

Draft Municipal Code Amendments for Chapter 2.40

## CHAPTER 2.40: EMERGENCY ORGANIZATION

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#### **2.40.010 Purposes.**

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

(Ord. 475, § 1, 1971)

#### **2.40.020 Definition.**

As used in this chapter, “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 or other 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. (Ord. 15-2129, § 1, 2015; Ord. 1912, (part), 2003; Ord. 1697, (part), 1995; Ord. 475, § 2, 1971)

#### **2.40.025 Disaster Council.**

Pursuant to California Government Code section 8610, the Cupertino Disaster Council, shall have the following members:

- A. The City Manager, or his/her designee, shall be chair.
- B. The Mayor, or his/her designee, shall be vice chair.
- C. The Emergency Services Coordinator, or his/her designee
- C. The City Department Heads or their designee D. The Citizen Corps Coordinator, or his/her designee
- E. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the chair with the advice and consent of the governing body.

#### **2.40.030 Reserved.**



#### **2.40.040 Disaster Council Powers and Duties.**

The Disaster Council has oversight responsibility for the California State Disaster Service Worker Program (DSW) and the California State Disaster Service Worker Volunteer Program (DSWVP). The City Office of Emergency Services manages the DSWVP through its Citizen Corps organization as established by the California Emergency Council pursuant to the provisions of California Government Code Section 8585.5. (Ord. 15-2129, § 3, 2015; Ord. 1912, (part), 2003; Ord. 1697 (part), 1995; Ord. 475, § 4, 1971)

The Disaster Council has the duty and power to review and recommend for adoption emergency plans and mutual aid agreements based on the Standardized Emergency Management System (SEMS) as defined in the California Code of Regulations, Title 19, Division 2, Sections 2400 - 2450.

The Disaster Council may provide guidance to develop disaster exercises support community participation, assist with threat assessments, identify local resources, and facilitate multi-agency/inter-agency coordination within its membership and other local governments and special districts.

The Disaster Council provides oversight for engaging community members in homeland security, emergency planning and response and promoting community preparedness and family safety in three principal ways; through public education and outreach; through training opportunities; and, through volunteer programs that draw on special skills and interests.



#### **2.40.050 Director of Emergency Services–Designated.**

The City Manager or his/her designee is designated the Director of Emergency Services for the purposes of disaster management under the Standardized Emergency

Management System. (Ord. 15-2129, § 5, 2015; Ord. 1912, (part), 2003; Ord. 1697, (part), 1995; Ord. 475, § 5, 1971)



#### **2.40.060 Director of Emergency Services–Powers and Duties.**

The Director is empowered to:

- A. Proclaim the existence or threatened existence of a “local emergency”;
- B. Whenever a local emergency is proclaimed by the Director, he/she shall request the City Council to take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
- C. Request the Governor, through the Santa Clara Operational Area, to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;
- D. Develop emergency plans with the assistance of emergency organization for consideration by the Disaster Council and manage the emergency programs of this City;
- E. Control and direct the effort of the emergency organization for this City for the accomplishment of the purposes of this chapter;
- F. Direct cooperation between and coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them;
- G. Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;
- H. 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 State Office of Emergency Services, or the existence of a "state of war emergency," the Director is empowered to:
  - 1. Make and issue rules and regulations on matters reasonably related to the protection of life, property and the environment as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
  - 2. 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 thereof and, if required immediately, to commandeer the same for public use;
  - 3. Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in the Santa Clara County Operational Area or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he/she deems necessary in the execution of his/her duties; such persons shall be entitled to all privileges,

benefits, and immunities as are provided by State law for registered Disaster Services Workers;

4. Requisition necessary personnel or material of any City department or agency; and

5. Execute all his/her ordinary power as City Manager, all of the special powers conferred upon him/her by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him/her by any statute, by an agreement approved by the City Council, and by any other lawful authority. (Ord. 15-2129, § 6, 2015; Ord. 1697, (part), 1995; Ord. 475, § 6, 1971)



#### **2.40.070 Emergency Organization–Membership.**

All officers and employees of this City, together with Citizen Corps, programs and volunteers and other volunteer forces enrolled to aid them during an emergency, and stakeholders, all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section [2.40.060](#)(G)(3) of this chapter, be charged with duties incident to the protection of life, property and the environment in this City during such emergency, shall constitute the emergency organization of the City. (Ord. 15-2129, § 7, 2015; Ord. 1912, (part), 2003; Ord. 475, § 7, 1971)



#### **2.40.080 Emergency Organization–Structure, Duties and Functions.**

The City Emergency Organization functions under the Standardized Emergency Management System. Representatives of the Emergency Organization have specific duties and responsibilities to train, plan for and participate in the City's emergency management response, as assigned by the Director of Emergency Services. These responsibilities are outlined in the Cupertino Emergency Operations Plan.

The structure, duties, and functions of the emergency organization and the order of emergency succession to the position of Director of Emergency Services, shall be adopted by resolution of the City Council.  
(Ord. 1912, (part), 2003; Ord. 475, § 8, 1971)



#### **2.40.090 Mutual Aid.**

It is the purpose of the City Council in enacting the ordinance codified herein to facilitate the rendering of mutual aid to and for the people of this City. Emergency plans adopted and approved by the City Council shall provide for the interchange of mutual aid and for coordination with the emergency plans of the Santa Clara County Operational Area.

(Ord. 1697, (part), 1995; Ord. 475, § 9, 1971)



#### **2.40.100 Expenditures.**

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.

(Ord. 475, § 10, 1971)



#### **2.40.110 Violation–Penalty.**

It shall be a misdemeanor, punishable as provided in [Chapter 1.12](#) of this code, 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 chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

B. 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 to imperil the lives or property of inhabitants of this City, or to prevent, hinder, or delay the defense or protection thereof;

C. Wear, carry, or display without authority any means of identification specified by the emergency agency of the state.

(Ord. 475, § 11, 1971)

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