

ORDINANCE NO. 2010- 004

**AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA ADDING SECTION 3.01.010 TO CHAPTER
3.01 AND AMENDING CHAPTER 3.09 OF THE CULVER
CITY MUNICIPAL CODE REGARDING DISASTER
COUNCIL AND EMERGENCY ORGANIZATION**

WHEREAS, pursuant to Section 8610 of the California Government Code, municipalities are authorized to enact local legislation creating a disaster council and to provide for the organization, powers and duties, divisions, services and staff of the city's emergency organization; and,

WHEREAS, pursuant to Section 8630 of the California Government Code, a city by ordinance may designate an official empowered to proclaim a Local Emergency; and,

WHEREAS, the City of Culver City created its Disaster Council in 1949 under the former state Military and Veterans Code, and the City's Disaster Council was accredited by the State of California on June 16, 1949; and,

WHEREAS, the City Council of the City of Culver City finds it is necessary to update the City's provisions pertaining to its Disaster Council and its emergency organization, to ensure its ordinance is aligned with state and federal law, and to incorporate changes made to the City's Emergency Plan.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Section 3.01.010 is hereby added to Chapter 3.01 of the Culver City Municipal Code as follows:

1 **3.01.010 COUNCIL VACANCIES IN EVENT OF EMERGENCIES**

2 In the event of a Local Emergency, declaration of a State of Emergency, or a
3 State of War Emergency, the City Council may be reconstituted and vacancies filled
4 pursuant to Section 3.09.025(B) of this Code.

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6 **SECTION 2:** Chapter 3.09 of Title 3 of the Culver City Municipal Code is hereby
7 amended to read as follows:

8 **CHAPTER 3.09**

9 **DISASTERS AND EMERGENCIES**

10 ***Disaster Council and Emergency Services Organization***

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12 3.09.005 Purpose

13 3.09.010 Definitions

14 3.09.015 Disaster Council membership; powers and duties

15 3.09.020 Director and Assistant Director of Emergency Services; powers and duties

16 3.09.025 Succession

17 3.09.030 Emergency organization

18 3.09.035 Emergency plan

19 3.09.040 Expenditures

20 3.09.045 Temporary antenna installations

21 3.09.050 Punishment of violations

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23 **§ 3.09.005 PURPOSES.**

24 The declared purposes of this Chapter are to provide for the preparation and
25 carrying out of plans for the protection of persons, property and the environment
26 within this City in the event of an emergency; the direction of the emergency
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organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons.

§ 3.09.010 DEFINITIONS.

As used in this Chapter, unless the context otherwise indicates:

A. **Emergency** shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons, property or the environment within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, civil unrest, drought, sudden and severe energy shortage, or earthquake, or other conditions, including conditions resulting from terrorist acts or threats, 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** shall have the meaning given it in Section 8558 of the California Government Code, or its successor provision.

C. **State of Emergency** shall have the meaning given it in Section 8558 of the California Government Code, or its successor provision.

D. **State of War Emergency** shall have the meaning given it in Section 8558 of the California Government Code, or its successor provision.

E. **Successor provision** shall mean the specified section of state law as amended from time to time and any replacement for that section if that section is recodified or renumbered.

§ 3.09.015 DISASTER COUNCIL MEMBERSHIP; POWERS AND DUTIES.

1 A. *Disaster Council membership.* The Culver City Disaster Council shall
2 consist of the members of the City Council. The Mayor shall serve as
3 Chairperson, and the Vice Mayor shall serve as Vice Chairperson.

4 B. *Powers and duties.* It shall be the duty of the Disaster Council, and it
5 is hereby empowered:

6 1. To develop and recommend for adoption by the City Council,
7 emergency and mutual aid plans and agreements, and such
8 ordinances and resolutions and rules and regulations as are necessary
9 to implement such plans and agreements.

10 2. To forward a copy of any emergency plan developed and
11 adopted by the City to the State of California Office of Emergency
12 Services, including without limitation, the City of Culver City
13 Emergency Plan provided for in Section 3.09.030.

14 3. To register disaster service workers; provided, however, that the
15 Disaster Council may delegate the act of registering disaster service
16 workers to others through the City of Culver City Emergency Plan.

17 4. To designate the individual responsible for keeping the
18 registration of disaster service workers current, and for the accuracy
19 and safekeeping of the official registration records, provided however,
20 that the documented proof that the disaster service worker has taken
21 the oath of office shall be filed in the office of the City Clerk.

22 5. To direct the activities of disaster service workers within the City
23 through its role in the adoption of the City of Culver City Emergency
24 Plan. The Emergency Plan shall delegate to City staff the authority to
25 direct the activities of disaster service workers during a Local
26 Emergency, State of Emergency, or State of War Emergency.

1 C. The Disaster Council shall meet upon call of the Chairperson or, in his
2 absence from the City or inability to call such meeting, upon call of the Vice
3 Chairperson.

4 D. The Disaster Council shall have such other powers, duties and
5 responsibilities of a local disaster council pursuant to the provisions of Article
6 10 of the California Emergency Services Act (beginning with California
7 Government Code section 8610), as amended from time to time and any
8 replacement of that Article if that Article is recodified or renumbered.

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10 **§ 3.09.020 DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY**
11 **SERVICES; POWERS AND DUTIES.**

12 A. *Director and Assistant Director of Emergency Services.*

13 1. There is hereby created the office of Director of Emergency
14 Services. The City Manager shall be the Director of Emergency
15 Services.

16 2. There is hereby created the office of Assistant Director of
17 Emergency Services. The Assistant City Manager shall be the
18 Assistant Director of Emergency Services.

19 B. *Powers and duties.*

20 1. The Director of Emergency Services is hereby empowered to:
21 a. Monitor and evaluate potentially dangerous emergency
22 situations, and when appropriate, request the City Council to
23 proclaim the existence or threatened existence of a Local
24 Emergency if the City Council is in session, or to issue such
25 proclamation if the City Council is not in session. Whenever a
26 Local Emergency is proclaimed by the Director of Emergency
27 Services, the City Council shall take action to ratify the
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1 proclamation within 7 days thereafter or the proclamation shall
2 have no further force or effect. If the City Council does not ratify
3 the Local Emergency, such inaction shall not affect the validity
4 of the Local Emergency during the period of time it was in
5 effect.

6 b. Request the Governor to proclaim a State of Emergency
7 when, in the opinion of the Director of Emergency Services, the
8 locally available resources are inadequate to cope with the
9 emergency and the City Council is not in session.

10 c. Control and direct the effort of the emergency
11 organization of this City for the accomplishment of the purposes
12 of this Chapter.

13 d. Direct cooperation between and coordination of services
14 and staff of the emergency organization of this City; and resolve
15 questions of authority and responsibility that may arise between
16 them.

17 e. Represent the City in all dealings with public or private
18 agencies on matters pertaining to Emergencies as defined
19 herein.

20 f. Coordinate and carry out the policies and direction of the
21 City Council and the Disaster Council, and perform such other
22 duties and responsibilities as delegated by the Disaster Council
23 or by the City Council.

24 g. Adopt rules and regulations consistent with the
25 provisions of this Chapter for operation of the Office of
26 Emergency Services.

1 h. In the event of the proclamation of a Local Emergency as
2 herein provided, the proclamation of a State of Emergency by
3 the Governor or the Director of the State Office of Emergency
4 Services, or the existence of a State of War Emergency, the
5 Director of Emergency Services is hereby empowered:

6 (1) To implement and carry out the City of Culver City
7 Emergency Plan adopted pursuant to Section 3.09.030;

8 (2) To make and issue rules and regulations on
9 matters reasonably related to the protection of persons,
10 property and the environment as affected by such
11 emergency, including but not limited to orders and
12 regulations imposing a curfew within designated
13 boundaries where necessary to preserve the public order
14 and safety; provided, however, such rules and
15 regulations must be confirmed at the earliest practicable
16 time by the City Council;

17 (3) To obtain vital supplies, equipment, and such
18 other properties found lacking and needed for the
19 protection of persons, property, and the environment,
20 and to bind the City for the fair value thereof, and, if
21 required immediately, to commandeer the same for
22 public use;

23 (4) To authorize the use of any gifts of services,
24 equipment, temporary loan of equipment, supplies,
25 goods or other in-kind donations, as necessary to provide
26 for the protection of persons, property, and the
27 environment, regardless of whether the donation comes
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1 from public or private sources. The order authorizing the
2 use of any gifts shall be in writing. Any such donations
3 used by the City shall be deemed duly accepted by the
4 City Council in accordance with Section 37354 of the
5 California Government Code, or its successor provision.
6 A report of all such gifts used shall be made to the City
7 Council at its next regular meeting for review;

8 (5) To require emergency services of any City officer
9 or employee, to command the aid of as many citizens of
10 this community as he or she deems necessary in the
11 execution of his or her duties, and to grant to public
12 officers, employees, and registered volunteers the
13 authority to command the aid of citizens of the
14 community as they deem necessary in the execution of
15 their duties; such persons shall be entitled to all
16 privileges, benefits, and immunities as are provided by
17 state law for registered disaster service workers;

18 (6) To requisition necessary personnel or material of
19 any City department or agency;

20 (7) To request state aid, including without limitation,
21 financial aid, equipment, personnel, supplies or anything
22 else that the state or federal government may provide to
23 assist the City in coping with, responding to, or
24 recovering from the emergency situation;

25 (8) To perform such other functions as necessary or
26 appropriate to cope with the emergency situation; and,
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1 (9) To execute all of his or her ordinary powers as
2 City Manager, all of the special powers conferred upon
3 him or her by this Chapter or by resolution or emergency
4 plan pursuant hereto and adopted by the City Council,
5 and all powers conferred upon him or her by any statute,
6 by any agreement approved by the City Council, and by
7 any other lawful authority.

8 i. In the event of a situation in which a significant number
9 of persons are without the ability to obtain shelter, resulting in a
10 threat to their health and safety, the Director of Emergency
11 Services may issue a declaration of a shelter crisis pursuant to
12 Section 8698.2 of the California Government Code, or its
13 successor provision.

14 2. The Director of Emergency Services, or his or her designee,
15 shall, with the assistance of the Fire Chief, and the Police Chief,
16 manage the emergency operations of the City.

17 3. The Assistant Director of Emergency Services shall, under the
18 supervision of the Director of Emergency Services, have such powers
19 and duties as may be assigned by the Director of Emergency Services.

20 **§ 3.09.025 SUCCESSION.**

21 A. Director of Emergency Services.

22 1. The City Manager, as Director of Emergency Services, shall
23 designate the order of succession to that office, in a letter signed by
24 the City Manager and delivered to the City Clerk, and such person(s)
25 designated shall automatically serve as Acting Director of Emergency
26 Services, in the order specified in the letter, until the City Manager is
27 present and able to serve. Such letter may delineate the
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1 circumstances and provide the parameters for determining when the
2 City Manager or other successors are absent or unable to perform the
3 duties of the Director of Emergency Services.

4 2. Such persons who serve as Acting Director of Emergency
5 Services shall be employees or officers of the City. An individual
6 serving as Acting Director of Emergency Services shall have the
7 authority and powers of the Director of Emergency Services.

8 3. The City's Emergency Plan may provide additional guidelines to
9 assist City personnel in determining when the City Manager, or his or
10 her successor, is absent or unable to perform the duties of the Director
11 of Emergency Services.

12 B. City Council.

13 In the event of a State of War Emergency, or declaration of a State of
14 Emergency, or Local Emergency, City Council vacancies may be filled and
15 the City Council may be reconstituted using the methods provided in Article
16 15 of Division 1 of Title 2 of the California Government Code (§§ 8635 *et*
17 *seq.*) as amended from time to time and any replacement for that Article if
18 that Article is recodified or renumbered.

19 **3.09.030 EMERGENCY ORGANIZATION.**

20 All officers and employees of this City, together with those volunteer forces
21 enrolled to aid them during an emergency, and all groups, organizations, and
22 persons who may by agreement or operation of law, including persons impressed
23 into service under the provisions of this Chapter, charged with duties incident to the
24 protection of persons, property and the environment in the City during such
25 emergency, shall constitute the emergency organization of the City of Culver City.

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1 A. Willfully obstruct, hinder, or delay any member of the emergency
2 organization in the enforcement of any lawful rule or regulation issued
3 pursuant to this Chapter, or in the performance of any duty imposed upon
4 him or her by virtue of this Chapter.

5 B. Do any act forbidden by any lawful rule or regulation issued pursuant
6 to this Chapter, if such act is of such a nature as to give or be likely to give
7 assistance to the enemy or to imperil the lives or property of inhabitants of
8 this City, or to prevent, hinder, or delay the defense or protection thereof.

9 C. Wear, carry, or display, without authority, any means of identification
10 specified by the Director of Emergency Services or specified in the City's
11 Emergency Plan.

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13 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall take
14 effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of
15 the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk
16 shall cause this Ordinance, or a summary thereof, to be published in the Culver City News
17 and shall post this Ordinance or a summary thereof in at least three places within the City.

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SECTION 4. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this 25th day of October, 2010.


CHRISTOPHER ARMENTA, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:


MARTIN R. COLE, City Clerk

MARTIN R. COLE, City Clerk

By: Ela Valladares, Deputy City Clerk

[Handwritten signature]

CAROL A. SCHWAB, City Attorney

