

2016 DEC -9 AM 11:29

DRAFT

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION RENEWING AND CONTINUING THE DECLARATION OF A LOCAL EMERGENCY DUE TO THE DECEMBER 2, 2016 FIRE AT 1315 31ST STREET WHICH THE CITY COUNCIL RATIFIED AND CONFIRMED ON DECEMBER 8, 2016

WHEREAS, on Friday, December 2, 2016, at or about 11:24 p.m., a fire began at 1315 31st Avenue, Oakland, California which resulted in thirty-six (36) 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 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 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 Government Code provides that the Council will not remain in effect for more than thirty (30) days unless the Council renews 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 resources, 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

WHEREAS, on December 8, 2016 the City Council ratified and confirmed the City Administrator's December 6, 2016 proclamation declaring the existence of a local emergency; and

WHEREAS, the state law requires that the City Council renew the emergency declaration every 30 days and given the ensuing holidays, the Council will not reconvene until sometime in January 2017;

NOW, THEREFORE, be it

RESOLVED: That the City Council of the City of Oakland finds and proclaims that a local emergency continues to exist in the City of Oakland due to the December 2, 2016 fire at 1315 31st Street and hereby renews and confirms the local emergency declaration; 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