

LARA WEISIGER

From: announcements@alamedacitizenstaskforce.org
Sent: Friday, June 17, 2016 7:39 AM
To: Trish Spencer; Frank Matarrese; Tony Daysog; Marilyn Ezzy Ashcraft; Jim Oddie
Cc: Janet Kern; City Manager; LARA WEISIGER
Subject: Mayor has Chaired Disaster Council for 60 Years - Item 6J on June 21, 2016
Attachments: Disaster Council June 17, 2016.doc

Please open the attached letter from the Alameda Citizens Task Force.
Thank you.

Recognizing that the City's computer security provisions may prevent easily opening and viewing our letter, please also accept its unformatted text below:

ACT
Alameda Citizens Task Force
Vigilance, Truth, Civility

June 17, 2016

VIA EMAIL

Dear Mayor Spencer, tspencer@alamedaca.gov
Vice Mayor Matarrese fmatarrese@alamedaca.gov
Councilmember Daysog tdaysog@alamedaca.gov
Councilmember Ashcraft mezzyashcraft@alamedaca.gov
Councilmember Oddie joddie@alamedaca.gov

The Alameda Citizens Task Force (ACT) has serious concerns about the proposed Ordinance listed at 6-J, Item # 2016-2925 of the June 21 City Council Agenda which amends the Municipal Code by adding Section 2.24 related to emergency organization and creating a Disaster Council. We ask that this letter be included in the record of these proceedings.

The City Manager's Staff Report presents this Ordinance as a simple reenactment of an Ordinance that was originally adopted in 1951, updated in 1972 and inadvertently repealed in 2011. That is not the case. The original Ordinance and the 1972 update name the Mayor as Chairperson of the Disaster Council. The new Ordinance names the Director of Emergency Services as the Chairperson of the Council. Moreover, the new Ordinance removes the Mayor entirely from membership in the Council! There are no reasons given for this change. Nor has there been any public discussion or input. The change in authority seems ill advised and unwarranted, especially since the Mayor has been the chair of this committee for the last 60 years without, as far as we know, any negative consequences.

We believe it is completely without logic for the Staff to recognize the Mayor's Charter powers in emergencies and then completely eliminate the Mayor from the Council that determines emergency procedures! We also believe that it is important to have the Mayor, as an elected official who lives in the City, as Chairperson of this Council.

There is another problem, as well. Staff has rightly determined that there is no conflict between the Mayor's Charter authority and the duties of the Council as a pre-disaster planning agency, but Staff has ignored the Mayor-Director conflict in the midst of a disaster. Section 6-1 of the Charter states in part that

the Mayor "*may take command of the Police and Fire Departments and govern the City by proclamation whenever the Council determines that public danger or emergency requires such action.*" (Emphasis added). Section 2-24.6 of the proposed Ordinance contains an extensive list of the powers of the Director that clearly conflict with the above underlined Charter provision. These powers were put in place in the original Ordinance, and thus this conflict has existed for 60 years. Our greatest concern is that, in the midst of a chaotic disaster event, there will be a conflict of authority between the Mayor and the Director. Minimally, a legal opinion should be rendered before this change of policy is discussed and/or enacted.

We are asking Council to leave things as they were—If it is not broken, don't fix it—and restore the Office of the Mayor to the role of Chairperson of the Disaster Council with the Director as Vice-Chairperson, as has been the case for 60 years. Secondly, we are asking Council to direct the City Manager (who is also the Director of Emergency Services) and the City Attorney to address the issue of conflict between the Charter powers of the Mayor and those given to the Director and recommend resolution of the same before this matter moves forward.

Sincerely,
/ signed /

Kathleen A. Schumacher, President Alameda Citizens Task Force

cc: City Attorney Kern jkern@alamedacityattorney.org City Manager Keimach manager@alamedaca.gov City Clerk Weisiger LWEISIGER@alamedaca.gov

ACT

Alameda Citizens Task Force

Vigilance, Truth, Civility

June 17, 2016

VIA EMAIL

Dear Mayor Spencer,	tspencer@alamedaca.gov
Vice Mayor Matarrese	fmatarrese@alamedaca.gov
Councilmember Daysog	tdaysog@alamedaca.gov
Councilmember Ashcraft	mezzyashcraft@alamedaca.gov
Councilmember Oddie	joddie@alamedaca.gov

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Sincerely,

/ signed /

Kathleen A. Schumacher, President
Alameda Citizens Task Force

cc: City Attorney Kern jkern@alamedacityattorney.org
City Manager Keimach manager@alamedaca.gov

LARA WEISIGER

From: Trish Spencer
Sent: Tuesday, June 21, 2016 5:06 PM
To: LARA WEISIGER
Cc: Jill Keimach
Subject: FW: State Disaster Recommendations

From: Reyla Graber [mailto:reylagraber@aol.com]
Sent: Tuesday, June 21, 2016 3:44 PM
To: Frank Matarrese <FMatarrese@alamedaca.gov>; Tony Daysog <TDaysog@alamedaca.gov>; Jim Oddie <JOddie@alamedaca.gov>; Trish Spencer <TSpencer@alamedaca.gov>; Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>
Subject: State Disaster Recommendations

Dear Council Members,

Here is a state website which speaks the roles of disaster committees and at the bottom, it speaks to Cities and the role of Mayors.

www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/disaster-council-accreditation

bottom of that page has model ordinances including for a city.

Hope this info may help you in your decisions regarding disaster preparedness.

Sincerely,

Reyla Graber



Cal OES Divisions

Disaster Council Accreditation

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The authority for the formation and accreditation of a disaster council can be found in the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code), and in the California Code of Regulations, Title 19, Division 2, Chapter 2, Subchapter 3, §2571. In order to be eligible for accreditation, a Disaster Council must provide the California Governors Office of Emergency Services (Cal OES), Preparedness Branch with two certified originals of the following documents: (see below for templates)

1. Disaster Council Model Emergency Ordinance: Counties and cities may create disaster councils by ordinance (G.C. §8610). In the ordinance or by resolution adopted pursuant to the ordinance, the governing body of a county or city may provide for the emergency organization, powers and duties, divisions, services, and staff of the organization. The Emergency Ordinance provides the legal basis of the emergency organization and must address the following:

- The ordinance must provide for a Disaster Council
- A chairperson or director of the Disaster Council must be specified
- The emergency organization must be recognized
- Compliance with the Emergency Services Act must be stated

2. Disaster Service Workers Volunteer Resolution: Resolution agreeing to follow established rules and regulations relating to the various classes of disaster service volunteers worker, scope of duties of each class, and manner of registration pursuant to the provisions of G.C. §8585.5. Allows cities and counties to participate in the Disaster Service Workers Volunteer Program which provides, duly registered volunteers, with workers' compensation coverage in the event of injury while performing authorized disaster duties.

3. Master Mutual Aid Agreement: Resolution agreeing to abide by the California Disaster and Civil Defense Master Mutual Aid Agreement. This Agreement is made and entered into by and between the State of California, its various departments and agencies, and the various political subdivision of the state, to facilitate the rendering of aid to areas stricken by an emergency and

to make unnecessary the execution of written agreements customarily entered into by public agencies exercising joint powers. Becoming signatory to the Agreement allows for participation in the statewide Mutual Aid system. Select the following link to review the original Master Mutual Aid Agreement dated November 15, 1950.

For assistance, please contact the Cal OES Regional staff person assigned to your County or you may contact:

Karen Valencia
(916) 845-8785
karen.valencia@caloes.ca.gov

Disaster Council Additional Information

- ⬇ CA Accredited Disaster Councils as of FY12
- ⬇ Master Mutual Aid Agreement
- ⬇ District Signatory to MMA

Disaster Council Models

- ⬇ Disaster Council City Emergency Ordinance
Disaster Council City Emergency Ordinance Model Language
- ⬇ Disaster Council County Emergency Ordinance Model
Disaster Council County Emergency Ordinance
- ⬇ MMMA Resolution Model
- ⬇ DSW Volunteer Resolution Rev 2014

