

**CITY OF RIVERBANK**

**ORDINANCE NO. 2009-006**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK  
ADOPTING TITLE III: ADMINISTRATION, CHAPTER 37:  
EMERGENCY SERVICES, ORGANIZATION AND FUNCTIONS, OF THE  
CITY OF RIVERBANK CODE OF ORDINANCES**

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**The City Council of the City of Riverbank does hereby ordain as follows:**

**Title III: ADMINISTRATION, Chapter 37: EMERGENCY SERVICES, ORGANIZATION AND FUNCTIONS, of the Riverbank City Code shall read as follows:**

**CHAPTER 37: EMERGENCY SERVICES, ORGANIZATION AND FUNCTIONS**

**Section**

- 37.01 Purposes
- 37.02 Definition
- 37.03 Disaster Council membership
- 37.04 Disaster Council powers and duties
- 37.05 Operational Area Council
- 37.06 Meetings
- 37.07 State of war, state of emergency or local emergency
- 37.08 Plan and agreement preparation
- 37.09 Emergency organization
- 37.10 Punishment of violations
- 37.11 Expenditures
- 37.12 Director and Assistant Director of Emergency Services – Office created
- 37.13 Powers and duties of Director and Assistant Director of Emergency Services

**§ 37.01 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 the City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the City with all other public agencies, corporations, organizations, and affected private persons.

## **§ 37.02 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 with the City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, 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 the City, requiring the combined forces of other political subdivisions to combat.

## **§ 37.03 DISASTER COUNCIL MEMBERSHIP.**

A combined City/County Disaster Council is hereby created. Annually, the Riverbank City Council will appoint an elected official to serve on the City/County Disaster Council. The City/County Disaster Council shall also consist of the following:

- (A) The Chair of the board of supervisors, who shall be chair of the Disaster Council;
- (B) The director of Stanislaus County Emergency Services, who shall be Vice-Chairman;
- (C) The assistant director of Stanislaus County Emergency Services, who shall be secretary; and
- (D) One elected official from each city in Stanislaus County.

## **§ 37.04 DISASTER COUNCIL POWERS AND DUTIES.**

The Disaster Council shall have power to:

- (A) Oversee the preparedness activities of the various county departments and other jurisdictions in the Stanislaus County operational area. This includes preparation of emergency and disaster plans, policies, and procedures, and ensuring unity of purpose. The Council will be responsible to ensure unity of purpose. The Council will be responsible to ensure compliance with the National Incident Management System, the Standardized Emergency Management System, and the Incident Command System.
- (B) Approve to form all proposed emergency operations procedures, plans, and other documents related to emergency preparedness and planning.

(C) Hear proposals from any agency, department, or interested party in emergency and disaster preparedness. Prior to any formal action, the proposal shall have the approval of the Operational Area Council for operational and procedural conformity with the Stanislaus County emergency operations plan, policies, and procedures.

(D) Be required to have a majority of the members present for approval and/or review of any plan, policies, or issues and a simple majority vote will carry the recommended action. Thereafter, the recommended action will be forwarded to the appropriate board, commission, or executive representative.

(E) Sit as the Disaster Council for any jurisdiction that deems it appropriate by resolution and local ordinance.

**The Disaster Council does not have operational duties or powers during emergencies, disasters or other events or incidents.**

#### **§ 37.05 OPERATIONAL AREA COUNCIL.**

The Stanislaus County Operational Area Council is created under the authority of Government Code Article 9, Section 8605, and shall consist of the Assistant Director of Emergency Services and Joint Powers Agreement (JPA) members that represent each city within Stanislaus County. Generally, the JPA member will be the emergency manager from his/her jurisdiction. The Operational Area Council will:

(A) Coordinate, review, and recommend for approval all emergency or disaster response policies, procedures, plans, and other influencing factors or events that would affect the Stanislaus operational area.

(B) Review all disaster plans by any agency or jurisdiction in Stanislaus County for approval to form and compliance with the National Incident Management System, the Standardized Emergency Management System, and the Incident Command System. After review of the proposed plans, policies, and procedures relating to emergency management, the Operational Area Council will then make its recommendation to the Disaster Council.

(C) Be the lead agency for the multi-agency emergency operations center management team and the multi-agency incident management team(s).

(D) Foster an effective flow of disaster information and emergency preparedness on a day-to-day basis through training, exercises, uniformity in planning, and response plans and policies.

(E) Standing task forces may be appointed to include:

(1) Special Needs Population;

- (2) Public Health Emergency Preparedness Committee;
- (3) Faith-Based representation.

**The Operational Area Council does not have operational duties or powers during an event or emergency and is created to serve in the preparedness and planning phases only.**

#### **§ 37.06 MEETINGS.**

(A) The Disaster Council shall meet a minimum of twice annually and as often as may be deemed necessary. The Disaster Council will operate under the Brown Act for open meetings and local legislative bodies.

(B) The Operational Area Council shall meet quarterly or upon call of the assistant director of emergency services.

#### **§ 37.07 STATE OF WAR, STATE OF EMERGENCY OR LOCAL EMERGENCY.**

During a "state of war", "state of emergency" or "local emergency", the chair of the Disaster Council or the director of emergency services may call upon the Disaster Council to meet with the emergency operations center policy group to act as an advisory group on issues as determined by the director of emergency services or the Disaster Council chair.

#### **§ 37.08 PLAN AND AGREEMENT PREPARATION.**

It shall be the duty of the Stanislaus County Disaster Council to review and recommend for adoption by the City Council, emergency plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.

#### **§ 37.09 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 be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the emergency organization of the City.

**§ 37.10 PUNISHMENT OF VIOLATIONS.**

It shall be a misdemeanor, punishable as set forth in the RMC, Title I, Section 10.99, 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 the City, or to prevent, hinder or delay the defense of protection thereof.

(C) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the State.

**§ 37.11 EXPENDITURES.**

Any expenditure 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 and County.

**§ 37.12 DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES – OFFICE CREATED.**

(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 Assistant Director of Emergency Services. The Administrative Services Director shall be the Assistant Director of Emergency Services and designated as the City's Emergency Manager.

**§ 37.13 POWERS AND DUTIES OF DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES.**

(A) The Director is hereby identified 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-days thereafter, or the proclamation, or the proclamation shall have no further force or effect.

(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 organization of the City for the accomplishment of the purposes of this chapter.

(4) Direct cooperation between and coordination of services and staff of the emergency organization of the City; and resolve questions of authority and responsibility that may arise between them.

(5) Represent the 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, 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;

(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 or the existence of a "state of war emergency", to command the aid of as many citizens of the 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 him 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 unavailable to attend

meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.


(C) The Assistant Director shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the City; and shall have such other powers and duties as may be assigned by the Director.

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

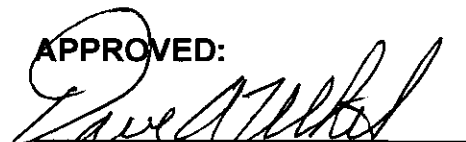
The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on August 24, 2009. Said ordinance was given a second reading at a regular meeting of said Council on September 14, 2009, and Councilmember Sandra Benitez seconded by Councilmember Daniel Fielder, moved the adoption of said ordinance, and upon roll call was carried by the following vote of 4-0:

**AYES:** Councilmembers: Benitez, Fielder, J. J. White, and  
Vice Mayor D. A. White  
**NAYS:** None  
**ABSENT** Councilmember: Mayor (position vacant)  
**ABSTAIN:** None

**ATTEST:**

  
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Linda Abid-Cummings, MMC  
City Clerk

**APPROVED:**

  
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Dave A. White  
Vice Mayor