


Office of the City Attorney

**PROCLAMATION OF LOCAL EMERGENCY
DECLARED BY CITY ADMINISTRATOR EDWARD REISKIN ON JANUARY 11, 2023**

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 Series 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 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, 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 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 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 the activation or emergency workers on an expedited basis;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that based on the foregoing and in accordance with the authority vested in me pursuant to Oakland’s Emergency Services Act, Oakland Municipal Code Section 8.50.050.C., a local emergency now exists throughout the City of Oakland; and

IT IS FURTHER PROCLAIMED AND ORDERED 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 that this emergency proclamation shall expire seven (7) days after issuance unless confirmed and ratified by the City Council of Oakland, California, County of Alameda; and:


IT IS FURTHER PROCLAIMED AND ORDERED that all City departments and agencies take those actions, measures and steps deemed necessary to provide ongoing services to the City's citizens, and to assure the safety and welfare of City employees, residents and property; and

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this proclamation shall be forwarded to the Director of the California Governor's Office of Emergency Services and that the Director be asked to find it acceptable in accordance with state law and that the Governor of California, pursuant to the Emergency Services Act, be asked to issue a State of Emergency and that the Governor afford the City the benefit of recovering its costs: and

IT IS FURTHER PROCLAIMED AND ORDERED 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


IT IS FURTHER PROCLAIMED AND ORDERED that the Governor be asked to 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, any 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 emergency.

IN WITNESS WHEREOF I have hereunto set my hand this 11th day of January, 2023



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

Attest:



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






Proclamation of Local Emergency Due to Additional Storms 1.11.2023

Final Audit Report

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