



Office of the City Attorney

Emergency Order No. 5 of the City of Oakland
City Administrator/Director of the Emergency Operations Center

Whereas, due to the spread of COVID-19 (coronavirus) within the State, on March 1, 2020, the Alameda County Public Health Department, and on March 4, 2020, Governor Gavin Newsom, declared local and state public health emergencies due to the spread of COVID-19 locally and within the State, pursuant to Health & Safety Code section 101080 and Government Code section 8625, respectively, and

Whereas, on March 9, 2020, the City Administrator in her capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland (“COVID-19 Local Emergency”). The City Administrator declared the COVID-19 Local Emergency pursuant to her power under Oakland Municipal Code (O.M.C.) section 8.50.050(C) to proclaim a local emergency provided that the local emergency proclamation shall remain in effect only if the City Council confirms the existence of the emergency within seven (7) days of the proclamation; and

Whereas, On March 12, the City Council passed Resolution No. 88075 C.M.S. confirming the existence of the COVID-19 Local Emergency; and

Whereas, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors”, and further acknowledged that the “supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care”; and

Whereas, the Order N-33-20 provides that, to mitigate/control the spread of COVID-19, when people need to leave their homes or places of residence to carry out specified essential functions or to facilitate necessary activities, they should at all times practice “social distancing”, which means remaining a distance of six (6) feet from other persons when in public places; and

Whereas, on March 16, 2020, the Alameda County Health Officer issued Health Order No. 20-03 directing Alameda County residents to “shelter in place,” or stay at home, except as necessary to take care of essential needs. That Order extended to April 7, 2020. On March 31, 2020, the Alameda County Health Officer issued a replacement order, Health Order No. 20-04, which tightened the restrictions and extended the stay-at-home order through May 3. The Order was extended and revised by County Order No. 20-14, which is the Order that is currently in place. These Orders have forced the closure of many businesses not deemed essential. Most forms of restaurants, retail, and cafes are prohibited from operating except for carry-out and delivery service or if constituting an “essential service”; and

Whereas, on April 17, 2020, the Alameda County Health Officer issued Order No. 20-08 generally requiring members of the public and workers to wear face coverings masks, finding that “the United States Centers for Disease Control and Prevention (“CDC”), California Department of

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Public Health (“CDPH”), and Alameda County Public Health Department (“ACPHD”) now believe that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public and engaged in essential activities by reducing the spread of respiratory droplets . . . and, because it is not always possible to maintain at least 6 feet of distance, members of the public and workers should wear face coverings while engaged in most essential activities and other activities when others are nearby”; and

Whereas, on June 18, 2020, Governor Newsom and the State of California issued an order and guidance making it mandatory statewide for citizens to wear face coverings when outdoors with only limited exceptions; and

Whereas, on June 12, 2020, the Alameda County Health Officer issued a press release notifying the public that, on June 19, 2020, it would be issuing a revised Health Order relaxing restrictions by reopening outdoor museums, outdoor restaurant dining, religious services, indoor/outdoor retail, and outdoor fitness classes, and the June 19th order continues the requirements for citizens to wear face coverings when outdoors and maintain social distancing from others who are not members of their households; and

Whereas, 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 Sec. 9.08.070 makes it unlawful for any person to wear a mask, cap, cowl hood or other article that conceals the identity of the wearer, except for persons attending carnivals in accordance with the law or with a permit issued by the Chief of Police, which conflicts with State, county and City mandates and guidance for all persons to wear face coverings over the nose and mouth when outdoors to protect against and minimize the spread of COVID-19; and

Whereas, Oakland Municipal Code section 3.080.040 requires the City Clerk to issue forty (40) nomination petitions containing adequate space for five signatures to each municipal election candidate; and

Whereas, Oakland Municipal Code section 3.08.080 requires municipal election candidates to submit a qualification statement containing signatures and addresses of not less than ten nor more than twenty (20) residents of the city sponsoring such candidate; and

Whereas, in order to promote social distancing and minimize the spread of the COVID-19 virus, the City Administrator has determined that it is necessary to modify Oakland Municipal Code sections 3.08.040 and 3.08.080; and

Now, therefore, I, Edward D. Reiskin, City Administrator/Director of the Emergency Operations Center (EOC) of the City of Oakland, in accordance with the authority vested in me pursuant to Oakland’s Emergency Services Act, Oakland Municipal Code Chapter 8.50, specifically section 8.50.050.C.5.(a), hereby order the following:

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1. Oakland Municipal Code sec. 9.08.070, set forth below and which makes it unlawful for any person to appear in public in a mask or other thing that conceals identify, hereby is suspended until repealed or modified by the City Council or for the duration of the COVID-19 pandemic, whichever occurs earlier.

~~9.08.070 -Masks and disguises.~~

~~It is unlawful for any person in the city to appear in public in any mask, cap, cowl, hood or other thing concealing the identity of the wearer; excepting, however, persons attending or taking part in carnivals conducted in accordance with law or under permission of the proper authorities of the city and persons holding a written permit to so conceal their identity, which permit is issued by the Chief of Police.~~

2. Oakland Municipal Code section 3.08.040 requiring the City Clerk to issue forty (40) nomination petitions containing adequate space for five (5) signatures to each municipal election candidate is modified to allow the Clerk issue nominating petitions with space for only one signature per page for the duration of the COVID-19 pandemic, as follows:

3.08.040 - Nomination petitions.

The City Clerk shall prepare and issue nomination petitions to all candidates for municipal office. Nomination petitions shall be obtained from and issued by the City Clerk or his or her authorized representative.

The period for the filing of nomination documents by candidates in municipal elections consolidated with the regularly scheduled state elections shall commence on the one hundred thirteenth day prior to the election. The nomination document for municipal elections consolidated with regularly scheduled state elections shall be filed in the Office of the City Clerk not later than five p.m. on the eighty-eighth day prior to the election.

The City Clerk shall issue ~~forty (40)~~ nomination petitions to each candidate containing adequate space for one (1) ~~five~~ signatures per page, for a total of two hundred (200) signatures and no additional nomination petitions will be issued to any candidate(s). The City Clerk shall accept up to two hundred ~~forty (20040)~~ nomination petitions from each candidate for verification. Nomination petitions shall be issued to and returned by the candidate(s) only, in person, or by an authorized representative in possession of a written request of authorization to receive or return the nomination petitions, signed and dated by the candidate(s).

For district offices, total nomination petitions shall bear the signatures of not less than fifty (50) nor more than one hundred (100) registered voters of the city who are residents of the district of the office for which the candidate seeks nomination.

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For city-wide offices, total nomination petitions shall bear the signatures of not less than fifty (50) nor more than one hundred (100) registered voters who are residents of the city.

Candidates must file original nomination petitions issued by the City Clerk, no copies will be accepted by the City Clerk.

3. Oakland Municipal Code section 3.08.080 requiring municipal election candidates to submit a qualification statement containing signatures and addresses of not less than ten nor more than twenty (20) residents of the city sponsoring such candidate is modified to allow candidates to submit the signature and address of each sponsor on a separate document, to be created by the City Clerk, that is attached to the qualification statement for the duration of the COVID-19 pandemic, as follows:

3.08.080 - Qualifications statement.

At the time his or her nomination petitions are filed, every candidate shall file with the City Clerk a verified statement of his or her qualifications on a form provided by the City Clerk, setting forth her or his name, the office for which he or she is a candidate, his or her place of residency for the past five years, his or her occupation for the past five years, public offices he or she has held, if any, and a brief description not to exceed one hundred fifty (150) words describing his or her qualifications for the office, including, for example, education and experience. The City Clerk shall reject any statement which includes any of the matters prohibited by general law or which contains any reference whatsoever to any partisan political party or organization including membership or activity therein, or endorsement thereby. ~~Candidates shall also submit not less than ten (10) nor more than (20) separate documents on a form created by the City Clerk with~~ Such statement ~~that each~~ shall also ~~contain~~ be accompanied by the signatures and addresses of not less than ten nor more than twenty (20) residents of the city sponsoring such candidate, who need not have signed such candidate's nomination petition. The signature and address of each sponsor may be provided on a separate form, to be created by the City Clerk, and submitted as an attachment to qualifications statement. Such candidate may also file with his or her qualifications statement a true and accurate portrait photograph of such candidate taken within two years prior thereto and suitable for newsprint. The photograph must be at least four by six inches in size. A copy of such qualifications statement and a reproduction of the photograph, if furnished, shall be mailed by the City Clerk to each qualified elector with the sample ballot for said election. The qualifications statement mailed by the City Clerk with the sample ballot shall be printed and distributed without the inclusion of the addresses of the candidate and his or her sponsors. No qualifications statement shall be filed by candidates at a second or general municipal election following the nominating municipal election, or shall any qualifications statement or photograph be distributed to the voters by the City Clerk prior to such second election.

I FURTHER DIRECT that as soon hereafter as possible, this Order shall be filed in the Office of the City Clerk, posted on the City of Oakland website, and that widespread publicity and notice of this Order shall be provided to the public.

IN WITNESS WHEREOF I have hereunto set my hand this 29th day of June __, 2020



Edward D. Reiskin
City Administrator/Director of Emergency
Operations Center, City of Oakland, California

Attest:



Asha Reed (Jun 29, 2020, 13:45 PDT)

Asha Reed
City Clerk and Clerk of the City Council
City of Oakland, California

CAO Emergency Order (COVID) No. 5 __ Elections Code _ Masks

Final Audit Report

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