



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 JANUARY 11, 2023 PURSUANT TO OAKLAND MUNICIPAL CODE
CHAPTER 8.50 AND GOVERNMENT CODE SECTION 8630 DUE TO
FLOODING, WIND DAMAGE, AND OTHER HEALTH AND SAFETY
IMPACTS CAUSED BY TORRENTIAL RAINSTORMS**

WHEREAS, as predicted by the U.S. National Oceanic and Atmospheric Administration's National Weather Service ("NWS"), a strong set of thunderstorms began impacting the San Francisco Bay Area region, including Alameda County, on January 10, 2023, including what the NWS described as wind gusts of up to 50 mph, pea size hail, and torrential rainfall; and

WHEREAS, due to excessive rainfall from these thunderstorms, the NWS issued a Flood Warning in the San Francisco Bay Area region which was to remain in effect until 3:30 p.m. on Tuesday, January 10, 2023; and

WHEREAS, as part of its Flood Warning, the NWS advised that flooding of rivers, creeks, streams, and other low-lying and flood-prone locations was imminent or was occurring, specifically advising that Oakland was among the locations that would experience flooding; and

WHEREAS, the NWS further advised that another Atmospheric River will begin to impact northern California and the Pacific Northwest on Wednesday, January 11, 2023, and that these "back-to-back atmospheric river events" will continue to pose flooding threats in California; and

WHEREAS, the NWS continues to advise that soils in California are saturated from above average rainfall over the past few weeks, meaning it will take less time for each additional storm to trigger flooding; and

WHEREAS, the NWS has previously advised that saturated soils also allow for trees to topple more easily during prolonged wind events, and has advised people should avoid being outside around trees and branches during such events and, if possible, remain indoors and avoid windows; and

WHEREAS, on January 4, 2023, Governor Gavin Newsom proclaimed a state of emergency throughout California to address the impacts of ongoing winter storms and to support local officials in their ongoing responses, including authorizing the mobilization of the California National Guard and activating the State Operations Center to its highest level; and

WHEREAS, on January 6, 2023, the Director of Emergency Services for the County of Alameda proclaimed a state of emergency due to the extreme peril and significant damage caused by the winter storms that began on December 31, 2022 and that are forecasted to continue into January 2023; and

WHEREAS, on Sunday, January 8, the County of Alameda issued an “AC Alert” advising residents to expect and prepare for high winds and heavy rain throughout the week, which would increase the risks of downed trees and potential floods; and

WHEREAS, late in the evening on Sunday, January 8, 2023, President Joe Biden declared an emergency in the State of California due to successive and severe winter storms, flooding, and mudslides, and ordered federal assistance to supplement local response efforts, including authorizing the Department of Homeland Security’s Federal Emergency Management Agency (“FEMA”), to coordinate disaster relief efforts to alleviate the hardship and suffering caused of local California populations; and

WHEREAS, Oakland has a sizable homeless population that lives outdoors and without intervention, will be extremely susceptible to the serious dangers posed by the ongoing and coming rains, floods, and high winds; and

WHEREAS, any water or debris that impedes travel on Oakland roads poses significant and immediate public safety risks, including but not limited to making it more difficult for first-responders to provide timely emergency services to Oakland residents; and

WHEREAS, the flooding and damage that occur as a result of the ongoing and coming rain and potential high winds will continue to impact public safety in Oakland and will need to be addressed by the City even after the storms and winds subside; 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 it is necessary to provide and/or assist in providing indoor locations for people to avoid rainfall, flooding and dangerous wind conditions; and

WHEREAS, the City Administrator has determined that the storms will likely require emergency responses from the City to address public safety, transportation, public works, and other needs, and may require the procurement of equipment and materials and/or activation of emergency workers on an expedited basis; and

WHEREAS, the City Administrator has determined that there are City facilities that could be used for this purpose, but that some might require expedited approvals to be repurposed, expedited repairs, and/or expedited upgrades; 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, in light of the foregoing considerations, on January 11, 2023 the City Administrator issued a declaration of local emergency due to the ongoing rainfall, flooding, and dangerous wind conditions; and

WHEREAS, the City Administrator’s January 11, 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 January 11, 2023 declaration of local emergency will expire after 7 days; and

WHEREAS, the need for the City Administrator to declare the January 11, 2023 local emergency arose after the 10 day agenda notice posting deadline for the January 17, 2023 City Council meeting; and

WHEREAS, the City Administrator seeks to schedule this resolution for the January 17, 2023 City Council meeting upon 72 hour notice in compliance of the Brown Act and pursuant to Oakland Municipal Code Section 2.20.080.D to avoid a substantial adverse impact to the City as additional rainstorms are forecast and it is anticipated such rainstorms will last longer than the 7 day period for the City Administrator’s declaration of local emergency; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland hereby ratifies the City Administrator’s January 11, 2023 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 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 addressing the health and safety impacts of the torrential rainstorms; and be it

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 be it

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 - 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