

**ORDINANCE NO. 2018-443**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 2.28 OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO EMERGENCY ORGANIZATION AND THE DISASTER COUNCIL**

**WHEREAS**, on March 15, 1955, the City Council adopted Resolution No. 47, which adopted a Mutual Aid Agreement, and Resolution No. 71, which declared persons in the Civil Defense program to be covered under Workman's [sic] Compensation; and

**WHEREAS**, on March 15, 1955, the City Council also adopted Ordinance No. 64, which established a Plan of Civil Defense, a Disaster Council, and participation of the City in a program of Civil Defense of the City of Los Altos; and

**WHEREAS**, on April 25, 1967, the City Council adopted Ordinance No. 67-16, which amended the Disaster Council and appointed the Chief Administrative Officer as the Director of Civil Defense; and

**WHEREAS**, on September 22, 1987, the City Council adopted Ordinance No. 87-176, which adopted the City of Los Altos Emergency Plan ("1987 Emergency Plan") and repealed the Disaster Council; and

**WHEREAS**, on March 22, 2016, the City Council approved the City of Los Altos Emergency Operations Plan ("Emergency Operations Plan")

**WHEREAS**, the City's adoption of the 1987 Emergency Plan, and other provisions related to emergency response, are codified in Los Altos Municipal Code Chapter 2.28; and

**WHEREAS**, the City now desires to amend Los Altos Municipal Code Chapter 2.28 to re-establish the Disaster Council and Mutual Aid Agreement; to adopt the Emergency Operations Plan; and to provide for (1) the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency, (2) the direction of the emergency organization, and (3) the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

**NOW THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CODE:** The title of Chapter 2.28 of the Los Altos Municipal Code, "EMERGENCY PLAN" is hereby amended as follows:

CHAPTER 2.28 ~~EMERGENCY PLAN~~: DISASTER COUNCIL AND CITY  
EMERGENCY ORGANIZATION

**SECTION 2.** **AMENDMENT OF CODE:** Section 2.28.20 in Chapter 2.28 of the Los Altos Municipal Code is hereby amended as follows:

**2.28.020 – Emergency Plan Adopted.**

The Los Altos Disaster Council shall be responsible for the development of the Emergency Plan, which plan shall provide for the effective mobilization of all 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 City of Los Altos Emergency Operations Plan, ~~dated September, 1987, as amended,~~ is hereby adopted by reference as if fully set forth in this chapter and shall have the full force and effect of law for the purposes set forth therein.

**SECTION 3.** **AMENDMENT OF CODE:** Chapter 2.28 of the Los Altos Municipal Code is hereby amended to add new Sections 2.28.040-2.28.100 to the end of the Chapter, to read as follows:

**2.28.040 – Definition**

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 this jurisdiction 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, requiring the combined forces of other political subdivisions to combat.

**2.28.050 – Disaster Council Membership**

The Los Altos Disaster Council is hereby created and shall consist of the following:

- A. The Director of Emergency Services, who shall be chair.
- B. The Assistant Director of Emergency Services who shall be vice chair.
- C. The Chief of Police.
- D. The Director of Public Works.
- E. The Mayor or City Council designee.

F. Such other persons appointed by the Director.

#### **2.28.060 – Disaster Council Powers and Duties**

It shall be the duty of the Los Altos Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City 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. 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). The Disaster Council shall comply with the California Emergency Services Act and abide by the California Disaster and Civil Defense Master Mutual Aid Agreement. 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 §8585.5.

#### **2.28.070 – Director and Assistant Director of Emergency Services**

- 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 or an individual appointed by the Director of Emergency Services shall be the Assistant Director of Emergency Services. When the Director of Emergency Services is not available, the Assistant Director of Emergency Services shall become Acting Director and assume the duties of the Director.

#### **2.28.080 – Powers and Duties of the Director and Assistant Director of Emergency Services**

- A. The Director is hereby empowered to:
- (1) Request the City Council to proclaim the existence or threatened existence of a “local emergency” if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, 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.
  - (2) Request the Governor to proclaim a “state of emergency” when, in the opinion of the Director, the circumstances are beyond the City’s capacity to adequately respond to or recover from the emergency.

(3) Control and direct the effort of the City of Los Altos emergency organization for the accomplishment of the purposes of this ordinance. This responsibility will include the registration, supervision and direction of Disaster Service Worker Volunteers within the City.

(4) 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.

(5) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(6) 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 existence of a "state of war emergency," the Director is hereby empowered:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

(b) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the jurisdiction for the fair value thereof and, if required immediately, to commandeer the same for public use;

(c) To require emergency services of any 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 residents of this community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered Disaster Service Workers;

(d) To requisition necessary personnel or material of the departments or agencies; and

(e) To execute all ordinary power as City Manager, all of the special powers conferred by this ordinance or by resolution or emergency plan pursuant hereto adopted by the governing body, all powers conferred by any statute, by any agreement approved by the governing body, and by any other lawful authority.

B. The Assistant Director is hereby empowered to:

(1) Under the supervision of the Director and with the assistance of emergency service chiefs, to develop emergency plans and manage the emergency programs of this jurisdiction;

(2) Act on behalf of the Disaster Council to approve Los Altos Disaster Service Worker Volunteer training and exercises and to coordinate with the appropriate agencies and organizations;

(3) Have such other powers and duties as may be assigned by the Director.

#### **2.28.090 – Emergency 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 2.28.080 A. (6) (c) of this ordinance, be charged with duties incident to the protection of life and property during such emergency, shall constitute the emergency organization of the city of Los Altos.

#### **2.28.100 – Severability**

If any provision of this ordinance or the application thereof to any person or circumstances 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.

**SECTION 4. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

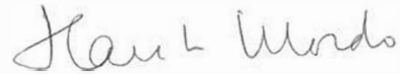
**SECTION 5. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on March 13, 2018 and was thereafter, at a regular meeting held on March 27, 2018 passed and adopted by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER  
NOES: NONE

ABSENT: PROCHNOW  
ABSTAIN: NONE



Jean Mordo, MAYOR

Attest:

  
Jon Maginot, CMC, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) CERTIFIED COPY OF ORDINANCE  
CITY OF LOS ALTOS ) SECOND READING/ADOPTION

I, Jon Maginot, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2018-443, adopted by the Los Altos City Council on March 27, 2018 by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: PROCHNOW

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: March 21, 2018 and April 11, 2018. Said ordinance shall be effective April 27, 2018.

Dated this 11th day of April, 2018.

  
Jon Maginot, CMC  
City Clerk