

## REPORT TO CITY COUNCIL

**DATE:** APRIL 28, 2010

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** CRAIG A. STEELE, CITY ATTORNEY

**SUBJECT:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTION 3605 (DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES – POWERS AND DUTIES) OF CHAPTER 6 OF ARTICLE III OF THE AGOURA HILLS MUNICIPAL CODE ADDING THE REQUIREMENT FOR THE CITY COUNCIL TO REVIEW THE NEED FOR CONTINUING A LOCAL EMERGENCY

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Under existing law, a governing body of a city, county, or city and county that declares a local emergency must review the need for continuing the local emergency at its regularly scheduled meetings. It must review this need at least once every 21 days, or, if the governing body meets weekly, at least once every 14 days, until the governing body terminates the local emergency.

The California Legislature recently passed Assembly Bill 486, which took effect on January 1, 2010 and is now codified in Government Code section 8630. This section eliminates the distinction between a governing body that meets weekly and one that meets less frequently, and it requires any governing body that declares a local emergency to review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.

The City of Agoura Hills does not currently state the required time of review for a local emergency within its Municipal Code.

### RECOMMENDATION

The City Attorney respectfully recommends the City Council introduce, read by title only, and waive further reading of Ordinance No. 10-376, Amending Section 3605 (Director and Assistant Director of Emergency Services – Powers and Duties) of Chapter 6 of Article III of the Agoura Hills Municipal Code Adding the Requirement for the City Council to Review the Need for Continuing a Local Emergency.

Attachment: Ordinance No. 10-376

**ORDINANCE NO. 10-376**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTION 3605 (DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES -- POWERS AND DUTIES) OF CHAPTER 6 OF ARTICLE III OF THE AGOURA HILLS MUNICIPAL CODE ADDING THE REQUIREMENT FOR THE CITY COUNCIL TO REVIEW THE NEED FOR CONTINUING A LOCAL EMERGENCY**

**THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA** does ordain as follows:

**SECTION 1.** Section 3605(a) of Chapter 6 of Article III of the Agoura Hills Municipal Code is hereby amended by adding a new subsection (a)(2) and renumbering the ensuing subsections as follows (text to be added is in bold):

**“3605. DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES -- POWERS AND DUTIES.**

- (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 city council to review the need for continuing the local emergency at least once every thirty (30) days until the city council terminates the local emergency.**
  - (3) 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.
  - (4) Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter.
  - (5) Direct cooperation between the coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may rise between them.
  - (6) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

- (7) 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:
- 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 whereof and, if required immediately, to commandeer the same for public use;
  - c. To require emergency services of any city 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 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;
  - d. To requisition necessary personnel or material of any city department or agency; and
  - e. To execute all of his ordinary power 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 his by any statute, by any agreement approved by the city council, and by any other lawful authority."

**SECTION 2.** Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 3.** The City Clerk shall certify to the passage of this ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this ordinance shall become effective thirty (30) days after its passage.

**INTRODUCED** this \_\_\_ day of \_\_\_\_\_, 2010.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2010 by the following vote:

AYES: ( )  
NOES: ( )  
ABSTAIN: ( )  
ABSENT:: ( )

BY:

\_\_\_\_\_  
William D. Koehler, Mayor  
City of Agoura Hills

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC, City Clerk  
City of Agoura Hills

\_\_\_\_\_  
Craig A. Steele, City Attorney  
City of Agoura Hills

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       )  
CITY OF AGOURA HILLS           )

I, KIMBERLY M. RODRIGUES, MMC, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing Ordinance No. 2010-\_\_ amending Section 3605(a) of Chapter 6 of Article III of the Agoura Hills Municipal Code adding the requirement for the City Council to review the need for continuing a local emergency at least once every thirty days was duly adopted and passed at a regular meeting of the City Council on the \_\_ day of \_\_\_\_\_, 2010 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
EXCUSED:

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC, City Clerk  
City of Agoura Hills