



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: March 21, 2017

TO: Mayor and Members of the City Council

FROM: Michael Guina, City Attorney

SUBJECT: **An Ordinance Of The City Of Emeryville Repealing And Replacing Chapter 2 Of Title 4 Of The Emeryville Municipal Code, “Emergency Plans”; CEQA Determination: Exempt Pursuant To Section 15061(b)(3) Of The California CEQA Guidelines**

RECOMMENDATION

Staff recommends that the City Council adopt the first reading of the attached ordinance repealing and replacing Chapter 2 of Title 4 of the Emeryville Municipal Code, “Emergency Plans.” The proposed changes to the ordinance ensure that the City comports and adopts the latest legislation that the California Office of Emergency Services (CalOES) recommends Cities and Counties include in their Emergency Plan Ordinances. It also provides protection to the City as we look to form a disaster response volunteer program or in the event of a real disaster, if we need to use spontaneous volunteers.

BACKGROUND

Government Code section 8610 authorizes cities to create disaster councils to develop plans to meet any condition constituting either a local or state emergency, and to provide for the effective mobilization of all resources within the City’s jurisdiction.

Chapter 2 of Title 4, “Emergency Plans” of the Emeryville Municipal Code provides for the preparation and execution of plans to protect persons and property within the City in the event of a disaster. The chapter also provides for the coordination of civil defense and disaster functions of the City with other public agencies. However, the current ordinance, adopted in the 1970s, pre-dates the current form of Council-Manager government, the Standardized Emergency Management System (SEMS), the National Incident Management Systems (NIMS) as well as the 2015 edition of the California Emergency Services Act. It also does not align with recommendations from the 2010 State of California Governor’s Office of Emergency Services Emergency Model Ordinance. Thus staff recommends updating the Emergency Plans ordinance to reflect current national and state disaster preparedness standards and practices.

DISCUSSION

Over the last 3 years, staff has been working on the City's preparedness to respond to an emergency or a declared disaster. As part of this process, staff considered and compared the 2010 California Office of Emergency Services Emergency Model Ordinance against the current version of the City of Emeryville's Municipal Code Chapter 2, of Title 4, Emergency Plans. Staff concluded that certain additions, changes and updates were needed in the current municipal code. In addition, as part of the City's emergency response plan, staff recommends creation of a Disaster Service Workers Volunteer Program (DSWVP). The DSWVP is a State program created to provide workers' compensation benefits through the State for registered Disaster Service Worker volunteers who are injured while participating in authorized disaster-related activities, including pre-approved training. The program also provides limited immunity from liability. To participate in the DSWVP program, the City is required to become an accredited Disaster Council by demonstrating compliance with California Office of Emergency Services Rules and Regulations. The ordinance, combined with the City's emergency plan, demonstrates the City ability to comply with the rules and regulations set forth by California's Office of Emergency Services.

The City Attorney's Office and Human Resources Staff reviewed the City's current Emergency Plans ordinance against the State Emergency Model Ordinance and recommends the current ordinance be repealed and replaced with an updated Emergency Plans ordinance based on the state Emergency Model Ordinance with the following provisions:

- Change the name of the Civil Defense and Disaster Council to Disaster Council to ensure standardization terminology with the state Emergency Services Act;
- Establish the membership of the Emeryville Disaster Council. Members of the Council will include the Director of Emergency Services, The Assistant Director of Emergency Services, the Emergency Services Coordinator, the Police Chief and the City Attorney;
- Designate the City Manager as the Director of Emergency Services and authorize the City Manager to appoint the Assistant Director of Emergency Services;
- Identify the powers and duties of the Director of Emergency Services;
- Allow for the City, in the event of a proclaimed "state of emergency" or the existence of a "state of war emergency" to command the aid of as many citizens of the community as deemed necessary;
- Designate all appointed city officials, employees of the City and MESA, together with volunteers enrolled to aid the City during an emergency to constitute the Emergency Organization of the City.

FISCAL IMPACT

There is no fiscal impact to the City.

ENVIRONMENTAL REVIEW

The proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment.

CONCLUSION

Staff recommends that the City Council take the following actions:

1. The ordinance be introduced by title only;
2. Public comment be taken on the ordinance; and
3. The City Council adopts the first reading of the ordinance.

Prepared by: Lori Elefant, Management Analyst

Reviewed by: Andrea Visveshwara, Assistant City Attorney

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:



Michael Guina, City Attorney

Attachments:

1. Proposed Ordinance