

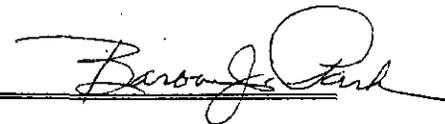
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

2008 JAN 24 PM 3:10

RESOLUTION No. \_\_\_\_\_ C.M.S.

INTRODUCED BY \_\_\_\_\_



**RESOLUTION RENEWING AND CONTINUING THE CITY COUNCIL'S DECLARATION OF A LOCAL EMERGENCY DUE TO THE EXISTENCE OF A CRITICAL PUBLIC HEALTH CRISIS WITH REGARD TO THE AIDS EPIDEMIC**

**WHEREAS**, nationally, according to the Center for Disease Control's (CDC) 2003 HIV/AIDS Surveillance Report, twenty-four percent (24%) of all male adults/adolescent AIDS cases and twenty-five percent (25%) of all female adult/adolescent AIDS cases are related to intravenous drug use (IDU); and

**WHEREAS**, according to the same report, of all the pediatric AIDS cases related to a mother with or at risk for HIV infection, fifty-six percent (56%) of such cases are directly related to maternal exposure to HIV through IDU or sex with someone using intravenous drug; and

**WHEREAS**, according to the Alameda County Health Profile of June 2004, fifty-eight percent (58%) of the 6,383 persons who have been diagnosed with AIDS in Alameda County reside in the City of Oakland; and

**WHEREAS**, according to the 2003 Alameda County AIDS Epidemiology Report, as of 2003 there were 3,839 people living with AIDS in the City of Oakland; and

**WHEREAS**, according to the same report, thirteen percent (13%) of the males and forty-three percent (43%) of the females were exposed to HIV through IDU; and

**WHEREAS**, the twin epidemic of IDU and AIDS/HIV are overwhelming our health care systems are having a devastating impact upon the public health and safety of our citizenry; and

**WHEREAS**, the high rate of HIV exposure and infection through IDU threatens to increase the number of HIV-infected persons unless steps are taken to stem the spread of the disease; and

**WHEREAS**, a high rate of HIV exposure through IDU causes the spread of AIDS among people who are the sex partners of drug users; and

**WHEREAS**, the September 1993 report entitled "The Public Health Impact of Needle Exchange Programs in the United States and Abroad", based on a study commission by the Center

for Disease Control and Prevention, concluded that the data suggests that needle exchange programs can prevent significant numbers of infections among clients of the programs, their drug and sex partners and their offspring and the data provide no evidence that needle exchange programs increase the amount of drug use by needle exchange program clients or change overall community levels of injection and non-injection drug use; and

**WHEREAS**, the aforesaid September 1993 report based on study commissioned by the Centers for Disease Control and Prevention recommends that states repeal paraphernalia laws as they apply to syringes, that the general government repeal the ban on the use of federal funds for needle exchange services and that the local governments and communities develop a comprehensive approach to the preventing HIV in IV drug users, their sex partners and their offspring that should include needle exchange programs and the expansion of drug treatment services; and

**WHEREAS**, other jurisdictions in the Bay Area, namely, the City of Berkeley, the City and County of San Francisco, and the County of Marin have recognized the gravity of the AIDS epidemic by declaring that local emergency exist in their jurisdictions with regard to the transmission of the HIV virus; and

**WHEREAS**, the City Council of the City of Oakland has declared its support of needle exchange programs as a strategy to assist in the effort to limit the spread of the HIV/AIDS epidemic; and

**WHEREAS**, the City Council passed Resolution No. 70644 C.M.S. on December 14, 1993, declaring a local emergency with regard to the AIDS epidemic; and

**WHEREAS**, the California State Legislature passed and the Governor signed into law Assembly Bill 136 which amended the California Health and Safety Code to provide an exemption from Criminal prosecution for public entities, their agents and/or employees for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange project authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis; now, therefore be it

**RESOLVED:** that the City Council of the City of Oakland finds and proclaims that local emergency exists due to a critical local public health crisis regarding the AIDS epidemic and the transmission of HIV infection through contaminated hypodermic needles and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED:** that the City Council of the City of Oakland hereby proclaims and orders that a local emergency continues to exist within the City of Oakland which led to the enactment of its December 14, 1993 local emergency declaration, pursuant to Resolution No. 70644 C.M.S., and the emergency will continue until its termination is proclaimed and ordered by the City Council, and will be reviewed every 14 days by the City council pursuant to Government Code section 8630, and be it

FURTHER RESOLVED: that the City Clerk shall communicate this resolution to all City Departments, to the President Pro Tempore of the California Senate and the Speaker of the California Assembly, to the Alameda County District Attorney, to the California Congressional delegation and Senators, and to President Bush.

In Council, Oakland, California, \_\_\_\_\_,

**PASSED BY THE FOLLOWING VOTE:**

AYES- Brooks, Brunner, Chang, Kernighan, Nadel, Quan, Reid, and President  
De La Fuente

NOES-

ABSENT-

ABSTENTION-

Attest: \_\_\_\_\_

LaTONDA SIMMONS  
City Clerk and Clerk of the Council of the City  
of Oakland, California

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

08 JAN 15 AM 2:40

**TO:** Office of the City Administrator  
**ATTN:** Deborah Edgerly  
**FROM:** Oakland Fire Department  
**DATE:** January 15, 2008

**RE: RESOLUTION CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY BY THE CITY COUNCIL OF THE CITY OF OAKLAND AND REQUESTING THAT THE GOVERNOR PROCLAIM A STATE OF EMERGENCY IN THE CITY OF OAKLAND AND REQUEST A PRESIDENTIAL DECLARATION**

---

### SUMMARY

It is recommended that the City Council ratify the proclamation signed by the City Administrator on January 11, 2008, by approving a resolution confirming the existence of a local emergency in the City of Oakland and request that the Governor proclaim a State of Emergency in the City of Oakland and request a Presidential Declaration, as a result of the winter storms that occurred on January 3, 2008.

### FISCAL IMPACT

Preliminary estimates for storm-related damages and restoration costs were provided by the City's Community Economic Development Agency (CEDA) and are currently estimated at \$1.5 million. It was reported to the City's Office of Emergency Services that as of January 11, 2008, the City's Community Economic Development Agency and Office of Public Works continued to respond to damage. On January 11, 2008, CEDA provided the refined damage estimates which are now being compiled in a report and must be forwarded to the Alameda County Office of Emergency Services by January 16, 2008. Alameda County will be sending the damage estimates to the State Office of Emergency Services.

### BACKGROUND

The recent winter storm resulted in torrential rains driven by high winds, causing broken trees with hanging limbs, uprooted trees, inoperable street lights and traffic signals, clogged sewers, overflowed storm drains, plugged inlets, mud slides, man hole overflows, leaking roofs at numerous City owned facilities, soil erosion from runoff, potholes and power outages throughout the City of Oakland.

Item: \_\_\_\_\_  
City Council  
January 15, 2008

As a result of the heavy rains that began on January 3, 2008, damage was caused by an eroded/saturated hillside in the Oakland hills above the Skyline Boulevard roadway which blocked the watercourse along the roadway and diverted the water across the roadway onto the hillside. The damage to the roadway is between 7257 and 7293 Skyline Boulevard. The date of this major emergency incident occurred on Friday, January 4, 2008. The eroded materials blocked the gutter upstream from an inlet on Skyline and caused the rain water to cross over the roadway in a sheet-flow manner onto the hillside below the roadway and into City property. The amount of water diverted from Skyline onto the hillside was massive enough to cause movement of the hillside towards private property and residence at 6770 Oakwood Drive. The mud flow blocked a private drain at 6770 Oakwood Drive, caused mudflow into stairways, deck, gardens, and other private improvements. Mud and debris flow continued to reach Oakwood Drive and blocked City storm drainage system and the roadway.

The Preliminary damage assessment provided by the City's Community Economic Development Agency staff, contractors and Office of Public Works staff was noted as follows:

- Skyline Boulevard,
- City property below Skyline Boulevard,
- Private property at 6770 Oakwood Drive and Oakwood Drive

Finally, this major emergency incident created by the storms, caused the closing of approximately a 100 foot portion of Skyline Boulevard. The road remains closed until it is rebuilt. Currently, a detour for traffic is in effect.

### **KEY ISSUES AND IMPACTS**

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 storm in the categories of debris removal and disposal, emergency protective measures, damages to road and bridge systems, water control facilities, public buildings and equipment, parks and recreation facilities. Once the City has an official declaration, residents and businesses who have incurred eligible damage costs resulting from the winter storm are given the opportunity to apply for individual assistance from federal and state disaster assistance programs, if it is offered.

**RECOMMENDATION**

As a result of the substantial damages caused by the January 3, 2008, winter storm and the City's emergency response and mitigation measures, staff recommends that the City Council approve this report and resolution confirming the existence of a Local Emergency in the City of Oakland and request that the Governor proclaim a State of Emergency in the City of Oakland and request a Presidential Declaration.

Respectfully submitted,



Daniel D. Farrell  
Chief of Fire Department

Prepared by: Renee A. Domingo  
Emergency Services Manager

APPROVED FOR FORWARDING  
TO THE CITY COUNCIL



Office of the City Administrator

**DRAFT**

**OAKLAND CITY COUNCIL**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

\_\_\_\_\_  
City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.  
2008 JAN 15 PM 2:43

**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 threatened as a result of the mud slide; and

**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, \_\_\_\_\_, 2008

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California