

ORDINANCE NO. 2017 – 416

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
PORTOLA VALLEY AMENDING CHAPTER 2.24 [EMERGENCY
ORGANIZATION AND PROTECTION] OF TITLE 2
[ADMINISTRATION AND PERSONNEL] OF THE
PORTOLA VALLEY MUNICIPAL CODE**

WHEREAS, the Town Council of the Town of Portola Valley last updated Chapter 2.24 [Emergency Organization and Protection] on September 19, 2014, to ensure compliance with the California's Office of Emergency Services (Cal OES) model ordinance, the California Emergency Services Act, and a statement related to the inclusion of people with disabilities and others with access and functional needs per the American Disabilities Act; and

WHEREAS, the Town Council desires to amend Chapter 2.24 to bring it into compliance with best and current practices; and

WHEREAS, the amendments include modifications to the duties of the Disaster Council and the Director of Emergency Services, the addition of specific job titles to register Disaster Service Worker volunteers and approve training activities when the Disaster Council is not in session, the addition of new members to the Disaster Council for planning and coordination, and updates to succession of both the Town Manager/Director of Emergency Services and the Town Council to follow best practices; and

WHEREAS, the Cal OES reviewed and provided comments on the proposed amendments as required for continued compliance and those comments were incorporated into the amendments presented to the Town Council for review and approval; and

WHEREAS, updating Chapter 2.24 [Emergency Organization and Protection] is a necessary step in the advance planning for the Town's emergency response in the event of a disaster.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. AMENDMENT OF CODE. Chapter 2.24 [Emergency Organization and Protection] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

Sections:

2.24.010 **Purposes**
2.24.020 **Definitions**

- 2.24.030 Inclusion**
- 2.24.040 Emergency Services Organization**
- 2.24.050 Disaster Council Membership**
- 2.24.060 Disaster Council Powers and Duties**
- 2.24.070 Emergency Operations Plan**
- 2.24.080 Director and Assistant Director of Emergency Services**
- 2.24.090 Powers and Duties of the Director and Assistant Director of Emergency Services**
- 2.24.100 Preservation of Local Government during an Emergency—Succession**
- 2.24.110 Violations—Penalty**
- 2.24.120 Expenditures**

2.24.010 Purposes

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons, property and environment within the Town 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.

2.24.020 Definitions

A. "Disaster Council" is a public agency established by ordinance that is empowered to register and direct the activities of disaster service workers within the area of the county, or any part thereof. In this respect, the disaster council is acting as an instrument of the state in aid of carrying out general state government functions and policy with regard to disaster services. Counties, cities and counties and cities may create disaster councils by ordinance. A disaster council shall assist in developing and/or reviewing plans for meeting any condition constituting a local emergency, state of emergency or state of war emergency. Those plans shall provide for the effective mobilization of all of the resources within the political subdivision, both public and private. The disaster council shall supply a copy of any plans developed pursuant to this section to the California Office of Emergency Services (Cal OES).

B. "Emergency" as used in this chapter, means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons, property and environment within or affecting the Town caused by such conditions as air pollution, drought, earthquake, epidemic, fire, flood, human acts, plant or animal infestation or disease, riot, severe weather, sudden and severe energy shortage, technological interruptions, the Governor's warning of an earthquake or volcanic prediction, 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.

C. "Emergency services" mean the preparation and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to

prevent, minimize, and repair injury and damage resulting from disaster. It shall not include preparation for any conditions relating to a labor controversy.

D. "Local emergency" means the duly proclaimed, actual or threatened, existence of conditions of disaster or of extreme peril to the safety of persons, property and environment, within or affecting the territorial limits of the Town, caused by such conditions as air pollution, drought, earthquake, epidemic, fire, flood, human acts, plant or animal infestation or disease, riot, severe weather, sudden and severe energy shortage, technological interruptions, the Governor's warning of an earthquake or volcanic prediction, or other conditions including conditions resulting from war or imminent threat of war, which are, or are likely to be, beyond the control of Town services, personnel, equipment and facilities and requiring the combined forces of other public agencies to combat. "Local emergency" does not include, nor does any provision of this chapter apply to, any conditions resulting from a labor controversy.

E. "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons, property, and environment within or affecting the State caused by such conditions as air pollution, drought, earthquake, epidemic, fire, flood, human acts, plant or animal infestation or disease, riot, severe weather, sudden and severe energy shortage, technological interruptions, the Governor's warning of an earthquake or volcanic prediction, or other conditions, which conditions, 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. "State of emergency" does not include, nor does any provision of this chapter apply to, any conditions resulting from a labor controversy or conditions causing a "state of war emergency."

F. "State of war emergency" means 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 a state of a warning from the Federal government indicating that such an enemy attack is probable or imminent.

2.24.030 Inclusion

In accordance with Title II of the Americans with Disabilities Act (ADA), an integrated approach to emergency planning shall be taken to provide people with disabilities and others with access and functional needs the same opportunities to benefit from emergency programs, information, facilities, services and activities as people without disabilities.

2.24.040 Emergency Services 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 2.24.090(E)(3) of this chapter, be charged with duties incident to

the protection of life, property and environment during such emergency, shall constitute the emergency organization of the Town of Portola Valley.

2.24.050 Disaster Council Membership

The Portola Valley Disaster Council shall consist of the following:

1. The Director of Emergency Services, who is the Town Manager, or the Acting Director if the Director is unavailable, who shall be chair.
2. The Public Works Director who shall be the vice chair.
3. The Planning Director.
4. The Mayor, or as an alternate, the Vice Mayor, who shall be the liaison.
5. The Assistant Director of Emergency Services (as appointed by Town Manager).
6. The Chair of the Emergency Preparedness Committee.
7. Such chiefs of emergency services as are provided for in a current emergency operations plan of this jurisdiction, adopted pursuant to this chapter.
8. Such representatives of volunteer, community based organizations, 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 Town Council.

2.24.60 Disaster Council Powers and Duties

- A. It shall be the duty of the members of the Portola Valley Disaster Council, and they are hereby empowered, to engage in emergency response and recovery planning: to review and provide input on 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.
- B. The Director of Emergency Services shall advise the Disaster Council with regard to the preparation and maintenance of the plan in whole or in part at times of a local emergency.
- C. The Disaster Council shall comply with the California Emergency Services Act and abide by the California Disaster and Civil Defense Master Mutual Aid Agreement.
- D. The Disaster Council, accredited by the State of California, is empowered to register and direct the activities of disaster service worker (DSW) volunteers within the sphere of influence of the Town including DSW volunteer training and planning to ensure compliance with current DSW regulations and guidelines.
 1. The Town Manager, Town Clerk, Assistant Director of Emergency Services, Emergency Preparedness Committee Chair or others as designated by the Town Manager shall also be the authorized to register DSW volunteers, review and approve DSW volunteer training activities and administer DSW volunteer programs as necessary when the Disaster Council is not in session.
- E. The Disaster Council agrees to follow established rules and regulations relating to the various classes of disaster service workers, scope of duties of each class, and manner of registration pursuant to the provisions of Government Code Section 8585.5.
- F. The Disaster Council shall meet at least once per year upon call of the chair or upon call of the vice chair (in the absence of the chair).

2.24.070 Emergency Operations Plan

- A. The Town of Portola Valley has adopted the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) as the preparedness, mitigation, response and recovery framework for the Emergency Operations Plan.
- B. The Director of Emergency Services shall be responsible for the development of the Emergency Operations Plan (EOP), and annexes as identified, which 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. The plan shall also identify the sources of outside support which that might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, State and Federal agencies, and the private sector.
- C. Such plan shall take effect upon adoption by resolution of the Town Council.
- D. The plan may be activated by any of the following Town representatives:
 - 1. Those listed in 2.24.090(F) under the Director of Emergency Services Order of Succession
 - 2. Any Town Staff member, volunteer or individual with required knowledge, training and authority to do so.

2.24.080 Director and Assistant Director of Emergency Services

- A. There is hereby created the office of Director of Emergency Services. The Town Manager shall be the Director of Emergency Services.
- B. There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director.

2.24.090 Powers and Duties of the Director and Assistant Director of Emergency Services

- A. The Director of Emergency Services shall, and he/she is hereby empowered to, develop and recommend for adoption by the Town Council 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.
- B. The Director of Emergency Services shall develop and maintain strategic emergency planning partnerships with other local agencies.
- C. The Director of Emergency Services is hereby empowered:
 - 1. To request the Town Council to proclaim the existence or threatened existence of a "local emergency" if the governing body is in session, or to issue such proclamation if the Town Council is not in session. Whenever a local emergency is proclaimed by the Director, the Town Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.
 - 2. To request that the Governor through appropriate channels proclaim a state of emergency when, in the opinion of the Director the circumstances are beyond the Town's capacity to adequately respond to or recover from an emergency.

3. To represent or provide representation of the Town in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
 4. To control and direct the effort of this emergency organization for the accomplishment of the purposes of this chapter.
 5. To 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.
- D. The Assistant Director shall, under the supervision of the Director and with the assistance of Disaster Council representatives, prepare 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.
- E. 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 Office of Emergency Services, or the existence of a "state of war emergency," the Director is hereby empowered to:
1. Make and issue rules and regulations on matters reasonably related to the protection of life, property and environment as affected by the emergency; provided, however, that the rules and regulations must be confirmed at the earliest practicable time by the Town Council;
 2. Obtain vital supplies, equipment and other properties found lacking and needed for the protection of the life, property and environment of the people, and bind the Town for the fair value thereof and if required immediately, to commandeer the same for public use;
 3. Require emergency services of any Town officer or employee and, in the event of the proclamation of a state of war emergency or a state of emergency by the Governor in the region in which this Town is located, to command the aid of as many members of this community as are deemed necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers;
 4. Requisition necessary personnel or material of any Town department or agency;
 5. Execute all ordinary power as Town Manager, all of the special powers conferred by this chapter or by resolution or emergency plan adopted pursuant hereto, and all powers conferred upon the Director by any statute, agreement approved by the Town Council, or by any other lawful authority.
- F. 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. The order of succession shall be:
1. The Public Works Director.
 2. The Planning Director.
 3. The Chair of the Emergency Preparedness Committee.

2.24.100 Preservation of Local Government during an Emergency—

Succession

In order to preserve local government during an emergency, the Town Council shall meet as soon as possible, ascertain the damage incurred as a result of the emergency, and fill vacancies with standby officers of the Council, as prescribed by California Government Code Sections 8635 through 8644. Standby officers of the Council are the former members of the Council, beginning with the immediate past Council members, by seniority, and then to prior years, beginning with the most recent. Questions regarding the availability of Council members shall be decided by the remaining available members of said body.

2.24.110 Violations—Penalty

- A. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and each such person, firm, or corporation is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.
- B. No person, firm, or corporation shall, during a period of emergency:
1. 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 him or her by virtue of this chapter;
 2. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or imperil the lives, property or environment of inhabitants of this Town, or prevent, hinder or delay the defense or protection thereof;
 3. Wear, carry or display, without authority, any means of identification specified by any emergency agency of the State, County or Town.

2.24.120 Expenditures

Any expenditures made in connection with such emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants, property and environment within the Town of Portola Valley.

2. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

3. ENVIRONMENTAL REVIEW. This ordinance is not a project for the purposes of the California Environmental Quality Act.

4. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30

days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED: January 11, 2017

PASSED: January 25, 2017

AYES: Councilmember Wengert, Aalfs, Derwin and Mayor Hughes

NOES: None

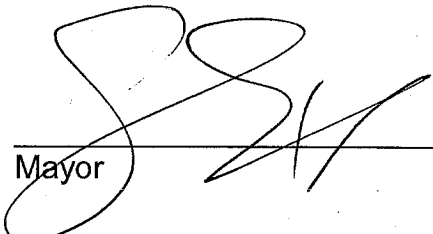
ABSTENTIONS: None

ABSENT: Vice Mayor Richards

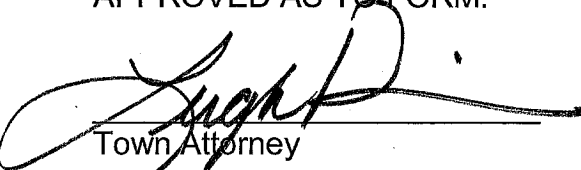
ATTEST:


Town Clerk

By:


Mayor

APPROVED AS TO FORM:


Town Attorney