



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: July 17, 2012

TO: Ordinance Committee

FROM: Office of Emergency Services, Fire Department

SUBJECT: Proposed Amendments To Municipal Code Chapter 9.116, Civil Defense And Disaster

RECOMMENDATION:

That the Ordinance Committee consider a report from staff outlining proposed revisions to Chapter 9.116 of the Municipal Code to strengthen the City's ability to mitigate, prepare, respond, and recover from emergencies as well as providing for compliance with current state law and federal mandates.

BACKGROUND

Chapter 9.116 of the Municipal Code, Civil Defense and Disaster, was last revised in 1999 and changes are needed to stay compliant with current state law. Also, the current terminology used in Chapter 9.116 is not standardized with the current State of California Emergency Plan.

DISCUSSION:

Staff is currently in the process of revising the City's Emergency Management Plan (formally Emergency Operations Plan). As a part of this effort, Council approved the Local Hazard Mitigation Plan in January 2012. Both of these plans are authorized through Chapter 9.116. Despite many changes in Emergency Management over the years, Chapter 9.116, Civil Defense and Disaster, has not been updated since 1999. Chapter 9.116 needs to reference current state law and federal mandates. In addition, the state Standardized Emergency Management System (SEMS), described in Government Code Section 8607(a), has also added requirements for managing emergencies involving local jurisdictions.

With these requirements, staff recommends the following summary of changes to Chapter 9.116.

- **Chapter Title** - "Civil Defense and Disaster" - This title is an outdated term no longer used by any state or federal emergency response agency. Therefore it is recommended to change the title of Chapter 9.116 to "Emergency Services"

- **9.116.010 Purpose** - Language within this section changed to be compliant with the State of California Emergency Plan, City's Emergency Management Plan (formally Emergency Operations Plan) and Local Hazard Mitigation Plan
- **9.116.020 Definitions** – Expanded to include new language within the Chapter and to track the definitions used by state agencies
- **9.116.050 Director of Emergency Services Power and Duties** – Major change in verbiage to stay compliant with Standardized Emergency Management Systems (SEMS) GC 8607(a)
- **9.116.080 Services and Staff of the Emergency Services Organization** – Added Local Hazard Mitigation Plan as part of the approval process for City Council to be compliant with the Federal Government's Disaster Mitigation Act of 2000 (DMA2K)
- **9.116.090 Line of Succession for Mayor During Emergency** – **Added** to Chapter 9.116 to be compliant with the State Emergency Plan and City's Emergency Management Plan (formally Emergency Operations Plan)
- **9.116.100 Emergency Operations Center** – **Added** to Chapter 9.116 to be compliant with the City's Emergency Management Plan (formally Emergency Operations Plan) and the Local Hazard Mitigation Plan
- **9.116.100 Severability** – **Removed** because the Municipal Code has a general severability provision in Section 1.01.020 of the Municipal Code.

In addition, all references to the "Uniform Fire Code" in the Santa Barbara **Municipal Code** shall be amended to refer to the "California Fire Code".

ATTACHMENT: Draft Municipal Code Chapter 9.116 Showing Changes from Existing Code

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SUBMITTED BY: Andrew DiMizio, Fire Chief

APPROVED BY: City Administrator's Office

ORDINANCE COMMITTEE DISCUSSION DRAFT 6/12/12
SHOWING CHANGES FROM THE EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARABRA AMENDING CHAPTER 9.116 OF THE
SANTA BARBARA MUNICIPAL CODE RELATING TO
EMERGENCY SERVICES

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

Section 1. Chapter 9.116 of Title 9 of the Santa Barbara Municipal Code is amended to
read as follows:

9.116.010 Purposes.

The declared purposes of this ordinance are to provide for the preparation and
carrying out of plans for the protection of persons, ~~and~~ property, and the environment
within this City in the event of an emergency or disaster; the direction of emergency
organization; and the coordination of the emergency functions of the City with the
County Operational Area, other public agencies or entities, and affected private
persons, corporations, or organizations, ~~and to provide for the coordination of the~~
~~Emergency Services functions of this City with all other public agencies and affected~~
~~private persons, corporations and organizations.~~ Any expenditures made in connection
with such Emergency Services activities, including mutual aid activities, shall be
deemed conclusively to be for the direct protection and benefit of the inhabitants of the
City.

9.116.020 Definitions.

As used in this Chapter, the following terms shall have the designated meanings:

A. “State of Emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, civil unrest, drought, sudden and severe energy shortage, plant or animal infestation, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency”, which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission..

B. “State of War Emergency” means a condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

C. “Local Emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, civil unrest, drought,

sudden and severe energy shortage, plant or animal infestation, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission..

D. "Operational Area" means an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area. Pursuant to Government Code Section 8559, each county is designated as an Operational Area. The Operational Area for the City of Santa Barbara is the County of Santa Barbara.

E. "Standardized Emergency Management System" (SEMS) means the system required to be established by Government Code Section 8607(a) for managing emergencies involving multiple jurisdictions and agencies.

F. Any other term or phrase used herein which is not defined herein but is defined within the Emergency Services Act, Government Code Section 8550, et seq., shall have the meaning ascribed therein.

~~(1) Emergency Services. As used in this ordinance, the term "Emergency Services" shall mean preparation for and carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this ordinance apply to any condition relating to a labor controversy.~~

~~—(2) Disaster. As used in this ordinance, the term "disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.~~

9.116.030 Emergency Services Council - Membership.

The Emergency Services Council is hereby created and shall consist of the following:

~~—(1) A. The City Administrator, who serves as Director of Emergency Services, shall be chairman.~~

~~—(2) B. The ~~Coordinator of~~ Emergency Services Manager, who serves as Vice-Chair is responsible for the development and maintenance of emergency plans, organization and coordination of emergency programs and training to include volunteers, and such other duties as may be assigned by the Director. He shall be Chief of the City Office of Emergency Services.~~

~~—(3) C. The Chief of Police, the Fire Chief, the Director of Public Works, and such representatives of departments, services or divisions as are designated by the City Administrator.~~

~~—(4) D. Such representatives of the community as may be appointed by the City Administrator with the consent of the City Council.~~

9.116.040 Emergency Services Council - Powers and Duties.

It shall be the duty of the Santa Barbara Emergency Services Council, and it is hereby empowered, to review and recommend for adoption by the City Council, emergency preparedness and mutual aid plans and agreements and such ordinances and resolutions and rules as are necessary to implement such plans and agreements.

The Emergency Services Council shall meet upon call of the Director of Emergency

Services, or in his or her absence from the City or inability to call such meeting, ~~upon~~

~~the call of the Acting Director of the Assistant City Administrator, or, in the absence or inability of both the Director of Emergency Services and the Assistant City~~

~~Administrator, the~~ Emergency Services Manager, ~~appointed in accordance with Section~~

~~608 of the City Charter. the Emergency Services Council shall be responsible for the~~

~~development of the City of Santa Barbara Emergency Management Plan which shall~~

~~provide for the effective mobilization of all the resources of the City, 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. The Emergency Management Plan~~

~~shall take effect upon adoption by resolution of the City Council.~~

9.116.050 Director of Emergency Services - Powers and Duties.

The Director is hereby empowered:

~~—(1) To request the City Council to proclaim the existence or threatened existence of a disaster or an emergency and the termination thereof, if the City Council is in session, or to issue such proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest possible time.~~

~~—(2) To request the Governor to proclaim a state of disaster or a state of extreme emergency when in the opinion of the Director the resources of the area or region are inadequate to cope with the disaster.~~

~~—(3) To control and direct the effort of the Emergency Services Organization of this City for the accomplishment of the purposes of this ordinance.~~

~~—(4) To direct coordination and cooperation between divisions, services and staff of the Emergency Services Organization of this City, and to resolve questions of authority and responsibility that may arise between them.~~

~~—(5) To represent the Emergency Services Organization of this City in all dealings with public or private agencies pertaining to Emergency Services.~~

~~A. To ask the City Council to proclaim the existence of a local emergency, if the City Council is in session.~~

~~B. To proclaim the existence of a local emergency, if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the local emergency shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the City Council.~~

C. To ask the Governor, through the Operational Area (County), to proclaim a state of emergency when, in the opinion of the Director, the resources of the City or the Operational Area are inadequate to respond to the emergency.

D. To control and direct the effort of the Emergency Services Organization of the City for the accomplishment of the purposes of this ordinance.

E. To direct coordination and cooperation between divisions, services and staff of the Emergency Services Organization of the City and to resolve questions of authority or responsibility that may arise between them.

F. To use all City resources for the preservation of life and property and to reduce the effects of the emergency.

G. To represent the Emergency Services Organization of the City in all dealings with the public or private agencies pertaining to emergency services.

9.116.060 Powers of Director During ~~Disaster~~an Emergency.

In the event ~~of the proclamation of a disaster or emergency as herein provided a local emergency is proclaimed as provided in this Chapter, or the proclamation of a state of disaster or a state of extreme emergency a state of emergency or a state of war emergency is proclaimed~~ by the Governor or the Director of the California Office of Emergency Services, the Director is empowered:

~~(1)~~A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such ~~disaster~~emergencies, provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.

~~(2)~~B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use.

~~(3)~~C. To require emergency services of any City officer or employee and, in the event of the proclamation of a state of ~~disaster or a state of extreme~~ emergency by the Governor in the region in which this City is located, to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties; and such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered Emergency Services volunteers.

~~(4)~~D. To requisition necessary personnel or material of any City department or agency.

~~(5)~~E. To execute all of his ordinary power as City Administrator, all of the special powers conferred upon him by this ordinance or by resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all Police power vested in the City by the Constitution and general laws.

9.116.070 Emergency Services Organization.

All officers and employees of this City, together with those volunteer forces enrolled to aid them during ~~a disaster~~an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 9.116.060~~(3)~~C be charged with duties incident to the protection of life and property in this City during such ~~disaster~~emergency, shall constitute the Emergency Services Organization of the City of Santa Barbara.

All volunteer forces enrolled to aid the City during an emergency will sign an oath and work as a disaster services worker for the duration of the incident in accordance with California Government Code Sections 3100-3109.

9.116.080 Divisions, Services and Staff of the Emergency Services Organization.

The City Council shall pass a resolution adopting the City of Santa Barbara Emergency Management Plan and Local Hazard Mitigation Plan (Federal Disaster Management Act 2000). The Emergency Management Plan shall set forth the form of the Emergency Services Organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees. The Local Hazard Mitigation Plan will outline the natural, technological, and intentional threats to the City. Insofar as possible, the form of organization, titles and terminology shall conform to the state Standardized Emergency Management System (SEMS) and the recommendations of the counterpart Emergency and Disaster Agencies of the Federal Government and the State of California.

9.116.090 Line of Succession for Mayor During Emergency

The line of succession for the position of Mayor, in the case of the absence or disability of the Mayor during a state of emergency, a state of war emergency, a local emergency, or other conditions of disaster, shall commence with the Mayor Pro Tempore and continue through the members of the City Council by seniority. If two members of the City Council have equal seniority, the member whose last name comes earlier alphabetically shall serve as Mayor.

9.116.100 Emergency Operation Centers

Unless exigencies render the same impossible or unduly hazardous, the primary emergency operation center shall be maintained at Fire Station One. The alternate emergency operation center and subsequent disaster operation center are described in the City's Emergency Management Plan. Also, the checklist for setting up the emergency operation center and calling back personnel is specified in the Emergency Management Plan and emergency operation center activation plan.

9.116.0909.116.110 **Punishment of Violations.**

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for not to exceed six (6) months, or both, for any person during a disaster:

~~(1)~~A. Wilfully to obstruct, hinder or delay any member of the Emergency Services 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.

~~(2)~~B. To do any act forbidden by any lawful rules or regulations 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 to imperil the lives or property of inhabitants of this City, or to prevent, hinder or delay the defense or protection thereof.

~~(3)~~C. To wear, carry or display, without authority, any means of identification specified by the Emergency Services Agency of the State.

~~9.116.100 Severability.~~

~~—If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.~~

Section 2. All references to “The Uniform Fire Code” in the Santa Barbara Municipal Code ~~Title 8, Chapter 8.04~~ shall be amended to refer to “The California Fire Code”.