



AGENDA REPORT

TO: G. Harold Duffey
Interim City Administrator

FROM: Angela Robinson Piñon
Deputy City Administrator

SUBJECT: Amend Oakland Municipal Code
Chapter 8.50 – Local Emergency
Declarations

DATE: February 6, 2023

City Administrator Approval

Date: Feb 9, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance Amending Oakland Municipal Code Chapter 8.50 (Emergency Services Organization And Disaster Council) To Require Council To Review The Need For Continuing A Local Emergency At Least Once Every 60 Days, In Conformance With State Law.

EXECUTIVE SUMMARY

[Section 8.50.050 \(C\) \(3\)](#) of the Oakland Municipal Code currently requires that the City Council review the need for continuing a local emergency every thirty (30) days; however, under [California Government Code Section 8630](#), local governments may review and authorize a local emergency every sixty (60) days, the proposed ordinance amendment aligns the City local emergency timeline with the state's requirements.

BACKGROUND / LEGISLATIVE HISTORY

[The California Emergency Services Act, California Gov. Code § 8550 et seq.](#) ("Emergency Services Act") declares the state's responsibility to mitigate the effects of natural, manmade, and war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and the resources of the state; and generally to protect the health and safety and preserve the lives and property of the people of the state. Article 14 of the Emergency Services Act provides that a local emergency may be declared by the governing body of a city or an official designated by ordinance adopted by the governing body.

In 2007, the Oakland City Council passed [Ordinance No.12841 C.M.S.](#), codified in Chapter 8.50 of the Oakland Municipal Code, and therein approved the creation of the City's Emergency Management and Disaster Preparedness Council ("Disaster Council"); and delegated authority to the City Administrator to proclaim a local emergency subject to ratification by the City Council.

In 2017, the Oakland City Council passed [Ordinance No.13437 C.M.S.](#), which amended Chapter 8.50 to conform to changes in California's emergency laws, rules, and regulations; and to reflect changes in the City's emergency organization, operations, and services in order to

Public Safety Committee
February 27, 2023

enhance City's ability to respond to and manage emergencies. At the time Chapter 8.50 was adopted in 2007 and later amended in 2017, the Emergency Services Act required local governments to review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.

However, in 2018, the California legislature enacted Assembly Bill 2098, which amended the Emergency Services Act to require a review of a local emergency by the governing body, as described above, to occur at least once every 60 days instead of every 30 days. Adopting this ordinance will align the City's timeline for the declaration of a local emergency with state law.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of the proposed ordinance amendment advances the citywide priority **holistic community safety**. If the Council does not adopt this legislation, the Council would continue to be required to adopt local emergency declarations every thirty (30) days. Please note that adopting this ordinance would not preclude the Council from acting sooner than thirty (30) days to extend or rescind a local emergency; however, this action extends the time for Council to take legislative action.

FISCAL IMPACT

There is no fiscal impact directly associated with this action; however, the declaration of a local emergency is a requirement for a local jurisdiction to be eligible for funding to support disaster recovery post-emergency.

PUBLIC OUTREACH / INTEREST

There was no public outreach required beyond the posting and noticing of this agenda item.

COORDINATION

Production of this ordinance was coordinated between the Oakland City Attorney's Office and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: As noted, declaration of a local emergency is often a pre-requisite to receive disaster recovery funding. This action aligns the timeline to extend a local emergency from thirty (30) to sixty (60) days.

Environmental: There are no direct environmental opportunities associated with the proposed ordinance; however, this ordinance does outline the legislative procedures to extend the declaration of local emergencies that may have significant environmental effects.

Race & Equity: Human-made and natural disasters often cause the greatest impact to low-income, and marginalized people, which in Oakland are overwhelmingly represented by African-Americans and other communities of color, declaration of a local emergency may allow the City to access funds that may be used to mitigate the direct effects of a local emergency. These funds, once received, could be targeted to address the immediate needs of Oakland's most vulnerable residents.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt And Ordinance Amending Oakland Municipal Code Chapter 8.50 (Emergency Services Organization And Disaster Council) To Require Council To Review The Need For Continuing A Local Emergency At Least Once Every 60 Days, In Conformance With State Law.

For questions regarding this report, please contact Angela Robinson Piñon, Deputy City Administrator, at arobinsonpinon@oaklandca.gov.

Respectfully submitted,

Angela Robinson Piñon

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