

ORDINANCE NO. 2046 FOURTH SERIES

AN ORDINANCE PROVIDING FOR PREPARATION AND CARRYING OUT OF A CIVIL DEFENSE PLAN FOR THE SACRAMENTO AREA; PROVIDING FOR COORDINATION OF CIVIL DEFENSE FUNCTIONS OF THE CITY WITH THE COUNTY OF SACRAMENTO, AND OTHER PUBLIC AGENCIES; PROVIDING A PENALTY FOR VIOLATION THEREOF; REPEALING ORDINANCE NO. 1990, FOURTH SERIES, PASSED NOVEMBER 29, 1956, AND MAKING THIS AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Purpose. The declared purposes of this Ordinance 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 a disaster, and to provide for the coordination of the civil defense functions of this city with the County of Sacramento and all other affected public agencies, corporations and organizations within the County of Sacramento. Any expenditures made in connection with such civil defense 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 Sacramento.

SECTION 2. Definitions.

- A. Civil Defense. As used in this ordinance, the term "Civil Defense" shall mean the preparation for the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this ordinance apply to, any condition relating to a labor controversy.
- B. Disaster. As used in this ordinance, the term "disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.
- C. Sacramento Area. As used in this ordinance, the term "Sacramento Area" refers to the City of Sacramento, the unincorporated area of the County of Sacramento and such other incorporated jurisdictions in Sacramento County as may elect to become part of the Sacramento Area for civil defense purposes.

SECTION 3. Civil Defense Council. The Sacramento Area Civil Defense Council is hereby created and shall consist of the following:

- A. The Chairman of the Board of Supervisors of Sacramento County.
- B. The Mayor of the City of Sacramento.
- C. The County Executive of Sacramento County.
- D. The Manager of the City of Sacramento.
- E. The Sacramento Area Director of Civil Defense.
- F. The Mayor or Chief Administrative Officer of the other incorporated cities of Sacramento County, should they elect to join the area.
- G. Two representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense responsibility as may be appointed by the other members of the Council.

SECTION 4. Civil Defense Council. Powers and Duties. It shall be the duty of the Sacramento Area Civil Defense Council, and it is hereby empowered, to review and recommend for adoption by the Board of Supervisors and city councils, civil defense and disaster 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 governmental members of the council shall elect a chairman, vice-chairman and such other officers as they deem necessary and they shall prescribe their own rules of procedure. The Civil Defense Council shall meet upon call of the chairman or, in his absence from the county or inability to call such meeting, upon the call of the vice-chairman.

SECTION 5. Director of Sacramento Area Civil Defense. Powers and Duties. There is hereby created the position of Sacramento Area Director of Civil Defense. The Sacramento Operational Area Coordinator shall be the Director. The Director is hereby empowered:

- A. To request the City Council, through the City Manager, to proclaim the existence, or threatened existence of a disaster and

the termination thereof, if the City Council is not in session the Director may request the City Manager to issue such proclamation subject to confirmation by the City Council at the earliest practicable time.

- B. With the approval of the Civil Defense Council, to request the Governor to proclaim a state of extreme emergency when in the opinion of the council the resources of the area or region are inadequate to cope with the disaster;
- C. To control and direct the activities and efforts of the Sacramento Area Civil Defense Organization for the accomplishment of the purposes of the ordinance;
- D. To direct coordination and cooperation between divisions, services and staff of the Sacramento Area Civil Defense Organization, and to resolve questions of authority and responsibility that may arise between them;
- E. To represent the Sacramento Area Civil Defense Organization in all dealings with public or private agencies pertaining to civil defense and disaster;
- F. To appoint service chiefs subject to the approval of the Civil Defense Council;
- G. To delegate to his assistants and deputies such of these duties and responsibilities as he may deem necessary. He shall prescribe in writing the duties of the assistant director, the deputy directors and the chiefs of services, in conformity with the Sacramento Area Civil Defense Plan. Such duties may be changed from time to time by the director, particularly for the purpose of conforming to recommendations of the Director of the California Disaster Office or of the Federal Civil Defense Administration.
- H. The director shall develop a civil defense plan and program for the Sacramento Area, and shall have such other duties as may be assigned.

SECTION 6. Disaster and Emergency Powers of the Director.

- A. In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of disaster by the Governor or the Director of the California Disaster Office, the director is hereby empowered:
 - 1. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided however, such

rules and regulations must be confirmed at the earliest practicable time by the Civil Defense Council.

2. Subject to the approval of the City Council or City Manager to obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property of the people, and bind the City for the fair value thereof, and if required immediately to commandeer the same for public use.
3. Subject to the general direction and approval of the City Manager:
 - a. To require emergency services of any City officer or employee and to command the aid of as many citizens of this city as he thinks 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 civil defense worker volunteers;
 - b. To requisition necessary personnel or material of any city department or agency;
 - c. To exercise complete authority over the city and to exercise all police power vested in the city by the Constitution and general laws.

B. During a state of extreme emergency as defined by the California Disaster Act, the Director of the Sacramento Area Civil Defense organization will have the same powers and duties as the Sacramento Operational Area Coordinator as they are one and the same person. The powers and duties of the Sacramento Operational Area Coordinator are defined by the California Disaster Act, and the line of command and control is shown on the California Civil Defense and Disaster Relief Organization Chart.

SECTION 7. The City of Sacramento Director of Civil Defense, who is also the Sacramento Operational Area Coordinator, shall serve as the Sacramento Area Director of Civil Defense. The staff of the City of Sacramento Civil Defense office shall serve as the staff of the Sacramento Area Civil Defense office, under the direction of the Director.

SECTION 8. Civil Defense Organization. All officers and employees of this city, together with those volunteer forces

enrolled to aid them during a disaster, and all groups, organizations and persons including persons commandeered under the provisions of Section 6.A.3.a of this ordinance, who may by agreement or operation of law be charged with duties incident to the protection of life and property during such disaster, shall accept and discharge such duties and responsibilities in the Sacramento Area Civil Defense Organization as they may be assigned.

SECTION 9. Divisions, Services and Staff of the Sacramento Area Civil Defense Organization.

The functions and duties of the Sacramento Area Civil Defense Organization shall be distributed among such divisions, services and special staff as the Sacramento Area Civil Defense Council shall prescribe by resolution, subject to the approval of the board of supervisors and the city councils. Insofar as possible, the form of organization, titles, terminology and persons occupying key positions shall be the same as those of the Sacramento Operational Area Organization.

SECTION 10. Punishment of Violation. It shall be a misdemeanor, punishable by a fine of not to exceed \$500.00, or by imprisonment for not to exceed six months, or both, for any person during a disaster:

- A. Wilfully to obstruct, hinder or delay any member of the Sacramento Area Civil Defense Organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance;
- B. To do any act forbidden by any lawful rules or regulations issued pursuant to this ordinance, 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. To wear, carry or display, without authority, any means of identification specified by the civil defense and disaster agency of the state.

SECTION 11. Repeal of Conflicting Ordinances. Ordinance No. 1990, Fourth Series, passed November 29, 1956, is hereby repealed. It is the intent of the City Council in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be affected by such repeal, nor shall civil defense and disaster mutual aid plans and agreements, rules and regulations or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance.

SECTION 12. Effective date. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately upon adoption by the Board of Supervisors of the County of Sacramento of an ordinance containing the same basic provisions. The following is a statement of the facts showing its urgency: both the Congress of the United States and the California State Legislature have adopted comprehensive civil defense and disaster laws. Both Federal and State plans contemplate immediate adoption of such local legislation, as is necessary to put into operation a coordinated and effective civil defense and disaster program so that each citizen and each community will be ready in event of a disaster to afford as complete protection as is possible to life and property. In order that the ordinances of this city relating to civil defense and disaster may be brought into conformity with the Federal and State plans at the earliest possible date, it is necessary that this ordinance take effect immediately.

SECTION 13. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 14. This ordinance shall be published once within 10 days after passage in the official newspaper of said City of Sacramento.

PASSED: March 11, 1958

EFFECTIVE: March 11, 1958

Clarence D. ...
Mayor

ATTEST:

Paul H. Manby
City Clerk