



**PROCLAMATION BY THE MAYOR DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY**

Severe Winter Storms

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County of San Francisco (the “City”) or its citizens; and

WHEREAS, Beginning December 27, 2022, severe winter storms related to a series of atmospheric river systems struck California, bringing high winds, substantial precipitation, and flooding in the City and in other areas in the State; and

WHEREAS, On the weekend of December 31, 2022, the City experienced a storm with severe rains and high winds. The storm caused major flooding, debris flows, and mudslides that led to road closures; damaged private property, resulting in evacuation of homes and red tagging of buildings; impacted critical infrastructure including public buildings, healthcare facilities, and public transit facilities; and caused power outages, including at the City’s 911 operations center and at least one facility serving people experiencing homelessness. Between December 31, 2022 and January 4, 2023, the City’s 311 system received nearly 2,000 inquiries and complaints related to flooding, street conditions, and damage to trees, light poles, and property; and

WHEREAS, On January 4, 2023, another severe storm hit the City and the rest of the Bay Area. Weather forecasters anticipated the storm would result in heavy rains, strong winds, flooding, and other impacts similar to the storm on the weekend of December 31, and the National Weather Service issued a Flood Watch and High Wind Warning starting in the early morning of January 4 and continuing into mid-day of January 5. Overnight from January 4 to January 5, ground saturation from prior storms and high winds resulted in additional flooding, downed trees, downed powerlines, and mudslides. Like the earlier storm, the storm that began on January 4 resulted in road closures and hazards due to flooding, fallen trees, and downed powerlines; downed and damaged trees; property damage; impacts on public transit; and flooding in the City. Another storm began on January 8, 2023 and is forecast to continue until at least January 10, 2023. Forecasts



anticipate that additional and continuing storms related to this series of atmospheric river systems will continue in the coming days; and

WHEREAS, These storms have threatened and continue to threaten critical infrastructure, public and private property, and people in the City; and

WHEREAS, On January 4, 2023, Governor Gavin Newsom proclaimed a state of emergency throughout California. The proclamation responds to the need for immediate response and recovery efforts to prevent and mitigate harms caused by the winter storms; and

WHEREAS, On January 8, 2023, President Joseph R. Biden declared that an emergency exists in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding, and mudslides; and

WHEREAS, Conditions of extreme peril to the safety of persons and property have arisen; and

WHEREAS, The Mayor proclaims that all of these conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim the existence of an emergency within the City threatening the lives, property, or welfare of the City and its citizens, effective immediately on January 9, 2023 and addressing impacts described in this proclamation for the period beginning December 31, 2022.

It is further ordered that:

(1) All City officers and employees take all steps requested by the Executive Director of the Department of Emergency Management to address the emergency conditions caused by the storm.

(2) All City officers and employees take all steps requested by the Executive Director of the Department of Emergency Management to qualify the City for reimbursement from



the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing this emergency.

(3) Notwithstanding any other restriction, procedural requirement, or approval requirement in local law except Charter Section 9.118 or other express requirements in the Charter, City departments entering contracts or amending existing contracts to support the City's response to the emergency, including contracts for the procurement of commodities or services pursuant to Chapter 21, grants awarded under Chapter 21G, and contracts for public works pursuant to Chapter 6, are exempt from the following contract-related requirements:

- (a) Nondiscrimination in contracts (Admin. Code Chapter 12B);
- (b) MacBride Principles (Admin. Code Chapter 12F);
- (c) Local business enterprise utilization and non-discrimination in contracting ordinance (Admin. Code Chapter 14B);
- (d) Consideration of criminal history in hiring (Admin. Code Section 12T);
- (e) Consideration of salary history in hiring (Admin. Code Section 12K);
- (f) Prohibition on contracting in certain states (Admin. Code Section 12X);
- (g) First source hiring (Admin. Code Chapter 83);
- (h) Competitive bidding requirements (Admin. Code Sections 21.1 and 21G.3);
- (i) Tropical hardwood and virgin redwood ban (Environ. Code Chapter 8);
- (j) Food service waste reduction requirements. (Environ. Code Chapter 16);
- (k) Sugar-sweetened beverage prohibition (Admin. Code Chapter 101);
- (l) Packaged water prohibition (Environ. Code Chapter 24);
- (m) Preservative treated wood products (Environ. Code Chapter 13); and
- (n) Insurance requirements for transactions that are solely for the purchase, lease, or rental of commodities.

Civil Service Commission approval of such agreements is not required. Within 30 days of execution of any such agreement, the City Administrator must report any agreement that would have required approval by the Civil Service Commission to the Civil Service Commission. All services procured pursuant to this emergency under Chapter 21, including those that are professional in nature, may be procured through the issuance of a stand-alone purchase order in a form approved by the City's Purchaser and the City Attorney. Further, after consultation with the City Attorney and Risk Manager (where applicable), a department head or a department head's designee may enter into or amend agreements that deviate from the City's standard terms and conditions and required clauses, including those pertaining to contractors' liability and indemnification, if the



department head or designee determines that the deviation is necessary to secure the goods and services required to effectively respond to the emergency.

For public works contracts under Chapter 6, departments may enter agreements as provided in Administrative Code Section 6.60, except that the additional approvals under Section 6.60(d) are not required; and the department head or designee may authorize work that exceeds the amount of the contractor's bond if the department head or designee determines it is necessary to effectively respond to the emergency.

I further proclaim and order that:

By the terms of this emergency declaration the City's government is organized under the provisions of the Incident Command System (ICS), which system forms an essential part of the City's Emergency Response Plan and is located in the Emergency Operations Center of the City and County of San Francisco. All City departments are ordered to cooperate strictly with the requests for material and personnel resources that may emanate from the ICS staff of the City. Under Charter Section 3.100(14), the Mayor may direct department personnel and resources, including reallocating and expending available funds within a department's budget or among and between departments, as necessary to meet the emergency.

And I further proclaim and order that:

This declaration of a local emergency shall continue to exist until February 9, 2023, but may be extended for an additional 30 days by the Mayor with concurrence of the Board of Supervisors. The declaration may be terminated earlier by the Mayor or the Board of Supervisors.

DATED: January 9, 2023

A handwritten signature in blue ink, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor of San Francisco