

Council Meeting
February 1, 2011

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: SECOND AND FINAL READING OF ORDINANCE 3741

RECOMMENDATION:

Second and Final Reading of **ORDINANCE NO. 3741** repealing and restating Article 2 of Chapter 6 of Division 1 of the Torrance Municipal Code related to organization of the City of Torrance Disaster Council.

BACKGROUND:

At the regular meeting of the City Council held on the 25th day of January 2011, this Ordinance was introduced and approved for its first reading by the following roll call vote:

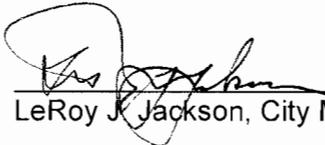
AYES:	COUNCILMEMBERS:	Barnett, Brewer, Furey, Rhilinger, Sutherland, and Mayor Scotto.
NOES:	COUNCILMEMBERS:	Numark.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	None.

Respectfully submitted,



Sue Herbers, City Clerk

NOTED:



LeRoy J. Jackson, City Manager

Attachment A: Ordinance 3741
B: Ordinance summary

ORDINANCE NO. 3741

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING AND READOPTING ARTICLE 2 OF CHAPTER 6 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE RELATED TO ORGANIZATION OF THE CITY OF TORRANCE DISASTER COUNCIL

The City Council of the City of Torrance ordains as follows:

SECTION 1

Article 2 of Chapter 6 of Division 1 of the Torrance Municipal Code is repealed and replaced in its entirety with the following:

SECTION 16.2.1. – DISASTER COUNCIL CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

The Torrance Disaster Council is created and consists of the following members (or, due to their unavailability, appropriate designees):

- a) The Director of Emergency Services, who is the City Manager.
- b) The Assistant Director of Emergency Services, who is the Assistant City Manager.
- c) The Deputy Director of Emergency Services, who is the Chief of Police.
- d) The Emergency Services Coordinator.

SECTION 16.2.2. - MEETINGS.

The Torrance Disaster Council will meet upon call of the Director of Emergency Services.

SECTION 16.2.3. - POWERS AND DUTIES GENERALLY; RECOMMENDATIONS TO COUNCIL.

It is the duty of the Torrance Disaster Council and it is empowered, to develop and recommend for adoption by the City Council, civil emergency and mutual aid plans and agreements and such ordinances, resolutions, rules and regulations as are necessary to implement those plans and agreements.

SECTION 16.2.4. - POWERS AND DUTIES GENERALLY.

It is the duty of the Director of Emergency Services and he or she is empowered to do the following:

- a) Proclamations Generally. To request the City Council to proclaim the existence of or threatened existence, of a local emergency, if the City Council is in session, or to issue that proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest practicable time;
- b) Request to Governor. To request the Governor to proclaim a state of emergency when in the opinion of the Director of Emergency Services locally available resources are inadequate to cope with the emergency;
- c) Control and Direction of Effort. To control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this Chapter;

- d) Direct Coordination and Cooperation. To direct cooperation between and coordination of, services and staff of the emergency organization of this City, and to resolve questions of authority and responsibility that may arise between them;
- e) Represent Organization of City. To represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined in this Chapter.

SECTION 16.2.5. - IN EVENT OF DISASTER.

In the event of the proclamation of a local emergency, the proclamation of a state of emergency by the Governor or Director of the state office of Emergency Services, or the existence of a state of war emergency, the Director of Emergency Services is empowered to do the following:

- a) Rules and Regulations. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; provided, however, that all such rules and regulations must be confirmed at the earliest practicable time by the City Council;
- b) Vital Supplies. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value of those items, and if required immediately, to commandeer the same for public use;
- c) Emergency Services. To require emergency services of any City 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 the Director deems necessary in the execution of emergency services. Persons required to perform emergency services are entitled to all privileges, benefits and immunities as are provided by State law for registered disaster services workers;
- d) Personnel or Material. To requisition necessary personnel or material of any City department or agency;
- e) Execution of Powers. To execute all of the Director of Emergency Services' ordinary powers as City Manager, all of the special powers conferred by this Chapter or by resolution or emergency plan adopted by the City Council, all powers conferred upon the Director by any statute, by any agreement approved by the City Council and by any other lawful authority.

SECTION 16.2.6. - APPOINTMENT, POWERS, DUTIES, ETC. OF ASSISTANT DIRECTOR OF EMERGENCY SERVICES.

- a) The Assistant Director of Emergency Services is under the supervision of the Director of Emergency Services and with the assistance of the Deputy Director and the Emergency Services Coordinator, will develop emergency plans, manage the emergency programs of this City and exercise such other duties and powers as may be assigned by the Director of Emergency Services.
- b) The Assistant Director of Emergency Services will exercise the powers and duties of the Director of Emergency Services, in the absence of the Director from the City or the Director's inability to exercise designated powers and duties.

SECTION 16.2.7. - SAME; DEPUTY DIRECTOR OF EMERGENCY SERVICES.

The Deputy Director of Emergency Services is responsible for provisions of emergency law enforcement, traffic control and police communications services. The Deputy Director will review emergency preparedness plans, proposals and reports originating within the office of the Emergency Services Coordinator.

SECTION 16.2.8. - SAME; EMERGENCY SERVICES COORDINATOR.

Under the supervision of the Director, Assistant Director and Deputy Director of Emergency Services, the Emergency Services Coordinator will:

- a) Promote the development and coordination of effective emergency service plans and programs for the community in coordination with other appropriate emergency coordination agencies.
- b) Actively participate as a member of the Torrance Disaster Council.
- c) Assist and advise in the writing and submission of necessary reports and proposals.
- d) Aid the Assistant Director in that officer's public information and public relations activities.
- e) Coordinate the operations necessary for the continuous support and maintenance of the Torrance Emergency Preparedness Program.

SECTION 16.2.9. - EMERGENCY ORGANIZATION.

All officers and employees of this City, 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 laws, including persons impressed into service, under the provisions of subsection c) of Section 16.2.5., charged with duties incident to the protection of life and property in this City during an emergency, constitute the emergency organization of the City.

SECTION 16.2.10. - EMERGENCY PLAN.

The Torrance Disaster Council is responsible for the development of the City of Torrance Emergency Plan, which will provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and the Disaster Council will provide for the organization, powers and duties, services, and staff of the emergency organization. The City of Torrance Emergency Plan will take effect upon adoption by resolution of the City Council.

SECTION 16.2.11. - PROHIBITED ACTS.

It is a misdemeanor punishable as provided in Section 728 of the Charter of the City of Torrance for any person during a disaster:

- a) Obstructing Enforcement of Chapter. To willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter or in the performance of any duty imposed upon that member by virtue of this Chapter.
- b) Violating Rules and Regulations. To do any act forbidden by any lawful rules, regulations, or emergency orders issued pursuant to this Chapter.
- c) Displaying Unauthorized Identification. To wear, carry or display, without authority, any means of identification specified by the emergency agency of the State.

SECTION 2

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

SECTION 3

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will 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 irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases are declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED and APPROVED the 25th day of January, 2011.

ADOPTED and PASSED this _____ day of February, 2011.

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

Mayor Frank Scotto
ATTEST:

by _____
Patrick Q. Sullivan, Assistant City Attorney

Sue Herbers, City Clerk

Ordinance Summary**TORRANCE CITY COUNCIL ORDINANCE NO. 3741**

On _____, 2011, the City Council of the City of Torrance adopted Ordinance No. 3741, which repeals and readopts Article 2 of Chapter 6 of Division 1 of the Torrance Municipal Code, reconstituting the membership of the City's Disaster Council.

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****