CITY OF OAKLAND

PROCLAMATION

PROCLAMATION OF A LOCAL EMERGENCY BY THE CITY ADMINISTRATOR OF THE CITY OF OAKLAND

WHEREAS, on Friday, December 2, 2016, at or about 11:24 p.m., a fire occurred at 1315 31st Avenue, Oakland, California which resulted in more than thirty (30) deaths; and

WHEREAS, this fire has devastated the City of Oakland, the County of Alameda ("County") and the State of California; and

WHEREAS, the California Emergency Services Act, Gov. Code § 8630 et seq.); empowers the City Administrator to declare a local emergency if the City Council has authorized her to do so by ordinance; and

WHEREAS, the California Emergency Services Act further provides that the City Administrator's declaration of a local emergency shall not remain in effect in excess of seven (7) days unless the Council ratifies the emergency declaration; and

WHEREAS, Oakland Ordinance No. 10923 C.M.S. and Oakland Municipal Code § 8.50.030 empower the City Administrator, serving in the capacity of the Director of Emergency Services, to proclaim the existence of a local emergency; and

WHEREAS, Gov. Code § 8558 (c) defines a local emergency as " ... the duly proclaimed existence of conditions of disaster or of extreme *peril to the safety of persons and property within the territorial limits of a county,* city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, ..."; and

WHEREAS, existing conditions resulting from the fire have exceeded the City's resources requiring that the City request resources from other entities such as the County of Alameda on an ongoing basis; and

WHEREAS, the fire and the necessary work related to the fire, have depleted the resources of the City, including fire, police and other City departments and agencies and the resources of other local law enforcement and fire agencies as a result of their ongoing provision of infrastructure protection and emergency response; and

WHEREAS, the City Administrator hereby requests that the City Council of the City of Oakland discuss and ratify the local emergency declaration at a special meeting noticed and posted in accordance with the Ralph Brown Act, open meeting law;

NOW THEREFORE,

IT IS HEREBY PROCLAIMED: That a local emergency exists in the City of Oakland due to the existence of conditions of extreme peril to the safety of persons and property which have arisen within the City, caused by and resulting from the December 2, 2016 fire at 1315 31st Avenue; and these conditions are beyond the City's resources, personnel, equipment, facilities, and ability to control and require the combined forces of other political subdivisions; and

IT IS FURTHER PROCLAIMED AND ORDERED: That during the existence of the local emergency the powers, functions, and duties of the emergency organization of the City shall be those prescribed by state law, by ordinances and resolutions of the City, and by the City's duly adopted Emergency Operations Plan: and

IT IS FURTHER PROCLAIMED AND ORDERED: That during the local emergency the City may promulgate and enforce emergency orders and regulations necessary to protect life and property, such as closure of streets and businesses, and acquisition of mutual aid from other government agencies to preserve public order and safety pursuant to the California Emergency Services Act (Gov. Code § 8634); and

IT IS FURTHER PROCLAIMED AND ORDERED: That this declaration of local emergency will expire and no longer be in effect unless the Oakland City Council ratifies the emergency declaration within seven days of the date of the issuance of the Proclamation; and

IT IS FURTHER PROCLAIMED AND ORDERED: That all City departments and agencies take those actions, measures and steps deemed necessary to provide ongoing services to the City citizens, and to assure the safety and welfare of City employees, residents and property, including requesting mutual aid to the extent such aid is reasonably necessary; and

IT IS FURTHER PROCLAIMED AND ORDERED: That a copy of this proclamation be forwarded to the Director of the California Governor's Office of Emergency Services and that the Director be requested to find it acceptable in accordance with State law and that the Governor of California, pursuant to the Emergency Services Act, be requested to issue a State of Emergency and that he afford the City the benefit of recovering its costs as a result of the fire; and

IT IS FURTHER PROCLAIMED AND ORDERED: That the Governor of California be requested to make available all relevant funds to the City and all eligible community members and businesses, including but not limited to, California Disaster

Assistance Act funds and State Private Nonprofit Organizations Assistance Program funds; and

IT IS FURTHER PROCLAIMED AND ORDERED: That the Governor be requested to forward a copy of this proclamation to the President of the United States to seek a Presidential Declaration of a Federal Emergency and make all relevant funds available to the City of Oakland and all eligible community members and businesses, including, but not limited to, aid provided by the Small Business Administration to help the County of Alameda and the City of Oakland to keep the high level of response, recovery, and mitigation measures necessary to make our communities resilient from this disaster.

Dated: 12/6/16

By: _____
Sabrina Landreth
City Administrator
City of Oakland

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