

08 JAN 25 OAKLAND CITY COUNCIL

RESOLUTION No. 81034 C.M.S.

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**Resolution (1) Ratifying The Local Emergency That The City Administrator Proclaimed On January 11, 2008 Due To The Severe Impacts And Calamities Caused By The Series Of Winter Storms That Commenced On Or About January 3, 2008 And (2) Requesting That The Governor Declare A State Of Emergency In The City Of Oakland And Request That The President Of The United States Declare That An Emergency Has Occurred In California That Is Beyond The State's Recovery Capabilities**

**WHEREAS**, Government Code section 8630(a) and Ordinance No. 10923 C.M.S. of the City of Oakland, adopted December 8, 1987, as amended, empower the Oakland City Council to proclaim a local emergency due to the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the City of Oakland caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease; and

**WHEREAS**, Government Code section 8630(a) and Ordinance No. 10923 C.M.S. of the City of Oakland, also authorize the City Administrator to proclaim the existence of a local emergency and Government Code section 8630(b) further provides that any emergency declared by the City Administrator will not remain in effect for more than seven days unless the City Council ratifies the existence of the local emergency; and

**WHEREAS**, the series of winter storms that commenced on January 3, 2008, has brought extreme wind conditions, unusually heavy rains and high snow levels throughout the state which have also severely impacted the City of Oakland; and

**WHEREAS**, the City Administrator proclaimed the existence of a local emergency on January 11, 2008, due to the winter storms that commenced on January 3, 2008; and

**WHEREAS**, as a direct and immediate result of the storm the City suffered and continues to suffer significant damage from high winds and heavy rainfall; and

**WHEREAS**, a mud slide occurred as a direct consequence of the heavy rains, causing the evacuation of two homes and leading to the complete closure of a segment of roadway between 7257 and 7295 Skyline Drive, an important and necessary roadway within the City of Oakland; and

**WHEREAS**, subsequent rainfall exacerbated the dangerous conditions because the soil was already saturated and is unable to absorb additional precipitation; and

**WHEREAS**, the City has undertaken extraordinary emergency repair measures to prevent further saturation of the hillside in order to save the private and public properties

**WHEREAS**, the mud slide continues to directly threaten at least two private dwellings on Oakwood Drive as well as the previously identified segment of Skyline Boulevard; and

**WHEREAS**, these conditions are beyond the control of the services, personnel, equipment and facilities of the City of Oakland and these conditions severely impair public health and safety; and

**WHEREAS**, Government Code section 8630(b) requires that the City Council ratify the City Administrator's proclamation of a local emergency within seven days; now, therefore be it

**RESOLVED:** that the City Council hereby ratifies the City Administrator's January 11, 2008 proclamation of the existence of a local emergency, in the City of Oakland and declares that a local emergency continues to exist due to conditions that are beyond the control of the services, personnel, equipment and facilities of the City of Oakland and these conditions severely impair public health and safety; and be it

**FURTHER RESOLVED:** that the City Council hereby requests that the Governor proclaim a State of Emergency in the City of Oakland and request that the President of the United States declare that an emergency has occurred in California that is beyond the state's recovery capabilities; and be it

**FURTHER RESOLVED:** that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, the charter, ordinances, resolutions, and approved plans of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 15 2008, 2008

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERRIGAN, NADEL, QUAN, REID, and ~~PRESIDENT DE LA FUENTE~~ - 7

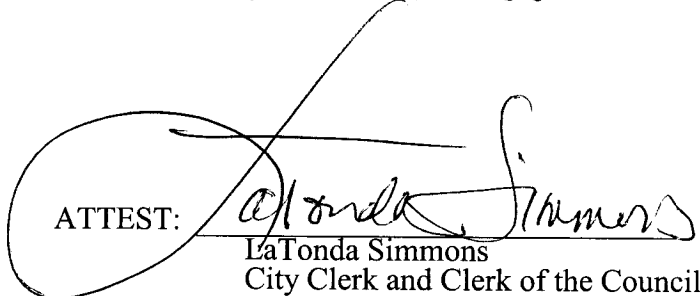
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - De La Fuente - 1

ATTEST:

  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California