

Council Meeting
July 26, 2011

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

Members of the City Council:

SUBJECT: City Manager and Police – Adopt ORDINANCE amending Torrance Municipal Code relating to the Disaster Council. Expenditure: None.

RECOMMENDATION

Recommendation of the City Manager and Police Chief that City Council adopt an ORDINANCE to amend Articles 1 and 2 of Chapter 6 of Division 1 of the Torrance Municipal Code eliminating the Disaster Council, and approve an ordinance summary for publication.

FUNDING

Not applicable.

BACKGROUND

On January 25, 2011, item 12C, the City Council approved an amendment to Division 1, Chapter 6, Article 2, Section 16 of the Torrance Municipal Code. The new ordinance eliminated the Disaster Council due to the successful fulfillment of that body's mission, and assumption of its role by City staff, including the Emergency Preparedness Team and the Emergency Services Coordinator.

When the ordinance was presented to the State of California's Emergency Management Agency (CalEMA), some minor revisions were requested to fit the standard maintaining certification for grant access. The Police Department worked with CalEMA to ensure acceptance of the new ordinance after minor modifications.

These modifications have been reviewed by the City Attorney. The City Manager and Police Chief, with concurrence from the City Attorney, are recommending that Articles 1 and 2 of Chapter 6 of Division 1 of the Torrance Municipal Code be amended as revised.

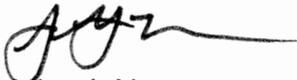
Respectfully submitted,

JOHN J. NEU
CHIEF OF POLICE



By Lieutenant Mark Athan
Community Affairs Division Commander

CONCUR:



John J. Neu
Chief of Police



LeRoy J. Jackson
City Manager

Attachments: A: Ordinance
B: Ordinance Summary

ORDINANCE NO. _____

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

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

SECTION 1

Article 1 of Chapter 6 of Division 1 of the Torrance Municipal Code is repealed and replaced in its entirety with the following:

"SECTION 16.1.1. - DEFINITIONS.

The following words and phrases shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section as defined by the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code, Section 8550 et seq.)

a) Emergency. The term 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 City 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 of this City, requiring the combined forces of other political subdivisions to combat.

b) Local Emergency. The term local emergency shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of this City, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, 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 that political subdivision 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.

c) State of War Emergency. The term state of war emergency shall mean the 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.

d) State of Emergency. The term state of emergency shall mean 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, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, 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 any single county, city and county, or 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.

e) Emergency plans. The term emergency plan shall mean those official and approved documents which describe the principles and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies. These plans include such elements as continuity of government, the emergency services of governmental agencies, mobilization of resources, mutual aid, and public information.

SECTION 16.1.2. - PURPOSE.

a) The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons, property and the environment within this City in the event of a 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.

b) Any expenditures 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."

SECTION 2

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 shall be the chair.
- b) The Assistant Director of Emergency Services, who shall be vice chair.
- c) The Deputy Director of Emergency Services.
- d) The Division Commander of Emergency Services.
- e) The Emergency Services Coordinator.
- f) Such chiefs of emergency services as are provided for in the current emergency plan of this jurisdiction, adopted pursuant to this Chapter.

SECTION 16.2.2. - MEETINGS.

The Torrance Disaster Council shall meet upon call of the chair or, upon call of the vice chair (in the absence of the chair).

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, 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. - DIRECTOR, ASSISTANT DIRECTOR, DEPUTY DIRECTOR, DIVISION COMMANDER AND EMERGENCY SERVICES COORDINATOR; OFFICES CREATED; CITY MANAGER, ASSISTANT CITY MANAGER, POLICE CHIEF, POLICE LIEUTENANT, EMERGENCY SERVICES COORDINATOR DESIGNATED.

- a) There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.
- b) There is hereby created the office of Assistant Director of Emergency Services. The Assistant City Manager shall be the Assistant Director of Emergency Services.
- c) There is hereby created the office of Deputy Director of Emergency Services. The Police Chief shall be the Deputy Director of Emergency Services.

d) There is hereby created the office of Division Commander of Emergency Services. A Police Lieutenant, as designated by the Police Chief, shall be the Division Commander of Emergency Services.

e) There is hereby created the office of Emergency Services Coordinator. The Emergency Services Coordinator, as designated by the Chief of Police, shall be the Emergency Services Coordinator.

SECTION 16.2.5. - POWERS AND DUTIES OF THE DIRECTOR.

It is the duty of the Director of Emergency Services and hereby 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. Whenever the director proclaims a local emergency, 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;

b) Request to Governor. To 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;

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.

f) Designate the Order of Succession. To 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.

SECTION 16.2.6. - IN EVENT OF AN EMERGENCY.

In the event of the proclamation of a local emergency, the proclamation of a state of emergency by the Governor or the Secretary of the California Emergency Management Agency, 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, property, and the environment 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, property, and the environment 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 16.2.7. - 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, the Division Commander, the Emergency Services Coordinator and other emergency services chiefs as designated in Section 16.2.1 (f), 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 16.2.8. - SAME; DEPUTY DIRECTOR OF EMERGENCY SERVICES.

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

SECTION 16.2.9. - SAME; DIVISION COMMANDER OF EMERGENCY SERVICES.

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

- a) Oversee the emergency preparedness plans, proposals and reports originating within the office of the Emergency Services Coordinator.
- b) Actively participate as a member of the Torrance Disaster Council.
- c) Advise in the writing and submission of necessary reports and proposals.
- d) Manage the operations necessary for the continuous support and maintenance of the Torrance Emergency Management Program.

SECTION 16.2.10. - SAME; EMERGENCY SERVICES COORDINATOR.

Under the supervision of the Director, Assistant Director, Deputy Director of Emergency Services, and the Division Commander 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 Management Program.

SECTION 16.2.11. - 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 Section 16.2.6(c), of this ordinance be charged with duties incident to the protection of life, property, and the environment in this City during an emergency, constitute the emergency organization of the City.

SECTION 16.2.12. - 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 16.2.13. - 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 3

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies. Provided, that it is the intent of the City Council in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance.

SECTION 4

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 5

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 this _____ day of _____, 2011.

ADOPTED and PASSED this _____ day of _____, 2011.

Frank Scotto, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III,
City Attorney

By

Patrick Q. Sullivan,
Assistant City Attorney

ORDINANCE NO. _____

SUMMARY

On _____, 2011, the City Council of the City of Torrance adopted Ordinance No. _____, which repeals and readopts Articles 1 and 2 of Chapter 6 of Division 1 of the Torrance Municipal Code, related to emergency preparedness and the organization of the City of Torrance Disaster Council. The City of Torrance is readopting Articles 1 and 2 of Chapter 6 of Division 1 of the Torrance Municipal Code based upon revisions received from the California Emergency Management Agency (Cal EMA) in order to make the Articles consistent with the California Emergency Services Act (Government Code section 8550 et seq.).

*****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.*****