City's website annually in February.
 - b. Completed applications will be due annually in March.
3. Review and Approval Process
 - a. Applications will be reviewed by the City staff.
 - b. Funding applications and details will be included annually in the Budget Development or Mid-Cycle Budget Review process.
 - c. The City Manager will make recommendations on funding to the City Council based on established Council priorities and funding constraints.
 - d. The City Council shall award and include final funding within the Budget.
4. Reporting Requirements

- a. Within thirty days following the conclusion of the funded activity, the organization must submit a report to the City reporting out pertinent information related to the activity. For ongoing activities, an annual report must be submitted by July 30 for the prior fiscal year.
 - b. The report shall include a record of the use of City funds and statistics and information that provides details on the activity's impact to the community.
5. Late Requests
 - a. Requests received after the deadline shall not be accepted by City staff.
6. Council Member Initiated Event and Fee Waiver Requests
 - a. A member of the City Council may request a fee waiver or funding be provided for an event by applying with the above application process by the March deadline.
 - b. All Council Member initiated requests occurring after the March deadline must be provided to the City Manager 90 days in advance of the event to allow sufficient time to bring to City Council for approval.
 - c. The City Staff shall prepare a report for the City Council for approval of any Council Member initiated requests.

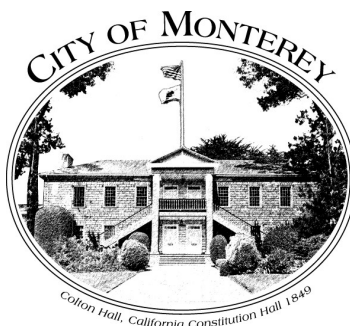
This policy shall remain in effect until modified by the City Council.

APPROVED:

DocuSigned by:

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RICH CONSTANTINE, MAYOR



SPECIAL EVENTS SUPPORT PROGRAM GUIDELINES

The City of Monterey recognizes the social and economic benefits that may result from special events. They can provide cultural enrichment, promote economic vitality, and enhance community identity. Special events may also provide funding opportunities for service organizations. Cooperation between the City, event organizers and sponsors, and the community is vital to successful events.

Purpose:

A Special Event Support Program (SESP), funded annually through the City's budget process, with clearly defined goals, criteria, and metrics, will result in a granting process that provides equal opportunity for all interested event organizers, and a reporting process that demonstrates transparency and accountability for public funds.

Overview:

Funding is subject to budget constraints. Based on the limited amount of funding available, applications will be reviewed in consideration of all application submissions, and the submission of a complete application does not guarantee funding. The City reserves the right to accept or reject any or all applications received. Successful applicants will receive grant funds at a set amount based on an evaluation of the event budget, the estimate of City fees, and the estimated economic benefit the event will bring to the City. Most successful applicants will receive an amount of grant funding that correlates to the amount of City fees the applicant is expected to pay. The City's SESP provides financial support to two categories of special events held in the City:

- **Charitable:** Events held by non-profit organizations qualified under 501(c)(3) or (c)(6) of the Internal Revenue Code, including but not limited to a qualified educational institutions, that serve the City of Monterey community.
- **Community:** Applicant does not need to maintain non-profit status for consideration of grant funding for this category of events that are free, open to the public, call attention to, promote and/or provide recreational, cultural, and/or social benefits to Monterey residents.

I. ELIGIBILITY CRITERIA:

To be eligible to receive City of Monterey support, applicants must:

- A. Submit a completed application by the deadline stated and in the format required.. Applications that are late, incomplete, or do not fully comply with the instructions will be disqualified and will not be considered.
- B. Applicants that received grant funding in any prior funding cycles must have complied with all reporting requirements to be considered for future grants.
- C. Include a copy of the complete event budget with an explanation of projected income and expenses.
- D. Include proposed promotion/marketing plan and performance measures.
- E. Include non-profit tax ID number if the event is organized by a non-profit.
- F. Demonstrate that the special event will take place in the City of Monterey.
- G. Demonstrate that the event is scheduled to take place between the Fiscal Year granting period (July 1 through June 30) and the date(s), time(s) and location within the City have been determined.
- H. Demonstrate that the event will take place without consideration of SESP funding and that the event is not financially dependent upon receiving City of Monterey financial support.
- I. State that the applicant has no outstanding debt due to the City of Monterey at the time of the application.
- J. Agree that the event will be compliant with the Americans with Disability Act and be accessible to the community/public but need not be free of charge.
- K. Acknowledge that participation in the organization and event requesting funding not be predicated on a person's race, color, religion, ethnicity, national origin, age, sex, sexual orientation, marital status, political affiliation, disability or medical condition.
- L. Agree to sign a funding agreement, within 14 days of receipt, if funding is awarded. The funding agreement requires event organizers to submit a post-event report within 60 days of their event and outlines measurable objectives and performance measures for evaluating the event's marketing and economic impact, and the City's right to audit records that evidence such performance measures. Additionally, the funding agreement requires the organization to post a sign at their event with the City logo, indicating: "This event is funded in part by a grant from the City of Monterey."
- M. Obtain a Business License for the event if required by the Finance Department and provide a new Vendor Record Form.
- N. Qualified applicants or their designee are required to attend an interview with the SESP panel. The interview consists of a verbal presentation from the applicant and responses to panelist questions. Applicants will be notified of the date and time for the presentations.

II. INELIGIBILITY:

The City of Monterey will not provide support to:

- A. Individuals.
- B. Organizations or programs whose primary purpose is to act on behalf of, in support of, or in opposition to any political candidate, ballot measure, or political position.
- C. Events that serve a religious purpose. Note: religious or sectarian organizations are not excluded from consideration; however, the event must: (1) serve a clearly secular public purpose; and (2) the event must have a primary effect that neither advances nor inhibits religion.
- D. Event organizers and organizations that have not fulfilled previous City sponsorship or special event obligations or have an outstanding debt to the City of Monterey at the time of the application period.
- E. Invitation-only events that are not open to the general public.
- F. Applicants involved in active litigation with the City and/or have active code enforcement violations.

III. EVALUATION CRITERIA:

Eligible applications will be reviewed and evaluated based on the following criteria:

- A. The event directly or indirectly benefits the City of Monterey community by supporting its schools, cause-related or non-profit organizations; offering educational, cultural or arts experiences; or providing recreational or social activities.
- B. The event benefits a City of Monterey or Monterey county-based non-profit organization or City of Monterey community or neighborhood association/organization.
- C. The event serves, involves, calls attention to and promotes the City of Monterey, its residents, youth, non-profits, schools and/or organizations.
- D. The event enhances the quality of life within the City of Monterey with cultural, social, recreational or educational activities of interest to the community.
- E. The event attracts visitors to the City of Monterey.
- F. The quality of the promotion/marketing plan, budget and performance measures.
- G. The event calls attention to and promotes the City of Monterey as a highly desirable place to live, visit, work, play and do business.

IV. OTHER REQUIREMENTS:

Successful applicants will be expected to follow the City's separate Special Event Permit process and submit all necessary forms, insurance and fees as required.

Applications that do not meet the requirements and are not submitted within the specified deadlines risk forfeiting their City Special Event support.

Should the event not be held, all grant money received from the SESP must be returned immediately.

V. FUNDING:

The City expects to receive more applications and/or requests for grant support amounts in excess of what it can provide. There is no guarantee that the City will be able to provide all, part, or any of the financial support requested by each applicant. Thus, applicants should not make commitments based on the expectation of receiving City support. Recurring events do not automatically receive funding each year; event organizers of recurring events must apply each year to be considered.

NO LATE APPLICATIONS WILL BE ACCEPTED



COMMUNITY GRANT POLICY

PURPOSE

To establish a standardized process to award grants to qualifying non-profit community organizations, youth athletic groups or organizations, educational groups or organizations, or individuals, for events, activities, and competitions that provide a public benefit for the City of Santa Clara and its residents.

POLICY

Annually, and subject to availability of funds, the City Council shall establish grant appropriation(s) as part of the approval of the budget. Community grants, subject to availability of funds, shall not exceed \$10,000 per applicant, per fiscal year. To receive grant funds, grant applications must be submitted at least ninety (90) days and no more than six (6) months before the planned event/activity being funded, regardless of the form of the grant. Applications will be evaluated by the City Manager's Office on a case-by-case and "first come-first served" basis, throughout the fiscal year.

The City Manager's Office shall approve or deny an applicant's request based upon the eligibility criteria set forth below, and subject to funding availability as approved by the City Council through the adoption of the annual budget. Additionally, if the event or activity being requested for funding has been previously supported by the City, the City Manager's Office may evaluate the event or activity's past success, measured by the applicant's ability to meet attendance and/or fundraising projections and the individual/organization's ability to satisfy the requirements of this policy when considering approval or denial of a request. Grants for community events shall not be provided for waiver of or reimbursement for already discounted permit fees nor shall they be provided to organizations that receive separate annual funding from the City.

Allowable expenses shall be defined as: City permits, Fees and Services, Venue, Food and Beverage, Trash/Recycling, and Stage/Tent Rentals. Grant funds requested for Food and Beverage do not exceed 15% of the total grant amount or \$1,500. Grantees shall be required to return any unspent grant funds to the City within 3 days after completion of the audit.

Grants for attendance at youth state, national, or international competitions or performances shall be limited to costs associated with registration, hotel, transportation and food for participants and coaches/chaperones only. Due to short notice of advancement to state, national, or international competitions, applicants shall submit an

COMMUNITY GRANT POLICY (cont.)

application within one week of advancing to such competitions.

Submission of an application in no way obligates the City to award a grant and the City reserves the right to reject any or all applications, wholly or in part, at any time, without penalty. In all cases, the City reserves the right to reject any and all applications in the event the City Manager's Office identifies a potential conflict of interest or the appearance of a conflict of interest.

ELIGIBILITY CRITERIA

In addition to a timely and complete application, the applicant must demonstrate that the event or activity being funded (other than competition funding, described below) by the City's grant will satisfy all of the following criteria:

- a) Provides a benefit to Santa Clara residents
- b) Contributes positively to the recognition and image of the City of Santa Clara
- c) If the grant is for an event, then the event will be open to the general public and does not discriminate on the basis of race, gender, religion, sexual orientation, or any other protected characteristic under state or federal law
- d) Aligns with established Council goals
- e) Grant funds will not be used for political or religious purposes
- f) If the event or activity is a fundraising event, that the proceeds from the fundraising activity will support programs, services or events for residents of the City of Santa Clara

If the grant is for an event or activity, then the applicant must demonstrate that the event or activity being funded by the City's grant will be held within the City of Santa Clara.

If the activity being funded is individual or group attendance at a youth competition or performance, then the applicant must demonstrate that the activity being funded by the City's grant will satisfy all of the following criteria:

- a) Funding the activity provides a benefit to Santa Clara residents, students or schools
- b) Contributes positively to the recognition and image of the City of Santa Clara
- c) Aligns with established Council goals

COMMUNITY GRANT POLICY (cont.)

- d) Grant funds will not be used for political or religious purposes
- e) The grant funds requested will only be used for a specific state, national, or international title or performance
- f) The grant funds requested do not exceed 20% of the allowable expenses (registration, hotel, transportation, and food) and comport with the other requirements stated in the application
- g) Individuals, teams or groups should either be from Santa Clara schools or have at least 50% of the students from the teams or groups be residents in the City of Santa Clara
- h) The student-to-coach/chaperone ratio is six students to one coach/chaperone

PROCEDURE

1. City Council approves an annual budget item for City grants, to be administered by the City Manager's Office
2. Applicants submit timely and complete grant applications to the City Manager's Office for review
3. City Manager's Office reviews application for compliance with eligibility criteria and availability of funds. City Manager may seek additional information from applicant as necessary.
4. If an application is approved by the City Manager's Office, then the approved application marked accordingly shall be transmitted to the applicant with additional instructions, if any.
5. If an application is not approved by the City Manager's Office, the City Manager shall notify the applicant in writing.
6. If the applicant has received a grant for an event/activity other than performance or competition attendance, then applicant shall submit proof that the grant funds have been spent in the manner and for the purposes stated on the application within thirty (30) days after the event/activity.
7. If the applicant has received a grant for performance or competition attendance, then proof of all allowable expenses actually incurred, as well as allocation of grant funds, shall be submitted to the City Manager's Office by the applicant within thirty (30) days after the competition.
8. Applicants that have received a grant, regardless of type of activity, shall maintain sufficient books and records in accordance with generally accepted accounting principles. The City shall have the

COMMUNITY GRANT POLICY (cont.)

right to audit the books and records of the applicant for up to four (4) years from the date of disbursement of grant funds for the purpose of verifying any and all reimbursement requests made by the applicant.

9. If an applicant makes a grant request directly to a member of the City Council, whether individually or as a group, the Council shall refer the applicant to the City Manager's Office for application and review in accordance with this policy.
10. Staff shall report any distributions in accordance with applicable tax law.

Attachment: City of Santa Clara Community Grant Application



City of Watsonville Community Special Event Sponsorship Program Polices

This policy establishes parameters for City sponsoring of and waiving City fees associated with community special events (e.g. permit fees, facility rental fees, Police and Public Works fees).

I. DEFINITIONS

- a. Community Special Event: For the purposes of this policy, this term refers to special events sponsored and hosted by a non-profit community serving organization.
- b. Event Tiers: Special Events shall be categorized by tiers, dependent on scope and complexity.
 - i. Tier I: Typically highly attended events that involve street closures *and* police presence and/or a Caltrans Encroachment Permit.
 - ii. Tier II: Typically medium scale events that involve either street closures *or* police presence, but not both.
 - iii. Tier III: Typically small-scale events that do not involve street closures or police presence.
 - iv. Tier IV: Typically a facility rental with all activities contained within one facility.
- c. Special Event: Any planned activity that requires use of public property, by 50 or more people, which is not within the normal and ordinary use of the property or which, by nature of the activity, may have a greater impact on City services or resources, neighborhoods, businesses or the community as a whole than would have occurred had the activity not taken place, including, but not limited to, parades, gatherings, arts and crafts shows/fairs, festivals, and athletic events. The Special Events Committee shall determine whether or not an activity is considered a special event.
- d. Special Events Committee: A committee comprised of representatives from several City Departments. The Committee is charged with determining whether or not an activity is a special event, determining event tiers, determining event requirements and fees per City guidelines and ensuring adherence to procedures set forth in this policy. For the purpose of selection of awards, the Executive Director of the Pajaro Valley Chamber of Commerce and Agriculture, or designee, will also sit on this committee.
- e. Sponsoring Organization: The organizing agency that assumes financial and liability risk for the event.

II. PURPOSE

The purpose of this policy is to provide an equitable means for community organizations:

- 1) To access fee reductions, fee waivers, and City funds,
- 2) To establish mutually beneficial partnerships between City and the community, and
- 3) To effectively control the manner in which the City provides event sponsorship to the community.

III. RESPONSIBILITY

The Special Event Committee is responsible for the determination of fee reductions, waivers, and special considerations and shall ensure that procedures set forth in this policy are followed.

- a. The Special Events Committee shall be comprised of at least one representative from the Parks and Community Services, Public Works, Community Development, Risk Management, Police and Fire Departments.

- b. The number of special events the City sponsors will depend on budget and operating impacts and will vary annually. All events must occur within the Fiscal Year they are budgeted to occur.

IV. **POLICY**

- a. Eligibility Requirements: City sponsorship through the granting of fee reductions and waivers are available to a wide variety of events including sporting, tourism, cultural, general, and major community events.
 - i. Events must:
 - 1. Be sponsored by one or more not-for-profit organizations and non-profit entities that have a documented federal 501(c) (3) status or a similar non-profit status under state law.
 - 2. Be free and open to the whole community
 - 3. Take place within City limits
 - 4. Be scheduled to take place within the City's following fiscal year (July 1 through June 30) and the exact date(s), time(s) and location(s) within Watsonville have been determined
 - 5. Not be a private function
 - 6. Not be organized by individuals or private enterprise or organized as a for profit commercial venture
 - 7. Not primarily be a fundraiser or charitable in nature
 - 8. Not be financially dependent on receiving City of Watsonville support
 - 9. Not serve a political purpose
 - ii. Sponsoring Organization must:
 - 1. Have no outstanding debt owed to the City
 - 2. Not be a political party, lobby group or religious group
 - 3. Be based inside the Watsonville city limits (unless the demonstrated benefits are primarily to the residents of Watsonville)
 - 4. Meet all special event application processing deadlines
 - iii. Other Requirements
 - 1. Cannot be for retroactive funding
 - 2. Projects or organizations who have not satisfactorily fulfilled their obligations following previous fee reductions, waivers or other event requirements will not be eligible for sponsorship
 - 3. Event organizers must submit a Post Event Report to the City within 30 days following the event.
- b. Event Selection: In evaluating the priority of the application, preference will be given to events that:
 - i. Raise the profile of Watsonville through prominent acknowledgement of its support and assistance in event marketing materials and at the event itself.
 - ii. Have a high number of expected attendees.
 - iii. Address City Council priorities and adopted General Plan policies.
 - iv. Benefit the residents of Watsonville.
 - v. Contain an education component.
 - vi. Create revenue-generating opportunities for local businesses.
 - vii. Are reoccurring.
 - viii. Involve more than one Watsonville community group (in event organization and/or participation).
 - ix. Commit to tracking event attendance and vendor sales.
- c. Fee Reductions and Waivers:

- i. Level of assistance available: Fee reductions and waivers are limited to the following amounts/percentages per event, based on the Tier that events fall under:

Tier	Fee Reduction/Waiver
Tier I	Maximum of 50% of City fees or \$5,000, whichever is higher
Tier II	Maximum of 50% of City fees or \$2,000, whichever is higher
Tier III	Maximum of 50% of City fees or \$1,000, whichever is higher
Tier IV	Maximum of 50% of City fees or \$500, whichever is higher

- ii. Special Consideration: Greater funding may be available if the significance or scale of the event warrants it, including additional conditions such as in-kind or other contribution of goods, services, or programs that will benefit the City of Watsonville or its residents. All proposed in-kind contributions must equal or exceed the value of the awarded funding or provide a substantial but measurable public benefit. In-kind contributions may include, but are not limited to, equipment or materials, free attendance for classes or programs, or service projects to improve or add to City programs.
- iii. Other Obligations: Any reduction in or waiver of fees allowed above will not affect the obligation of a permittee to comply with the remaining qualifications, restrictions, and criteria of this policy or to pay other costs or to provide insurance as required. Business license, encroachment permit fees, health permit, and liquor license fees will not be waived or reduced.
- d. Acknowledgement: All recipients of fee reductions, waivers, and/or sponsorships shall acknowledge the City's support in all publicity relating to the event or activity. This includes logos and statements in all advertising and promotional material, media releases and in other promotional contexts. Promotional opportunities should be detailed in the event application.

V. PROCEDURES

- a. On or before January 31 of each year, the City shall issue an annual Call for Applications for the Program for special events occurring during the following fiscal year. A pre-application meeting shall be held prior to the application deadline. Attendance of all applicants at the pre-application meeting is recommended.
- b. To qualify to receive a fee reduction or waiver, the Program application must be submitted by the advertised deadline. All applications must comply with the following:
- i. Must be submitted on time and must have complete information. Late or incomplete applications, or applications that do not fully comply with instructions, may not be considered.
 - ii. Include a copy of:
 1. The organization's IRS 501(c)3 determination letter
 2. Financial statements from the prior year's event (if applicable)
 3. The proposed budget for the current year's event. Applicants sponsoring an event for the first time will only be required to submit the current year's proposed budget.
 4. Special Event Application
- c. Applications will be forwarded to the Special Event Committee to evaluate eligibility, estimate fees and determine fee reductions and waivers. The Special Events Committee will notify applicants of status of award.

VI. OTHER CONSIDERATIONS

- a. Scheduling and use of City facilities are subject to the availability of the requested facilities. Sponsored events do not have preference over City programs and activities or previous commitments to third parties.
- b. Fee reductions and waivers may be revoked if:
 - i. Event sponsor fails to comply with City requirements and deadlines as determined by the event's Special Event Application and Permit.
 - ii. Changes to the status of the event and/or event sponsor occur causing it to no longer be eligible
- c. Applicants are required to adhere to all applicable rules, regulations, laws, and ordinances of the City of Watsonville and other applicable governmental entities.
- d. Applicants that fail to abide by the policy and procedures set forth in this document will be ineligible to request fee waivers or fee reductions for a period of at least one year.

VII. OFF-CYCLE FEE REDUCTION AND WAIVER REQUESTS

- a. Notwithstanding the provisions of this Policy and the Program requirements, the Special Events Committee retains discretion to consider additional special event sponsor requests presented outside of the Call for Applications period set forth in this policy, if funds are available. All off-cycle special event fee reduction and waiver requests shall be forwarded to the Special Event Committee for evaluation utilizing the eligibility and evaluation criteria set forth in this Policy.



City of Gilroy

STAFF REPORT

Agenda Item Title: Create a Pilot Below Market Rate (BMR) Preservation Program and Adopt a Resolution Amending FY 2024-25 Budget to Appropriate Program Budget Adjustments

Meeting Date: March 3, 2025

From: Jimmy Forbis, City Administrator

Department: Community Development

Submitted By: Sharon Goei, Community Development Director

Prepared By: Sharon Goei, Community Development Director
Christie Thomas, Housing and Community Services Manager

STRATEGIC PLAN GOALS

Promote Safe Affordable Housing for All

RECOMMENDATION

1. Receive report, direct staff to create a Pilot Below Market Rate (BMR) Preservation Program, become a partner agency in the Santa Clara County Office of Supportive Housing's BMR Partnership Program, and authorize staff to execute the necessary steps to preserve the affordability of BMR homes as outlined in the report, including entering into loan agreements with and repaying Santa Clara County and executing necessary documents as appropriate.
2. Adopt a resolution amending the FY 2024-25 budget to appropriate Pilot BMR Preservation Program budget adjustments.

EXECUTIVE SUMMARY

With the continued State and national housing affordability crisis, the State has begun to push cities more than ever to accomplish Housing Element Goals. In 2022 the State formed the Housing Accountability Unit (HAU), which holds jurisdictions accountable for meeting their Housing Element commitments and complying with State laws. The State views enforcement of these laws to meaningfully and positively impact the provision of housing in all communities. The Pilot BMR Preservation Program being presented will help the City accomplish Housing Element goals, comply with State laws, preserve affordable housing, and strengthen regional partnerships.

Due to City funding challenges and historical BMR agreements that allow BMR homes to be sold at fair market value, when BMR homes become available for resale, they are sold at fair market value and lost from the City's program. By becoming a partner agency in the Santa Clara County Office of Supportive Housing's (OSH) BMR Partnership Program, staff proposes to create a Pilot BMR Preservation Program to preserve affordability for low-income households. In essence, the City will purchase BMR units when available, using a short-term bridge loan from Santa Clara County, which will be paid back upon resale to a low-income household.

BACKGROUND

The City of Gilroy's citywide Below Market Rate (BMR) portfolio consists of approximately 300 ownership single-family housing units within 12 developments. The majority of the City's current BMR portfolio was transferred to the City in 2016 upon the closure of South County Housing and its successor to the housing portfolio, Neighborhood Housing Services Silicon Valley. The City's BMR portfolio has been administered by a contractor, HouseKeys, serving as the City's BMR Program Administrator since 2017.

The BMR portfolio contains senior and single-family homeownership developments. The portfolio homes were deed-restricted for 30 – 40 years (depending on development) and sold to low-income households. As noted above, due to the diverse agencies that originated the portfolio, the individual resale agreements are inconsistent in language and requirements portfolio wide; however, the resale agreements are at least consistent within each residential development.

For each unit in the portfolio, the resale value is determined following the calculation method outlined in the resale agreement, and the City has the option to purchase the home within a designated timeframe (typically within 90 days). Most of the BMR portfolio resale agreements allow the homes to be sold at fair market value after a certain time period.

Due to limited funding availability in the City within a short timeframe, coupled with elevated fair market resale prices for BMR units, the City has not been able to purchase BMR resale units, effectively limiting the opportunity to resell them to another low-income-qualified household. However, a small number of BMR units, whose fair market value is around \$600,000 to \$700,000, present a viable option for resale to low-income households when paired with down payment assistance.

Most properties within the BMR portfolio are supported by down payment assistance loans from various programs. Examples are the BEGIN and CalHome programs, which originated from the State as grants to cities to provide deferred down payment assistance to first-time low-income homebuyers. As these down payment assistance loans are repaid, the funds are deposited into City ReUse accounts, allowing additional down payment assistance loans to be issued. Loan payoffs are either deferred for 30 years or paid in full upon the home's sale. Because most BMR resale homes have been

sold out of the program, the City has a healthy amount of ReUse funds available to support additional down payment assistance loans.

ANALYSIS

In late 2024, staff began discussing a partnership opportunity with the Santa Clara County Office of Supportive Housing to preserve affordable units and make homeownership more accessible to low-income households. This led to the addition of the Acquisition Loans to Partner Agencies component of the County's BMR Partnership Program. Staff proposes that the City of Gilroy create a Pilot BMR Preservation Program by becoming a partner agency in the Santa Clara County Office of Supportive Housing's (OSH) BMR Partnership Program. A program and process overview are presented below.

Program and Process Overview

When the City's BMR Program Administrator receives notice that a BMR household would like to sell their home, they would notify City staff and provide the calculated BMR resale price due to the current household and other various transaction costs in accordance with the resale agreement, make a site visit to view the general condition of the unit, and order an appraisal and inspection of the home. Staff and the BMR Program Administrator will make the determination based on above data as to whether the BMR resale transaction would be a good fit for the Pilot BMR Preservation Program.

Once the BMR resale is determined to be a good fit, City staff would coordinate with OSH staff, and OSH would provide the City with a 12-month bridge loan at 0% interest to purchase the deed-restricted BMR unit. The City would then purchase the BMR home at the calculated price due to the homeowner. The BMR Program Administrator would administer the resale of the property to an eligible low-income household. Full repayment from the City to OSH is expected within 12 months, with a possible extension at County's discretion.

Internal City staff time is limited to general oversight and minimal administrative responsibilities with these transactions, as the City's BMR Program Administrator would process both the real estate acquisition and resale transactions from start to finish. During the resale period, until the unit is sold, the City can utilize the Housing Trust Fund (HTF) to cover unit holding costs including utilities, Homeowner Association dues, and minor unit repairs as needed. The Housing Trust Fund would be repaid at resale.

The BMR home would be priced at fair market value and resold with a new 30 – 40 year deed restriction (based on development resale agreement) to a low-income household. At resale, from the sales proceeds, the City would pay off the bridge loan from OSH and the Housing Trust Fund would be repaid for the various costs related to the resale.

To ensure affordability of a fair market value home for low-income households, OSH would offer up to \$250,000 in deferred down payment assistance to the new household. Additionally, the City would provide up to \$200,000 in deferred BEGIN or CalHome

ReUse down payment assistance to the new household. Loan payoff is deferred for 30 years or due in full upon the sale of the home. The new household would obtain a first mortgage from a lender approved by the City's BMR Program Administrator.

Please refer to the attachment for a transaction example.

If the BMR home cannot be resold to a low-income household within the 12-month OSH loan period, the City can request a possible extension at County's discretion and continue to try to sell it. If a qualified low-income household is still not identified within 12 months, and the County does not approve an extension, the home would be sold at fair market value to the highest bidder to a non-low-income qualified household. Upon resale, the OSH loan would be paid off and the Housing Trust Fund would be repaid.

Affordable Housing Preservation

Preserving affordable housing is a priority within the City's 2023-2031 Housing Element goals, policies, and programs. Creating a program to preserve BMR homes helps the City maintain the affordability of existing BMR housing units, supports homeownership opportunities for low-income households, and preserves affordable housing for special needs groups such as seniors.

Currently, a BMR resale unit in a senior housing development could benefit from a program as described above. As staff from the City and OSH regularly explore potential collaboration related to affordable housing, staff recognized this BMR resale as an opportunity to partner with OSH to preserve the home for another low-income senior household. This BMR resale would initiate the pilot program. As more BMR resales occur, staff can utilize the framework established by the pilot program to preserve additional BMR homes for low-income households in Gilroy.

As this program progresses and more households begin to apply, creating a large applicant pool, the City will be able to resell most BMR homes without the need to purchase first and then resell. At that point, the City will rarely need to take out the County bridge loan and the overall City BMR program will be functioning on its own. This bridge program is an interim way to keep BMR homes available to low-income households.

Staff recommends that the Council receive this report, direct staff to create a Pilot BMR Preservation Program, become a partner agency in the County BMR Partnership Program, and authorize staff to execute the necessary steps to preserve the affordability of BMR homes as outlined in the report, including entering into loan agreements with and repaying Santa Clara County and executing necessary documents as appropriate.

Staff will return to Council in 2026 to provide an update on the program and possibly make the program an ongoing, regular part of the City's affordable housing efforts.

ALTERNATIVES

The City Council could decide not to create a Pilot BMR Preservation Program. However, this is not recommended as the program would assist the City in preserving BMR homes for low-income households in Gilroy and help meet Housing Element goals.

FISCAL IMPACT/FUNDING SOURCE

For the program overall, the net fiscal impact to City funds is anticipated to be minimal, since the sales proceeds would cover the bridge loan and various resale-related cost and down payment assistance would be repaid.

Besides staff time at the creation of the pilot program, internal City staff time is anticipated to be limited to general oversight and minimal administrative responsibilities during acquisition and resale transactions as the City's BMR Program Administrator would process the acquisition and resale transactions from start to finish.

For the current BMR resale in a senior housing development, staff requests a budget amendment in the amount of \$101,000 to the Housing Trust Fund. This is the estimated total of various resale-related costs, which includes the unit holding cost, minor repairs, and transaction-related costs. It is basically the estimated cost besides the bridge loan. The Housing Trust Fund is utilized to cover this cost at first, then subsequently repaid from sales proceeds. The exact fiscal impact will be determined with the resale transaction, but the net fiscal impact is anticipated to be minimal as explained above. Staff does not anticipate another BMR resale during this fiscal year (FY 2024-25). For the next fiscal year, staff will incorporate the Pilot BMR Preservation Program in the budget development.

NEXT STEPS

Upon approval by the City Council, staff will proceed to create the Pilot BMR Preservation Program and carry out the transaction for the current BMR resale.

Attachments:

1. Resolution for Budget Amendment
2. Pilot Below Market Rate (BMR) Preservation Program Transaction Example

RESOLUTION NO. 2025-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY
AMENDING THE BUDGET FOR THE CITY OF GILROY FOR 2024-
2025 FISCAL YEAR**

WHEREAS, the City Administrator prepared and submitted to the City Council a budget for the City of Gilroy for Fiscal Years 2023-2024 and 2024-2025, and the City Council carefully examined, considered and adopted the same on June 5, 2023; and

WHEREAS, City Staff has prepared and submitted to the City Council proposed amendment to the budget for Fiscal Year 2024-2025 (FY25) for the City of Gilroy in the staff report dated March 3, 2025, for the Pilot Below Market Rate (BMR) Preservation Program.

NOW, THEREFORE, BE IT RESOLVED THAT the expenditure appropriations for Fiscal Year 2024-2025 in Fund 250 – Housing Trust Fund shall be increased by \$101,000.

PASSED AND ADOPTED this 3rd day of March 2025 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Greg Bozzo, Mayor

ATTEST:

Bryce Atkins, Acting City Clerk

CERTIFICATE OF THE CLERK

I, **BRYCE ATKINS**, Acting City Clerk of the City of Gilroy, do hereby certify that the attached **Resolution No. 2025-XX** is an original resolution, or true and correct copy of a City Resolution, duly adopted by the Council of the City of Gilroy at a Regular Meeting of said held on Council held **Monday, March 3, 2025**, with a quorum present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this **Date**.

Bryce Atkins
Acting City Clerk of the City of Gilroy

(Seal)

Pilot Below Market Rate (BMR) Preservation Program

Transaction Example

Goal: Preserve Unit and Affordability for Low-Income Senior Household

- Household Resale Agreement allows the home to be sold at Fair Market Value after 10 years. The agreement also requires the City to pay all transaction sales costs.
- OSH will provide the City with a 12-month bridge loan for \$520,354 at 0% interest. This loan will cover the amount due to household and total closing costs and will be repaid at resale.

BMR Unit Fair Market Value price estimation based on Appraisal	\$670,000
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Acquisition Transaction:	
BMR Unit Acquisition Price (Household Purchase Price and CPI calculated Equity Share \$515,354 + closing costs \$5,000)	\$520,354
BMR Program Administrator Acquisition transaction fee (5% of \$515,354) - paid with HTF funds (fee to be repaid at resale)	\$25,768
Total acquisition cost OSH Bridge Loan (\$520,354) + HTF (\$25,768)	\$546,122

Program Expenses:	
BMR Program Administrator resale transaction fee (5% based on \$670,000)	\$33,500
Estimated unit repair costs (paint, carpet, and roof) – paid with HTF funds (holding cost to be repaid at resale)	\$27,000
HOA dues for 12 months at \$300 per month – paid with HTF funds (holding cost to be repaid at resale)	\$3,600
Utility costs for 12 months at \$500 per month - paid with HTF funds (holding cost to be repaid at resale)	\$6,000
Closing Costs for Resale Transaction	\$5,000
Total expenses (HTF acquisition and program expenses = \$62,368, which will be repaid at resale)	\$75,100

Resale Transaction	
BMR Unit Fair Market Value	\$670,000
Acquisition Transaction (\$546,122) and Program Expenses (\$75,100)	(\$621,222)
City equity share to HTF	\$48,778

Transaction to keep unit affordable to an eligible low-income household	
New Deed Restriction Recorded	
Resale at Fair Market Value	\$670,000
Down Payment Assistance Loan from the County to Household	\$250,000
Down Payment Assistance Loan from City BEGIN ReUse Fund to Household (repaid after 30 years)*	\$111,000
Low-income household will need 1st Mortgage from an outside approved lender	\$309,000

*To provide less down payment assistance and resell the home at a lower amount, the City can choose to forgo equity share and sell the unit for \$621,222; in that case, the City's down payment assistance loan would be \$62,222.



City of Gilroy

STAFF REPORT

Agenda Item Title:	Presentation on Elected Officials' Roles in Emergency Management
Meeting Date:	March 3, 2025
From:	Jimmy Forbis, City Administrator
Department:	Administration
Submitted By:	Jimmy Forbis, City Administrator
Prepared By:	Andrew Young, Emergency Services and Volunteer Coordinator

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Receive a presentation on the roles and responsibilities of elected officials in emergency management and provide any feedback or direction as appropriate.

EXECUTIVE SUMMARY

In the event of a disaster or emergency, elected officials play a critical role in leadership, policy direction, and public communication. This presentation will provide an overview of the legal framework, best practices, and expectations for elected officials during emergencies. The discussion will include their role in coordination with emergency management personnel, decision-making responsibilities, and public messaging.

BACKGROUND

The City of Gilroy is vulnerable to many hazards, including but not limited to, wildfire, flooding, severe weather, and earthquakes. Elected officials are responsible for ensuring the public safety and welfare of their communities. The duties of responding to and recovering from incidents begin and end at the local level with public officials and community members. Emergency management operations before, during, and after an emergency or disaster are an essential function of local elected officials and local government agencies.

The roles of elected officials include:

- Understanding the City's Emergency Operations Plan (EOP) and the structure of the Emergency Operations Center (EOC).
- Ensuring legal compliance with emergency declarations, mutual aid agreements, and resource allocation.
- Providing leadership and policy direction while avoiding interference with tactical operations.
- Engaging in effective public communication to provide timely and accurate information to the community.
- Supporting recovery efforts and long-term resilience planning.

ANALYSIS

The presentation will outline the key responsibilities of elected officials before, during, and after a disaster, as outlined in the attached Elected Officials Guide. These responsibilities include:

Before a Disaster:

- Prioritizing emergency preparedness in government operations and budgeting.
- Familiarizing themselves with emergency plans, the jurisdiction's EOC, and their role in emergency management.
- Encouraging community preparedness and participation in emergency drills.

During a Disaster:

- Supporting emergency management officials and facilitating interagency communication.
- Issuing emergency declarations and making policy decisions when necessary.
- Ensuring accurate and timely public communication.
- Coordinating with local, county, state, and federal officials to obtain necessary resources.

After a Disaster:

- Leading the recovery process and ensuring adherence to codes and regulations.
- Supporting long-term recovery efforts, including economic recovery and infrastructure rebuilding.
- Holding public meetings to address community concerns and provide guidance.
- Facilitating access to state and federal disaster relief programs.

FISCAL IMPACT/FUNDING SOURCE

There is no direct fiscal impact associated with receiving this presentation.

PUBLIC OUTREACH

This presentation is part of ongoing efforts to educate the City's leadership and the

public on emergency management. Additional outreach efforts may include public workshops, community engagement initiatives, and informational materials distributed via the City's communication channels.

Attachments:

1. Guide to Elected Official's Roles in Emergency Management
2. City of Gilroy Emergency Operations Plan

Elected Officials' Role in Emergency Management

City of Gilroy

Overview

The City of Gilroy is vulnerable to many hazards, including but not limited to, wildfire, flooding, severe weather, and earthquakes. Elected officials are responsible for ensuring the public safety and welfare of their communities. The duties of responding to and recovering from incidents begin and end at the local level with public officials and community members. Emergency management operations before, during, and after an emergency or disaster, are an essential function of local elected officials and local government agencies. This Guide provides Elected Officials an understanding of their roles and responsibilities related to preparing for, responding to, recovering from and mitigating all hazards that may occur in their jurisdiction. Citizens expect their government to protect them, assist them, and inform them when a disaster threatens or occurs, and to instruct them when it is necessary to take protective actions for their own personal safety. Educating the public and working directly with the citizens and the media is imperative for a successful emergency management program. This guide is meant to be a general overview of the Emergency Management process for local government and elected officials and is not a complete reference document. Please consult the Director of Emergency Services (City Administrator) for further information.

Roles of Elected Officials

All disasters are locally driven events, and it is the local elected officials' role to provide leadership and policy guidance to their jurisdiction before, during, and after a disaster. It is important for local elected officials to engage in preparedness efforts, which are ongoing and involve activities undertaken to prepare for disasters and emergencies, as well as to facilitate future response and recovery efforts. The following sections detail some of the local officials' roles and responsibilities before, during, and following a disaster:

Before a disaster

The primary role of an elected official before a disaster is that of preparedness. As an elected official, you can guide your City towards effective emergency management planning strategies. Many give in to the notion that emergency preparedness is too daunting, so why try. But it is the citizen's expectation of you to always keep emergency management in your list of priorities when you serve, especially during budget preparation. The following is a list of suggestions to follow to help you be as prepared as you can possibly be:

- Make planning for emergencies and disasters a priority at all levels of your organization and community.
- Take time to learn about the hazards that threaten your jurisdiction, how they impact the jurisdiction, and hazard mitigation within the community.
- Learn about emergency management and disaster assistance programs both at the state and federal levels.
- Provide policy direction for prevention/protection-related, response, recovery, and mitigation-related activities.
- Encourage all government agencies and business leaders to coordinate and collaborate with your jurisdiction's Emergency Management Agency.
- Ensure Emergency Operations Plans (EOP), Continuity of Operations (COOP), and Continuity of Government (COG) plans are regularly reviewed and updated.

- Provide policy direction for emergency management-related activities, when needed.
- Familiarize yourself with your jurisdiction's Emergency Operations Center (EOC).
- Encourage individuals, families, faith- and community-based organizations, and businesses in your community to develop an emergency plan, register for emergency alerts, and be self-sufficient in the immediate aftermath of a disaster for no less than 72 hours.
- Obtain the necessary training to become a leader to your constituents during an emergency.
- Participate in emergency and disaster drills, training, and exercises.
- Learn about the damage assessment process and how it impacts the possibility of obtaining federal assistance.
- Learn your legal authorities and responsibilities.

During a Disaster

The primary role of an elected official during a disaster is that of support. As the disaster is occurring and the immediate response is underway, you will best serve your citizens by empowering and allowing your first responders and the EOC staff the freedom to manage the incident as they have been trained to do. Allow them time to stabilize the situation before attempting to step in as a decision maker. Your role as decision maker will come, but the primary goal of addressing a disaster as it is happening is to stabilize the situation quickly and efficiently – your staff will do that for you. To help in this goal, your role consists of:

- Support and work with your emergency management officials, as needed. This may include facilitating communication with and obtaining assistance from other agencies, declaring a local state of emergency, and issuing emergency orders.
- Communicate quickly, clearly, and effectively to your constituents and work with your partners to ensure a coordinated message.
- Get accurate information out early and often, and ensure all messaging is accessible.
- Maintain situational awareness regarding the disaster by staying informed.
- Provide direction for response-related activities, when appropriate.
- Trust and empower your emergency management officials to make the right decisions.
- Serve your citizens by allowing the First Responders and the EOC staff to manage the incident as they are trained to do. The active participation of Elected Officials in planning / training before a disaster and leadership during the recovery period is where you will have the greatest impact and be of the greatest value.
- Serve as a conduit between your constituents and the government and use an EOC Liaison to help you stay informed during the incident.
- Serve as a liaison with other City, County, State, and/or Federal Elected Officials.
- Visit impacted areas in coordination with the EOC Director and the Incident Commander to reassure constituents and identify areas of concern.
- Assist EOC with establishment of Disaster Recovery Center (DRC) and/or Local Assistance Centers (LACs) to support community recovery efforts, providing essential resources, information, and services to affected individuals and businesses.
- Assist constituents in information sharing, and solving problems related to the disaster.

Following a Disaster

The primary role of an elected official after a disaster is that of leadership. Once the first responders and EOC staff have stabilized the situation, your role as an elected official becomes crucial to the recovery process. A community is built on law and order, and this stems from City Code, Zoning Regulations, Building Code, Police Enforcement, and much more. Just because a disaster occurs does not mean these regulations are null and void. On the contrary, they are crucial to make sure your community is built back right. For a City to truly recover, diligent and firm adherence to the City's Codes and Regulations must be adhered to. To help in accomplishing this goal, the following is a list of roles for you to fill:

- Understand the available state and federal disaster assistance programs associated with disaster proclamations to support recovery efforts.
- Support your community throughout the recovery – it can be a long process and may take multiple years.
- Serve as a conduit between constituents and government.
- Conduct public meetings to determine unmet needs and identify current or future actions.
- Help identify opportunities to rebuild and mitigate future damage through planning and smart infrastructure investments.
- Ask questions – the recovery process and programs can be complex.
- Implement special initiatives to support economic recovery.
- Ensure all Codes and Regulations are enforced during the recovery process.

Managing Emergencies

Elected Officials have a crucial role in preparing for, mitigating against, and recovering from an emergency or disaster. Ensuring that their constituents are aware of hazards, prepared to take protective actions, and self-sustaining for no less than 72 hours will reduce burden on provision of government services and increase community resiliency. When a disaster occurs, the City staff will be better positioned to ensure continuity of government/operations and expedite delivery of essential services.

Once the Emergency Operations Center (EOC) is activated, Elected Officials will be notified by the Director of Emergency Services (City Administrator). The EOC helps coordinate and manage disasters that require response resources from numerous agencies and/or levels of government. It provides centralized emergency management for the City's response to a disaster. It supports the overall jurisdictional response and recovery efforts during and after an emergency. The EOC exists to support the response activities occurring in the field, and it is critical that all information, activities, and resource requests be routed through the EOC once activated.

Please remember, during a disaster elected officials will need to report to the Council Chambers or another designated location and not the EOC unless requested.

During and after a disaster elected officials will be instrumental in supporting the EOC's Policy Group Function which coordinates directly with the EOC Director:

- Support interagency coordination amongst all governments.
- Make policy and financial decisions related to the emergency or disaster.
- Make strategic decisions as needed or requested.

- Determine jurisdictional priorities to ensure they are included in the long-term incident planning.
- Work with the City Attorney to provide legal guidance.
- Consider cultural, economic, political, and social implications of the incident and communicate community needs.
- Request that a Liaison Officer (City Clerk) position be established between the EOC and the Policy Group to help coordinate the flow of information and interactions between these two elements.
- Create Delegations of Authority (also known as Delegations of Responsibility), Declarations of Emergency/Disaster, and any other documents needed to ensure the safety of the population and the ability for the community to recover.

Emergency Public Information

During and after an emergency, communicating important emergency public information through the media is one way to keep the public informed of hazards, areas to avoid, and where to go for emergency assistance. To ensure that information being released to the public is timely and accurate, the Public Information Officer (PIO) function is coordinated through the City's EOC and, in more complex emergencies, the Santa Clara County Joint Information Center (JIC).

During an emergency, the Mayor acts as the City's principal spokesperson in coordination with the City EOC's Public Information Officer (EPIO), providing information and reassurance to the community through personal appearances, on media outlets, through written communications with the public, and through meetings with officials from other levels of government. All media requests and press releases should be coordinated with the City EOC's Public Information Officer (PIO) to ensure consistent, accurate public information.

The Director of Emergency Services (City Administrator) will share information at regular intervals with the Mayor and Council Members to ensure timely communication of emergency public information and to answer any questions the Mayor or Council Members may have regarding the emergency.

SEMS and NIMS

The City of Gilroy follows the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) to manage all emergencies from day-to-day emergencies to large scale emergencies. These systems provide a common, consistent basis for all phases of emergency management and enable interoperability with our partner jurisdictions, agencies, and organizations.

SEMS

SEMS is designed to be flexible and adaptable to the varied emergencies that can occur in California and to meet the emergency management needs of all responders. By law, State agencies must use SEMS when responding to emergencies involving multiple jurisdictions or agencies. Local governments are strongly encouraged to use SEMS and must use SEMS to be eligible for State funding of response related personnel costs.

SEMS applies to five levels of government: Field Level Operations; Local Government Level Operations; Operational Area Level Operations; Region Level Operations (3 State Regions); and State Level Operations. Each level implements their respective portion of the four principal components of SEMS,

which include the Incident Command System (ICS); Inter-Agency Coordination; the State Master Mutual Aid Agreement; and the Operational Area (OA) Structure.

NIMS

NIMS represents a comprehensive, nation-wide systematic approach to incident management. NIMS provides a core set of doctrine, concepts, principles, terminology, and organizational processes for all hazards. Through standardization, NIMS enhances organizational and technological interoperability with a scalable, flexible framework with universal applicability. NIMS consists of five components: Preparedness; Communications and Information Management; Resource Management; Command and Management; and Ongoing Management and Maintenance. The NIMS Preparedness component provides standards for emergency planning, emergency procedures and protocols, training and exercises, personnel qualifications and certification, and equipment certification. The NIMS Communications and Information Management component promotes flexible, interoperable emergency communications and information systems, including the standards for developing and exchanging a Common Operating Picture (COP) among multiple user communities. The NIMS Resource Management component provides consistent processes for inventorying, requesting, and tracking resources throughout an emergency in order to promote effective sharing of resources across jurisdictions. The NIMS Command and Management component enables effective incident management and coordination through the standardization of disparate incident management structures and processes, including the Incident Command System (ICS), the Multi-Agency Coordination System (MACS), and the Joint Information System. The NIMS Ongoing Management and Maintenance component directs continual review and revision of plans, policies, and procedures to enable integration of best practices and lessons learned from training, exercises, and real-world incidents. State and Local Governments must comply with the use of NIMS and ICS to remain eligible to receive federal Homeland Security or Federal Emergency Management Agency grant funding.

City Council should have an understanding of both SEMS and NIMS. At a minimum, City Council should meet with the Director of Emergency Services to better understand the City's threats and hazards, as well as their role in emergency response.

Elected Official Training (Optional, but beneficial)

Training for Elected Officials typically consists of Emergency Management-related briefings from the City Administrator. The following suggested training courses provide an overview of SEMS and NIMS.

Online

Cal OES – Standardized Emergency Response System (SEMS-G606) – 1 hour

FEMA – National Incident Management System (NIMS-IS700) – 3.5 hours

FEMA – Incident Command System (ICS-IS100) – 2 hours

In-person

FEMA – G-402 National Incident Management System Overview (4 hours)

Declaring a Disaster

Local Emergency Proclamation

If a local government determines effects of an emergency are beyond the capability of local resources to mitigate effectively, the local government must proclaim a local emergency. 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. The purpose of a local emergency proclamation is to provide extraordinary police powers; immunity for emergency actions; authorize issuance of orders and regulations; activate pre-established emergency provisions; and is a prerequisite to request state or federal assistance.

A Local Emergency is proclaimed by the City Council or, when there is an immediate need, by the Director of Emergency Services (City Administrator). The Director of Emergency Services (City Administrator) must proclaim a Local Emergency within ten (10) calendar days of the incident and then the City Council must ratify the proclamation within seven (7) calendar days. The City Council must review the need for the proclamation at least every twenty-one (21) calendar days until the Local Emergency is terminated. The Local Emergency must be terminated by resolution as soon as conditions warrant.

It should be noted that local emergency proclamation is not required for fire or law mutual aid, direct assistance, American Red Cross assistance, the Fire Management Assistance Grant (FMAG), or disaster loan programs from the US Department of Agriculture or US Small Business Administration.

When to issue a local emergency proclamation

In the event an emergency or disaster exceeds the response capability of City resources or extreme conditions threaten the life and property of the community, it is the City's duty to issue an emergency to proclamation. Keep in mind the following:

- The local proclamation is the first step toward a State proclamation and Federal declaration, which would then activate eligible State and/or Federal disaster relief programs to provide financial relief to both local government and the public.
- Such a local, State and/or Federal action is likely to send a reassuring message to the public that officials intend to pursue every avenue available to assist the disaster victims.
- In order to acquire State and Federal assistance, it is not necessary for the City to proclaim an emergency, if the County has already done so.
- Cities/Towns within a county are bound by county rules and regulations adopted by the county during a proclaimed local emergency when the emergency is in both the incorporated and unincorporated territory. (Ref. 62 California Attorney General Opinions, 701, dated 1979)

State Emergency Proclamation Request

Pursuant to California Government Code section 8625, the Governor may proclaim a State of Emergency in an area affected by a natural or human-made disaster, when requested to do so by the governing body of the local agency affected, or the Governor finds the local authority is inadequate to cope with the emergency. A local jurisdiction should request the Governor to proclaim a state of emergency when the governing body of a city, county, or city and county determine:

- Emergency conditions are beyond the control of the services, personnel, equipment, and facilities of any single county, city, or city and county, and
- Emergency conditions require the combined forces of a mutual aid region or regions to combat.

If an incident is of such severity and magnitude that effective response is beyond the capabilities of the affected local government and the State or Indian tribal government, and supplementary assistance is necessary, the Governor may request federal assistance, including a presidential emergency or disaster declaration.

Presidential Declaration Request

Pursuant to Title 44 of the Code of Federal Regulations, the Governor may request the President declare an emergency or major disaster exists in the State, in accordance with the authority outlined by the Stafford Act. A Presidential Declaration is determined through evaluation of several factors, including the cause of the disaster event, damage, needs, certification by state officials that state and local governments will comply with cost sharing and other requirements, and official requests for assistance.

State and Federal Recovery Programs

Cal OES

California Disaster Assistance Act (CDAA) – State funding to local governments for up to 75% of eligible costs (Cost share under CDAA) – Federal 75% | State 18.75% | Local 6.25%).

California Department of Social Services

Supplemental Grant Program– Grants up to \$10,000 to individuals and families when there is a Presidential Disaster Declaration that includes the Individuals and Households Program, and the applicant has received the maximum amount from FEMA and still has unmet serious and necessary expenses. No separate application process and is referred from FEMA.

Small Business Administration

Physical Disaster Loans – Low-interest loans to businesses and private nonprofits to repair or replace damaged/destroyed real estate, and business assets. Loans to homeowners and renters to repair/replace disaster damaged real estate and personal property.

Economic Injury Disaster Loans – Loans of up to \$2 million for small businesses and private nonprofit organizations that have suffered economic injury and are located within a disaster declared county or contiguous county.

US Department of Agriculture (USDA) Farm Service Agency

Emergency Disaster Loan– Low interest crop production loss and physical loss loans for producers within, or contiguous to, a county with a disaster declaration from the President or USDA, when there is at least 30% crop production loss, or a physical loss of livestock products, land, or chattel property.

US Department of Labor

Disaster Unemployment Assistance – With a Presidentially Declared Disaster, generally provides 26 weeks of disaster unemployment assistance for workers, business owners, and self-employed individuals who lost their jobs/could not work as a result of the event.

Federal Emergency Management Agency (FEMA)

Fire Management Assistance Grant – Grants to state, local and tribal governments for the mitigation, management, and control of fires on forests or grasslands, which threaten destruction that would constitute a major disaster.

Federal Public Assistance Grants – Grants to state, local and tribal governments (minimum of 75% of eligible costs) for debris removal, life-saving emergency protective measures, and the repair, replacement, or restoration of disaster-damaged publicly-owned and certain private nonprofit organization facilities.

Hazard Mitigation Grant Program – Grants to state, local and tribal governments for implementing mitigation measures after a disaster and to provide funding for previously identified mitigation measures to lessen future damage and loss of life.

Individuals and Households Program – Grants to eligible individuals and households for necessary expenses or serious needs. May be implemented upon a Presidential declaration that includes Individual Assistance. Grants may currently not exceed \$34,900 per person or household. Assistance is limited to 18 months.

Appendix A: Gilroy City Code – Emergency Organization and Functions

Chapter 9

EMERGENCY ORGANIZATION AND FUNCTIONS

Sections:

9.1 Purposes.

9.2 Definition.

9.3—

9.4 Reserved.

9.5 Director of emergency services.

9.6 Powers and duties of the director of emergency services.

9.7 Emergency organization.

9.8 Structure, duties and functions of the emergency organization.

9.9 Mutual aid.

9.10 Expenditures.

9.11 Punishment of violations.

9.1 Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Ord. No. 75-18, § 1, 9-2-75)

9.2 Definition.

As used in this chapter, “emergency” shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat. (Ord. No. 75-18, § 1, 9-2-75)

9.3—9.4 Reserved.

Editor’s note—Ord. No. 2000-16, § I, adopted Nov. 20, 2000, repealed former sections 9.3, 9.4 in their entirety which pertained to the Gilroy disaster council. Former section 9.3 derived from Ord. No. 75-18, § 1, 9-2-75; Ord. No. 95-16, § 1, 11-20-95. Former section 9.4 derived from Ord. No. 75-18, § 1, 9-2-75.

9.5 Director of emergency services.

There is hereby created the office of director of emergency services. The city administrator shall be the director of emergency services. (Ord. No. 75-18, § 1, 9-2-75)

9.6 Powers and duties of the director of emergency services.

The director is hereby empowered to:

(a) Request the city council to proclaim the existence or threatened existence of a “local emergency” if the city council is in session or issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council, within seven (7) days of date that the proclamation is made, shall meet and take action to ratify the proclamation. If the city council fails to ratify the proclamation within the seven (7) days provided, the proclamation of the director shall have no further force or effect. The director shall request the city council to review at least every twenty-one

- (21) days, until the local emergency is terminated, the need for continuing the local emergency; and to proclaim the termination of the local emergency at the earliest possible date that conditions warrant.
- (b) Request the governor to proclaim a “state of emergency” when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.
- (c) Develop emergency plans with the assistance of emergency service chiefs for consideration by the disaster council and manage the emergency programs of this city.
- (d) Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter.
- (e) Direct cooperation between and coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may arise between them.
- (f) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
- (g) In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the governor or the director of the state office of emergency services, or the existence of a “state of war emergency” the director is hereby empowered to:
- (1) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
 - (2) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use;
 - (3) Require emergency services of any city officer or employee and, in the event of the proclamation of a “state of emergency” in the county in which this city is located or the existence of a “state of war emergency,” to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;
 - (4) Requisition necessary personnel or material of any city department or agency; and
 - (5) Execute all his ordinary powers as city administrator, all of the special powers conferred upon him by this chapter or by ordinance, or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him by any statute, by an agreement approved by the city council, and by any other lawful authority. (Ord. No. 75-18, § 1, 9-2-75; Ord. No. 2000-16, §§ II, III, 11-20-00)

9.7 Emergency organization.

All officers and employees of this city, together with these volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of section 9.6(g)(3) of this chapter, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the City of Gilroy. (Ord. No. 75-18, § 1, 9-2-75)

9.8 Structure, duties and functions of the emergency organization.

The structure, duties and functions of the emergency organization and the order of the emergency succession to the position of director of emergency services, shall be adopted by resolution of the city council. (Ord. No. 75-18, § 1, 9-2-75; Ord. No. 2000-16, § IV, 11-20-00)

9.9 Mutual aid.

It is the purpose of the city council in enacting this chapter to facilitate the rendering of mutual aid to and for the people of this city. Emergency plans adopted and approved by the city council shall provide

for the interchange of mutual aid and for coordination with the emergency plans of the county operational area. (Ord. No. 75-18, § 1, 9-2-75)

9.10 Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Gilroy. (Ord. No. 75-18, § 1, 9-2-75)

9.11 Punishment of violations.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for not to exceed six (6) months, or both, for any person, during an emergency, to:

(a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city or to prevent, hinder, or delay the defense or protection thereof.

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. No. 75-18, § 1, 9-2-75)

Appendix B: Elected Official General Responsibilities and Checklist

General Responsibilities:

- Ratify and/or proclaim a local emergency.
- Make other executive level policy decisions as necessary and required for the management of emergency response and recovery.
- Serve as the face of government for the community, helping to ensure two-way communication between emergency operations staff and members of the community throughout emergency response and recovery.
- Assist residents, organizations and local businesses in finding solutions to problems resulting from the emergency.
- Provide policy input to the Director of Emergency Services and Department Directors.
- Work closely with the Director of Emergency Services and the Public Information Officer to provide accurate information to local residents, the media and other officials, including visiting dignitaries.
- Provide direction for and review short- and long-term recovery strategies.

NOTE: Council Members should refrain from direct involvement with the Emergency Operations Center (EOC) and/or visiting the EOC unless directly invited by the Director of Emergency Services (normally the City Administrator or designee). Members of the Council will receive regular updates from the Director of Emergency Services or his/her designee to assist them in performing their leadership responsibilities. Council activities may include visits to the Emergency Operations Center or various field operations centers.

Checklist of Activities During an Emergency:

- ☐ After receiving notification of an emergency, check in with your family before reporting to the City Council Chambers, or alternate location, for briefing and further instructions.
- ☐ Contact the Director of Emergency Services to check in upon arrival and anticipate updates via phone, text, email, virtually, in-person, or from a liaison.
- ☐ Call emergency meeting of the City Council if there is an urgent need to meet. The Director of Emergency Services and the City Attorney will advise.
- ☐ Proceed to locations in Gilroy to serve as the face of government for residents, businesses, schools, other organizations, and emergency operations staff.
- ☐ Provide hands-on assistance to local residents and emergency operations staff as practice.
- ☐ Continue to receive briefings and updated information from the Director of Emergency Services or designee.
- ☐ After approval by the Director of Emergency Services and Safety Officers, visit impacted areas, shelters and temporary facilities to identify problems and issues.
- ☐ Convene community meetings to share information and problem solve.
- ☐ Host and accompany visiting dignitaries and government officials on tours of the emergency/disaster area as coordinated by the Director of Emergency Services or Public Information Officer.
- ☐ Notify EOC Public Information Officer of all media request

- ☐ Route all media request through the EOC and provide interviews to the media in coordination with the Director of Emergency Services or the Public Information.
- ☐ Ratify a proclamation of local emergency within 7 days of proclamation, review the need for continuing the proclamation of local emergency every 21 days, and proclaim the termination of the local emergency as conditions warrant.
- ☐ In consultation with the Director of Emergency Services, Department Directors, and the City Attorney, develop and approve other resolutions to aid in the City's response to the emergency and the continuity of government operations.
- ☐ Initiate formal requests for emergency government disaster relief and recovery of operations funding.

Appendix C: Sample Local Emergency Declaration and Proclamation

Local Emergency Declaration

PROCLAMATION OF EXISTANCE OF LOCAL EMERGENCY

WHEREAS, Chapter 9, of the Gilroy Municipal Code, Emergency Organization and Function, empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public emergency and the City Council is not in session; and

WHEREAS the Director of Emergency Services of the City of Gilroy does hereby find:

That condition of potential extreme peril to the safety of persons and property have arisen within said city, caused by: _____; and

That the aforesaid condition of potential extreme peril warrants and necessitates the proclamation of the existence of a local emergency; and

That the City Council of the City of Gilroy is not in session and cannot be called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists through the City of Gilroy.

Director of Emergency Services

Date

Proclamation

RESOLUTION NO. _____

PROCLAMATION CONFIRMING EXISTENCE OF A DISASTER

WHEREAS, Chapter 9, of the City of Gilroy City Code, Emergency Organization and Function, empowers the Director of Emergency Services to proclaim the existence or threatened existence of a disaster when said City is affected or likely to be affected by a public calamity and the Council is not in session, subject to confirmation by the Council at the earliest practicable time; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose within this City, caused by _____ (fire, flood, storm, epidemic, riot, earthquake, or other cause) Commencing on or about _____ a.m. or p.m. on the _____ day of _____, 200__, at which time the Council of the City of Gilroy was not in session; and

WHEREAS said Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a disaster; and

WHEREAS, the Director of Emergency services of the City of Gilroy did proclaim the existence of a disaster within said City on the _____ day of _____, 20__.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that the Proclamation of Existence of a Disaster, as issued by said Director of Emergency Services, is hereby confirmed by the Council of the City of Gilroy; and

IT IS FURTHER PROCLAIMED AND ORDERED that said disaster shall be deemed to continue to exist until its termination is proclaimed by the Council of the City of Gilroy, State of California.

PASSED AND ADOPTED this _____ day of _____, 20__ , by the Council of the City of Gilroy by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor

ATTEST:

City Clerk

Emergency Operations Plan

City of Gilroy

October 2024

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PROMULGATION LETTER

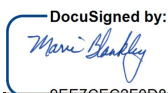
The preservation of life, property, the environment, and the economy are an inherent responsibility of local, State, and Federal government. While no plan can completely prevent death and destruction, reasonable plans carried out by knowledgeable and well-trained personnel can, and will, minimize losses.

The City of Gilroy has prepared this Emergency Operations Plan in compliance with the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS) to ensure the most effective and efficient allocation of resources for the maximum benefit and protection of the City's population during times of emergency.

This plan is promulgated as the City of Gilroy Emergency Operations Plan (EOP). The EOP provides a programmatic framework that outlines the City's intended approach to preventing, preparing for, responding to, recovering from, and mitigating against the impacts of natural and man-made disasters and emergencies. The City's EOP development and maintenance process is supported by analysis of the City's threats, hazards, needs, and capabilities, community-wide collaboration, periodic review, training, and exercises.

This EOP will be reviewed and exercised periodically and revised as necessary in response to changing conditions and needs.

The Gilroy City Council gives their full support to this Emergency Operations Plan and urges all officials, employees, businesses, organizations, and residents—individually and collectively—to do their share in any community emergency effort of the City of Gilroy. With the adoption of Resolution #, the City Administrator is authorized to approve this EOP, subsequent amendments, and the addition of function- and hazard- specific annexes, supporting plans, and appendices.

DocuSigned by:

9EE7CEC2F0D6427...
Marie Blankley, Mayor

10/22/2024

Date

DocuSigned by:

CG6466EF09054DC...
Jimmy Forbis, City Administrator

10/22/2024

Date

PLAN CONCURRENCE

The following departments of the City of Gilroy concur with the content within the City’s Emergency Operations Plan, 1st Edition.

Name	Title	Department	Signature	Date

ADOPTION AND APPROVAL

RECORD OF CHANGES

The Gilroy Office of Emergency Management (OEM), with input from essential stakeholders across the City, is responsible for maintaining, reviewing, and updating this EOP. They will—at a minimum—review this EOP every year. It is essential that OEM make revisions and updates in collaboration with participating local jurisdictions and other planning partners identified in the EOP to ensure accuracy and validity. If the EOP requires an immediate change due to lessons learned from trainings, exercises, or actual incidents, the City will identify a course of action for the review, update, and implementation of the necessary changes. All changes will be noted in the table below.

Version	Date	Name	Change Description
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			

RECORD OF DISTRIBUTION

Name	Title	Department	Copies

PURPOSE

The EOP provides an overview of the jurisdiction's approach to emergency operations. It identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners. The EOP has the flexibility to be used for all emergencies and will facilitate response and recovery activities in an efficient and effective way. This section of the EOP provides a description of the EOP's intended audience, the method of distribution, the approval process, and its applicability to other plans.

This plan also describes the role of the City of Gilroy Emergency Operations Center (EOC) and the coordination between the EOC, those conducting field-level activities, and external entities such as the Operational Area, community partners, and City residents and visitors.

This EOP is an evolving, dynamic document that OEM is responsible for maintaining. This plan complies with the National Incident Management System (NIMS), the National Response Framework (NRF), the Standardized Emergency Management System (SEMS), and the Incident Command System (ICS) and is in alignment with Santa Clara Operational Area Emergency Operations Plan and the California State Emergency Plan (SEP).

The purpose of the EOP is to establish the foundational policies and procedures that define how the City will effectively prepare for, respond to, recover from, and mitigate against natural or human-caused disasters. It describes the emergency management organization and how it is activated. It also addresses the following issues:

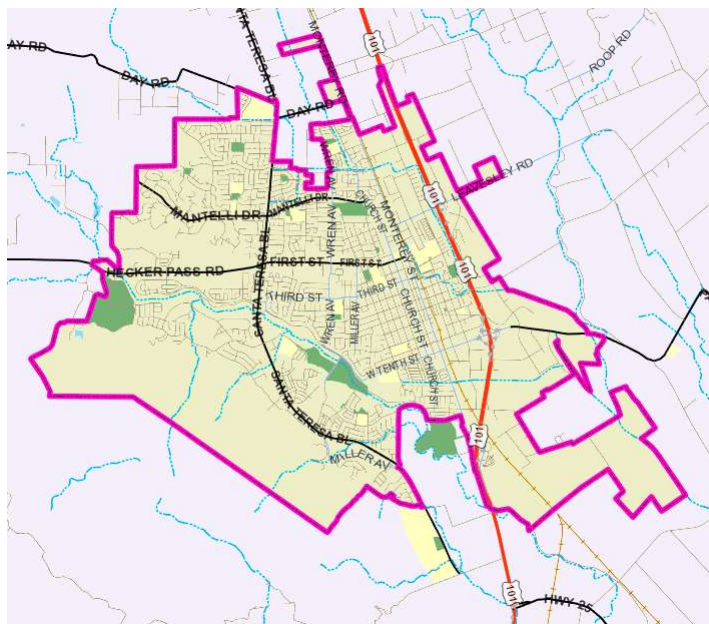
- Identifies response and recovery activities and specifies roles and responsibilities.
- Sets forth lines of authority and organizational relationships and describes coordination.
- Describes the system used to coordinate the request for and integration of resources and services available to the City during disaster situations.
- Specifies the coordination and communications procedures and systems that will be relied upon to alert, notify, and recall EOC personnel; warn the public; and protect residents and property.
- Describes the emergency management organization and transition of priorities and objectives to address post-disaster recovery considerations.

SCOPE

The EOP addresses the entire spectrum of contingencies, ranging from minor incidents to large-scale disasters. Each City department is responsible for preparing and maintaining plans, standard operating procedures (SOPs), resource lists, and checklists that detail roles and responsibilities supporting this plan and ensuring successful response during a major disaster. All departments must be prepared to respond to any foreseeable emergency promptly and effectively, taking all appropriate actions. The plan applies to all elements of the City of Gilroy Emergency Management Organization during all phases of emergency management. It will be used in coordination with the Santa Clara County Operational Area Plan, the State Plan, and the National Response Framework.

SITUATION OVERVIEW

Jurisdictional Overview



Geography

Encompassing 16.15 square miles and lying at the southernmost extension of Santa Clara County's Santa Clara Valley at 200ft elevation, the City of Gilroy is surrounded by unincorporated area and bounded by the Santa Cruz Mountains to the west and the Diablo Range to the east.

Population

At the time of the 2020 US Census, the City had a population of 59,520.

Transportation

Gilroy has two highways, U.S. Route 101, and State Route 152. Gilroy's location contributes to its use as a thoroughfare for the morning and afternoon commutes which overflows onto many surface streets. Union Pacific has an active railroad on which Amtrak and Caltrain also operate. Mass transit also includes Santa Clara Valley Transportation Authority (VTA) Bus Service.

Utilities

The City oversees water, wastewater, and stormwater systems. The South County Regional Wastewater Authority (SCRWA) manages wastewater treatment and operates the reclaimed water facility in partnership with Santa Clara Valley Water District, while Pacific Gas and Electric (PG&E) provides gas and electric utilities.

Equity

The City's population is diverse socially, culturally, and economically and integration of equity into all aspects of emergency management is vital to ensure equitable outcomes for the whole community. The City values diversity and recognizes the importance of diversity's wide range of perspectives, ideas, and experiences to create innovative solutions for the community and is currently working on the JEDI Initiative. As such, the City recognized the importance of considering Justice, Equity, Diversity, and

Inclusion (JEDI) in its current internal and external policies and practices and how these efforts can be advanced in day-day efforts and future planning.

The City's OEM actively participates in the County's Access and Functional Need (AFN) and Cultural Competency Working Group, including stakeholder's representing diverse and historically marginalized communities within Santa Clara County, to integrate best practices and lessons learned into emergency management practices.

Hazard Overview

The City faces a variety of hazards. This plan was developed using an all-hazards planning approach with consideration to specific hazard and vulnerability findings identified in the Multi-Jurisdictional Hazard Mitigation Plan, which include, but are not limited to:

- Severe Weather
- Flood
- Earthquake
- Wildfire
- Drought
- Climate Change

More detailed information regarding the hazards to the County and the City can be found in the current Multi-Jurisdiction Hazard Mitigation Plan and the City's Annex to the Multi-Jurisdiction Hazard Mitigation Plan, located on the City's emergency preparedness website. The Multi-Jurisdictional Hazard Mitigation Plan identifies and analyzes various hazards, provides a risk and vulnerability assessment, and identifies mitigation strategies and actions to promote community resilience. The City Council adopted the Multi-Jurisdictional Hazard Mitigation Plan and the City's Annex to the Plan in 2017. The 2023 update to this plan and the City's Annex is currently under review by Cal OES and FEMA.

Other hazards not specifically covered in detail, but mentioned in the Multi-Jurisdiction Hazard Mitigation Plan include, but are not limited to:

- Pandemic
- Transportation Incidents
- Cyber Threats
- Active Shooter
- Terrorism

Planning Assumptions

The Multi-Jurisdiction Hazard Mitigation Plan provides a detailed threat/hazard analysis for the City of Gilroy. Planning assumptions identify the risk and/or unique circumstances about the City that help emergency planners and executives in decision-making. It's important to note that not all assumptions will occur with any one incident.

The planning assumptions are as follows:

- The City is susceptible to several hazards and risks that may result in critical incidents that may include a natural, technological, or human-made emergency and/or disaster.
- Some critical incidents may have advance warning while others will not.
- All City departments will participate in planning and preparedness activities as required.

- City personnel will be adequately trained to perform the roles in which they are assigned.
- The City's EOC will be partially or fully activated to support operations during critical incidents.
- City personnel may be unable or unavailable to report to work or as assigned.
- Non-essential City operations may be reduced or cancelled to prioritize resources.
- Mutual aid and other assistance will be requested when City resources are inadequate, however outside assistance and support may be unavailable for extended periods of time.
- Communications equipment and infrastructure may be damaged or disrupted.
- Transportation infrastructure may be damaged or disrupted, blocking access to critical facilities and delaying local resources.
- Critical infrastructure and utilities such as natural gas, water, and electricity may be severely impacted.
- Residents, businesses, and other entities may need to be self-sufficient for one week or more.
- Additional planning, resources, and support will be needed to support people with disabilities and others with access and functional needs.
- Public, private, and nonprofit organizations, as well as the general public, will need to utilize their own resources and become self-sufficient for potentially several days, possibly longer. In the event of a large-scale incident or event, it may become necessary to shelter a substantial number of the City population due to displacement.
- A catastrophic disaster would adversely impact local government and response capabilities. Consequently, a number of local emergencies may be proclaimed.
- Large numbers of medically fragile evacuees may require transportation to/from shelter locations.
- Infrastructure damage may limit the number of emergency response personnel available to staff the City EOC or other incident management organization functions for at least 12 hours.
- In the event of a complex and large incident or event, a clear picture regarding the extent of damage, loss of life, and injuries may not be known for over a day.
- County support of City emergency operations will be based on the principal of self-help. The City will be responsible for utilizing all available local resources along with initiating mutual aid and cooperative assistance agreements before requesting assistance from the County per SEMS.
- The City's planning, policies, strategies, operations, and tactics will make every effort to consider the needs of the general population, pets, children of all ages, individuals with disabilities and others with access and functional needs.
- Some evacuees may require specialized medical care found only in a hospital, and/or access to medication, refrigeration, mobility devices, or service animals.
- City EOC capabilities may be limited for the first operational period if communication links to other agencies and City departments are impacted.
- Essential City services will be maintained as conditions allow.
- An emergency will require prompt and effective response and recovery operations by the entire City emergency management organization, including emergency services, mutual aid resources, disaster relief and private nonprofit organizations, the private sector, the elected, executive, strategic, operational, and tactical incident responders, and the whole community.
- Because of damage to the transportation infrastructure, out-of-region mutual aid, State and Federal resources, and resources from other states may not begin to arrive for several days.

Phases of Emergency Management

Emergency management activities are often categorized into phases.

Prevention

The prevention phase includes activities, tasks, programs, and systems intended to avert or intervene to stop an incident from occurring. Prevention can apply both to human-caused incidents (such as terrorism, vandalism, sabotage, or human error) as well as to naturally occurring incidents (e.g., earthquakes, floods, wildfires). Prevention of human-caused incidents can include applying intelligence and other information to a range of activities that include such countermeasures as:

- Deterrence operations
- Heightened inspections
- Improved surveillance and security operations
- Investigations to determine the nature and source of the threat
- Law enforcement operations directed at deterrence, preemption, interdiction, or disruption

Mitigation

The Mitigation phase occurs both before and after emergencies or disasters. Some post-disaster mitigation activities may be incorporated into the recovery process. Effective mitigation includes eliminating or reducing the impact of hazards within the City. Mitigation efforts include, but are not limited to:

- Amending local ordinances and statutes, such as zoning ordinances, building codes, and other enforcement codes
- Initiating structural retrofitting measures
- Assessing tax levies or abatements
- Emphasizing public education and awareness
- Assessing and altering land use planning

Preparedness

The preparedness phase involves activities that are undertaken in advance of an emergency or disaster. These activities ensure operational capabilities and effective responses to a disaster. Plans are developed and revised to guide disaster response and increase available resources. Planning activities include developing hazard analyses, training response personnel, and improving public information and communications systems. Preparedness activities are part of the implementation of the California Emergency Services Act, the California Master Mutual Aid Agreement, and the California State Emergency Plan. Preparedness activities fall into two areas: readiness and capability.

Readiness activities shape the emergency management framework and create the basis of knowledge necessary to complete a task or mission. Readiness activities might include, but are not limited to:

- Implementing hazard mitigation projects.
- Developing hazard analyses and monitoring emerging threats.
- Developing and maintaining emergency plans and procedures that serve the whole community, especially those with disabilities and others with access and functional needs.
- Conducting general and specialized training.
- Conducting drills and exercises.
- Developing agreements with other organizations.

- Improving emergency public education and emergency warning systems.

Capability activities involve the procurement of items or tools necessary to complete tasks or missions. Capability activities include, but are not limited to:

- Assessing the City and its resources.
- Comparing and analyzing anticipated resource requirements against available resources.
- Identifying local sources to serve as anticipated resources.
- Purchasing new response apparatus, vehicles, personal protective equipment, etc.
- Assessing personnel training needs and providing necessary training.

Response

The Response phase is typically divided into three phases. Each phase has distinct considerations, which seldom flow sequentially, often co-occurring. These phases are increased readiness (pre-incident for anticipated events), initial response (first 72 hours), and extended response (response activities beyond the first 72 hours).

Increased readiness is required upon receipt of a warning or in anticipation that an emergency is imminent or likely to occur. The City initiates actions to increase its readiness, and such increased readiness actions may include, but are not limited to:

- Briefing the Mayor, City Council, City Administrator, and other key officials, applicable department representatives, and all City employees.
- Reviewing the EOP and all relevant annexes, policies, and procedures.
- Increasing public information capabilities (e.g., adding, assigning, and/or training personnel, activating JIC, implementing technology support systems).
- Providing just-in-time training (e.g., on-demand learning such as EOC overview, position- and section specific overview).
- Inspecting critical facilities and equipment, including the testing of warning and communications systems.
- Recruiting additional staff and registering volunteers.
- Warning at-risk populations.
- Conducting precautionary evacuations in the potentially impacted area(s).
- Mobilizing personnel and pre-positioning resources and equipment.
- Contacting local (city, county, and special districts), State, and Federal agencies that may provide support.

The City's initial response activities are performed at the field level. Emphasis is placed on saving lives and minimizing the effects of an emergency or disaster. Examples of initial response activities include, but are not limited to:

- Making all necessary notifications, including those to the City of Gilroy Emergency Organization, City departments, external agencies, and other involved community partners.
- Disseminating warnings, emergency public information, and instructions to the community members of the City.
- Conducting evacuations and/or rescue operations.
- Caring for displaced persons and treating the injured.
- Conducting initial damage assessments and surveys.

- Assessing the need for mutual aid assistance.
- Restricting movement of traffic/people and unnecessary access to affected areas.
- Clearing debris from priority routes.
- Developing and implementing Incident Action Plans (e.g., field, EOC).

The City's coordination of extended response activities is primarily conducted in the EOC. Extended emergency operations involve the coordination and management of personnel and resources to mitigate an emergency and facilitate the transition to recovery operations. Examples of extended response activities include, but are not limited to:

- Disseminating emergency public information.
- Preparing detailed damage assessments.
- Proclaiming a local emergency.
- Requesting a Gubernatorial State of Emergency proclamation and/or a Presidential emergency or major disaster declaration that provides financial and other assistance to State and local governments, certain private nonprofit organizations, and individuals to support response, recovery, and mitigation efforts.
- Documenting situational status.
- Documenting expenditures.
- Coordinating the restoration of vital utility services.
- Coordinating mass care and sheltering facilities.
- Expanding debris clearance to other priority routes.
- Developing and implementing Incident Action Plans (e.g., field, EOC) for extended operations
- Conducting advanced planning activities.
- Procuring required resources to sustain operations.
- Tracking resource allocation.
- Establishing a Local Assistance Center.
- Coordinating with State and Federal agencies working within the City.

Recovery

Recovery activities involve restoring services to the public and returning the affected area(s) to pre-emergency conditions. While the immediate lifesaving activities are occurring, it is important to begin assessing how soon the response phase can transition to recovery. Critical response phase operations will gradually shift to assisting individuals, households, businesses, and governments in meeting basic needs and returning to self-sufficiency. Recovery activities may be short-term, intermediate, and long-term, ranging from restoration of essential utilities, such as water and power, to mitigation measures designed to prevent future occurrences of a given threat.

CONCEPT OF OPERATIONS

This section explains, in broad terms, leadership intent regarding emergency response operations. The Concept of Operations describes how the emergency response organization accomplishes its mission. Ideally, it offers a clear methodology to realize the goals and objectives to execute the plan. It includes roles and responsibilities, the organizational element of the overall emergency management program, a brief discussion of the EOC activation levels, and a description of control, direction, and intra- and interagency coordination.

SEMS and NIMS Compliance

In accordance with State and Federal laws, the City of Gilroy has officially adopted and integrated the following emergency management, response, and coordination systems:

- Standardized Emergency Management System (SEMS)
- National Incident Management System (NIMS)

Together, these operational systems outline how critical incidents, emergencies, and disasters will be coordinated in the field, at the local level, and up through the Operational Area, Region, State, and Federal levels. The City of Gilroy EOP complies with Federal guidance to use NIMS and State guidance to use SEMS. An overview of each system is included below.

SEMS

SEMS is a NIMS-compliant system used to manage multi-agency and multi-jurisdictional responses to emergencies in California. The system unifies all elements of California's emergency management community into a single integrated system, standardizes key elements, and consists of five hierarchical levels: Field, Local Government, Operational Area, Regional, and State. In addition, SEMS incorporates the principles of Incident Command System (ICS), the California Disaster and Civil Defense Master Mutual Aid Agreement, existing discipline-specific mutual aid agreements, the Operational Area concept, and multi-agency or interagency coordination and communication. Under SEMS, response activities are managed at the lowest possible organizational level.

SEMS Organizational Levels

There are five standardized Emergency Management System Levels.

Field

The Field level is where emergency response personnel and resources are under the command of responsible officials with jurisdiction. Using the structure of ICS and the established standard operating procedures, first responders carry out tactical decisions and activities in direct response to an incident or threat. As events evolve and require activation of the EOC, Field level resources maintain local command of incident response and mitigation while coordinating with the EOC.

Local Government

The City of Gilroy is a local government. According to California Government Code and SEMS doctrine, a local agency (local government) includes incorporated cities, special districts, and the county. Local governments manage and coordinate their jurisdiction's overall emergency response and recovery activities. Local governments must use SEMS when their EOC is activated or a Local Emergency is proclaimed eligible for State reimbursement of response-related costs.

Operational Area

An Operational Area is the intermediate level of the State's emergency management organization. The Santa Clara County Operational Area is comprised of various political subdivisions within the County's boundaries and all political subdivisions, including the City of Gilroy. The Operational Area facilitates and coordinates information, resources, and decisions regarding priorities among local governments within the Operational Area. The Operational Area is the coordination and communication link between the Local Government and Regional levels.

Regional

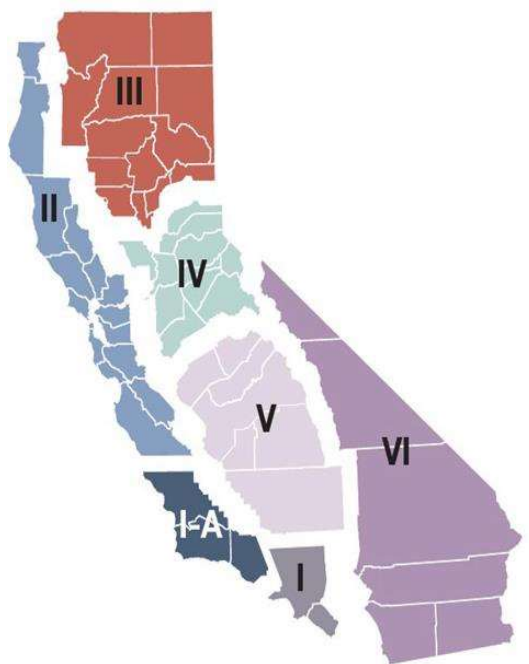
The Regional level manages and coordinates information and resources among Operational Areas within the mutual aid region and also between the Operational Area and the State level. The administrative regions serve as the conduit for local and regional perspectives and provide a physical presence for Cal OES functions at the local level in all phases of emergency management. The Regional level also coordinates overall State agency support for emergency response activities within the Region. California is divided into three California Governor's Office of Emergency Services (Cal OES) administrative regions—Inland, Coastal, and Southern. Gilroy is within the Cal OES Coastal (Administrative) Region and serves as Mutual Aid Region II. Regional response support activities are coordinated out of the Regional EOC (REOC), but some mutual aid may be coordinated between Operational Area and Regional Mutual Aid Coordinators, who may or may not sit in the REOC. The Coastal REOC administration offices and REOC in Fairfield, CA, coordinate with Cal OES administration offices and State Operations Center in Mather, CA.

The figures below display Cal OES' three administrative regions and six Mutual Aid Regions:

Administrative Regions



Mutual Aid Regions

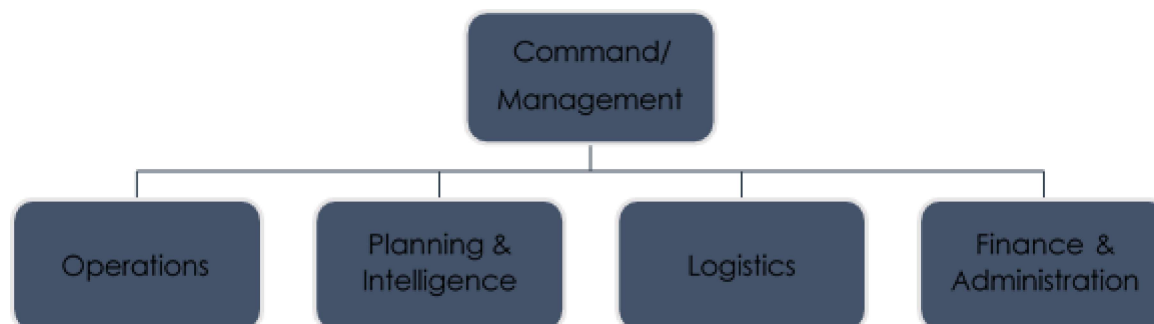


State

The State level of SEMS prioritizes tasks and coordinates State resources in response to requests from the Regional level; it coordinates mutual aid among the mutual aid regions and between the Regional level and State level. The State level also serves as the coordination and communication link between the State and the Federal emergency response system. The State level requests assistance from other State governments through the Emergency Management Assistance Compact (EMAC) and similar interstate compacts/agreements; it coordinates with FEMA when Federal assistance is requested. The State level operates out of the State Operations Center (SOC).

SEMS Functions

There are five Standardized Emergency Management Systems functions. These functions must be applied to each organizational level of SEMS.



Command

Command directs, orders, and/or controls resources at the field response level. Command and Management are further discussed below:

- *Command:* A key concept in all emergency planning is establishing command and tactical control at the lowest level that can effectively perform that role in the organization. In the Incident Command System, the Incident Commander, with appropriate policy direction and authority from the responding agency, sets the objectives to be accomplished and approves the strategy and tactics to be used to meet those objectives. The Incident Commander must respond to a higher authority. Depending upon the incident's size and scope, the higher authority could be the next ranking level in the organization, up to the agency or department executive. This relationship provides an operational link with policy executives who customarily reside in the Emergency Operations Center when activated.

Management: Management is responsible for overall emergency policy and coordination at the Emergency Operations Center levels. The Emergency Operations Center is a central location supporting multiagency coordination, information collection and evaluation, priority setting, resource management, and executive decision-making to support incident response and implements policies established by governing bodies.

Operations

Responsible for coordinating and supporting all jurisdictional operations supporting the emergency response through implementing the organizational level's action plans. At the Field Level, the Operations Section is responsible for coordinating the tactical response directly applicable to or in support of the objectives in accordance with the Incident Action Plan. In the Emergency Operations Center, the Operations Section manages functional representatives who share information and decisions about discipline-specific operations.

Planning/Intelligence

Responsible for collecting, evaluating, and disseminating operational information related to the incident for preparing and documenting the Incident Action Plan at the Field Level or the EOC Action Plan at an Emergency Operations Center. Planning/Intelligence also maintains information on the current and forecasted situation and the status of resources assigned to the emergency or the Emergency Operations Center. As needed, Unit Coordinators are appointed to collect and analyze data, prepare situation reports,

develop action plans, set Geographic Information Systems (GIS) priorities, compile and maintain documentation, conduct advanced planning, manage technical specialists, and coordinate demobilization.

Logistics

Responsible for providing facilities, services, personnel, equipment, and materials in support of the emergency. Unified ordering occurs through the Logistics Section to ensure controls and accountability over resource requests. As needed, Unit Coordinators are appointed to address the needs for personnel, supplies, equipment, facilities, and care and shelter.

Finance/Administration

Responsible for all incident-related financial and cost analysis and administrative aspects not handled by the other functions. Unit Leaders are appointed to record time for incident or Emergency Operations Center personnel, coordinate procurement activities, process claims, and track costs as needed.

NIMS

NIMS guides all levels of government, nongovernmental organizations (NGOs), and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from incidents. NIMS provides stakeholders across the community with the shared vocabulary, systems, and processes to deliver the capabilities described in the National Preparedness System successfully. NIMS defines operational systems, including the Incident Command System (ICS), Emergency Operations Center (EOC) structures, and Multiagency Coordination Groups (MAC Groups), that guide how personnel works together during incidents. NIMS applies to all incidents and planned events, regardless of cause, size, complexity, or scope, and provides interoperability and compatibility through a core set of concepts, principles, terminologies, and technology.

National Response Framework

The NRF is based upon the premise that incidents are handled at the lowest jurisdictional level. In most incidents, State and local resources and interstate mutual aid will provide the first line of emergency response and incident management support. When State resources and capabilities are overwhelmed, Governors may request Federal assistance. The NRF provides the framework for Federal interaction with State, local, tribal, private sector, and nongovernmental entities in domestic incident management to ensure timely and effective Federal support. The NRF and NIMS are designed to work in tandem to improve the Nation's incident management capabilities and overall efficiency.

The NRF is the core operational plan for national incident management and establishes national-level coordinating structures, processes, and protocols that will be incorporated into certain existing Federal interagency incident or hazard-specific plans. The NRF is intended to facilitate coordination among local, State, Tribal, and Federal governments, and the private sector without impinging on any jurisdiction or restricting the ability of those entities to do their jobs. The NRF does not alter or impede the ability of first responders to carry out their specific authorities or perform their responsibilities.

ICS

The City of Gilroy utilizes ICS, a primary component of SEMS and NIMS. This standardized incident management concept allows responders to adopt an integrated organizational structure equal to the complexity and demands of any single incident or multiple incidents without being hindered by jurisdictional boundaries.

ICS is based on a flexible, scalable response organization designed to establish standard response and operational procedures. This organization provides a common framework enabling personnel drawn from multiple agencies that routinely do not work together and reduces the potential for miscommunication during incident response.

INTEGRATING FEDERAL, STATE, AND LOCAL SYSTEMS

The NRF, SEMS, NIMS, ICS, and this EOP integrate the capabilities and resources of various governmental jurisdictions, incident management and emergency response disciplines, nongovernmental organizations (NGOs), and the private sector into a cohesive, coordinated, and seamless national framework for domestic incident management. It should be understood that field-level emergency responders, Emergency Operations Center (EOC) staff, department executives, elected officials, and public information officers all have a vital role in successful comprehensive incident management.

Roles and Responsibilities

The table below outlines roles and responsibilities for departments for supporting the City’s Emergency Management Organization:

Department	Roles and Responsibilities
City Council	• Ratifies formal proclamation of a Local Emergency. • Approves EOP. • Makes, enforces, or waives City regulations to facilitate an effective emergency response. • Communicates with constituents regarding their concerns and needs, and serves as a conduit between the community and the EOC. • Coordinates with elected officials to facilitate assistance for community needs.
Administration	City Administrator: • Provides direction for the overall City coordination of Local Emergency response efforts. • Issues initial Local Emergency proclamation for the City. • Directs EOC operations. • Leads City response and recovery efforts. • Liaises with City Council. City Attorney: • Provides legal advice during emergency operations. City Clerk:

Administration	• Authorizes the swearing-in of Disaster Service Workers/Volunteers. • Maintains vital records. Communications and Engagement: • Provides public information and initiates emergency messaging. Economic Development: • Assists with post-disaster economic recovery. • Assists with Liaison efforts with the private sector. OEM: • Oversees the Emergency Management Program and advises as appropriate. • Provides emergency management training to key stakeholders. • Maintains the EOP and the City EOC readiness. Recreation: • Coordinates shelter activations, operations, and provision of Mass Care services. • Coordinates in-kind donation management. • Coordinates commodity Points of Distribution.
Administrative Services	Facilities: • Coordinates facility needs and maintenance. Fleet: • Coordinates maintenance of city vehicle fleet and generators to include fuel management. Human Resources: • Coordinates the Disaster Service Worker and Volunteer Program. • Manages workers compensation claims.
Community Development	Building, Life and Environmental Safety: • Coordinates building safety and damage assessments. Planning: • Supports response, mitigation, recovery planning.

	Housing: Coordinates post-disaster interim, transitional, and long-term housing solutions.
Finance	Finance: - Supports emergency resource procurement. - Facilitates post-disaster cost-recovery. - Establishes systems/procedures in advance of an emergency to deal with tracking all emergency costs, etc. for recovery. - Manages timekeeping and payroll. - Manages monetary donations. Information Technology (IT): - Provides technical support for all IT applications and systems. - Provides Geographic Information System support.
Fire	- Provides fire, medical, hazmat, search, rescue, and recovery operations. - Coordinates Fire and Rescue Mutual Aid for the City (local government).
Police	- Manages law enforcement activities for the City. - Manages and coordinates evacuations in the City. - Coordinates security and perimeter control for critical facilities and other vulnerable emergency response locations. - Coordinates law enforcement mutual aid for the City (local government). - Coordinates Animal Care and Shelter. - Coordinates traffic management.
Public Works	- Coordinates debris management activities; identifies temporary collection and processing sites for debris. - Coordinates repair of infrastructure and restoration of services. - Coordinates damage assessment on publicly owned infrastructure. - Coordinates transportation management.

PLAN ACTIVATION

The City's Emergency Operations Plan may be activated when an emergency impacts public health and safety or the environment and threatens to exceed the day to day capabilities of the City's departments. This plan can be activated by the City Administrator, or designated alternates under any of the following circumstances:

- By order of the Director of Emergency Services as designated by the City's Municipal Code, Chapter 9, Emergency Services and Organization.
- When a department requests activation to support their emergency operations.
- Upon proclamation by the Governor that a State of Emergency exists within Gilroy.
- Upon declaration by the President of the existence of a National Emergency.

In all other cases, activation will be at the discretion of the City Administrator.

PROCLAIMING A LOCAL EMERGENCY

The authority to proclaim a Local Emergency in Gilroy is vested in the City Council, or in its absence, the Director of Emergency Services (City Administrator), or designated alternate. A proclamation of a Local Emergency must be issued within 10 days of an incident. A proclamation of Local Emergency is invalid after seven days, unless ratified by the City Council. If the governing body ratifies the proclamation, and the proclamation extends beyond seven days, the governing body must review the need to continue the proclamation at least every 21 days until the Local Emergency is terminated. In any case, the governing body must proclaim the termination of the Local Emergency as soon as conditions warrant. Whenever Santa Clara County proclaims a Local Emergency, the City of Gilroy will be covered under their proclamation. According to the California Emergency Services Act, a proclamation of Local Emergency provides the local governing body the authority to:

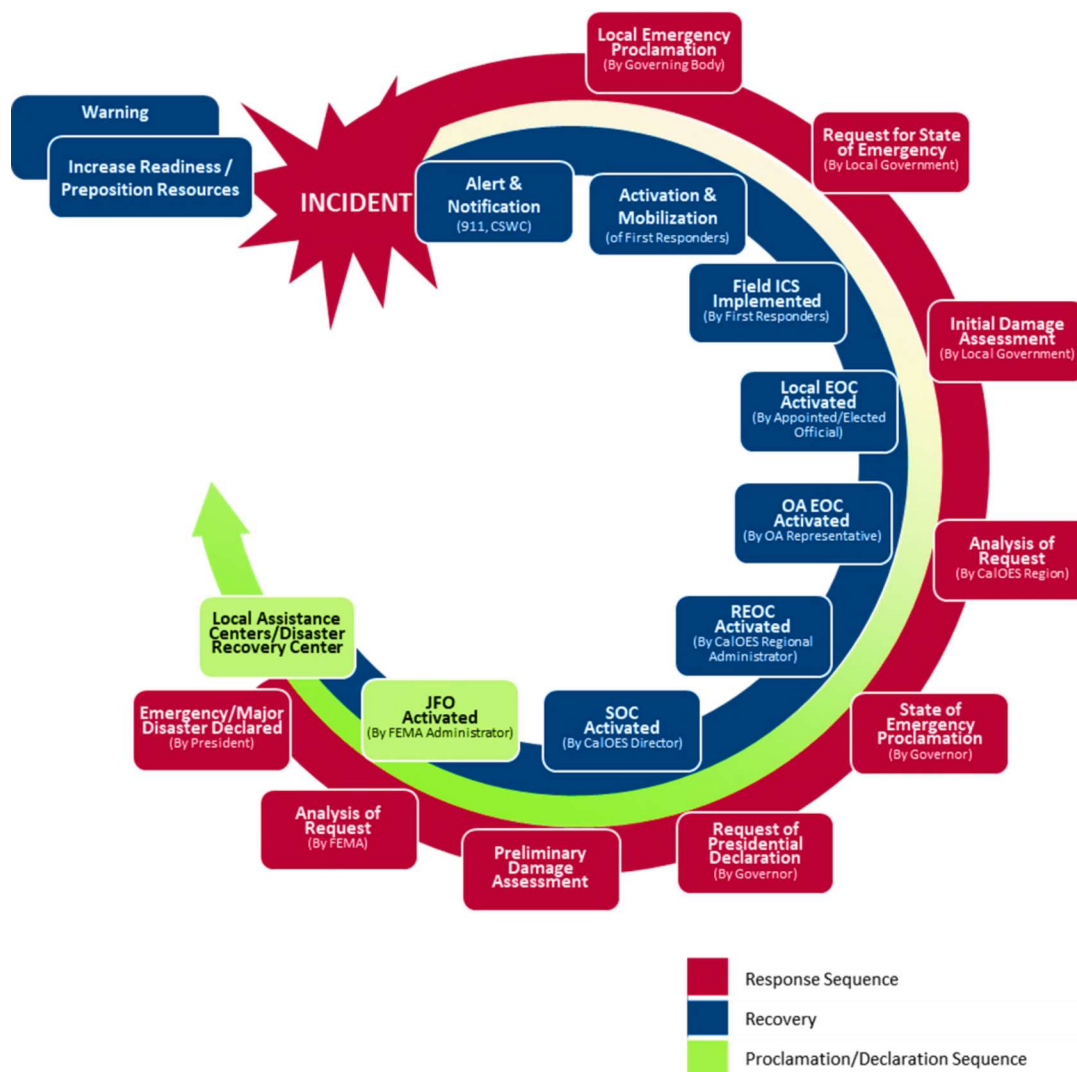
- Request and receive assistance from local agencies and assistance from the State under the California Disaster Assistance Act (CDAA).
- In the absence of a Presidentially proclaimed State of War Emergency or State of Emergency, recover from the State the cost of extraordinary services incurred in executing mutual aid agreements.
- Provide public employees, disaster service workers, and governing bodies certain legal immunities for emergency actions taken.
- Promulgate or suspend orders and regulations necessary to provide for protection of life and property.
- Promulgate orders and regulations imposing curfew.
- Additionally, the City defines in its government code the following:
 - In the event of a proclamation of a Local Emergency, or the proclamation of a State of Emergency by the governor or the Director of the California Office of Emergency Services (Cal OES), or the existence of a State of War Emergency, the director is hereby empowered:
 - To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided,

however, such rules and regulations must be confirmed at the earliest practicable time by the city council.

- To obtain vital supplies, equipment and such other properties needed for the protection of life and property, and to obligate the city for the fair value thereof and, if required immediately, to commandeer for public use.
- To require emergency services of any city officer or employee and, in the event of the proclamation of a State of Emergency in Santa Clara County or the existence of a State of War Emergency, to command the aid of as many citizens of this community as he or she deems necessary. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers.
- To requisition necessary personnel or material of any city department or agency.
- To execute all of the ordinary powers as city manager, all of the special powers conferred upon him or her by this chapter or by resolution or emergency plan adopted by the city council, as well as all powers conferred by any statute, by any agreement approved by the city council, and by any other lawful authority.

When the City proclaims a Local Emergency, it will: notify the Santa Clara County Office of Emergency Management Duty Officer or, if activated, Operational Area Emergency Operations Center.

The figure below demonstrates the emergency proclamation process and response phase sequence of events:



CONTINUITY OF GOVERNMENT

The California Emergency Services Act, as well as the Constitution of the State of California, provides the authority for State and local governments to reconstitute itself in the event incumbents are unable to serve. Continuity of government is comprised of 3 elements:

- Standby Officers for the Governing Body
- Alternate Seat of Government
- Preservation of Vital Records

Standby Officers

Title 2, Division 1, Chapter 7, Article 15 of the California Government Code provides the authority, as well as the procedures to be employed, to assure continued functioning of political subdivisions within the State of California. Article 15 generally allows for the appointment of up to three Standby Officers for each member of the governing body, as well as up to three Standby Officers for the Chief Executive, if they are

not part of the governing body. It also provides for the succession of officers who lead departments responsible for maintaining law and order or providing public services related to health and safety.

Article 15 also outlines procedures to assure continued functioning of political subdivisions in the event the governing body, including Standby Officers, is unavailable to serve.

Alternate Seat of Government

In the event that a facility for conducting essential work of the City of Gilroy should be unavailable, that work will be relocated to another suitable city owned facility, or another suitable loaned or rented facility. The seat of government is the City Hall. The Director of Emergency Services will make selection of a suitable alternate site when the determination has been made that the City Hall is uninhabitable.

Preservation of Vital Records

Vital records are defined as those records that are essential to:

- Protect the rights and interests of individuals. Examples include vital statistics, land and tax records, license registers, and articles of incorporation.
- Conduct emergency response and recovery operations. Records of this type include utility system maps, locations of emergency supplies and equipment, EOPs, and personnel rosters.
- Reestablish normal governmental functions. Included in this group are charter, statutes, ordinances, court records, and financial records, especially payroll and accounts receivable. Each level of government down to the departmental level is responsible for designating a custodian for vital records, and ensuring that vital records storage and preservation is accomplished.

Vital records storage methods that might be utilized include, but are not limited to:

- Fireproof containers
- Vault storage
- Redundant electronic copies on media disbursed in several locations

The City Clerk is designated as custodian of vital records. The Deputy City Clerk serves as alternate in the absence of the City Clerk.

Each City department is also responsible for identifying and maintaining its own essential records.

Alternate EOC

In the event that the primary EOC within the City Hall Annex is inaccessible or uninhabitable, the City has two alternate EOCs.

- Police Department
- Corporation Yard

Lines of Succession

Certain events can impact staff availability. The City maintains an EOC lines of succession for each department and all identified positions within the EOC. City department directors are responsible for filling vacancies as they occur in coordination with OEM.

OPERATIONAL GOALS, PRIORITIES, AND STRATEGIES

The City of Gilroy has established the following general priorities for establishing response goals, governing resource allocation, prioritizing actions, and developing operational strategies:

Operational Goals: During the response phase, the departments charged with responsibilities in this plan should focus on the following five goals:

- Mitigate hazards
- Meet basic human needs
- Address needs of People with Access and Functional Needs (AFN)
- Restore essential services
- Support community and economic recovery

Operational Priorities: Operational priorities govern resource allocation and the response strategies for the City during an emergency. Below are operational priorities addressed in this plan:

- Save Lives – The preservation of life is the top priority and takes precedence over all other considerations.
- Protect Health and Safety – Measures should be taken to mitigate the impact of the emergency on public health and safety.
- Protect Property – All feasible efforts must be made to protect public and private property and resources, including critical infrastructure, from damage during and after an emergency.
- Preserve the Environment – All feasible efforts must be made to preserve the environment and protect it from damage during an emergency.

Operational Strategies: To meet the operational goals, emergency responders should consider the following strategies:

- Mitigate hazards –As soon as practical during the disaster response: suppress, reduce, or eliminate hazards/risks to people, property, and the environment to lessen their actual or potential effects/consequences.
- Meet basic human needs –All possible efforts must be made to supply resources to meet basic human needs, including food, water, accessible shelter, medical treatment, and security during an emergency.
- Address needs of individuals with disabilities or access and functional needs – People with access and functional needs are more vulnerable to harm during and after an emergency. The needs of these individuals must be considered and addressed.
- Restore essential services –Power, water, sanitation, accessible transportation, and other essential services must be restored as quickly as possible to assist communities in returning to normal daily activities.
- Support Community and Economic Recovery –All members of the community must collaborate to ensure recovery operations are conducted efficiently, effectively, and equitably. Promoting expeditious recovery of the affected areas.

EOC

The City of Gilroy Emergency Operations Center (EOC) provides a centralized location where emergency management coordination and decision-making can be supported during a critical incident, major

emergency, or disaster. When activated, the EOC provides support for a number of critical tasks related to communications, coordination, resource management, and executive leadership. Additionally, the EOC coordinates tasks that augment existing Department standard operating procedures. The City's OEM Duty Officer will be responsible for monitoring daily activities and functions outside of activation.

Primary and Alternate EOC Locations

The EOC is located within the City Hall Annex.

All designated EOC personnel have access to the secure facility.

Guidelines for activating the EOC and position-specific checklists, are included in the EOC Guidebook which are kept in the EOC.

If the primary EOC is uninhabitable or inaccessible, the EOC will be reestablished at the alternate EOC within the Gilroy Police Department or the Corporation Yard. Mobile radios, phones, and laptops will permit re-location of the EOC to any appropriate location if circumstances dictate.

Activation/Deactivation Authority

The City of Gilroy EOC can be activated and deactivated by the following City officials:

- City Administrator
- Assistant City Administrator
- Other City Department Director as designated by the City Administrator

If an emergency situation is too large to be coordinated from the field, or if a major disaster occurs, the City department head whose department is responding may request activation of the EOC. However, the authority to activate resides with the City Administrator, or designee.

Activation

This section identifies when to activate the EOC and the different types of activation. When activating the EOC, the responsible official should consider the following as part of the process of activation:

- Determine the scope of the incident or event
- Determine the appropriate level of activation
- Notify/recall EOC staff for activation (via Everbridge or Gilroy Communications)
- Open the EOC and prepare the facility to host operations
- Notify the Operational Area

Activation Levels

The EOC may be partially or fully activated based on the scope or complexity of the situation:

- **Partial Activation:** For a partial activation, the EOC is activated but only some of the positions are filled. This may involve a smaller emergency that a limited number of responders can handle, it might involve the early stages of an expanding disaster, or it might involve the late stages of a response prior to deactivation of the EOC. Staffing needs for partial activations vary depending on the scope of the event and must be adaptable to changing conditions.
- **Full Activation:** For a full activation, the EOC is activated, and all or most of the positions are filled. A full activation occurs for the most significant events involving the use of the full scope of City resources and the need for outside assistance.

The table below describes the activation levels and the relation to EOC staffing:

Activation Level	Detail	Situation	Staffing
Three	Level Three is a minimum activation. Requires minimum staff and coordination is remote	- Events with potential impacts on the health and safety of the public and/or environment - Incident involving 2+ City departments - Low risk planned event	- EOC Director - EOC Coordinator - Department Directors - Section Coordinators, as appropriate - Public Information Officer, as appropriate
Two	Level Two activation is normally achieved as an increase from Level Three or a decrease from Level One. This activation level is used for emergencies or planned events that would require more than a minimum staff but would not call for a full activation/staffing	- Two or more large incidents involving 2 or more departments - Events with impacts on the health and safety of the public and/or environment - Major unplanned or high risk planned event	- EOC Director - EOC Coordinator - Section Coordinators - Branches and Units, as appropriate - Liaison/Agency Representatives, as appropriate - Public Information Officer
One	Level One activation involves a complete and full activation of all organizational elements and staffing as appropriate for a major emergency	- Major City, County, Regional, State or National emergency - Multiple departments with heavy resource involvement	All EOC as appropriate

Deactivation

At a point in time when response activities transition to recovery activities, the use of the EOC to coordinate resource support and information sharing will continue. The Planning and Intelligence Section will continue operations in the EOC until it is determined that the situation is stable to reconvene in other facilities. Recovery activities will continue long after the EOC deactivation. The Planning and Intelligence Section Coordinator is responsible for presenting the deactivation recommendation to the EOC Director. The Advanced Planning Unit is responsible for planning for the transition from response to recovery operations.

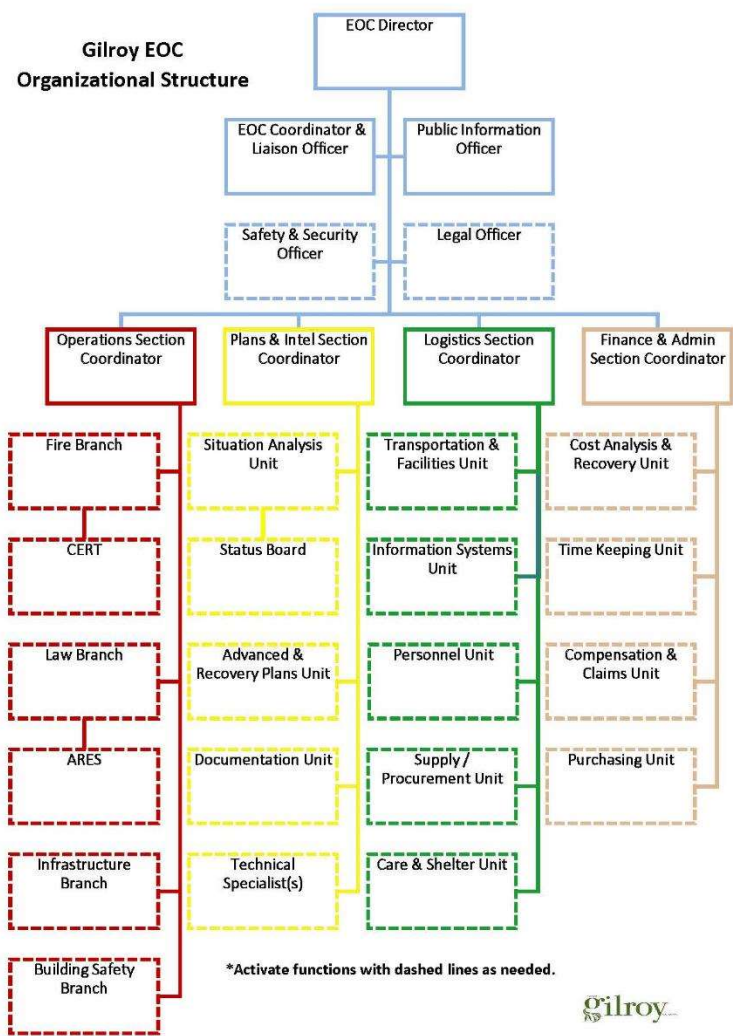
EOC positions should be formally deactivated when no longer necessary. Before deactivating the EOC, the Liaison should notify all internal and external partners of the decision to deactivate and the date/time of

deactivation while providing instructions for continued coordination outside the EOC. After deactivation, all documentation should be gathered and maintained to support recovery efforts and the after-action review. Additionally, the EOC should be restocked and prepared for future activations.

EOC Organization

The organizational structure for the EOC is consistent with an “ICS-like” EOC Organization Structure defined in current NIMS guidance, with a management section and four functional sections: Operations, Planning/Intelligence, Logistics, and Finance/Administration.

The figure below displays the City EOC organizational chart:



Direction, Control, and Coordination

The City Administrator, or designee, has the power to direct staff and civilian responses in the City and to settle questions of authority and responsibility. If necessary, the City Council or the City Administrator may promulgate orders and regulations to protect life and property or preserve public order and safety. These must be in writing and must be given with widespread publicity. In a proclaimed emergency, the City Administrator or designee may buy or commandeer supplies and equipment and may command the aid of citizens.

Additionally, the Governor has the power to suspend State agency orders, rules, or regulations that may impede emergency responses. Local governments generally do not have this power, except by order of the Governor.

Coordination with Field-Level Incident Command Post

Field-level responders organize according to the Incident Command System (ICS) and coordinate with Dispatch Centers and the EOC to share information and request support.

Coordination with Operational Area

When activated, the City EOC coordinates information sharing and resource requests with the Santa Clara County Operational Area EOC. Communication between the City EOC and Operational Area EOC occurs between position counterparts. For example, the City EOC Planning and Intelligence Section Coordinator/Chief communicates with the Operational Area EOC Planning and Intelligence Section Coordinator/Chief. Additionally, during complex or large-scale incidents, the City may send a liaison to the Santa Clara Operational Area EOC to facilitate communication and coordination, especially in support of resource management.

Coordination with Special Districts/School District/Private Sector Infrastructure

When activated, the City EOC coordinates with special districts and utilities through their activated EOCs to share information and request or provide support as necessary. For some incidents, the City may send a liaison to a school district, special district, or utility, or those entities may send a liaison to the City EOC to share information and make decisions more efficiently. Depending on the magnitude of the incident and personnel availability, special district and utility liaisons may need to provide the liaison to the County EOC as a resource supporting the entire Operational Area and its jurisdictions. Examples of special districts, school districts, and private utilities the City may coordinate with include but are not limited to, Gilroy Unified School District, Santa Clara Valley Water District, Pacific Gas and Electric, Verizon, and Spectrum.

Coordination with Voluntary and Nonprofit Organizations

Voluntary Organizations Active in Disasters (VOAD) include nonprofits and faith-based organizations that offer services with no legal mandate and may have an associated cost element. VOADs mobilize and provide valuable assistance for survivors before, during, and after incidents. These organizations train and plan to effectively integrate volunteers into the City's incident response and recovery organization. They are valuable partners with established community relationships and offer expanded outreach and services. Examples of voluntary and nonprofit organizations the City may coordinate with are Collaborating Agencies' Disaster Relief Effort (CADRE), American Red Cross, and the Salvation Army.

INFORMATION COLLECTION, ANALYSIS, AND DISSEMINATION

The Emergency Operations Center (EOC) serves as a hub for collecting, analyzing, and disseminating timely, accurate, consistent, and accessible information relating to the incident or event. Establishing a common operating picture and maintaining situational awareness is essential to incident management and constitutes a significant role of the EOC.

Information Collection

Information relating to the incident or event is often collected before an incident through routine monitoring of warning sources and credible threats. This information is used for advance preparedness and planning, devising incident management strategies and action plans, and making decisions about notifying the public. The OEM will use this information to determine what steps should be taken, such as recommending the activation of the EOC and the emergency organization.

Information may be collected before and during the incident from a variety of sources, such as:

- On-scene observation
- Incident Command Posts
- Field-level personnel
- Dispatch center
- Media reports
- Internet sources
- Email
- Operational Area
- Emergency Management Software
- Amateur radio

Critical Information Needs and Collection Priorities

The Planning and Intelligence Section is responsible for gathering information to support decision-making in accordance with established operational priorities. The EOC Director will establish information collection priorities specific to the response to ensure timely, accurate, and consistent information flow into the EOC. This information may come from various sources, including but not limited to State and Federal agencies, the operational area partners, the operational area EOC, City departments, private sector utilities, news, and the internet. In addition, it may be collected in various formats, including but not limited to maps, spreadsheets, and reports to obtain comprehensive situational awareness and identify planning priorities.

Community Lifelines

FEMA's Community Lifelines enable the continuous operation of critical government and business functions and is essential to human health and safety or economic security. Lifelines are the most fundamental services in the community that, when stabilized, enable all other aspects of society to function. FEMA has developed a construct for objectives-based response that prioritizes the rapid stabilization of Community Lifelines after a disaster. The integrated network of assets, services, and capabilities that provide lifeline services are used day-to-day to support the recurring needs of the community and enable all other aspects of society to function. When community lifelines are disrupted, information collection is paramount in decisive intervention to stabilize the incident.

FEMA's Seven Community Lifelines:

- **Safety and Security** – law enforcement/security, fire services, search and rescue, government services, community safety.
- **Food, Water, Shelter** – food, water, shelter, agriculture.
- **Health and Medical** – medical care, public health, patient movement, medical supply chain, fatality management.
- **Energy** – power grid, fuel.
- **Communications** – infrastructure, responder communications, alerts warnings and messages, finance, 911/dispatch.
- **Transportation** – highways, roadway, motor vehicle, mass transit, railway, aviation, maritime.
- **Hazardous Materials** – facilities, HAZMAT, pollutants, contaminants

Information Analysis

Analysis of information may occur before or during an incident. Information available through monitoring and warnings must be analyzed in the context of risk assessment, infrastructure/structural vulnerability, forecasts, social vulnerabilities, current events, and other factors.

When the EOC is activated, a critical task of the Planning and Intelligence Section is turning the collected information into actionable intelligence. Raw information and data require evaluation, verification, and assessment for relevance. The Planning and Intelligence Section will process information made available, validate and organize relevant components, and ensure that the resulting intelligence is evaluated by qualified personnel. Information that is made available through monitoring and warnings must be analyzed in the context of risk assessment, infrastructure/structural vulnerability, forecasts, social vulnerabilities, current events, and other factors.

Information Dissemination

Information for the public is disseminated through several mechanisms under the control of the City Manager's Office. Details describing how information is collected, vetted, and disseminated to the public are described in Communications.

Situation Status Reporting

Intelligence collected throughout the incident will be documented in a Situation Status Report. The Planning and Intelligence Section of the EOC develops the report. Situation Status Reports create a common operating picture and will be used to adjust the operational goals, priorities, and strategies. To ensure effective intelligence flow, the City of Gilroy has established communications systems and protocols to organize, integrate, and coordinate intelligence. The flow of situation reports among the levels of government should occur consistently with the Standardized Emergency Management System (SEMS), as shown below:

- **Field Situation Status Reports:** Situational status and other relevant information from the field should be reported to the EOC Operations Section and then conveyed to the EOC Planning and Intelligence Section within the operational period.
- **City of Gilroy EOC:** The Situation Status Unit in the EOC will summarize and verify reports received from the field, and other reporting disciplines and provide a consolidated City Situation Report to the Operational Area EOC, if necessary, once each operational period. The Situation Status Report will also be made available to all participants in the City's emergency management organization to provide situational awareness.

- **Operational Area EOC:** The Operational Area EOC will summarize situation status reports received from local government EOCs within Santa Clara County, county field units, county DOCs, and other reporting disciplines and forward a consolidated Operational Area Situation Report to the California Governor's Office of Emergency Services (Cal OES) Coastal Regional Emergency Operations Center (REOC).
- **Coastal REOC:** The Coastal REOC will summarize situation status reports received from Operational Area EOCs with the Region, State field units, State DOCs, and other reporting disciplines and forward the Regional Situation Report to the State Operations Center (SOC).
- **SOC:** The SOC will summarize situation status reports received from the REOCs, State DOCs, State agencies, and other reporting disciplines and distribute to State officials and others on the distribution list.
- **Joint Field Office (JFO):** When the JFO is activated to support local, State, and Federal coordination, including the Federal Emergency Management Agency (FEMA), the REOC and SOC situation status reports will be assimilated into the JFO situation report. The REOC organization may be co-located with the federal organization at the JFO.

Displaying Information

The EOC's major purpose is accumulating and sharing information to ensure coordinated and timely emergency response. The EOC will maintain displays using both display boards and display monitors, as available, to communicate emergency information within the EOC. The Planning and Intelligence Section is responsible for coordinating the display of information. EOC sections will coordinate with the Planning and Intelligence Section to display information as appropriate, including but not limited to citywide status, resource tracking, damage assessment, and live video feeds.

At the onset of any disaster, a significant events log will be compiled for the duration of the emergency. Key disaster related information will be recorded in the log (e.g., casualty information, health concerns, property damage, fire status, size of risk area, scope of the hazard to the public, number of evacuees). The posting of the significant events log is the responsibility of the Planning and Intelligence Section. Significant events may be maintained in WebEOC and available to all via laptop or display monitor.

EOC Action Plans

The City of Gilroy will share information and analyze intelligence using EOC Actions Plans in conjunction with regularly scheduled EOC briefings (usually one briefing conducted early in each operational period or as needed).

The primary focus of the EOC Action Plan should be on jurisdictional issues. The plan sets overall objectives and establishes the priorities. It can also include mission assignments to departments, provide policy and cost constraints, and incorporate interagency considerations. Properly prepared, the EOC Action Plan becomes an essential input to developing departmental action plans.

Action planning is based around the use of an operational period. The length of the operational period for the EOC is determined by first establishing a set of objectives and priority actions that need to be performed and then establishing a reasonable time frame for accomplishing those actions. Generally, the actions requiring the longest time period will define the length of the operational period.

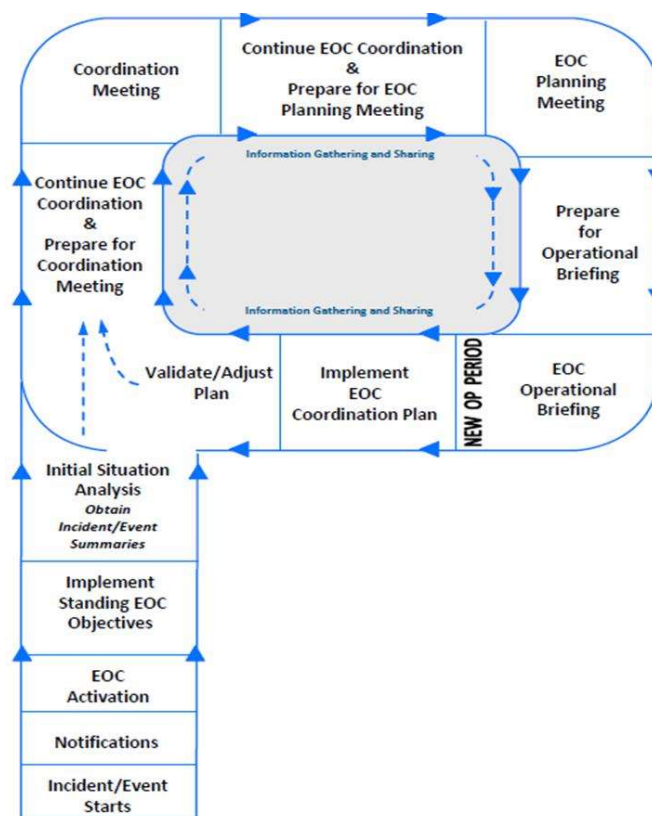
Typically, operational periods at the beginning of an emergency are short, sometimes only a few hours. As the emergency progresses, operational periods may be longer but should not exceed 24 hours.

The initial EOC Action Plan may be a verbal plan put together in the first hour after EOC activation. The verbal plan is usually put together by the EOC Director in concert with the Section Coordinators. There must be adequate representation of key organizational components, organizations, and agencies with representatives participating in the planning process having technical expertise and authority to commit to accomplishing these tasks. Once the EOC is fully activated, EOC Action Plans should be written.

EOC Action Plans should not be complex or time-consuming. It should generally cover the following elements:

- Situation status.
- Major events, safety issues, and other important information.
- Listing of objectives to be accomplished (objectives should be specific, measurable, achievable, relevant, and time-oriented [SMART]).
- Statement of current priorities related to objectives.
- Resources needed.
- Potential issues and problems.
- Statement of strategy to achieve the objectives (identify if there is more than one way to accomplish the objective, and which way is preferred).
- Assignments and actions necessary to implement the strategy.
- Operational period designation (the timeframe necessary to accomplish the actions).
- Organizational elements to be activated to support the assignments (later EOC Action Plans may list organizational elements that will be activated during or at the end of the period).
- Logistical or other technical support required.

The below figure displays the “Planning P” utilized in the EOC planning process:



Technical Services for Information Collection and Dissemination

The EOC and its personnel must be prepared with the tools and contacts to be able to identify, research, collect, and analyze the information required to make informed and timely decisions. This means that individuals should be pre-assigned and have received the appropriate training and requirements (e.g., security clearances, logins, and technology training). In addition, the City must be prepared to scale up technology needs as the incident expands.

The City of Gilroy has established communication networks and systems to obtain information from local, Operational Area, Regional, State, and National systems and services. The City of Gilroy receives the following types of alerts from California State Warning Center and/or directly from warning centers:

- **California State Warning Center:** Cal OES operates the California State Warning Center (CSWC), which is staffed 24 hours per day, 365 days per year to serve as the official State level point of contact for emergency notifications. From this center, Warning Center personnel maintain contact with County Warning Points, State agencies, Federal agencies, and the National Warning Center in Berryville, Virginia. The CSWC reports any alerts or warning to the Operational Area via e-mail.
- **Earthquake Notifications:** The CSWC receives notification of earthquakes from the California Integrated Seismic Network (CISN), National Earthquake Information Center (NEIC), and the United States Geological Survey (USGS). CISN is a statewide network that provides the basic information for California earthquakes shown on the CISN Display. The CISN Display is an Internet-based rapid earthquake notification system that receives earthquake information from networks world-wide. The CSWC reports any alerts or warning to Operational Area via e-mail.
- **Weather Notifications:** The City of Gilroy receives notification of severe weather from the NWS.

- **Energy Notifications:** California Independent System Operator (ISO) monitors the California power grid, which consists of a network of long-distance high voltage transmission lines and substations that carries bulk electricity to local utilities for distribution to their customers. When the grid is unable to meet electrical demands, the California ISO will direct utilities to reduce their load and issue emergency notices of energy interruptions. The CSWC will be contacted by the California ISO when the operating reserves reach these critical levels.
- **Hazardous Materials/Oil Spill Release Notifications:** In accordance with State law, handlers, any employees, authorized representatives, agents, or designees of handlers shall, upon discovery, immediately report any release or threatened release of hazardous materials to the CSWC. The CSWC reports any alerts or warning to the Operational Area.
- **California Law Enforcement Telecommunications System (CLETS) and California Law Enforcement Radio System (CLERS):** The City of Gilroy Police Department receives direct notifications from these systems.

CRISIS COMMUNICATIONS AND PUBLIC INFORMATION

Information for the public is coordinated across multiple jurisdictions and agencies, including nongovernmental organizations and private businesses, and is disseminated through several mechanisms under the control of the City Administrator's Office.

Emergency Public Information

The EOC Public Information Officer provides communications support to the EOC Director during an EOC activation. The EOC PIO supports the EOC Director by coordinating messaging and provides support to the Incident Commander in the field by either providing a public information officer to serve in the Incident Command Post (ICP) or by coordinating messaging with the ICP. All information prepared for dissemination to the public will be vetted, organized, and approved by the EOC Emergency Public Information Officer in coordination with the EOC Director. The EOC PIO advises leadership on all public information matters relating to the management of the incident. EOC PIO through the Joint Information System (JIS) or ICP PIO, handles inquiries from the media, the public, and elected officials; emergency public information and warnings; rumor monitoring and response; media monitoring; and other functions required to gather, verify, coordinate, and disseminate accurate, accessible, and timely information related to the incident, particularly regarding information on public health, safety, and protection. Additionally, the EOC PIO coordinates with the Planning and Intelligence Section to gather, validate, and share information.

Joint Information System

The Joint Information System (JIS) is the broad mechanism that organizes, integrates, and coordinates information to ensure timely, accurate, accessible, and consistent messaging activities across multiple jurisdictions and/or disciplines with the private sector and NGOs. It includes the plans, protocols, procedures, and structures used for providing public information. Federal, State, Tribal, Territorial, Regional, local, and private sector PIOs and established Joint Information Centers (JICs) at each level of SEMS are critical elements of the JIS.

Joint Information Center

The JIC is a central location that facilitates the operation of the JIS. It is a location where personnel with public information responsibilities from multiple agencies, departments, and other local governments

perform critical emergency information functions, crisis communications, and public affairs functions. JICs may be established at various levels of government, at incident sites, or as components of Federal, State, tribal, territorial, regional, or local multi-agency coordination (MAC) groups (e.g., MAC Groups or EOCs). For incidents requiring the activation of the EOC, the City may support a JIC to coordinate messaging with multiple departments or agencies. Depending on the requirements of the incident, JICs can be established at the Field level to support the incident commander. JIC activation is coordinated by EOC PIO.

Message Development and Approval

Messages intended to be disseminated to the public or to other agencies or organizations may be developed by subject matter experts working in support of the City's response efforts. These messages are reviewed by the EPIO at the JIC to correct inaccuracies and to maintain consistency in messaging. The EOC Director approves messages.

Methods of Dissemination

The City uses various mechanisms to disseminate public information. Among them are: City Website, social media, standard media, in-person, AM radio 1610, AlertSCC, Nixle, electronic signs, Wireless Emergency Alerts (WEA) and the Emergency Alert System (EAS). Additional methods are used for those with disabilities and those with access and functional needs, including but not limited to translation services and outreach through partner organizations.

Communication Systems

The City EOC is equipped with multipurpose and redundant communication technologies allowing the sharing of information across multiple platforms through different modalities. The communication capabilities are routinely exercised and updated as technology advances. Current communication resources in the City EOC include:

- Land-line based phones
- Voice Over Internet Protocol (VoIP)
- Cellular telephones
- Satellite phones
- Fax machines
- Internet enabled computers
- Email
- Radio systems
- Amateur radio
- Public safety frequencies (i.e., law, fire, EMS)
- Government frequencies (department/agency radios/EOC to EOC)
- Low band frequency radio (EOC to EOC, Control 10)

Web EOC

WebEOC is available to the City of Gilroy as an emergency management information system, as an information sharing tool with Operational Area. The information sharing tool allows the City to have a common operating picture and situational awareness across the Operational Area, as it helps to facilitate information coordination during an emergency.

Veoci

The City of Gilroy utilizes Veoci, an EOC incident management platform, as a centralized data management tool that allows for real-time communication, information sharing, and incident tracking to facilitate situational awareness and develop a common operating picture.

LOGISTICS

Resource Management

Resource management preparedness involves identifying and typing resources; qualifying, certifying, and credentialing personnel; planning for resources; and acquiring, storing, and inventorying resources.

Identifying and Typing Resources

In accordance with NIMS, resources are identified by the following characteristics:

- **Capability:** The core capability for which the resource is most useful (e.g., fire management and suppression; on-scene security, protection and law enforcement; public health, healthcare, and emergency medical services).
- **Category:** The function for which a resource would be most useful (e.g., fire/hazardous materials, law enforcement operations, medical and public health).
- **Kind:** A broad characterization, such as personnel, teams, facilities, equipment, and supplies.
- **Type:** Provides further details regarding the capability of a specific kind of resource that applies a metric to designate it as a specific numbered class (e.g., Type 1 IMT, Type 2 IMT, and Type 3 IMT).

Requesting Resources

Resource requests should include enough detail to ensure those receiving the request understand what is needed. Using NIMS resource typing helps ensure that requests are clearly communicated and understood. Requests should include the following information:

- Detailed item description including quantity, capability, category, kind, and type, if known, or a description of required capability and/or intended use if not.
- If suitable substitute resources or preferred sources exist, these should also be indicated.
- If the resource is not a common or standard incident resource, then detailed specifications should be provided.
- Required arrival date and time.
- Required delivery or reporting location.
- The position title of the individual to whom the resource should report.
- Any incident-specific health or safety concerns (e.g., vaccinations, adverse living/working conditions, or identified environmental hazards). Personnel are assigned based on their qualifications and the needs of the incident, as well as any jurisdictional licensing requirements or limitations (i.e., personnel in some fields, including law enforcement and medicine, have limited authority outside of the jurisdiction in which they are sworn or licensed).

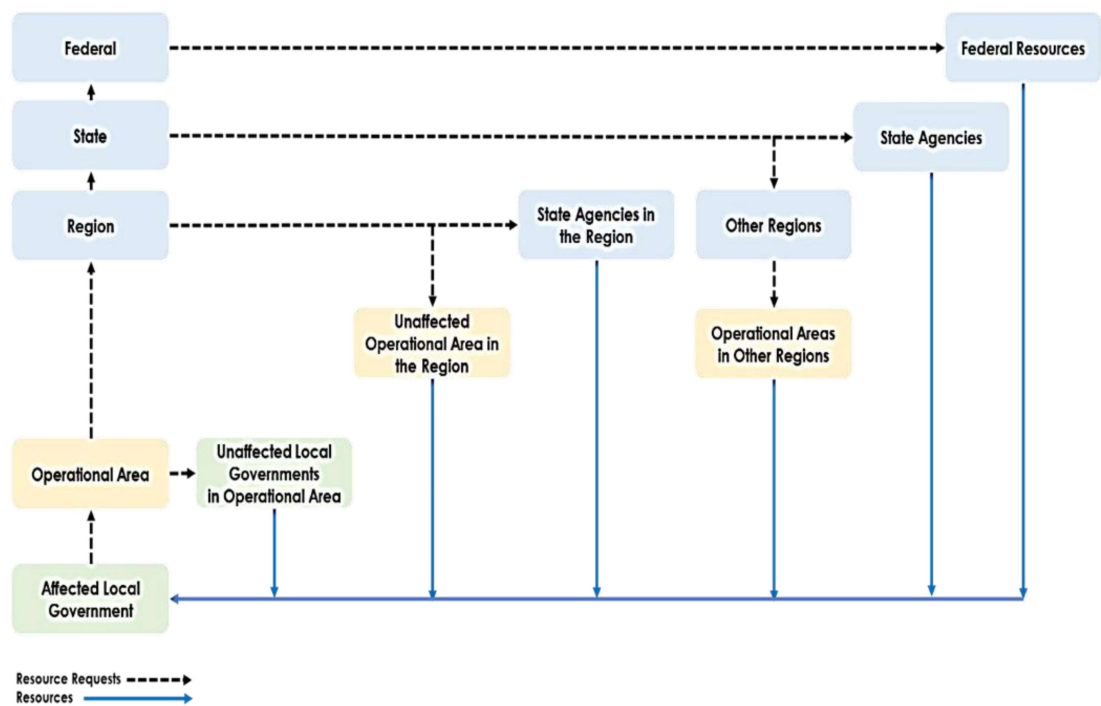
General Resource Request Flow

During the response phase, the real-time tracking of incident response needs and resources available is critical. Resources may be in short supply, and multiple requests for services can occur. Resource requirements for supplies, equipment, vehicles, facilities, or personnel are initially filled from within City departments. Once internal resources have been exhausted (including inventories on hand and

procurement from vendors) or when a shortfall is projected, a resource request based on a needed outcome is submitted to the Operations Section Branch at the EOC.

If possible, the resource request is filled by other departments represented in the Operations Section of the EOC. When no internal source exists to fulfill the request or a shortage is anticipated, the request is forwarded to the Logistics Section. The Logistics Section attempts to fulfill the request by procuring the necessary services or supplies first from within existing City resources, and then from the private sector or other nongovernmental sources.

When City resources have been exhausted or certain resources are unavailable, requests are then routed to the Operational Area EOC. If resources are exhausted in the Operational Area, requests are routed to the Coastal REOC following SEMS protocols. The figure below demonstrates Resource Request Flow as defined by SEMS.



Discipline-Specific Mutual Aid Resource Request Flow

Under the California Master Mutual Aid Agreement, of which the City is a signatory, discipline-specific mutual aid systems (e.g., Law, Fire, Public Works, Emergency Management) follow a slightly different path when requesting resources. While they still flow bottom-up, following SEMS levels, the requests are initiated, communicated, and coordinated, through designated Mutual Aid Coordinators at each level. The City’s Mutual Aid Coordinators issue requests for assistance using the Gilroy Communications to initiate the process by communicating the request to the Operational Area Mutual Aid Coordinator through the County’s dispatch center. Initiated requests and the status of the resources are tracked, and that information is shared with the associated Branch in the Operations Section of the EOC.

Resource Management Process

The resource management process during an incident includes standard methods to identify, order, mobilize, and track resources. In some cases, the identification and ordering process is compressed, such as when an Incident Commander identifies the specific resources necessary for a given task and orders

those resources directly. However, in larger, more complex incidents, the Incident Commander relies on the resource management process and personnel in the ICP and EOC to coordinate to identify and meet resource needs. The six primary tasks of resource management during an incident are:

- Identify requirements
- Order and acquire
- Mobilize
- Track and report
- Demobilize
- Reimburse and restock

Resource Tracking

Resource tracking occurs prior to, during, and after an incident. This process helps staff prepare to receive and use resources; tracks resource location; facilitates the safety and security of personnel, equipment, teams, and facilities; and enables effective resource coordination and movement. Resource status updates and associated information should flow from the ICP to the EOC, and continue until the resource provider receives the information.

Mutual Aid

Mutual aid is defined as voluntary aid and assistance by the provision of services and facilities, including but not limited to fire, police, medical and health, communication, transportation, and utilities. Mutual aid is intended to provide adequate resources, facilities, and other support to jurisdictions whenever resources prove to be inadequate to cope with a given situation.

The basis for the Mutual Aid System is the California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA), which is entered into by and between the State of California, its various departments and agencies, and the various political subdivisions, municipal corporations, and public agencies to assist each other by providing resources during an emergency. The City of Gilroy is a party to this agreement. The agreement obligates each signatory entity to provide aid to each other during an emergency without the expectation of reimbursement. Under specific conditions, Federal and State monies may be appropriated to reimburse public agencies that aid other jurisdictions. If other agreements, memorandums, and contracts are used to provide assistance for consideration, the terms of those documents may affect disaster assistance eligibility and local entities may be reimbursed only if funds are available.

The City of Gilroy is also party to the Emergency Management Assistance Compact (EMAC). Passed through Public Law 104-321, EMAC provides the legal agreement and standard operating procedures for states and their political sub-divisions to receive interstate aid in a disaster.

In addition to mutual aid from other jurisdictions and from other states, the City of Gilroy can also obtain emergency response resources through alternative mutual aid systems such as the Water Response Network, coordinated by the California Utilities Emergency Association, or the Public Transit Mutual Aid, coordinated by the Metropolitan Transportation Commission.

When the City's resources are exhausted, it depends on the Mutual Aid System and the resource request flow defined in SEMS to acquire the necessary resources to execute response activities.

Use of Disaster Service Workers

Under California Government Code, Section 3100-3109, all public employees are obligated to serve as Disaster Service Workers. Public employees (civil service) are all persons employed by any County, City, State agency, or public district. Disaster Service Workers support continuity in providing essential government services during declared emergencies or disasters.

In the event of a major emergency or disaster, City employees may be called upon to perform emergency management-related duties in addition to their normal or emergency duties:

- City employees may be required to work during a declared emergency and may be assigned to disaster service work.
- Assignments may require service at locations (e.g., EOC, field, shelter), times (e.g., day, night), and in austere environments.

Under no circumstances will City employees, including those without specialized training or those who do not typically have a response role in their daily duties, be asked to perform functions that are potentially unsafe, hazardous, or beyond their recognized capabilities.

Use of Affiliated DSW Volunteers

The City's emergency organization relies on a dedicated network of volunteers to augment the City's preparedness, response, and recovery efforts. OEM manages the following volunteer programs:

- Gilroy Amateur Radio Emergency Services (ARES)
- Gilroy Community Emergency Response Team (CERT)

Use of Spontaneous Unaffiliated Volunteers

After a disaster, local governments often see an influx of spontaneous volunteers converge in their communities; however, well-intentioned, uncoordinated volunteers can be ineffective, hinder response operations, and create new risks. Emergency volunteers must be carefully managed, a function that often falls to the local government. After a disaster, emergent volunteers will be managed by the Logistics Section. If the City has the capacity, the logistics section will coordinate with affiliated volunteers, to support an Emergency Volunteer Center for emergency volunteer intake and assignment. If there is no capacity to manage spontaneous unaffiliated volunteers, the City may refer individuals to partner organizations as appropriate.

ADMINISTRATION AND FINANCE

City Emergency Operations Policy Statement

Limitations: Due to the nature of emergency response, the outcome is challenging to predict. Therefore, it should be recognized that this plan is meant to serve as a guideline and that the outcome of the response may be limited by the scope, magnitude, and duration of the event.

Suspension of Routine Activities and Availability of Employees: Day-to-day functions that do not contribute directly to the disaster operation may be suspended during an emergency. Efforts normally required for routine activities may be redirected to accomplish emergency tasks. During an emergency response, City employees not otherwise assigned emergency disaster-related duties will, unless otherwise restricted, be made available to augment the work of their department or other City departments if required.

Households of Emergency Response Personnel: City employees may not be at peak efficiency or effectiveness during a disaster if the status of their households is unknown or in doubt. Employees assigned disaster response duties are encouraged to make arrangements with other employees, friends, neighbors, or relatives to check on their immediate families in the event of a disaster and to communicate that information to the employee through the City's Emergency Operations Center.

Nondiscrimination: All local activities will be carried out in accordance with Federal nondiscrimination laws. It is the City's policy that no service will be denied on the basis of race, religion, national origin, age, sex, marital status, veteran status, sexual orientation, or the presence of any sensory, mental, or physical disability.

Access and Functional Needs (AFN): All emergency management activities will be carried out in accordance with State (California Government Code, Section 8593.3.5) and Federal (Americans with Disabilities Act of 1990) law to ensure equitable outcomes for individuals with access and functional needs.

Household Animals: All emergency management activities will be carried out in accordance with Federal law (Pet Evacuation and Transportation Standards Act) to ensure animal evacuation, transport, care and shelter needs are addressed.

Citizen Preparedness: This EOP does not substitute government services for individual responsibility. Citizens are expected to be aware of developing events and take appropriate steps to respond in a safe and timely manner. Since the City's resources and personnel may be overwhelmed at the onset of a disaster, individuals and organizations should be prepared to be self-sufficient following a disaster. The City will make every effort to provide information to the public via the media and other sources, to assist citizens in dealing with the emergency.

Documentation

The EOC Finance/Administration Section will be responsible for maintaining records on damage assessment expenditures, recovery cost expenditures, insurance-related documents, personnel overtime, and other costs associated with the emergency.

The EOC Planning and Intelligence Section will maintain copies of documents integral to EOC functions (e.g., Incident Action Plans, Situation Reports, position logs, sign-in sheets) that together make up the history and chronology of incidents where the EOC is activated.

Cost Tracking

Disaster-related expenditures may be reimbursed under a number of State and Federal programs. However, recovering these costs can be a complex process that requires significant documentation and accurate record keeping for receiving maximum reimbursement on eligible activities.

- The Finance and Administration Departments are jointly responsible for coordinating the City's efforts to properly apply for State and Federal reimbursement for disaster-related costs and obligations.
- For disasters involving significant damage to infrastructure, it can take years to complete the eligible work and to compile supporting documentation necessary for State and Federal reimbursement.

- FEMA’s Office of the Inspector General routinely audits State and local governments and nonprofit organizations that receive FEMA disaster assistance funds. If the Inspector General determines that a grant applicant did not spend disaster assistance funds according to Federal regulations and FEMA guidelines, FEMA can rescind the original award. Providing documentation in the format FEMA expects can provide a measure of protection for the City. In addition to inadequate documentation, common disallowances include expenditures for ineligible items, improper procurement, and duplicate payments from insurance companies. It is important to maintain records and documentation in auditable form for at least three years after the receipt of a closeout letter from Cal OES.

Eligible Costs

Eligible costs are extraordinary costs incurred while providing emergency services required by the direct impact of a declared disaster and for which the service is the responsibility of the applicant jurisdiction. Eligible costs are generally considered to be the net costs over and above any increased revenue or subsidy for the emergency service. Eligible costs are costs that:

- Are reasonable and necessary to accomplish the eligible work.
- Comply with Federal, State, and local requirements for procurement.
- Do not include (or are reduced by) insurance proceeds, salvage values, and other credits.
- When determining eligible costs, the defining factor for reimbursement will be whether the documented costs can be deemed “reasonable”. The Federal government often refers to 2 C.F.R. 200.404 for a definition of “reasonable” cost:

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the non-Federal entity is predominantly federally funded.

The eligible cost criteria apply to all direct costs, including salaries, wages, fringe benefits, materials, equipment, and contracts awarded for eligible work. Ineligible expenses include costs for standby personnel and equipment and lost revenue.

Recordkeeping Requirements

State and Federal governments require detailed information to support claims for reimbursement. Funding will be approved or denied based upon the information supplied by applicant agencies. Documentation supporting all costs claimed will be required, and all information must relate back to individual original source records. Detailed records should be kept from the onset of an incident or event to include, but not be limited to:

- Appropriate extracts from payrolls, with any cross-references needed to locate original documents. Labor costs should be compiled separately from vehicle and equipment expenses.
- A schedule of vehicles and heavy equipment used for emergency operations. This documentation should include vehicle identification, miles or engine hours, where and how it was used and the operator. Vehicle operating expenses should include fuel, tires, and maintenance.
- Invoices, warrants, and checks issued and paid for materials, supplies, and equipment expenses used for emergency operations. Costs for supplies and materials must include documentation of exactly where resources were used and for what purpose.

- Copies of requests for proposals issued for work that is contracted out to support eligible disaster-related response or recovery work.
- Justification for all non-competitive procurements.
- Final contracts.
- Invoices submitted by the contractor.
- Warrants authorizing check issuance.
- Work done under inter-community agreements and mutual aid.

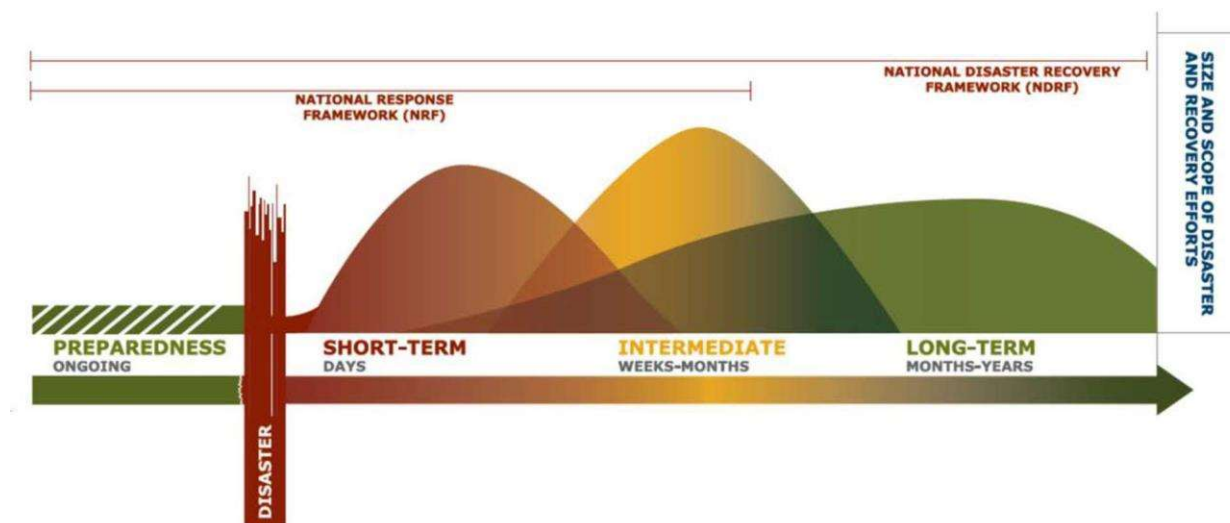
Revenues and subsidies for emergency operations must be subtracted from any costs claimed. Expenditure tracking should commence upon notice or obvious occurrence of disasters requiring labor, equipment use, materials, and other expenses.

The City will activate a project string for emergency expenditure tracking. The Finance Section will compile reports, including total expenditures by category. The Finance Section Coordinator/Chief will submit a summary report on total costs to the EOC Director as requested. This information will be used for State and Federal disaster assistance applications. Additional details regarding record-keeping requirements can be found in the guidance provided by each grant program. The FEMA Public Assistance Program and Policy Guide provides record-keeping requirement guidance that is generally applicable to most programs.

RECOVERY

The phases of recovery, or the “recovery continuum,” as FEMA refers to them, offer a process of interdependent and often concurrent activities that seek to progressively advance a community toward a successful recovery. Community recovery can be adversely impacted if aspects are not integrated into the initial response phase. As such, the City of Gilroy elevates the importance of recovery by tying recovery to the City’s emergency response operations at the onset of any incident requiring EOC activation.

The figure below displays the phases of recovery as defined in the National Disaster Recovery Framework.



The City Administrator serves as the lead for coordinating and delegating recovery functions. The City’s recovery priorities are “people, buildings, infrastructure, and services.”

In addition to a discrete set of activities and funding mechanisms, recovery planning requires the sustained engagement of many partners to enact a shared vision for an improved and more resilient city. The City will use a “Whole Community” approach to recovery planning and program implementation to engage community members and partner organizations in actively shaping equitable recovery outcomes.

Recovery will be governed by the following principles:

- Recovery will be community-led with the City as a catalyst for residents, businesses, and community groups to advocate for their needs and take responsibility.
- Cooperation and strong relationships within the City’s government will ensure smooth continuity of governance as the city progresses in response, short term recovery, intermediate recovery, and long-term recovery.
- A cohesive recovery results from the integrated and collaborative recovery planning and implementation that the city promotes within its impacted communities and across the region.
- City community services will strive to keep impacted residents and businesses in the community by providing services that allow them to rebuild their lives and livelihoods in place.
- The City will strive to maintain and expand housing affordability in disaster recovery.
- The City will work with impacted communities to ensure that disaster rebuilding helps to strengthen and revitalize today’s struggling neighborhoods.
- The City will work to integrate environmental sustainability (including for buildings, infrastructure, and natural systems) into recovery and rebuilding activities.
- The City will commit to an open and transparent recovery process that actively engages the “Whole Community” in post-disaster recovery planning.

To address Gilroy’s post-disaster recovery needs in accordance with the City’s principles, the City will concentrate on the following activities:

- Coordination of information necessary to support the local emergency proclamation and request for disaster assistance processes.
- Assessment of social and economic consequences in affected areas in the City and coordination of efforts to address community recovery needs.
- Restoration of essential City facilities and services.
- Protection of natural and cultural resources and historic properties.
- Coordination to ensure the accessibility to and provision of recovery services to people with disabilities and others with access and functional needs.
- Facilitation of recovery decision-making across EOC functions and ensuring a smooth transition to a long-term recovery organization, if established.

Short-Term Recovery Considerations

Recovery operations begin concurrently with or shortly after the commencement of response operations. Short-term recovery activities occur within 90 days of the incident, but may continue beyond that point. Short-term recovery includes actions required to:

- Stabilize the situation
- Restore essential services
- Begin the process of restoring community and economic functions

- Recovery operations are transitioned from the EOC to City departments based on their functional responsibilities. Responsible departments coordinate recovery functions as part of their daily missions or functions. Initial short-term recovery activities typically include:
 - Damage assessment
 - Debris removal
 - Local Assistance Center (LAC) operations
 - Restoration of utilities such as water and power services
 - Restoration of basic transportation services and routes
 - Provision of temporary housing
 - Deployment of financial management systems for cost recovery through State and Federal reimbursement programs
 - Activities to support proclamations and requests for assistance
 - Advanced planning for long-term recovery needs
 - Coalition-building

Intermediate Term Recovery Considerations

Intermediate or mid-term recovery involves returning individuals, families, critical infrastructure, and essential government or commercial services to a functional, if not pre-disaster, state. Such activities are often characterized by temporary actions that provide a bridge to permanent measures.

Long-Term Recovery Considerations

Long-term recovery includes those activities necessary to restore a community to its pre-disaster state, given the inevitable changes that result from a major disaster. Long-term recovery requires significant planning to maximize opportunities and mitigate risks after a major incident. Long-term recovery can continue for years and may include the following:

- Reconstructing public and private facilities and infrastructure
- Planning and rebuilding of housing
- Implementing waivers, zoning changes, and other land-use legislation to promote recovery
- Providing long-term assistance to displaced families, including financial support as well as social and health services
- Restoring the local economy to pre-disaster levels
- Integrating mitigation strategies into rebuilding efforts
- Recovering disaster-related costs for infrastructure restoration through State and Federal grant programs

Damage Assessment

Collection and analysis of damage assessment information is crucial to successfully managing response and recovery operations. Damage assessment encompasses an effort to collect three layers of information:

- Rapid damage assessment: A general situational awareness of damage, which may come from media reports, the public, and other sources, and be of varying detail and quality.
- Estimated monetary damages: Estimates of financial losses are needed to complete State and Federal forms (Initial Damage Assessment Summary Reports) to support the proclamation and major disaster declaration processes.

- **Safety inspections:** Formal assessments of a facility's safety for use and occupancy, which must be completed by qualified inspectors using standard Applied Technology Council (ATC) guidance.

Often, general situational assessment, damage estimates, and safety information will be collected at the same time. Immediate surveys of damage will be conducted by City departments with disaster response field units: Police, Fire, and Public Works. Technical damage assessments are conducted by Community Development (structures) in coordination with Public Works (public facilities, roadways, bridges, sewers, water systems, wastewater systems) and private utility providers. The Fire and Police Department will conduct reconnaissance of their facilities and impacted areas to determine the extent of damage and will report this information to the EOC Operations Section. This information should be timely, accurate, and, where practicable, include specific damage assessment figures in dollar amounts. Estimated monetary damages will be compiled and submitted to Cal OES, through the OA, to support the requests for State and Federal assistance, as needed.

DISASTER ASSISTANCE

Depending on the size and scope of an incident, State and Federal programs may be activated to provide recovery assistance based on damage data and impact information identified in Initial Damage Estimate (IDE) forms submitted by affected local jurisdictions through their Operational Area to Cal OES.

Public Assistance

Public assistance programs provide support to local government agencies and, under certain specified conditions, to private nonprofits. After a Presidential Emergency or Major Disaster Declaration, State and Federal programs will be initially administered from the Joint Field Office. The JFO is a multiagency coordination center as defined by the NIMS. The JFO focuses on providing support to on-scene efforts, incident management, disaster response, and recovery program implementation. Assistance programs offered and administered solely under the authority of a Governor's State of Emergency Proclamation are administered or coordinated by the Recovery Division at Cal OES Headquarters in Sacramento.

California Disaster Assistance Act (CDAA)

The CDAA authorizes the Director of the California Governor's Office of Emergency Services (Cal OES) to administer a disaster assistance program that provides financial assistance from the State for costs incurred by local governments due to a disaster. Funding for repairing, restoring, or replacing public real property damaged or destroyed by a disaster is made available when the Director concurs with a local emergency proclamation requesting State disaster assistance. The program also allows for the reimbursement of local government costs associated with certain emergency activities undertaken in response to a State of Emergency proclaimed by the Governor. In addition, the program may provide matching fund assistance for cost-sharing required under Federal public assistance programs in response to a Presidential Major Disaster or Emergency Declaration.

A private nonprofit (PNP) organization may be eligible to receive assistance under special provisions in the CDAA for services rendered on behalf of disaster survivors that relate directly to a State of Emergency proclaimed by the Governor. Eligible activities must result in documented extraordinary costs and must have been provided at the direction of a local government agency or the State, as established by a contract or memorandum of understanding or agreement. The following costs are ineligible for reimbursement:

- No State financial assistance will be provided for costs or expenditures prohibited by the Federal or State constitution, law, or regulation.
- No reimbursement will be provided for donated resources received by the private nonprofits on or after the first day of the incident period as specified in the Governor's State of Emergency Proclamation for the emergency or disaster for which the private nonprofit is seeking state reimbursement.
- No reimbursement will be provided for donated or volunteer labor.
- No reimbursement will be provided for vouchers, debit cards or other monetary relief provided to the community affected by an emergency or disaster.
- No State financial assistance will be provided for damages caused by negligence or intentional acts.
- No funds allocated shall be used to supplant State or federal funds otherwise available in the absence of State financial relief or assistance.

FEMA Public Assistance (PA) Program

Authorized by multiple sections of the Stafford Act, the PA program is FEMA's primary form of financial assistance for State and local governments. The PA Program provides grant assistance for many eligible purposes, including emergency work, as authorized by Sections 403, 407, and 502 of the Stafford Act, which provides for the removal of debris and emergency protective measures, such as the establishment of temporary shelters and emergency power generation.

Permanent work, as authorized by Section 406, which provides for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain private nonprofit organizations. PNPs are generally eligible for permanent work assistance if they provide a governmental type of service, though PNPs not providing a "critical" service must first apply to the Small Business Administration (SBA) for loan assistance for facility projects. At its discretion, FEMA may provide assistance for hazard mitigation measures that are not required by applicable codes and standards. As a condition of PA assistance, applicants must obtain and maintain insurance on their facilities for similar future disasters.

FEMA Hazard Mitigation

As the result of a Presidential Disaster Declaration, FEMA's Hazard Mitigation Grant Program (HMGP) (also known as 404 Mitigation), funds plans and cost-effective projects that reduce the effects of future natural disasters. The purpose of 404 Mitigation is to ensure that the opportunity to take critical mitigation measures to protect life and property from future disasters is not lost during the recovery and reconstruction process following a disaster. Funding is a competitive process and not tied to a damaged facility. The total amount of federal funding under the HMGP cannot exceed 20 percent of the total (estimated) Federal assistance provided under FEMA PA and IA programs for that disaster. Normally the funding is only 15% but the California State Hazard Mitigation Plan has been approved by FEMA as an "enhanced plan" which allows the State to receive increased funding of up to 20% of the Stafford Act authorization in mitigation grant funds following a federally declared disaster. In California, these funds are administered by the Cal OES HMGP Unit. Eligible applicants include State agencies, local governments, special districts, and certain private nonprofits. FEMA funds 75% of the eligible project, and the applicant funds the rest (there is no State cost share for HMGP).

FEMA can also provide funding for certain hazard mitigation activities undertaken as part of the PA program as a Section 406 hazard mitigation activity. The purpose of 406 Mitigation is to implement cost-effective measures to reduce or eliminate the threat of future similar damage to a facility impacted by a past event. The PA applicant, FEMA, or Cal OES may recommend that hazard mitigation be included as part of a project worksheet that is used to document the damage, the eligible scope of work, and the cost estimate to complete the approved scope of work for the repair of the damaged facility. In some cases, FEMA may require that such actions be taken as part of an applicant's permanent repair project. The cost of eligible hazard mitigation action will be included in the overall funding of the project. Therefore, the cost share is 75% FEMA, 18.75% State, and 6.25% local.

PLAN DEVELOPMENT AND MAINTENANCE

The EOP is developed under the authority of City Council. It is a living document, subject to revision based on agency organizational changes, new laws or guidance, and experience obtained from exercises or responding to actual incidents. This section describes the plan development and maintenance process for keeping the EOP current, relevant, and in compliance with SEMS, NIMS, and other applicable guidelines or requirements.

Development and Maintenance Responsibilities

OES is responsible for the development and maintenance of the EOP. Each City department tasked with functional responsibility is responsible for participating in developing and maintaining relevant portions of the EOP, including assigned functional annexes.

Development Process

The initial development and the development of new material follow basic guidelines for strategic planning. The process is led by OES using stakeholders to assist in developing the EOP. Stakeholders participate in functional work groups to generate material for the EOP. OES combines the contributions of the stakeholders and other subject matter experts to develop the draft EOP. The stakeholders review the draft EOP and provide comments to OES. OES addresses the comments, makes edits to the draft EOP as necessary, and produces the final EOP. Stakeholder involvement is key to developing a comprehensive EOP that is useful, applicable, and supported by all City departments and stakeholders.

Revision and Maintenance Process

This EOP will be reviewed, updated as appropriate, and exercised to ensure the plan elements are relevant, valid, current, and compliant with current standards and best practices. Similar to the development process, each responsible department is responsible for reviewing and suggesting updates to the EOP and modifying its standard operating procedures as required based on deficiencies identified during exercises or actual incidents. This EOP will be reviewed, updated, and redistributed minimally every two years with a five-year revision cycle. All revisions to the EOP will be documented in the Record of Changes.

Triggers for Plan Updates

In addition to periodic reviews, the EOP will also be reviewed and updated after the following events:

- A major incident
- A change in operational resources (e.g., policy, personnel, organizational structures, management processes, facilities, equipment)

- A formal update of planning guidance or standards
- Each EOC activation
- Major exercises
- A change in the jurisdiction's demographics or hazard or threat profile
- A change in the acceptability of various risks
- The enactment of new or amended laws or ordinances

Plan Evaluation

Evaluating the effectiveness of the EOP and its supporting annexes involves a combination of training events, exercises, and real-world incidents to determine whether the goals, objectives, decisions, actions, and timing outlined in the plan led to a successful response. Absent from any triggering factors, the EOP should be reviewed annually to ensure the plan's contents remain accurate. Additionally, the City will use exercises and training sessions as opportunities to evaluate the EOP and its supporting plans and annexes.

After Action Reports

Completing After-Action Report (AAR) is a part of the required SEMS reporting process and requires that all cities and counties submit within 90 days a copy of the after-action report to the Cal OES.

Section 2450(a) of the NIMS/SEMS regulations states that:

"Any city or county declaring a local emergency for which the governor proclaims a State of Emergency, and any State agency responding to that emergency shall complete and transmit an After-Action Report to Cal OES within ninety (90) days of the close of the incident period as specified in the California Code of Regulations, section 2900(j)."

Use of After-Action Reports

AARs are made available to all interested public safety and emergency management organizations and serve the following important functions:

- Document response activities
- Identify problems/successes during emergency operations
- Analyze the effectiveness of the components of NIMS/SEMS
- Describe and define a plan of action for implementing improvements

The NIMS/SEMS approach to implementing AARs emphasizes improving emergency management at all levels. The AAR provides a vehicle for not only documenting system improvements but also can provide a work plan for how these improvements can be implemented.

It may be useful to coordinate the AAR process when multiple agencies/jurisdictions are involved in the same emergency. Jurisdictions are encouraged to work together when developing AARs when appropriate and feasible. For example, an Operational Area may coordinate the development of an AAR that involves several jurisdictions. Jurisdictional reports may become part of an overall operational area report if appropriate.

Training

All City personnel assigned to the EOC must complete initial and regular training related to emergency management operations. The City maintains an Integrated Preparedness Plan (IPP) that identifies and prioritizes the levels of training and exercises the City will follow. This IPP aligns with other trainings and

exercises within the operational area to ensure practice and integration with OA partners whenever possible. City Departments and partner organizations having assigned responsibilities under this plan must ensure their assigned personnel are adequately trained to carry out identified roles and responsibilities and should maintain their own SOPs, plans, training, and program maintenance.

Finally, training and exercises involve a variety of scopes, scales, and participation. Training may include the following:

Drills: A drill is a small, organized exercise that tests one specific action.

Tabletop exercises: A tabletop exercise is a discussion-based exercise in a low-stress environment to discuss a possible emergency scenario.

Functional exercise: A functional exercise is designed to exercise a single function, or multiple functions through the simulation of a realistic simulated scenario.

Full-scale exercise: A full-scale exercise is designed to involve multiple jurisdictions and organizations and exercise multiple functions through the simulation of a realistic simulated scenario.

AUTHORITIES AND REFERENCES

FEDERAL

Authorities

- Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, 42 U.S.C. 5121, et seq., as amended
- Homeland Security Presidential Directive 5, Management of Domestic Incidents, February 28, 2003
- Homeland Security Presidential Directive 8, National Preparedness, December 17, 2003
- The Code of Federal Regulations, Title 44, Chapter 1, Federal Emergency Management Agency, October 1, 2007
- Public Law 920, Civil Defense Act of 1950, as amended
- Public Law 84-99, U.S. Army Corps of Engineers - Flood Fighting
- Public Law 93-288, Federal Disaster Relief Act of 1974
- Public Law 107-188, Bio-terrorism Act, June 2002
- Public Law 107-296, Homeland Security Act, January 2002
- Executive Order 13228, Office of Homeland Security, October 8, 2001
- Executive Order 13231, Critical Infrastructure Protection, October 16, 2001
- Executive Order 13234, Citizens Prepared, November 9, 2001
- Presidential Policy Directive 8, National Preparedness, March 2011
- Presidential Decision Directive 39 - U.S. Policy on Counterterrorism, June 1995
- Presidential Decision Directive 62 - Combating Terrorism, May 1998
- Presidential Decision Directive 63 – Critical Infrastructure Protection, May 1998
- National Security Presidential Directive 17 - National Strategy to Combat Weapons of Mass Destruction

References

- National Response Framework (as revised)
- National Incident Management System

- Federal Emergency Management Agency’s (FEMA) Comprehensive Preparedness Guide (CPG) 101: Developing and Maintaining Emergency Operations Plans, November 2020, Version 3.0 (draftv0.5)

STATE

Authorities

- California Disaster Assistance Act, California Government Code Section 8680 et. seq.
- California Disaster and Civil Defense Master Mutual Aid Agreement
- California Government Code, Title 1, Chapter 4, Division 8, Section 3100 - Disaster Service Workers
- California Government Code, Title 1, Chapter 4, Division 8, Section 8635 - Continuity of Government
- California Government Code, Title 2, Division 1, Chapter 7 – California Emergency Services Act
- California Government Code, Title 19, Division 2 – Standardized Emergency Management System
- *California Water Code, § 128-Department of Water Resources - Flood Fighting*

References

- Standardize Emergency Management System
- California Disaster Assistance Act
- California State Emergency Plan, October 1, 2017

COUNTY

Authorities

- Santa Clara County Emergency Services Code of Ordinances, Division A8

References

- Santa Clara County Operational Area Emergency Operations Plan, January 2022
- 2017 Multi-Jurisdiction All-Hazards Mitigation Plan, 2017

CITY

Authorities

- City Resolution No. x adopting the Emergency Operations Plan, Basic Plan, on Month DD, YYYY
- City of Gilroy City Code, Chapter 9 – Emergency Services Organization and Functions

ACRYNYMS

AAR	After-Action Report
ADA ACT	Americans with Disabilities Act
ARES	Amateur Radio and Emergency Services
AFN	Access and Functional Needs
CA	California
CADRE	Collaborating Agencies Disaster Relief Effort
Cal OES	California Governor's Office of Emergency Services
CDA	California Disaster Assistance Act
CERT	Community Emergency Response Team
DOC	Department Operations Center
DSW	Disaster Service Worker
DSWV	Disaster Service Worker Volunteer
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
FEMA	Federal Emergency Management Agency
GIS	Geographic Information Systems
IC	Incident Commander
ICP	Incident Command Post
ICS	Incident Command System
IPP	Integrated Preparedness Plan
HMGP	Hazard Mitigation Grant Program
JEDI	Justice, Equity, Diversity, and Inclusion

JIC	Joint Information Center
JIS	Joint Information System
JFO	Joint Field Office
MAC	Multi-Agency Coordination
MMAA	California Master Mutual Aid Agreement
NRF	National Response Framework
NGO	Nongovernmental Organization
NIMS	National Incident Management System
NWS	National Weather Service
OA	Operational Area
OEM	Office of Emergency Management
OES	Office of Emergency Services
PA	Public Assistance
PETS ACT	Pets Evacuation and Transportation Standards Act
PIO	Public Information Officer
PNP	Private Nonprofit
SEMS	Standardized Emergency Management System
VOAD	Voluntary Organization Active in Disasters

GLOSSARY

Access and Functional Needs (AFN) – Persons who may have additional needs before, during, and after an incident in functional areas, including but not limited to: maintaining independence, communication, transportation, supervision, and medical care. Individuals in need of additional response assistance may include those who have disabilities, live in institutionalized settings, are elderly, are children, are from diverse cultures, have limited English proficiency, or are non- English speaking, or are transportation disadvantaged.

American Red Cross (Red Cross) – The Red Cross is a humanitarian organization, led by volunteers, that provides relief to victims of disasters and helps people prevent, prepare for, and respond to emergencies. It does this through services that are consistent with its Congressional Charter and the Principles of the International Red Cross Movement.

Americans with Disabilities Act (ADA) – The Americans with Disabilities Act prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services.

Annex – An annex is an addition to a document.

Appendix – Appendices provide relevant information already referenced in the guidance. Typically, this includes forms used or other necessary information.

Catastrophe – A series of cascading human-caused/influenced events or incidents with or without a human caused genesis, the adverse effects/consequences of which are potentially, seemingly, or definitively irreversible.

Disaster – Any natural event or emergency (hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, etc.), or regardless of cause, any fire, flood, or explosion which the President of the United States determines to be of such severity as to warrant major federal disaster assistance.

Disaster Service Worker (DSW) – Disaster Service Workers are government employees and affiliated volunteers aid in disaster response and recovery and provide services to protect health and safety, and preserve the lives and property.

Emergency – Incidents or crises, such as air pollution, fire, flood, storm, epidemic, riot, drought, sudden or severe energy shortages, plant or animal infestations or diseases, earthquake or volcanic predictions issued by the Governor, and earthquakes, that pose a threat to the safety of people, property, or the environment and exceed an organization's resources or capabilities. **Emergency Operations** – Actions taken during an emergency to protect life and property, care for the people affected, and restore essential community services.

Emergency Operations Center (EOC) – A site from which government officials coordinate, monitor, and support response activities during an emergency.

Emergency Operations Plan (EOP) – A document that describes how people and property will be protected in disaster and disaster threat situations; details who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies, and other resources available for use in the disaster; and outlines how all actions will be coordinated.

Federal Emergency Management Agency (FEMA) – The Federal Emergency Management Agency (FEMA) is the federal agency responsible for coordinating emergency planning, preparedness, risk reduction, response, and recovery. The agency works closely with state and local governments by funding emergency programs and providing technical guidance and training. These coordinated activities at the federal, state, and local levels ensure a broad-based emergency program to ensure public safety and protect property.

Hazard – Any source of danger or element of risk to people or property.

Incident – The physical manifestation of crisis, event, or occurrence that has adversely affected life, property, or the environment requiring the response of at least one individual.

Incident Command System (ICS) – The Incident Command System (ICS) is a standardized emergency management concept designed to provide an integrated organizational structure for managing emergencies, and to enable coordinated emergency response across jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during emergencies. It is based on proven management tools that contribute to the strength and efficiency of the overall system.

Mitigation – Pre-event planning and actions that aim to lessen the occurrence or effects of potential disaster.

Mobilization – The process and procedures used by organizations (federal, state, and local) for activating, assembling, and transporting resources that have been requested to respond to or support an incident.

Mutual Aid – Is voluntary aid and assistance by the provision of services and facilities, including but not limited to fire, police, medical and health, communication, transportation, and utilities. Mutual aid is intended to provide adequate resources, facilities, and other support to jurisdictions whenever their own resources prove to be inadequate to cope with a given situation.

Mutual Aid Agreement – Written agreement between agencies and/or jurisdictions in which they agree to assist one another upon request, by furnishing personnel and equipment.

National Incident Management System (NIMS) – The National Incident Management System (NIMS) provides a comprehensive approach to emergency management for all hazards. NIMS integrates existing best practices into a consistent nationwide approach to domestic emergency management that is applicable to all jurisdictional levels (public and private) and across functional disciplines. NIMS is based on a balance of flexibility and standardization. NIMS is flexible and allows government and private entities at all levels to work together to manage domestic emergencies, regardless of their cause, size, location, or complexity. NIMS also provides a set of standardized organizational structures.

National Response Framework – The National Response Framework (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies—from the smallest incident to the largest catastrophe. The NRF establishes a comprehensive, national, all-hazards approach to domestic incident response. The NRF documents the key response principles, roles, and structures that organize national response. It describes how communities, states, the Federal Government, private-sector, and non- governmental partners apply these principles for a coordinated, effective national response. And it describes special circumstances where the Federal Government exercises a larger role, including incidents where Federal interests are involved and catastrophic incidents where a state would require significant support. It allows first responders, decision makers, and supporting entities to provide a unified national response.

Nongovernmental Organization (NGO) – An entity with an association that is based on interests of its members, individuals, or institutions, and that is not created by a government, but may work cooperatively with government. Such organizations serve a public purpose, not a private benefit. Examples of NGOs include faith-based charity organizations and the Red Cross.

Gilroy Office of Emergency Management (Gilroy OEM) – OEM is the lead in fulfilling the City's responsibility under the California Emergency Services Act.

Santa Clara County Office of Emergency Management (County OEM) – OEM is the lead agency in fulfilling the County's responsibility under the California Emergency Services Act and also serves as the Operational Area Coordinator for the County of Santa Clara under SEMS.

Operational Area (OA) – A geographical area that encompasses all local governments within a county, including the county. The OA serves as the coordination and communications link between the local government and the state. The OA prioritizes resources and coordinates mutual aid among entities within the OA. Each OA is responsible for activating and operating an EOC.

Operational Area Emergency Operations Center (OA EOC) – The physical location at which the coordination of information and resources to support OA activities normally takes place.

Plan – A document that describes the broad, overall jurisdictional response to potential extraordinary emergencies or disasters.

Preparedness – The range of deliberate, critical tasks and activities necessary to build, sustain, and improve operational capability. Preparedness is a continuous process involving efforts at all levels of government and between government and private-sector and NGOs to identify threats, determine vulnerabilities, and identify required resources. Preparedness is operationally focused on establishing guidelines, protocols, and standards for planning, training and exercises, personnel qualification and certification, equipment certifications and publication management.

Recovery – The long-term activities beyond the initial emergency response phase of disaster operations that focus on returning all systems in the community to a normal status or to reconstitute these systems to a new condition that is less vulnerable.

Resources – Personnel and equipment available, for assignment to incidents or to EOCs.

Response – Activities that address the direct effects of an incident; immediate actions to save lives and protect property.

Special District – A unit of local government (other than a city or county, with authority or responsibility to own, operate, or maintain a project (e.g., a water district).

Standardized Emergency Management System (SEMS) – The Standardized Emergency Management System (SEMS) is used to manage emergency response in California. SEMS consists of five hierarchical levels: field, local, operational area, regional, and State. SEMS incorporates the principles of the Incident Command System, the Master Mutual Aid Agreement, existing discipline-specific mutual aid agreements, the Operational Area concept, and multi-agency or interagency coordination and communication. Under SEMS, response activities are managed at the lowest possible organizational level.

State of Emergency – An eminent impending incident(s) or crisis(es) posing threat to safety of persons, property, or the environment that is/are likely to exceed resources/capability of the proclaiming political jurisdiction, or the existence of an active incident which threatens a population and the adequacy of local resources is unknown.

Volunteer Organizations Active in Disasters (VOAD) – Established disaster relief organizations and private non-profits play a major role in disaster recovery at the local level and provide access to services.