

REDLINE OF PROPOSED REVISIONS TO CHAPTER I OF TITLE 6 OF THE COSTA MESA MUNICIPAL CODE

6-1. Purposes.

The purposes of this title are to provide for the ~~preparation and carrying out of plans for preparedness, response, recovery and~~ the protection of persons and property within this city in the event of an emergency; the direction of the emergency management organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons.

6-2. Definition.

As used in this title, 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, drought, sudden and severe energy shortage 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 or with respect to regulated utilities, a sudden and severe energy shortage requiring extraordinary measures beyond the authority vested in the California Public Utilities Commission.

6-3. Disaster council membership.

The Costa Mesa Disaster Council is hereby created and shall consist of the following:

- (a) The ~~mM~~Mayor, who shall be chairman.
- (b) The ~~dDirector of eEmergency sServices, who shall be chair.~~director of emergency services, who shall be vice-chairman.
- (c) ~~The Assistant Director of Emergency Services~~aAssistant dDirector of eEmergency sServices, who shall be vice-chair.
- (~~e~~d) ~~Department dDirectors.~~
- (e) Such representatives of civic, business, labor, veterans, professional or other organizations having an official emergency responsibility as may be appointed by the director or assistant director or cCity cCouncil~~with the advice and consent of the Ccity Ceouncil.~~

6-4. Disaster council powers and duties.

It shall be the duty of the Costa Mesa 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 Ddisaster Ceouncil shall meet upon call of the chairman, or in his or her absence from the city or inability to call such meeting, upon call of the vice-chairman.

6-5. Director of emergency services; assistant director.

- (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 aAssistant dDirector of eEmergency sServices. The emergency services manager shall be the assistant director of emergency services.~~

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

- (a) The director ~~and assistant director of emergency services are~~ is hereby empowered to:
- (1) Request the city council to proclaim the existence of a local emergency if the city council is in session, or to ~~request the~~ issue such proclamation if the city council is not in session, ~~or to issue such a proclamation if the and city manager are unable to do so. If the city council is not in session, the proclamation may be issued by the director of emergency services. If the city council is not in session and the director of emergency services is not available, then the assistant director of emergency services may issue the proclamation.~~ Whenever a local emergency is proclaimed by the director ~~or a~~ Assistant ~~d~~Director of ~~e~~Emergency ~~s~~Services, 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. ~~Pursuant to section 8630 of the Government Code, T~~the city council shall review ~~the need for continuing the emergency as required by Government Code section 8630, at least every sixty (60)fourteen (14sixty) days until such local emergency is terminated, the need for continuing the local emergency~~ and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.
 - (2) 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.
 - (3) Control and direct the effort of the emergency management organization of this city for the accomplishment of the purposes of this title.
 - (4) Direct cooperation and coordination of services and staff of the emergency management organization of this city, and resolve questions of authority and responsibility that may arise between them.
 - (5) Represent this 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, or by the board of supervisors or operational area coordinator of the County of Orange for an area including this city, 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:
 - 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 city for the fair value thereof and, if required immediately, to commandeer the same for public use. In so acquiring such property, the city waives no immunities and incurs no liabilities other than those at common law or those liabilities created by applicable state or federal law;
 - c. To require emergency services of any city officer or employee and to command the aid of as many citizens of this community as he or she deems necessary in the execution of his or her 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 any city department or agency;

e. To execute all ~~of his ordinary power as city manager, all~~ of the special powers conferred upon him or her by this title or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him or her by any statute, by any agreement approved by the city council, and by any other lawful authority.

(b) The director of emergency services shall designate the order of succession to that office to take effect in the event the director ~~is and assistant director are~~ unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by the city council.

6-7. Emergency management 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 this title, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency management organization of the City of Costa Mesa.

6-8. Emergency plan.

The Costa Mesa Disaster Council shall be responsible for the development of the City of Costa Mesa ~~E~~emergency ~~P~~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 organization, powers and duties, services and staff of the emergency management organization. Such plan shall take effect upon adoption by resolution of the city council.

6-9. Punishment of violations.

It shall be a misdemeanor for any persons during an emergency to:

(a) Willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of any lawful rule or regulation issued pursuant to this title or in the performance of any duty imposed upon such member ~~him~~ by virtue of this title.

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this title, 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.

6-10. 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 Costa Mesa.

6-11. Repeal of conflicting ordinances.

Any ordinance or portion thereof in conflict herewith is hereby repealed to the extent of such conflict and no further. Provided that it is the intent of the city council in enacting this title that it shall be considered a revision and continuation of the title repealed by this title, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations or resolutions adopted pursuant to such repealed title be affected by such repeal until amended, modified, or superseded as provided in this title.

6-12. Severability.

If any provision of this title is found to be invalid or unconstitutional by interpretation or application to any person or circumstances, such invalidity or unconstitutionality shall not affect the other provisions or applications thereof which can be given valid effect. (Ord. No. 80-20, § 3, 11-3-80)