

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_

AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING SECTION 2-24 TO ARTICLE II OF CHAPTER II RELATED TO EMERGENCY ORGANIZATION AND CREATING THE CITY OF ALAMEDA DISASTER ~~COMMISSION~~COUNCIL

BE IT ORDAINED by the City Council of the City of Alameda as follows:

**Section 1.** Section 2-24 is hereby added to Article II of Chapter II of the Alameda Municipal Code to read as follows:

**“2-24 CITY OF ALAMEDA DISASTER ~~COMMISSION~~COUNCIL.**

**2-24.1 Purpose.**

The declared purposes of this ordinance are to provide for the preparation and carrying out of plans for the protection of persons and property within this jurisdiction in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons.

**2-24.2 Definition of Emergency.**

As used in this ordinance, “emergency” shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this jurisdiction caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities, requiring the combined forces of other political subdivisions to combat.

**2-24.3 Disaster ~~Commission~~Council Created; Membership.**

The City of Alameda Disaster ~~Commission~~Council is hereby created and shall consist of the following:

- a. The City Manager who shall be the Director of Emergency Services and Chair.
- b. The Assistant Director of Emergency Services who shall be appointed by the City Manager and serve as Vice-Chair.
- c. The Emergency Manager who shall be appointed by the City Manager and serve as Assistant Vice-Chair.

- d. Such chiefs of emergency services as are provided for in a current emergency management plan, adopted pursuant to this ordinance.
- e. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the City Council.

#### **2-24.4 Disaster ~~Commission~~Council; Powers and Duties.**

It shall be the duty of the City of Alameda Disaster ~~Commission~~Council, and it is hereby empowered, to develop and recommend for adoption by this governing body, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster ~~Commission~~Council shall meet upon call of the Chair or, upon call of the Vice-Chair (in the absence of the Chair), or upon call of the Assistant Vice-Chair (in the absence of the Chair and Vice-Chair).

The Disaster ~~Commission~~Council shall meet upon call of the Chair, or upon call of the Vice Chair, or upon call of the Assistant Vice-Chair at least twice a year.

#### **2-24.5 Director and Assistant Director of Emergency Services; Emergency Manager.**

- a. There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services ("Director").
- b. There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director.
- c. There is hereby created the office of Emergency Manager, who shall be appointed by the Director. The Emergency Manager shall be the Disaster Preparedness Coordinator

#### **2-24.6 Director and Assistant Director of Emergency Services; Powers and Duties.**

- a. The Director is hereby empowered to:
  - 1. Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.
  - 2. Request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

3. Control and direct the effort of this emergency organization for the accomplishment of the purposes of this ordinance.
4. Direct cooperation between and coordination of services and staff of this emergency organization; and resolve questions of authority and responsibility that may arise between them.
5. Represent this jurisdiction in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
6. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the California Governor's Office of Emergency Services, or the existence of a "state of war emergency," the Director is hereby empowered:
  - (a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
  - (b) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the jurisdiction for the fair value thereof and, if required immediately, to commandeer the same for public use;
  - (c) To require emergency services of any officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster services workers;
  - (d) To requisition necessary personnel or material of the departments or agencies; and
  - (e) To execute all ordinary power as City Manager, all of the special powers conferred by this ordinance or by resolution or emergency plan pursuant hereto adopted by the governing body, all powers conferred by any statute, by any agreement approved by the governing body, and by any other lawful authority.
- b. The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform duties during an emergency. Such order of succession shall be approved by the City Council.

- c. The Assistant Director shall, under the supervision of the Director and with the assistance of Emergency Manager, develop emergency plans and manage the emergency programs of this jurisdiction; and shall have such other powers and duties as may be assigned by the Director.

#### **2-24.7        Emergency Organization.**

All officers and employees, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2-24.6 a. (6) (c) of this ordinance, be charged with duties incident to the protection of life and property during such emergency, shall constitute the emergency organization of the City of Alameda.

#### **2-24.8        Emergency Management Plan.**

The City of Alameda Disaster ~~Commission~~Council shall be responsible for the development of the Emergency Management Plan, which plan shall provide for the effective mobilization of all of the resources of this jurisdiction, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

#### **2-24.9        Expenditures.**

Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Alameda.

#### **2-24.10      Punishment of Violations.**

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment for not to exceed six (6) months, or both, for any person, during an emergency, to:

- a. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.
- b. Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy or imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof.
- c. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

## **Section 2. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

## **Section 3. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after the expiration of 30 days from the date of its final passage.

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Mayor of the City of Alameda

Attest:

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Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Janet C. Kern, City Attorney  
City of Alameda