

ORDINANCE NO. 1241

AN ORDINANCE AMENDING SECTIONS 2-90, 2-98, 2-22
AND CHAPTER 9 OF "THE CODE OF THE CITY OF
SANTA CLARA, CALIFORNIA", AND REPEALING
SECTION 2-97 THEREOF.

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Chapter 9 of "The Code of the City of
Santa Clara, California" is hereby amended to read as follows:

Chapter 9

DISASTERS

Sec. 9-1. 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.

Sec. 9-2. 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 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 subdivi-
sions to combat.

Sec. 9-3. Disaster council membership.

The Santa Clara Disaster Council is hereby created and
shall consist of the following:

(a) The mayor, who shall be chairman.

(b) The director of emergency services (city manager) who shall be vice-chairman.

(c) The members of the city council, the city attorney, city clerk and emergency services coordinator.

(d) The deputy director, appointed by the city manager, who, in the absence of, or at the direction of, the director, shall act on his behalf.

(e) Certain service chiefs as selected by the director of emergency services.

Sec. 9-4. Disaster council powers and duties.

It shall be the duty of the Santa Clara 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 upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the director of emergency services.

Sec. 9-5. 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 deputy director of emergency services, who shall be appointed by the director and shall act for the director when the director is incapacitated or otherwise unable to carry out his duties.

Sec. 9-6. Powers and duties of the director of emergency services.

The director or his successor as provided in section 9-8 is hereby empowered to:

(a) Proclaim the existence or threatened existence of a "local emergency". City council is to ratify proclamation within 7 days.

(b) Request the governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.

(c) Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter.

(d) 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.

(e) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(f) 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 hereby empowered to:

(1) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

(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 declaration 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 citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(4) Requisition necessary personnel or material of any city department or agency; and

(5) Execute all his ordinary powers as city manager, all of the special powers conferred upon him by this chapter, or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him by any statute, by an agreement approved by the city council, and by any other lawful authority.

Sec. 9-7. Emergency organization.

All officers and employees of this city 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 sec. 9-6(f)(3) of this chapter, 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.

Sec. 9-8. Emergency plan.

The city of Santa Clara Disaster Council shall be responsible for the development of the city of Santa Clara emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, 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 structure, organization, powers and duties, functions, services, and staff of the Santa Clara emergency organization. The emergency plan will also provide for the order of emergency succession to the position of director of emergency services. Such plan shall take effect upon adoption by resolution of the city council. Succession may also be provided for by adoption of city resolution.

Sec. 9-9. Mutual aid.

It is the purpose of the city council in enacting this chapter 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 county operational area.

Sec. 9-10. 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 of Santa Clara.

Sec. 9-11. Compensation of volunteers; official immunity.

All persons, other than officers and employees of the city, volunteering services pursuant to the provisions of this chapter, shall serve without compensation from the city. While engaged in such services, they shall have the same immunity as officers and employees of the city performing similar duties.

Sec. 9-12. Punishment of violations.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500), or by imprisonment for not to exceed six months, or 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 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.

SECTION 2: Intent in enacting modified chapter 9 of "The Code of the City of Santa Clara, California".

It is the intent of the city council in enacting this ordinance amending chapter 9 of "The Code of the City of Santa Clara, California" that it shall be considered a revision and continuation of the chapter amended and the status of volunteers shall not be affected by such amendments; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such amended chapter be affected by such amendments until amended, modified, or superseded.

SECTION 3: That sec. 2-90 of "The Code of the City of Santa Clara, California" is hereby amended to read as follows: Sec. 2-90. Names, membership, qualifications and terms of office.

There shall be established within the city the following boards and commissions:

Planning commission.

Parks and recreation commission.

Civil service commission.

Board of library trustees.

General appeals board.

Housing code appeals board.

Historical and landmarks commission.

Cultural advisory commission.

All members of boards and commissions shall be qualified electors of the city and shall serve at the pleasure of the city council.

SECTION 4: That sec. 2-98 of "The Code of the City of Santa Clara, California" is hereby amended to read as follows:

Sec. 2-98. Historical and landmarks commission.

The historical and landmarks commission of seven members, whose members shall not hold any paid office or employment in the city government, shall have power and be required to do the following:

(a) Act in an advisory capacity to the city council in all matters pertaining to historical landmarks, names and renaming of streets, museums and the establishment thereof in the city and the marking and preservation of historical landmarks and places.

(b) Exercise such other functions as it may be required to perform by the city council.

SECTION 5: That sec. 2-22 of "The Code of the City of Santa Clara, California" is hereby amended to read as follows:

Sec. 2-22. Same--Emergency services and training division.

The emergency services and training division shall be under the immediate supervision of the emergency services coordinator and training officer, who shall be in the unclassified service, and shall be responsible for the following:

(a) To prepare and maintain in a current status necessary basic plans for the conduct of city operations under natural or war caused emergencies and to supervise the preparation and maintenance of operational annexes to the basic plans.

(b) To supervise the organization, equipment and training of key personnel for the city's emergency organization in accordance with the emergency services disaster plans.

(c) To enlist and train a voluntary organization for the aid and protection of the community during a natural or war caused emergency, in accordance with emergency services plans.

(d) To perform such other voluntary community assistance as may be found essential to the common welfare.

(e) To establish, maintain and supervise a continuous in-service training program for the personnel of all the various city departments.

(f) To periodically counsel with employees and make recommendations to the city manager and do related work as directed.

SECTION 6: That sec. 2-97 of "The Code of the City of Santa Clara, California" entitled Civil defense council is hereby repealed.

SECTION 7: Effective date.

This ordinance shall become effective thirty (30) days after its final adoption and approval, and before its adoption it shall be published in accordance with the Charter of the City of Santa Clara.

SECTION 8: 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.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL
OF THE CITY OF SANTA CLARA this 23rd day of March,
1971, by the following vote:

AYES: COUNCILMEN: Kinney, Marsalli, Wilson
Mayor Pro Tempore Fargher
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Barcells, Kiely and Mayor Gillmor

ATTEST: A. S. Belick
City Clerk

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE
CITY OF SANTA CLARA, this 13th day of April, 1971
by the following vote;

AYES: COUNCILMEN: Barcells, Fargher, Keily, Kinney,
Marsalli, Wilson and Mayor Gillmor
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: None

ATTEST: A. S. Belick
City Clerk