

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to form and legality


Office of the City Attorney

08 FEB -7 PM 4:19
OAKLAND CITY COUNCIL

RESOLUTION NO. 81101 C. M. S.

RESOLUTION RENEWING AND CONTINUING THE CITY COUNCIL'S DECLARATION OF A LOCAL EMERGENCY DUE TO THE NOVEMBER 7, 2007 CATASTROPHIC OIL SPILL IN THE SAN FRANCISCO BAY THAT OCCURED WHEN M/V COSCO BUSVAN, A CONTAINER SHIP, SIDE SWIPED ONE OF THE BAY BRIDGE WESTERN ANCHORAGES

WHEREAS, on November 7, 2007, a catastrophic oil spill occurred when the container ship, M/V COSCO BUSAN, struck the fender surrounding a footing of the western span of the Bay Bridge in the San Francisco Bay; and

WHEREAS, this incident caused approximately 53,000 gallons of bunker fuel which is considered to be medium fuel-grade oil, to spill into the San Francisco Bay and the oil continues to spread, causing damage in the City and County of San Francisco, as well as Alameda County including the City of Oakland, Contra Costa, Marin, San Mateo, Solano and Sonoma counties; and

WHEREAS, the spill continues to create conditions of extreme peril to the public health and safety of persons, the environment and property in the San Francisco Bay area; and

WHEREAS, the spill continues to threaten marine life and protected wetlands in the area, including but not limited to Alameda County Eel Grass beds, marine mammals, birds and fish populations; and

WHEREAS, local governments and businesses along the San Francisco Bay shore and coast including the City of Oakland, will be impacted by this oil spill for a very long time; and

WHEREAS, the City of Oakland and Port of Oakland have been working closely with Alameda County, Department of Fish and Game, Office of Oil Spill Prevention and Response (OSPR), U.S. Coast Guard (USCG) and other agencies of the state and federal government to take aggressive action to mitigate the oil spill in the Port of Oakland waterways, including setting barriers to prevent the oil from spreading into the Oakland Estuary and Lake Merritt; and

WHEREAS, despite efforts to clean up the oil, much of it has yet to be removed from the waterways and Bay and hundreds of birds have died and hundreds more have been rescued and are being provided medical treatment; and

WHEREAS, on November 15, 2007, the City Council of the City of Oakland, pursuant to the Brown Act (Gov. Code section 54956.5(a)), found that the oil spill has created an emergency situation that severely impairs public health and safety necessitating prompt action due to the disruption and threatened disruption of public facilities ; and

WHEREAS, on November 15, 2007, the City Council of the City of Oakland, found that due to the circumstances of the oil spill, and by reason of its magnitude, the oil spill is beyond the control of the services, personnel, equipment and facilities of the City of Oakland; and

WHEREAS, on November 15, 2007 under the provisions of section 8558(b) of the California Government Code, the City of Oakland found that conditions of extreme peril to the safety of persons and property exist due to the effects of this oil spill; and

WHEREAS, for the foregoing reasons, the City Council on November 15, 2007 proclaimed a local emergency pursuant to the authority vested in it by the California Emergency Services Act; and

WHEREAS, the Council finds that the local emergency is continuing; now therefore be it,

RESOLVED, that City Council of the City of Oakland pursuant to the authority vested in it by California Emergency Services Act in particular Government Code section 8630(c) hereby declares that a local emergency continues to exist in the City of Oakland, and further declares that the City Council hereby renews its declaration of a local emergency in the City of Oakland, and be it;

FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the State Director of the Office of Emergency Services and Alameda County OES, Operational Area, and be it

FURTHER RESOLVED, that Bill Noland, Director of the City's Financial Services Agency, or such other person as the City Administrator may designate, is hereby designated as the authorized representative for response and recovery costs from M/V COSCO BUSAN, the responsible party and also for public assistance and individual assistance for the City of Oakland for the purpose of receiving, processing and coordinating all inquiries and requirements necessary to obtain available reimbursements and any other necessary state and federal assistance as a result of the oil spill that occurred on November 7, 2007.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 4 2008, 2007

PASSED BY THE FOLLOWING VOTE:

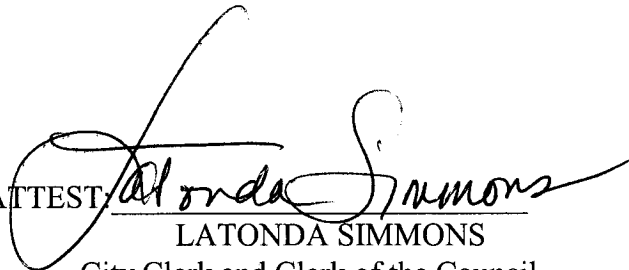
BROOKS, BRUNNER, CHANG, NADEL, KERNIGHAN, QUAN, REID, and
PRESIDENT DELAFUENTE

AYES- 7

NOES- 0

ABSENT- Brunner - 1

ABSTENTION- 0

ATTEST 
LATONDA SIMMONS
City Clerk and Clerk of the Council
Of the City of Oakland, California