

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2228 - 9114

DIVISION " "

DOCKET H-12

CITY OF NEW ORLEANS

FILED: \_\_\_\_\_ DEPUTY CLERK

MAYORAL PROCLAMATION OF HURRICANE EMERGENCY

FILED

WHEREAS, the National Weather Service has advised on August 29, 2008 that the City of New Orleans may experience extreme weather as a result of Hurricane Gustav;

WHEREAS, the National Weather Service has indicated that Hurricane Gustav will likely affect the Louisiana coast with hurricane force winds and heavy rainfall by Monday, September 1, 2008;

WHEREAS, because of anticipated high lake and marsh tides due to tidal surge, combined with the possibility of intense thunderstorms, hurricane force winds, the City of New Orleans may experience wide-spread localized severe flooding and gale force winds which could result in the endangerment and threat of life, injury and possible property damage;

NOW THEREFORE, I, as Mayor and Chief Executive Officer of the City of New Orleans and the Parish of Orleans, do by these presents declare pursuant to R.S. 29:727 that due to the above-recited circumstances, a disaster and state of emergency exists in the City of New Orleans, warranting the use of all extraordinary measures appropriate to ensure the public health, safety, welfare, and convenience.

In furtherance of this declaration, the Superintendent of Police is hereby directed pursuant to the provisions of R.S. 40:1387, to take command and control of all peace officers and police officers within the City, when and if and to the extent that their services are needed to deal with the present emergency.

All available resources of the City of New Orleans and its boards and agencies are hereby ordered to be commandeered and utilized by the Emergency Authority for the purpose of performing or facilitating emergency services.

The direction, personnel, and functions of all local departments, agencies and units are

hereby transferred, to the extent necessary, to the Emergency Authority for the purpose of performing or facilitating emergency services.

The Emergency Authority may commandeer or utilize any private property if it finds this necessary to cope with the local disaster emergency.

The Emergency Authority is hereby empowered to suspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business or the orders, rules, or regulation of any local agency, whenever in a particular set of circumstances strict compliance with any statute order, rule or regulation would in any way, prevent, hinder or delay necessary action in coping with the emergency.

The Emergency Authority, on my order as Mayor of the City of New Orleans, is hereby empowered to direct and compel the evacuation of any and all persons from any part of the City deemed by the Emergency Authority to be suitable for evacuation, if necessary for the preservation of life or other disaster mitigation, response, or recovery in accordance with the provisions of Ordinance No. 22,247 M.C.S.

The Emergency Authority is hereby empowered to prescribe the routes, modes of transportation and destinations for such evacuation, to control ingress and egress to and from the disaster area and the movement of persons and occupancy of premises therein.

Subject to the provisions of Act 275 of 2006 (Regular Session) the Emergency Authority is hereby empowered, as necessary, to suspend or limit the sale, dispensing or transporting of alcoholic beverages, firearms, explosives and combustibles.

The Emergency Authority is hereby empowered and directed in conjunction with HANO, HUD and any other appropriate agencies, public and private, to make provisions, as necessary, for the availability and use of temporary emergency housing.

The Superintendents of Fire and Police are directed to take all necessary steps within legal bounds to ensure that no looting or arson occurs within any area ordered evacuated.

Pursuant to La. Rev. Stat. 29:703(2), all radio and television stations and newspapers are hereby requested and directed to distribute news of this proclamation and any orders or directives issued under authority of this proclamation, at the request of the Emergency Authority.

The Emergency Authority is hereby empowered to suspend the provisions of any ordinance or regulation prescribing the procedures for conduct of local business or the orders, rules, or regulation of any local agency, whenever in a particular set of circumstances strict compliance

with any order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.

The Emergency Authority is hereby authorized to invoke any relevant provisions of the City Code.

The "Emergency Authority" as used in this Proclamation refers to the Superintendents of Police and of Fire under supervision of the Office of the Mayor through the Director of Homeland Security, or under direct supervision of the Office of the Mayor, all acting directly under the supervision and control of the Mayor of the City of New Orleans.

The City Attorney is directed to file this proclamation promptly in the office of the Clerk of Court.

IN WITNESS wherefore I have fixed my hand and the seal of the City of New Orleans this 29<sup>th</sup> day of August in the year 2008.

  
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C. RAY NAGIN, MAYOR