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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 MARCH 9, 2020 PURSUANT TO OAKLAND MUNICIPAL CODE
SECTION 8.50 AND GOVERNMENT CODE SECTION 8630**

WHEREAS, the City Administrator acting as the Director of the Emergency Services Operations Center (EOC) declared a local emergency with the City of Oakland due to the outbreak of respiratory illness caused by the novel coronavirus (known as COVID-19); and

WHEREAS, in December 2019, the outbreak of COVID-19 was identified in Wuhan, China, and has since spread to 75 or more other countries, including the United States; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a state of emergency in the State of California due to the spread of the COVID-19 in California and impacts on the public and public services; and

WHEREAS, as of March 7, 2020, there were more than 100,000 confirmed cases of COVID-19 worldwide, including 114 cases in California, resulting in nearly 4,000 deaths worldwide and two deaths in California, and thousands of Californians are in home monitoring or quarantine; and

WHEREAS; federal, state and local officials expect the number of cases in California, the United States and worldwide to increase; and

WHEREAS, since December 2019 –

- the state has been working with the national Centers for Disease Control and Prevention (CDC), the United States Health and Human Services Agency and local health departments to monitor and plan for the spread of COVID-19,
- the CDC activated its Emergency Response System on January 23, 2020, to support and guide state and local actions and preserve public health,
- the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers to provide guidance regarding COVID-19; and

WHEREAS, health experts anticipate a high percentage of persons affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly those who are elderly and/or have chronic health conditions; and

WHEREAS, if COVID-19 spreads in the City of Oakland and surrounding communities at a rate comparable to the rate it has spread in other parts of the United States and other countries, the number of persons requiring medical care may exceed locally available health and other resources; and

WHEREAS, it is imperative that local health providers and government officials are able to control outbreaks of COVID-19 to limit the spread of infection to our communities and within our health care system; and

WHEREAS, personal protective equipment (PPE), while not necessary for the general population, is one of the most effective ways to protect the health care workforce and others who must engage in direct contact with persons exhibiting symptoms of or those who have been exposed to COVID-19; and

WHEREAS, the City of Oakland will require access to services, personnel, equipment, facilities and other resources from the federal government, state, local and other agencies, including resources that may not be currently available, to prepare for and respond to cases and control the spread of the virus within Oakland's population and communities; 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 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 Section 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, 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"; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland hereby ratifies the City Administrator's March 9, 2020 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 of the fire; 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 - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

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