



AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Teresa Deloach Reed
Fire Chief

SUBJECT: Resolution Ratifying Existence of
Local Emergency Declared by City
Administrator Regarding 1315 31st
Avenue Fire

DATE: December 6, 2016

City Administrator Approval

Date:

12/6/16

RECOMMENDATION

Staff Recommends The City Council Pass A Resolution: 1. Ratifying The Existence Of A Local Emergency As A Result Of The December 2, 2016 Fire at 1315 31st Avenue; 2. Reaffirming the City's Request That The Governor Of The State Of California Proclaim A State Of Emergency In The City Of Oakland As A Result Of The Incident; And 3. Re-affirming the City's Request That The President Of The United States Declare A Federal Emergency.

EXECUTIVE SUMMARY

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) fire deaths. At the time of this report, thirty-six (36) victims had been recovered from the structure, and seventy-five percent (75%) of the structure had been searched.

This fire has devastated the City of Oakland, the County of Alameda ("County") and the State of California. Furthermore, the health and welfare of the citizens of Oakland as well as its employees, is of paramount importance to the Mayor, City Council and the City Administration.

We request that the City Council ratify the City Administrator's proclamation declaring a local emergency, by passing a resolution ratifying and confirming the existence of local emergency in the City of Oakland, re-affirming the City's request that the Governor of the State of California proclaim a state of emergency in the City of Oakland, and that the President of the United States declare a Federal emergency.

BACKGROUND / LEGISLATIVE HISTORY

Government Code Section 8630(a) and Ordinance No. 10923 C.M.S. of the City of Oakland, authorizes the City Administrator to proclaim a local emergency and Government Code 8630(b)

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further provides that any emergency declared by the City Administrator will not remain in effect for more than seven (7) days, unless the City Council ratifies the existence of the local emergency. Furthermore, 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.

Existing conditions have exceeded the resources of the Oakland Fire Department (OFD) causing it to request resources from the State of California, County of Alameda, County of Contra Costa, and East Bay Regional Park District for time periods that may extend into the first quarter of 2017. OFD is actively involved with the ongoing investigation of the fire with the Bureau of Alcohol Tobacco Firearms and Explosives, Alameda County Sherriff's Office, Alameda County District Attorney Office, and other assisting agencies. As a result of the investigation and ongoing recovery efforts, the fire has impacted City resources related to the ongoing provision of infrastructure protection, and immediate emergency response to the residents of Oakland.

ANALYSIS AND POLICY ALTERNATIVES

There are no policy alternatives to this request. Failure to approve this request pursuant to the California Emergency Services Act (California Government Code Sections 8550 – 8668) prevents the City from accessing financial assistance from the state as provided via the California Disaster Assistance Act (Title 19 of the California Code of Regulations, Chapter 6), and will have an adverse impact on the City's ability gain access to financial resources that can be used to facilitate recovery from this devastating, catastrophic event.

FISCAL IMPACT

The declaration of a local emergency begins the process for the City to qualify for State and/or Federal resources for reimbursement of eligible costs incurred by the City of Oakland in response to the 31st Avenue Fire. Once the City has an official declaration, residents and businesses, who have also incurred eligible damage costs resulting from the event, are given the opportunity to apply for individual assistance from federal and state disaster assistance programs. The City will work with internal resources, and local organizations such as the American Red Cross to inform the community of these resources once they become available.

Preliminary estimates for fire-related damages and restoration costs are not available at this time; however, once those costs have been calculated, they will be compiled into a report and sent to the Alameda County Office of Emergency Services. Alameda County will then forward those estimates to the State Office of Emergency Services (CalOES).

PUBLIC OUTREACH / INTEREST

Although no public outreach was conducted for this action, there is a high level of public interest in this tragedy.

COORDINATION

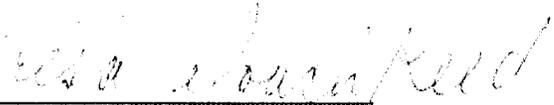
Any action taken as a result of the 31st Avenue Fire has been, and will continue to be, a collaborative effort among the Oakland Fire, Police, Public Works, Planning and Building, and Human Resources Management Departments with support from our mutual aid, state and federal partners. Actions taken will be coordinated by the City Administrator's Office and vetted by the City Attorney's Office for legality.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council pass a resolution: 1. ratifying and confirming the existence of a local emergency as a result of the 31st Avenue Fire on December 2, 2016; 2. Re-affirming the City's request that the Governor of the State of California proclaim a state of emergency in the City of Oakland as a result of the incident; and 3. Re-affirming the request that the President of the United States declare a Federal Emergency.

For questions regarding this report, please contact Cathey Eide, Emergency Manager, Emergency Management Services Division at (510) 238-6069.

Respectfully submitted,



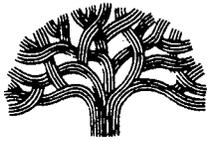
Teresa Deloach Reed
Fire Chief, Oakland Fire Department

Prepared by:
Angela Robinson Piñon
Chief of Staff, Oakland Fire Department

Attachments (2):

- A. City Administrator's Proclamation of the Existence of a Local Emergency in the City of Oakland
- B. Resolution

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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, imposition of curfews, 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: _____

By: _____
Sabrina Landreth
City Administrator
City of Oakland

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION RATIFYING EXISTENCE OF A LOCAL EMERGENCY DECLARED BY THE CITY ADMINISTRATOR SABRINA LANDRETH ON DECEMBER 6, 2016

WHEREAS, on Friday, December 2, 2016, at or about 11:24 p.m., a fire began at 1315 31st Avenue, Oakland, California which led to 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 health and welfare of the citizens of the City as well as that of City employees is of paramount importance to the Mayor, City Council and the City Administration; and

WHEREAS, Government Code Section 8630(a) and Ordinance No. 10923 C.M.S. of the City of Oakland, adopted December 8, 1987, as amended, empowers 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 an 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 authorizes the City Administrator to proclaim a local emergency and Government Code 8630(b) further provides that any emergency declared by the City Administrator will not remain in effect for more than seven (7) days, unless the City Council ratifies the existence of the local emergency; and

WHEREAS, the City Administrator proclaimed a local emergency on December 6, 2016 due to the existing 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 resouces, personnel, equipment, facilities, and ability to control and require the combined forces of other political subdivisions; and

WHEREAS, existing conditions have exceeded the resources of the City of Oakland causing the City to request resources from the State of California, County of Alameda, and surrounding jurisdictions on an ongoing basis; and

WHEREAS, the fire has depleted the resources of local law enforcement and fire agencies as a result of their ongoing provision of infrastructure protection, and immediate emergency response; and

WHEREAS, the City is actively involved with the ongoing investigation of the fire with the Bureau of Alcohol Tobacco Firearms and Explosives, Alameda County Sheriff's Office, and other assisting agencies; and

NOW, THEREFORE, be it

RESOLVED: that the City Council of the City of Oakland hereby ratifies the City Administrator's December 6, 2016 proclamation declaring the existence of a local emergency; and be it

FURTHER RESOLVED: that during the existence of said local emergency the powers, functions, and duties of the emergency organization of the City of Oakland shall be those prescribed by state law, by ordinances, and resolutions of the City of Oakland; and be it

FURTHER RESOLVED: that the City Council fully supports and endorses the City Administrator's proclamation and order 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

FURTHER RESOLVED: that the City Council re-affirms the City Administrator's request and also requests 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

FURTHER RESOLVED: that the City Council re affirms the City Administrator's request and also requests that the Governor of California 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

FURTHER RESOLVED: that the City Council re-affirms the City Administrator's request and also request that the Governor 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

