

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA  
NO. 08-9519 DIVISION " " " "  
CITY OF NEW ORLEANS

SECTION 12  
DOCKFILED  
SEP 16 2008  
DEPUTY CLERK  
CIVIL DISTRICT COURT

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

MAYORAL PROCLAMATION OF  
HURRICANE EMERGENCY  
(IKE)

WHEREAS, Hurricane Ike has affected the New Orleans area with tropical or hurricane force winds, storm surge and heavy rainfall;

WHEREAS, because of the high lake and marsh tides due to tidal surge, combined with the intense thunderstorms, hurricane force winds, the City of New Orleans experienced wide-spread localized severe flooding and gale force winds which has resulted in the endangerment and threat of injury to life and possible property damage, specifically in certain areas of the City that remain under a boil water order;

WHEREAS, Hurricane Ike created a much greater flooding event in some areas of the City than did Hurricane Gustav, causing differing degrees of 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.

This state of emergency is concurrent with—and not intended to terminate—the existing declaration of state of emergency, or any other existing executive orders promulgated thereunder, first declared by me on August 29, 2008, due to the effects of Hurricane Gustav. This new state of emergency shall be effective immediately and shall remain in effect until terminated by me.

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 and Chief Executive Officer of the Parish of 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

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

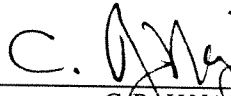
The Emergency Authority is hereby authorized to invoke any relevant provisions of the City Code.

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

16<sup>th</sup> day of September 2008.



C. RAY NAGIN, MAYOR



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