



City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88169 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN

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**RESOLUTION (1) DECLARING THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE TERRITORIAL LIMITS OF THE CITY OF OAKLAND PURSUANT TO OAKLAND MUNICIPAL CODE SECTION 8.50 AND GOVERNMENT CODE SECTIONS 8558 & 8630, OAKLAND'S MARCH 9, 2020 DECLARATION OF COVID-19 EMERGENCY, RATIFIED ON MARCH 12, 2020 (RESOLUTION NO. 88075 C.M.S.) AND OAKLAND'S PROCLAMATION OF EMERGENCY IN RESPONSE TO SERIOUS THREATS TO LOCAL BUSINESSES AND CITY FACILITIES, EFFECTIVE JUNE 1 – JUNE 8, 2020, DUE TO THE DISASTROUS ECONOMIC AND OTHER IMPACTS OF DESTRUCTIVE ARMED ROBBERIES AND COVID-19 AND RELATED SHUTDOWNS ON LOCAL BUSINESSES; AND (2) REQUESTING THAT THE GOVERNOR DECLARE A STATE OF EMERGENCY IN OAKLAND FOR LOCAL BUSINESSES HARMED BY THE FOREGOING EVENTS; AND MAKE STATE RESOURCES AVAILABLE TO THE CITY AND IMPACTED ENTITIES, INCLUDING STATE DISASTER RELIEF, AND THAT HE SEEK FEDERAL DISASTER RELIEF FOR OAKLAND; AND (3) REQUESTING THAT THE CITY ADMINISTRATOR MAKE AVAILABLE, AS SOON AS POSSIBLE, THE RESOURCES AND ASSISTANCE IMPACTED ESSENTIAL AND OTHER BUSINESSES AND ORGANIZATIONS NEED TO COMMENCE OR CONTINUE BUSINESS OPERATIONS IN OAKLAND, INCLUDING INTERIM AMENDMENTS TO THE CITY'S BUSINESS OPERATION AND LAND USE ORDINANCES AND REGULATIONS, WITHIN HIS AUTHORITY**

**WHEREAS**, on March 9, 2020, the Oakland City Administrator issued a proclamation of Local Emergency related to COVID-19, which was ratified by the Oakland City Council on March 12, 2020; and

**WHEREAS**, in the face of the COVID-19 crisis, our communities have experienced multiple significant and unequal harms, including those suffering from the disease itself and their family members, persons losing jobs and housing, and harms to local businesses and organizations, most of which have been required to shut down and discontinue any or regular business operations until the outbreaks and hospitalizations can be managed, and that many of these harms have disproportionately impacted smaller businesses, African Americans, Latinx community, and others already struggling ; and

**WHEREAS**, on June 1, 2020, the Oakland City Administrator issued a Proclamation of Local Emergency (effective June 1 – June 8, 2020) in response to concerns about serious threats to local businesses and City facilities and occurrences of heavy assaults by armed robbers, fires and other calamities experienced by multiple Oakland businesses and organizations throughout our community that resulted in significant losses due to destroyed buildings, equipment and inventory, as well as other losses; and

**WHEREAS**, many of the impacted entities that were victims of the looters, robbers and vandals, were already suffering the dire economic effects of the COVID-19 pandemic; and

**WHEREAS**, the combined effect of the looting, robberies and the COVID-19 pandemic have devastated the impacted business entities vital to the health of the community; and

**WHEREAS**, additional response to the COVID-19 pandemic involves new public health guidelines which often require businesses and organizations to change their layout or other systems, and the City wishes to support making it easier to make such changes as needed, such as an expedited process to allow use, when appropriate, of the public right-of-way to enable appropriate physical distancing, and

**WHEREAS**, multiple impacted businesses have expressed concern about being unable to file a police report in a timely manner due to delayed response, which impedes the collection of evidence needed to help stop the wave of armed robberies, and also impedes impacted businesses from taking next steps such as filing for insurance and making repairs; and

**WHEREAS**, the harms done to so many local businesses in Oakland have multiple impacts on our communities, including loss of jobs in the middle of a pandemic, further economic downturn, the loss of access of residents to needed items from those stores, and it is important to take action to remedy it; and

**WHEREAS**, many of the impacted businesses and organizations are those which have been deemed “essential” under the State of California’s COVID-19 response, including pharmacies, dispensaries, and health facilities, and it is important to take action to ensure they can function; now, therefore, be it

**RESOLVED:** That the City Council hereby declares the existence of a local emergency “causing extreme peril to the safety of persons” within the territorial limits of the City of Oakland pursuant to Oakland Municipal Code section 8.50 and Government Code sections 8558 & 8630, Oakland’s March 9, 2020 Declaration of COVID-19 Emergency, ratified on March 12, 2020 (Resolution No. 88075 C.M.S.), and Oakland’s June 1, 2020 Proclamation of Emergency issued in response to serious threats to local businesses and City facilities, effective June 1 – June 8, 2020, due to the disastrous economic and other impacts of destructive armed robberies and COVID-19 and mandatory and other related shutdowns on local businesses; and be it

**FURTHER RESOLVED:** That the City Council requests that the State and Federal governments make resources and support available to the City and to the impacted entities, and that the City seek State and Federal Disaster Relief and Declarations of Emergency; and be it

**FURTHER RESOLVED:** That the City Council requests that the City Administrator provide resources to impacted businesses to assist them to recover as expeditiously as possible, such as assistance to document damages to timely submit insurance claims and applications for state and federal emergency funding; and be it

**FURTHER RESOLVED:** That the City Council requests that the City Administrator consider implementing interim amendments to the City's business operation and land use ordinances and regulations within his jurisdiction, to expedite business repairs and commencement of business operations; and be it

**FURTHER RESOLVED:** That the City Council asks the Administrator to seek to make available funding and support to assist impacted local essential businesses and organizations; and be it

**FURTHER RESOLVED:** That the City Clerk shall communicate this resolution to all City Departments, to the Governor, to the President Pro Tempore of the California Senate and the Speaker of the California Assembly, to the regional California State Legislative and Congressional delegations, and to Federal emergency funding agencies.

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IN COUNCIL, OAKLAND, CALIFORNIA,

**JUN 16 2020**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,  
THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: \_\_\_\_\_

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