

**Memorandum of Understanding**  
**between the**  
**San Jose Water Company**  
**and the**  
**Cupertino Amateur Radio Emergency Service**

**1. Purpose**

The purpose of this document is to state the terms of a mutual agreement (Memorandum of Understanding) between San Jose Water Company (SJWC) and the Cupertino Amateur Radio Emergency Service (CARES). This document will serve as a framework describing how CARES volunteers will coordinate their services, personal equipment, and facilities with SJWC to support a Cupertino emergency communications function. Through joint exercises and coordination of CARES and SJWC resources, this document intends to enhance the emergency communications readiness for any possible disaster.

**2. Organization of CARES**

As established by the Federal Communications Commission's Rules and Regulations (47 C.F.R. Part 97), a primary responsibility of the Amateur Radio Service is to render public service communications for the general public, particularly in times of emergency when normal communications are not available. Using amateur frequency bands, Amateur Radio operators have been serving the general public, both directly and through governmental and relief agencies, for more than 50 years. To this end, the American Radio Relay League (ARRL), the national association for radio amateurs, organized the Amateur Radio Emergency Service (ARES). Cupertino ARES (CARES) is one such organization.

CARES is a volunteer organization made up of licensed amateur radio operators who have ties with Cupertino and voluntarily registered their qualifications and equipment for communications duty in the public service in the event of a disaster. The CARES Emergency Coordinator (EC) is an appointed position by the Santa Clara County District Emergency Coordinator (DEC) and is responsible for managing the preparedness and response operations of the CARES organization.

**3. Radio Amateur Civil Emergency Service**

The Radio Amateur Civil Emergency Service (RACES) is an emergency service function defined under Part 97 of the Federal Communications Commission (FCC) Rules. RACES is a special phase of amateur radio operation that provides radio communications to local or state civil preparedness agencies during periods of local, regional, or national civil emergencies.

All of the authorized frequencies and emissions allocated to the Amateur Radio Service are also available to RACES on a shared basis. In the event of a declaration of War, RACES operators, using specially authorized frequencies, would be the only Amateur Radio Operators permitted on the air. CARES members hold dual membership in RACES and are licensed RACES operators.

**4. Organization of SJWC**

SJWC is an investor-owned public utility in the business of providing water service to approximately one million people in the cities of San Jose, Los Gatos, Monte Sereno, Saratoga, Campbell, and Cupertino through systems acquired under lease, purchase, or franchise agreements. SJWC service area covers about 140 square miles in the Santa Clara Valley, with water sourced from groundwater, imported surface water, and local mountain surface water. Water supplied to the City of Cupertino originates from both import and groundwater.

SJWC is responsible for establishing its own emergency response plan. The company operates during emergencies in accordance with emergency guidelines established in its plan.

## 5. Recognition

SJWC recognizes that CARES is an organization of more than 80 Cupertino-resident radio amateurs. CARES' organized emergency communications capability can be of valuable assistance in providing a critical communication platform and information during disasters when regular lines of communication are disrupted or overloaded. CARES is the official RACES organization for the City of Cupertino, reports to the Cupertino Office of Emergency Management, and operates under the direction of the Planning and Intel Section. During emergencies or disasters, CARES is activated to assist the City of Cupertino with requests prioritized by the City's EOC staff.

CARES recognizes SJWC as a public utility providing water service to a majority portion of the City of Cupertino and with responsibility for operating and maintaining the water system in Cupertino served by SJWC.

## 6. Method of Cooperation

To ensure effective and efficient communications and resources and provide situational awareness during disasters and emergencies, and to the extent permitted or required by law and regulation, SJWC and CARES agree to the following:

1. The points of contact between CARES and SJWC for coordination of communication are:
  - Jim Oberhofer, KN6PE  
CARES Emergency Coordinator  
11846 Woodhill Court  
Cupertino, CA 95014
  - David Fernandez  
Director of Emergency Management  
1221 South Bascom Avenue  
San Jose, CA 95128
2. CARES will identify an individual as the key contact with SJWC. This individual will provide direct operational assistance to SJWC by CARES in emergency communications planning and coordinating amateur radio communications facilities during an emergency.
3. CARES and SJWC will collaborate on their emergency preparedness with each other. They create and maintain appropriate communications and effective relationships at all levels of both organizations.
4. CARES will work with SJWC in pre-emergency planning, drills, exercises, and training programs at SJWC's operational level.
5. CARES and SJWC will work together to develop operating plans such that communications services, equipment, and facilities of the Amateur Radio Service may be coordinated within the context of the CARES' city response.
6. When there is a disaster requiring amateur radio communications and the City of Cupertino formally activates CARES, SJWC may participate in the CARES emergency communications network and request the assistance of CARES through the Cupertino EOC. SJWC requests will be prioritized with other City requests. This assistance may include:
  - Dispatching CARES members to SJWC critical facilities in Cupertino to perform and report on preliminary damage assessments.

- Exchanging emergency messages of interest with SJWC either directly or indirectly through established emergency communications channels as defined by the Santa Clara County Office of Emergency Management.
  - Establishing and maintaining portable station emergency communications between SJWC facilities and the Cupertino EOC.
  - Establishing and maintaining mobile station communications between SJWC officials and the Cupertino EOC as required (Shadows).
  - Maintaining the continuity of communications for the duration of the emergency period or until normal communications channels are substantially restored.
7. If a disaster occurs and the City of Cupertino does not activate CARES, SJWC may request the CARES activation from the Cupertino Director of Emergency Services or designee for a CARES in-city response.
8. Distribute copies of this agreement to the CARES representative identified in item 1 above, CARES organization members, Cupertino’s Director of Emergency Service, and SJWC Director of Emergency Management will include it in their respective Emergency Response Plans.

## 7. Implementation

This Memorandum of Understanding shall take effect upon signature by the SJWC Vice President of Operations, the Cupertino Director of Emergency Service, and the CARES Emergency Coordinator. This memorandum is not a binding contract and may be amended by mutual agreement of both parties. Either party may terminate this voluntary memorandum at any time with a written notice.

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Curt Rayer  
Vice President of Operations  
San Jose Water Company

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Date

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Jim Oberhofer  
Emergency Coordinator  
Cupertino Amateur Radio Emergency Service

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Date