



Agenda Report

24-648

Agenda Date: 8/27/2024

REPORT TO COUNCIL

SUBJECT

Action to Approve Introduction of Ordinance Amending Chapter 2.140 ("Disaster Council") of the City Code

COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

BACKGROUND

On April 13, 1971, the City Council approved Ordinance No. 1241 amending Sections 2-90, 2-98, 2-22 and Chapter 9 ("Disasters") of "The Code of the City of Santa Clara, California" (SCCC), to define emergencies, emergency organization and plans, and identify Disaster Council membership, powers, and duties, as well as a legal framework which established how the City would operate during a disaster or emergency.

Prior to 1971, there had been several updates and revisions to the Disaster Council Ordinance on a multiyear interval. Since 1971, no updates to the City's Disaster Council Ordinance have been made. However, since 1971, there have been several major statewide and national catastrophic disasters which have precipitated the creation of several statewide and national laws, systems, frameworks, funding mechanisms and best practices for the incident management enterprise. There have also been a number of largescale and high visibility disasters and events at the regional and local level. Additionally, the emergence of the emergency management discipline and career field with its certifications, qualifications, credentials, and guiding principles, best practices and academic foundations has continued to mature. As a result, an update and revision to the City's Disaster Council Ordinance has been evidenced as much needed.

DISCUSSION

The proposed ordinance includes revisions to remove language that is unnecessarily reflective of civil defense era processes and procedures, to update language, processes, and procedures, as well as policies to reflect common, modern best practices, current statewide and national mandates, laws and systems, and to establish the Office of Emergency Management. In addition, the proposed ordinance formally recognizes the City's membership in the legally formalized Santa Clara County Operational Area, in accordance with the California Governor's Office of Emergency Services Standardized Emergency Management System. Therefore, the proposed revisions update the title of the ordinance to the "Disaster Council and Emergency Management Ordinance," in line with common, modern best practices.

The updated ordinance also reduces existing liabilities to the City and ensures appropriate powers, authorities and indemnifications are granted to the Disaster Council and the Emergency Services Director during times of disaster or emergency, in line with common, modern best practices.

Proposed modifications to the City's 1971 ordinance, many of which are designed to align with the State of California's Model Emergency Ordinance, include the following:

- Formalization of the Office of Emergency Management, including staff and powers and duties of the office
- Modify the membership of the Disaster Council such that the Director of Emergency Services is the Chair, the Mayor is the Vice-Chair. And the Director has the ability to add department directors to the Disaster Council, if needed
- Reference to the Standardized Emergency Management System (SEMS) requirements under state law
- Reference to the Operational Area membership
- Additional express requirements for Disaster Service Workers
- Increase the scope of punishable violations

There are no known disadvantages to adopting the ordinance.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

The changes being proposed in the ordinance provide potential reduced financial liabilities by addressing updated Disaster Service Worker (DSW) and volunteer guidance and mandates, and reducing Worker's Compensation vulnerabilities as well as ensuring eligibility for mandated financial disaster compensation, as outlined in the Stafford Act.

COORDINATION

This ordinance has been reviewed by the City Attorney's Office, City Manager's Office, Finance Department and the Office of Emergency Services.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Waive First Reading and Approve Introduction of an Ordinance Amending Chapter 2.140 ("Disaster Council") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California"

Reviewed by: David Flamm, Emergency Services Officer

Approved by: Jovan D. Grogan, City Manager

ATTACHMENTS

1. Ordinance 1241, April 13, 1971
2. Proposed Amended Ordinance