

APPENDIX A

Proclamation

State of Emergency

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA



PROCLAMATION
by the
Governor of the State of California

WHEREAS, shortages of electricity available to California's utilities have today resulted in blackouts affecting millions of Californians; and

WHEREAS, unanticipated and dramatic increases in the price of electricity have threatened the solvency of California's major public utilities, preventing them from continuing to acquire and provide electricity sufficient to meet California's energy needs; and

WHEREAS, the California Public Utilities Commission, the Independent Systems Operator and the Electricity Oversight Board have advised that the electricity presently available from California's utilities is insufficient to prevent widespread and prolonged disruption of electric service within California; and

WHEREAS, this energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission; and

WHEREAS, the imminent threat of widespread and prolonged disruption of electrical power to California's emergency services, law enforcement, schools, hospitals, homes, businesses and agriculture constitutes a condition of extreme peril to the safety of persons and property within the state which, by reason of its magnitude, is likely to be beyond the control of the services, personnel, equipment, and facilities of any single county or city; and

WHEREAS, under the provisions of Section 8558 (b) of the California Government Code, I find that an emergency exists;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, in accordance with the authority vested in me by the California Emergency Services Act, and in particular, Section 8625 of the California Government Code, HEREBY PROCLAIM A STATE OF EMERGENCY to exist within the State of California; and

IT IS ORDERED that all agencies of the state government utilize and employ state personnel, equipment and facilities for the performance of any and all activities to alleviate this emergency.

IT IS FURTHER ORDERED that the Department of Water Resources, separate and apart from its powers and responsibilities with respect to the State Water Resources Development System, shall enter into contracts and arrangements for the purchase and sale of electric power with public and private entities and individuals as may be necessary to assist in mitigating the effects of this emergency. The Department is hereby directed to enter into these contracts as expeditiously as possible and is hereby authorized to do so notwithstanding the provisions of the Government Code and the Public Contract Code applicable to state contracts, including but not limited to, advertising and competitive bidding requirements, which provisions are suspended pursuant to Government Code section 8571 to the extent that they would prevent, hinder or delay the prompt mitigation of the effects of this emergency. The Department is further directed to maintain as separate and distinct the obligations incurred and the funding of such contracts and arrangements from the funds, monies and obligations of the State Water Resources Development System.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this the seventeenth day of January 2001.

Gray Davis

Governor of California

ATTEST:

Bill Jones

Secretary of State

