



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 SEPTEMBER 13, 2020 PURSUANT TO OAKLAND MUNICIPAL CODE SECTION 8.50 AND GOVERNMENT CODE SECTION 8630 DUE TO THE HEALTH IMPACTS OF MAJOR WILDFIRES BURNING THROUGHOUT CALIFORNIA, OREGON AND THE STATE OF WASHINGTON ON THE CITY OF OAKLAND

WHEREAS, beginning on August 14, 2020, an Extreme Heat Event struck California and surrounding Western states, causing record-breaking temperatures and Red Flag Warnings throughout California; and

WHEREAS, on or about August 16, 2020, lighting strikes throughout northern and central California ignited an unprecedented number of wildfires throughout the state; and

WHEREAS, to date, the August 16 wildfires continue to burn and additional major wildfires have occurred throughout central and northern California, Oregon, and Washington state; and

WHEREAS, to date, the aforementioned wildfires have caused smoke and associated ash and other fire-related particulates to drift to Oakland and the entire San Francisco – East Bay Area (Region), causing unprecedented levels of unhealthy and dangerous polluted air throughout the Region and miles beyond; and

WHEREAS, as of September 11, 2020, there were 27 consecutive “spare the air day” orders issued by the Bay Area Air Quality Management District due to smoke and dangerous air quality caused by these wildfires; and

WHEREAS, much of the housing stock in Oakland is not equipped with air conditioning and/or air filtration systems to mitigate the smoke and dangerous air quality impacting residents; and

WHEREAS, due the present climatic conditions, wildfire smoke does not dissipate in the afternoon or evening and residents cannot open windows to air out their homes during the evening; and

WHEREAS, Oakland's homeless population lives outdoors and has no way to escape the dangerous air quality caused by wildfire smoke; and

WHEREAS, the Air Quality Index (AQI) during the week of September 8, 2020 registered in the Unhealthy Range for Sensitive Groups (Orange), Unhealthy (Red), Very Unhealthy (Purple) and Hazardous (Dark Red) throughout the Region; and

WHEREAS, the smoke impacting Oakland from the numerous, major wildfires in California, Oregon and Washington is not expected to improve until weather conditions shift with the onset of the rainy season, which historically has occurred in late November to early December; and

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 extremely unhealthy air quality in Oakland and throughout the San Francisco/East Bay region (Region) and miles beyond, caused by smoke flowing into the Region from multiple, major fires in Northern, Central and Southern California, Oregon and the State of Washington that could cause significant harm to the health and well-being of Oakland residents and unsheltered persons in Oakland; and

WHEREAS, it is imperative that local government officials are able to provide or assist in providing shelter and other resources necessary to protect Oakland residents from the unhealthy air quality in the Oakland; 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 the health threats caused by the unhealthy air quality in Oakland; 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

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 September 13, 2020 proclamation declaring the existence of a local emergency due to the health impacts on the City of Oakland from the major wildfires burning throughout California, Oregon and the state of Washington; 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 Oakland's 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 very unhealthy and hazardous air quality in the Region that has been caused by multiple major fires in California, Oregon, and Washington; 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 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: _____

ASHA REED
Acting City Clerk and Clerk of the
Council of the City of Oakland, California

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