

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION CONFIRMING AND RATIFYING THE EXISTENCE OF A
LOCAL EMERGENCY WITHIN THE TERRITORIAL LIMITS OF THE
CITY OF OAKLAND PROCLAIMED BY THE CITY ADMINISTRATOR
ON FEBRUARY 14 PURSUANT TO OAKLAND MUNICIPAL CODE
CHAPTER 8.50 AND GOVERNMENT CODE SECTION 8630 DUE TO A
RANSOMWARE ATTACK**

WHEREAS, the City of Oakland recently learned that it was subject to a ransomware attack, and the City and its Information Technology Department (ITD) are following industry best practices to investigate the scope and severity of the issue and develop a response plan; and

WHEREAS, core functions, such as 911, are intact; and

WHEREAS, as a cautionary measure, ITD has taken certain non-emergency systems offline while they work to secure and restore services safely, which may result in delays in City services; and

WHEREAS, Government Code Section 8630 empowers the “governing body of a city, county, or city and county, or . . . an official designated by ordinance” 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 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 Council adopted Ordinance No. 13437 C.M.S., on June 20, 2017, codified at Oakland Municipal Code Chapter 8.50, to establish the City of Oakland’s Emergency Services Organization and Disaster Council procedures and protocols for administration and management of local emergencies and is; and

WHEREAS, pursuant to Oakland Municipal Code Section 8.50.050.C.5, the City Administrator in his capacity as the Director of the EOC has authority “to promulgate orders, rules, and regulations on matters reasonably related to the protection of life and property and the preservation of public peace and order, in accordance with Article 14 of the California Emergency

Services Act, [and such] rules and regulations must be confirmed at the earliest practicable time by the governing body as required by law;” and

WHEREAS, Oakland Municipal Code Section 8.50.050.C.3 authorizes the City Administrator, acting as the Director of Oakland’s Emergency Operations Center (EOC), to proclaim a local emergency “when in the opinion of the City Administrator circumstances indicate the existence or threatened existence of a local emergency”; and

WHEREAS, the City Administrator has determined that the recovery effort may require the procurement of equipment and materials, the activation or emergency workers, and/or the promulgation of orders on an expedited basis;

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, the City Administrator’s February 14, 2023 declaration of local emergency provided among other things 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

WHEREAS, the City Administrator’s February 14, declaration of local emergency will expire after 7 days; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland hereby ratifies the City Administrator’s February 14, 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 be it

FURTHER RESOLVED: That the City Council reaffirms 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 addressing the health and safety impacts of the torrential rainstorms; and be it

FURTHER RESOLVED: That the City Council reaffirms 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 be it

FURTHER RESOLVED: That the City Council reaffirms 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 - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

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

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