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ORDINANCE NO. 2018-03

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTER II OF
THE ALBANY MUNICIPAL CODE: EMERGENCY ORGANIZATIONS AND
FUNCTIONS**

WHEREAS, the City Council 2017-2019 Strategic Plan includes the objective of updating the City’s disaster preparedness plan and engaging the community regarding emergency preparedness; and

WHEREAS, an update to the City’s Emergency Operations Plan, which serves as the primary guiding document for emergency preparedness and response, was presented to the Council on May 7, 2018; and

WHEREAS, in accordance with the updated Emergency Operations Plan, Chapter II of the City’s Municipal Code – Emergency Organizations and Functions, requires updating to ensure relevancy to the current operational structure for disaster and emergency preparedness.

**NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS
FOLLOWS:**

**SECTION 1: CHAPTER II OF THE ALBANY MUNICIPAL CODE, SECTION
2-16 TITLED “EMERGENCY ORGANIZATIONS AND FUNCTIONS” IS HEREBY
AMENDED AS FOLLOWS:**

ARTICLE IV. BOARDS, COMMISSIONS AND AGENCIES

2-16 EMERGENCY ORGANIZATIONS AND FUNCTIONS.

1 **2-16.1 Purposes.**

2 The declared purposes of this section are to provide for the preparation and carrying out
3 of plans for the protection of persons and property within the City in the event of any emergency;
4 the direction and form of the city's emergency organization; and the coordination of the
5 emergency functions of this City with all other public agencies, corporations, organizations, and
6 affected private persons. (Ord. #95-01, §1)

7 **2-16.2 Definitions.**

8 As used in this section, the following terms shall mean:

9 a. *Emergency* shall mean the actual or threatened existence of conditions of disaster
10 or of extreme peril to the safety of persons and property within this City caused by such
11 conditions as air pollution, toxic release, fire, flood, storm, epidemic, riot, earthquake, or other
12 conditions, including conditions resulting from war or imminent threat of war, but other than
13 conditions resulting from a labor controversy, or other acts of civil unrest which 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 resolve.

14 b. *Director of Emergency Services* shall mean the City ~~Administrator~~ Manager, and
15 if unavailable or unable to respond, the Director will be either the Police or Fire Chief. The
16 Director of Emergency Services reports directly to the City Council, and is over the Director of
the Emergency Operations Center.

17 c. *Assistant Director of Emergency Services.* At the discretion of the Director, an
18 Assistant Director of Emergency Services may be appointed. The employee may be from the
19 Police, Fire or Administration Departments, or other city employee as determined suitable by the
Director.

20 d. *Emergency Operations Center* shall mean the primary facility for directing and
21 responding to situations of an emergency nature as described above or similar in nature,
including communications and the allocations of personnel and equipment needed to respond to
the situation.

22 e. *Director of Emergency Operations Center* may also be called the Incident
23 Commander, this individual is responsible for the City's coordinated operational efforts to
24 respond to the emergency situation. The Director of the EQC is in charge of the functional
response divisions and reports to the Director of Emergency Services.

25 ~~f. *Disaster Policy Advisory Group* shall serve as an advisory function to assist the
26 City Council in proposing and approving policy decisions in the aftermath of an emergency
situation. Membership is described in subsection 2-16.3 below.
27 (Ord. #95-01, §1)~~

1 **2-16.3 Disaster Policy Advisory Group. Disaster Preparedness and Community**
2 **Engagement**

3 The City shall adhere to established guidelines for disaster preparedness and emergency
4 operations such as an Emergency Operations Plan as adopted by the City Council. The
5 Emergency Operations Plan is intended to assign responsibility and outline procedures for
6 responding to disasters and serve as the basis for effective response to any hazard that may
7 threaten the City.

8 It shall be the responsibility of the Director of Emergency Services to direct community
9 outreach efforts to foster disaster preparedness and resiliency within the City.

10 ~~The Advisory Group is hereby created to assist the City Council in creating and enacting~~
11 ~~ordinances and regulations which are needed to facilitate the City's response to the emergency~~
12 ~~situations. Membership shall consist of the following:~~

13 ~~a. The Vice-mayor, who shall be chair.~~

14 ~~b. The Assistant Director of Emergency Services, who shall be vice chair.~~

15 ~~c. Representatives from City Departments as available.~~

16 ~~d. Two (2) representatives from neighborhoods participating in the City's~~
17 ~~neighborhood disaster preparedness program.~~

18 ~~e. Representatives from the Albany Unified School District.~~

19 ~~f. Representatives from civic, community, and other organizations whose~~
20 ~~participation is deemed necessary or appropriate by the chair of the Policy Advisory Group, with~~
21 ~~the advice and approval of the remaining members of the Group.~~

22 ~~(Ord. #95-01, §1)~~

23 **2-16.4 Disaster Policy Advisory Group Powers and Duties.**

24 ~~The Group is assigned the responsibility of developing and recommending to the City~~
25 ~~Council actions that would facilitate the City's response to emergency situations. Such~~
26 ~~recommendations would include but not be exclusive of, ordinances, plans, rules and regulations~~
27 ~~or other actions deemed necessary and responsible. The recommendations will be presented to~~
28 ~~the City Council for consideration. At the discretion of the City Council, the group may also be~~
29 ~~activated in advance of possible emergencies to aid and advise in the development of plans,~~
30 ~~procedures and policy recommendations for the City as a means of improving disaster~~
31 ~~preparedness. (Ord. #95-01, §1)~~

32 **2-16.5 Disaster Policy Advisory Group Activation.**

1 ~~The Policy Advisory Group may be activated in the following ways:~~

2 ~~a. By the proclamation of a local emergency~~

3 ~~b. By order of the City Council~~

4 ~~c. By call of the Director of Emergency Services~~

5 ~~d. By call of the Chair or Vice chair of the Policy Advisory Group if above options~~
6 ~~are not feasible.~~

7 (Ord. #95-01, §1)

8
9 **2-16.64 Director and Assistant Director of Emergency Services.**

10
11 The City ~~Administrator~~ Manager shall be the Director of Emergency Services, and has
12 the discretion, in periods of declared disasters, to create and staff the position of Assistant
13 Director of Emergency Services. The Director of Emergency Services may also, at the discretion
14 of the City Council, staff the position of Assistant Director in non-emergency periods to continue
15 to assist the City in emergency preparedness, as well as the recovery and reconstruction efforts
16 following an emergency. (Ord. #95-01, §1)

17 **2-16.75 Powers and Duties of the Director and Assistant Director of Emergency**
18 **Services.**

19 a. The Director is hereby empowered to:

20 1. Request that the City Council proclaim the existence or threatened
21 existence of a local emergency if the City Council is in session, or to issue such
22 proclamation if the City Council is not in session. Whenever a local emergency is
23 proclaimed by the Director, the City Council shall take action to ratify the proclamation
24 within seven (7) days thereafter or the proclamation shall have no further force or effect.

25 2. Request that the Governor proclaim a state of emergency when, in the
26 opinion of the Director, the locally available resources are inadequate to cope with the
27 emergency situation.

28 3. Supervise and direct the City emergency organization and efforts to
respond to the emergency situation, as provided for in this section and the City's ~~Multi-
Hazard Functional Plan.~~ Emergency Operations Plan.

4. Supervise and direct the cooperation between the coordination of services,
resources and staff of the City's emergency organization; and resolve questions of
authority and responsibility that may arise between them.

1 5. Represent the City in all dealings with public or private agencies on
2 matters pertaining to the City's preparedness planning, response, and recovery from an
3 emergency.

4 6. In the event of a proclamation of a local emergency as provided in this
5 ordinance, the proclamation of a state of emergency by the Governor or the Director of
6 the State Office of Emergency Services, or the existence of a state of war emergency, the
7 Director is hereby empowered to:

8 (a) Appoint the Director of Emergency Operations Center, based on
9 available personnel and the nature of the declared emergency;

10 (b) Make and issue rules and regulations on matters related to the
11 protection of life and property as affected by the emergency, or other actions that
12 would assist in the City's response to the situation. These actions must be
13 approved by the City Council at the earliest practicable time, but no later than
14 thirty (30) days, or the actions will be considered invalid;

15 (c) Procure vital supplies, equipment and other materials and property
16 deemed necessary for the protection of life and property; to bind the City for the
17 fair value of such materials, and if required, commandeer those materials for
18 public use;

19 (d) Require the emergency services of any City officer or employee
20 and, in the event of a proclamation of a state of emergency in Alameda County, or
21 the existence of a state of war emergency, to command the aid of as many citizens
22 of this community as deemed necessary in directing the City response efforts;
23 such persons shall be entitled to all privileges, benefits, and immunities as are
24 provided by State law for registered disaster service workers;

25 (e) Requisition any necessary personnel, equipment or resources from
26 any City department or agency as deemed necessary and appropriate for the
27 direction of the City's response efforts; and

28 (f) Direct and implement actions as requested by the City Council,
whose superseding authority remains in effect.

29 b. The Director of Emergency Services shall designate the order of succession to
30 that office, to take effect in the event the Director is unavailable to perform the duties of that
31 office in the event of an emergency. The order of succession shall be approved by the City
32 Council.

33 c. The Assistant Director shall, if the position is staffed in periods where there is no
34 emergency proclamation in effect, under the supervision of the Director and with the assistance
35 of emergency personnel, develop emergency plans and manage the emergency programs of this
36 City; and shall have such other powers and duties as may be assigned by the Director.

1 (Ord. #95-01, §1)

2 **2-16.8-6. Emergency Organization.**

3
4 All officers and employees of this City, together with those volunteer forces enrolled to
5 aid them during an emergency, and all groups, organizations, and persons who may by
6 agreement or operation of law, including persons impressed into service under the provisions of
7 this section, charged with duties incident to the protection of life and property in this City during
8 such emergency, shall constitute the emergency organization of the City of Albany. (Ord. #95-
9 01, §1)

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12 **SECTION 2: PUBLICATION AND EFFECTIVE DATE.**

13 This ordinance shall be posted at three public places within the City of Albany and shall
14 become effective thirty days after the date of its posting.

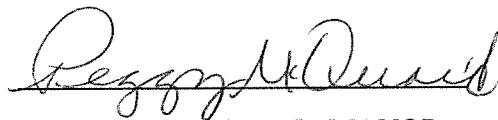
15 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
16 the 21st day of, May, 2018 by the following vote:

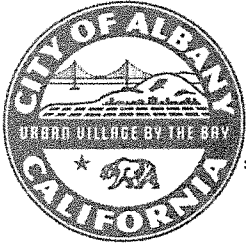
17 AYES: *Council members: Barnes, Maass, Nason, Pilek and*
18 *Mayor McQuaid*

18 NOES:

19 ABSENT:

20 ABSTAIN:

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22 
23 PEGGY MCQUAID, MAYOR
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City of Albany

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ORDINANCE NO. 2018-03

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 21st day of May, 2018 by the following votes:

AYES: Council Members Barnes, Maass, Nason, Pilch, Mayor McQuaid

NOES: none

ABSTAINED: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

22nd day of May, 2018.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK