



City Attorney

 OFFICE OF THE CLERK
 INTRODUCED BY COUNCIL MEMBER _____

2007 OCT 11 PM 4:04

ORDINANCE NO. 12841 - C.M.S.

ORDINANCE ADDING TITLE 8, CHAPTER 8.50 TO THE OAKLAND MUNICIPAL CODE TO ESTABLISH THE EMERGENCY MANAGEMENT AND DISASTER PREPAREDNESS COUNCIL, ESTABLISH A MISDEMEANOR PENALTY FOR INTERFERENCE WITH EMERGENCY OPERATIONS AND OTHER VIOLATIONS OF THIS ORDINANCE AND REPEAL ORDINANCES NO. 11467 CMS AND NO. 11865 CMS, WHICH ESTABLISHED THE ORIGINAL EMERGENCY MANAGEMENT BOARD

WHEREAS, pursuant to Ordinance No. 11467 C.M.S., adopted June 23, 1992, as amended by Ordinance No. 11865 C.M.S., adopted March 12, 1996, the Emergency Management Board was established to facilitate the development and implementation of programs and plans to protect persons, property and infrastructure within Oakland and the surrounding area during times of emergencies or disasters; and

WHEREAS, the enacting legislation as amended appointed the Mayor, City Administrator and Emergency Services to serve as Executive Officers, City Department Heads to serve as general members, and Executive Officers were to appoint an unspecified number of persons from a broad range of public, civic and military agencies, jurisdictions, businesses and the general public to bring their expertise to the development and implementation of emergency preparedness plans/projects; and

WHEREAS, enacting legislation imposed fixed, limited terms of service for appointees from non-city government, public, civic and military agencies, jurisdictions, businesses and the general public, which limited board membership regardless of expertise; and

WHEREAS, the nature of emergency management has changed significantly since the terrorist bombings of September 11, 2001, requiring greater flexibility for local emergency disaster councils to appoint participating members, as needed, who are qualified to address specific technological, biological, medical, social, local and national security and other emergency preparedness, response, recovery and mitigation issues as they arise; and

WHEREAS, the Executive Officers of the Emergency Management Board propose to restructure Oakland's emergency operations by replacing the Emergency Management Board and establishing the Oakland Emergency Management And Disaster Preparedness Council in its place by this ordinance; and

WHEREAS, the purposes and objectives of the Emergency Management and Disaster Preparedness Council shall be the same purposes and objectives as those previously served by the Emergency Management Board; and

WHEREAS, the Emergency Management And Disaster Preparedness Council (EMADPC) shall be a City specialized technical council comprised of and directed by the same Executive Officers and City department representatives as identified by the City Administrator; and

WHEREAS, persons with necessary expertise from other public, federal, state, county agencies, Special Districts, transportation/utility agencies, school/college districts, American Red Cross (mandated by Congress as a disaster response organization), Alameda County Operational Area, State Office of Emergency Services, and military agencies, shall serve for such time as deemed necessary or appropriate by the appointing authority on the Emergency Management Disaster Preparedness Council; and

WHEREAS, other jurisdictions, businesses, business and civic organizations, community based non-profits, faith based organizations, the Chairperson of the Citizens of Oakland Respond to Emergencies (CORE) Advisory Task Force, the Chairperson of the Mayor's Commission on Persons with Disabilities, the Chairperson of the local Amateur Radio Emergency Services/Radio Amateur Civil Emergency Services (ARES/RACES) organization, and the general public shall be invited to become members of the Mutual Assistance Task Force by recommendation of the Executive Officers of the Emergency Management And Disaster Preparedness Council; and

WHEREAS, the Mutual Assistance Task Force members will be recommended and appointed by the Emergency Management and Disaster Preparedness Council with approval by the City Administrator. Members will serve as needed.

NOW, THEREFORE, the Oakland City Council does ordain as follows:

Section I. Establishment of Emergency Management Board and Disaster Preparedness Council. The following provisions for the Emergency Management Board and Disaster Preparedness Council are added to Oakland Municipal Code Title 8, Chapter 8.50:

Chapter 8.50 Emergency Management Board and Disaster Preparedness Council

8.50.010. Establishment of Emergency Management Board and Disaster Preparedness Council. The City Council hereby establishes the Emergency Management Board and Disaster Preparedness Council. The declared purposes of this ordinance are to a) facilitate the development and implementation of programs and plans that protect persons and property within Oakland on a day-to-day basis as well as during times of emergencies or disasters; b) establish and define the powers, structure and processes of Oakland's Emergency Management And Disaster Preparedness Council, including the City's overall emergency organization; and c) encourage coordination of emergency functions of Oakland with other public agencies, governments, corporations and organizations. This ordinance is enacted pursuant to the permissive language in Sections 8610 and 8580 of the Government Code.

8.50.020. Definitions. As used in this ordinance, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within Oakland caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, drought, hazardous materials incident, sudden and severe energy shortage, plant or animal infestation, terrorism, the Governor's warning of an earthquake or other conditions, including conditions resulting from war or imminent threat of war.

8.50.030. Composition of Emergency Management and Disaster Preparedness Council. The Oakland Emergency Management and Disaster Preparedness Council (EMDPC) hereby replace the

City's previous Emergency Management Board, and shall consist of the following executive officers and members:

- A. The MAYOR, who shall serve as CHAIR. During declared disasters/emergencies (the Mayor shall be the official spokesperson for the City) establishing executive policies for management of the emergency, and providing oversight and leadership during the response and recovery process.
- B. The CITY ADMINISTRATOR, who shall serve as VICE CHAIR. During declared disaster, the City Administrator shall serve as the City's Director of Emergency Services, providing direction for formulating policy, recommendations and decisions to facilitate the response and recovery process. The City Administrator shall have the authority to commandeer any and all resources located within the political jurisdiction of Oakland for the protection of life and property and provide compensation for private assets in accordance with local government regulations.
- C. The EMERGENCY SERVICES MANAGER who shall serve as SECRETARY. During declared disaster, s/he shall serve as the City's Assistant Director of Emergency Services providing overall management of the City's Emergency Operations Center. During non-emergency times, the Emergency Services Manager shall also serve as Secretary in conducting quarterly meetings of the Emergency Management Disaster Preparedness Council.
- D. CITY AGENCY DIRECTORS (as identified in Oakland's current NIMS/SEMS Emergency Plan) shall serve as general members. General members are expected to attend the Emergency Management and Disaster Preparedness Council's quarterly meetings and if unable to attend, identify an alternate representative. During declared disasters these members shall direct and coordinate predesignated departmental emergency functions according to the National Incident Management System (NIMS) and the State's Standardized Emergency Management System (SEMS) and the City's SEMS Emergency Plan (California Government Code Section 8607 effective January 1, 1993); also the integrated National Incident Management System (NIMS) in accordance with Homeland Security Presidential Directive (HSPD-5) effective September 30, 2006.
- E. OTHER MEMBERS of the Emergency Management and Disaster Preparedness Council shall be persons with necessary expertise from other local, federal, state, county government level agencies, Special Districts, transportation/utility agencies, school/college districts, disaster response agencies that provide direct services to the public, and military agencies. These members shall serve as necessary. Current non-government members serving on the Emergency Management Board shall be automatically appointed to the Mutual Assistance Task Force.
- F. CHAIRPERSON OF THE MUTUAL ASSISTANCE TASK FORCE. The City Administrator shall establish a City Mutual Assistance Task Force. The Task Force members will be selected by Executive Officers of the Emergency Management and Disaster Preparedness Council. The Chairperson of the Mutual Assistance Task Force shall be a voting member of the Emergency Management Disaster Preparedness Council. The Mutual Assistance Task Force under the direction of the Chairperson shall establish and adopt rules for limiting the term the Chairperson shall serve.

The City Mutual Assistance Task Force will support the efforts and objectives of the City's Emergency Management and Disaster Preparedness Council. The Executive Officers of the Emergency Management and Disaster Preparedness Council shall recommend representatives from the general public, businesses, civic organizations, community based non-profits, faith based organizations, neighboring cities and local outside agencies that provide mutual assistance during disaster periods and provide support and expertise in the development and implementation of emergency preparedness projects and plans. Directors and/or managers of these organizations may be asked to attend the Emergency Management and Disaster Preparedness Council meetings whenever warranted to represent the segment of the community their organizations serve.

8.50.040. Emergency Management and Disaster Preparedness Council Powers, Structure, Process Duties and Functions. The Oakland Emergency Management and Disaster Council is hereby empowered to do the following:

Duties and Functions.

- A. The Emergency Management and Disaster Preparedness Council (EMADPC) shall submit regular status reports describing the City's overall emergency preparedness to the City Council committee designated as liaison to the Emergency Management and Disaster Preparedness Council. The regular status reports shall be submitted semi – annually, or more frequently as directed by the Chairperson of the City Council committee to which the Emergency Management And Disaster Preparedness Council reports.
- B. Each year, the Oakland Emergency Management and Disaster Preparedness Council shall review the annual goals and objectives of the City Council for review and approval. Review of City Council goals and objectives and the Mayor's goals and objectives shall be undertaken to provide the Emergency Management and Disaster Preparedness Council the opportunity to better integrate the activities of the City's Emergency Management and Disaster Preparedness Council with the City's overall goals and objectives.
- C. The Oakland Emergency Management and Disaster Preparedness Council is hereby empowered to develop and recommend for adoption or purchase by the City Council, emergency programs, projects, equipment and supplies, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as may be necessary to implement such plans and agreements.
- D. The Emergency Management And Disaster Preparedness Council shall convene not less than quarterly to identify, prioritize, review and recommend to the City Council emergency preparedness, mitigation, response and recovery activities that are required to develop and implement a comprehensive public safety program for Oakland in the event of a major disaster
- E. The work of the Oakland Emergency Management And Disaster Preparedness Council shall consist of the four phases of emergency management, and also include fiscal/funding and mutual assistance in accord with the following objectives:

Preparedness: Identify and implement plans, standard operating procedures and training programs that prepare the City (employees, citizens, community based organizations, and local businesses) for major emergencies.

Mitigation: Identify, evaluate and prioritize projects that can reduce or eliminate threats that face the City of Oakland and to minimize the City's hazards.

Response: Identify and implement operating systems that will provide emergency assistance, reduce probabilities of additional injuries, speed recovery activities, and ensure effective field response and Emergency Operations Center functions.

Recovery: Identify and/or establish resources, relationships and agreements in advance of any emergency that will enable the city to return to normalcy as quickly as possible.

Fiscal/Funding: Identify and procure funds to implement projects recommended by members of the Emergency Management And Disaster Preparedness Council and ensure adoption of an annual budget to support emergency programs/projects, ensuring all financial resources are explored that can assist in recovering from a major disaster.

Mutual Assistance: The Mutual Assistance Task Force will augment the City's Emergency Management and Disaster Preparedness Council. The Task Force will provide a forum for the non-City agencies, businesses and civic organizations that provide essential support and assistance to the City during non-emergency times and during declared emergencies so as to provide the Emergency Management and Disaster Preparedness Council with expertise, recommendations, data and other information necessary for a coordinated and comprehensive emergency response. The Mutual Assistance Task Force will meet as needed or required.

8.50.050. City of Oakland Emergency Organization. All officers and employees of the City of Oakland (Disaster Service Workers), 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 pressed into service pursuant to this ordinance, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City of Oakland.

8.50.060. Emergency Plan. The Emergency Services Manager shall be responsible for the development, maintenance, testing and training associated with the Oakland NIMS/SEMS Emergency Plan to ensure and provide for the effective mobilization of all of the resources of Oakland according to Resolution No. 80021 C.M.S. dated July 18, 2006, and approved by City Council. Such NIMS/SEMS Emergency Plan shall be reviewed on an annual basis and revised as needed by the Emergency Services Manager.

8.50.070. Expenditures. Any expenditure 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 of Oakland.

8.50.080. Obstruction or Hindrance of Emergency Operations, Violation of Emergency Laws or Regulations, Unauthorized Wearing, Carrying or Displaying of Emergency Identification, Punishment of Violations. It shall be a misdemeanor, punishable by a fine not to exceed one

thousand dollars (\$1,000.00), or by imprisonment not to exceed six (6) months, or by both, for any person during an emergency to:

- A. Willfully obstruct, hinder or delay any member of the emergency 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.
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to result in imperiling the lives or property of inhabitants of Oakland, or to prevent, hinder or delay the defense or protection thereof.
- C. To wear, carry or display, without authority, any means of identification specified by the emergency agency of the state.

Section II. Repeal of Conflicting Ordinances. Ordinance No. 11865 C.M.S., and Ordinance No. 11467 C.M.S., are hereby expressly repealed; provided, however, it is the intent of the City Council in enacting this ordinance that it shall be considered a revision of the ordinances repealed by this ordinance, and the participation by prior Emergency Management Board members shall be affected except to the extent provided by Section III, E and F; plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinances shall be affected by such repeal until amended, modified, or superseded as provided in this ordinance.

Section III. Effective Date. This ordinance shall become effective thirty (30) days from and after its passage.

Section IV. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 4 2007, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~BRUNNER~~, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Brunner - 1

ATTEST:



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date: **NOV 6 2007**



NOTICE AND DIGEST

ORDINANCE ADDING TITLE 8, CHAPTER 8.50 TO THE OAKLAND MUNICIPAL CODE TO ESTABLISH THE EMERGENCY MANAGEMENT AND DISASTER PREPAREDNESS COUNCIL, ESTABLISH A MISDEMEANOR PENALTY FOR INTERFERENCE WITH EMERGENCY OPERATIONS AND OTHER VIOLATIONS OF THIS ORDINANCE AND REPEAL ORDINANCES NO. 11467 CMS AND NO. 11865 CMS, WHICH ESTABLISHED THE ORIGINAL EMERGENCY MANAGEMENT BOARD

This ordinance will repeal Ordinance No. 11467 CMS and amending Ordinance Ordinance No. 11865 C.M.S., which established the Emergency Management Board, appointed to develop interagency emergency response plans for the City of Oakland. This ordinance will re-establish the board as the Emergency Management and Disaster Preparedness Council and will eliminate fixed, limited terms of service for appointees regardless of expertise, and will provide the board broader authority to appoint an unspecified number of persons from a broad range of public, civic and military agencies, other jurisdictions, businesses and the general public with expertise with specific, necessary expertise.