

ARTICLE 2

EMERGENCY SERVICES ORGANIZATION AND FUNCTION

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ARTICLE 2

EMERGENCY SERVICES ORGANIZATION AND FUNCTION

SEC. 3-2.00 PURPOSES. The purposes of this Article 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 disaster and to provide for the coordination of the Emergency Services and Disaster functions of the City with all other public agencies and affected private persons, corporations, and organizations. Any expenditures made in connection with Emergency Services and Disaster activities, including mutual aid activities, are conclusively for the direct protection and benefit of the inhabitants and property of the City.

SEC. 3-2.10 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

- a. Emergency as used in this Article, 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, earthquake, or other conditions including conditions resulting from war or imminent threat of war.
- b. Emergency Services means the preparation and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disaster. It shall not include preparation for any conditions relating to a labor controversy.
- c. State of War Emergency means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.
- d. State of Emergency means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant, or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, or conditions causing a "state of war emergency," which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.
- e. Local emergency means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the

City of Hayward, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, 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 and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

SEC. 3-2.11 DIRECTOR OF EMERGENCY SERVICES, ASSISTANT
DIRECTOR OF EMERGENCY SERVICES, AND EMERGENCY SERVICES COORDINATOR.

There is hereby created the Office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services. There is hereby created the Office of Assistant Director of Emergency Services. The Fire Chief shall be the Assistant Director of Emergency Services. There is hereby created the Office of Emergency Services Coordinator. The Fire Chief shall designate the person most qualified to serve as the Emergency Services Coordinator.

SEC. 3-2.12 POWERS AND DUTIES OF THE DIRECTOR AND ASSISTANT
DIRECTOR.

- 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 days thereafter or the proclamation shall have no further effect.
 - (2) Request the Governor to proclaim a state of emergency when, in the opinion of the Director, 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 article.
 - (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 among them.
 - (5) Represent the City in all dealings with public and private agencies on matters pertaining to emergencies as defined herein.
 - (6) In the event of a 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:
 - (i) 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.

- (ii) 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.
 - (iii) 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 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 civil defense and disaster service workers.
 - (iv) To requisition necessary personnel or material of any City department or agency.
 - (v) To execute all of his or her ordinary power as City Manager, all of the special powers conferred upon him or her by this Article 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 order of succession to the office of Director of Emergency Services shall, be the order of succession as provided pursuant to section 704 of the City Charter. The order of succession to the office of Assistant Director of Emergency Services shall be as designated from time to time in writing by the Fire Chief.
- c. The Assistant Director shall, under the supervision of the Director and with the assistance of the Emergency Services Coordinator, develop a City of Hayward Emergency Plan and manage the emergency programs of the City and shall have other powers and duties as may be assigned by the Director.

SEC. 3-2.13 POWERS AND DUTIES OF THE EMERGENCY SERVICES COORDINATOR. The Emergency Services Coordinator shall, under the supervision of the Assistant Director, maintain the City of Hayward Emergency Plan in a constant state of readiness; insure that the City of Hayward Emergency Plan is exercised in a regular and timely manner; be responsible for the condition and state of readiness of the Emergency Operations Center; and perform such other related duties as directed.

SEC. 3-2.14 DISASTER COUNCIL. The City of Hayward Disaster Council is hereby created and shall consist of the following:

- a. The Director of Emergency Services who shall be Chairperson.
- b. The Assistant Director of Emergency Services who shall be Vice Chairperson.
- c. City of Hayward personnel assigned to Emergency Services by the Director of Emergency Services.

- d. Such representatives of civic, business, labor, veterans, professional or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the City Council.

SEC. 3-2.15 POWERS AND DUTIES OF THE DISASTER COUNCIL. It shall be the duty of the City of Hayward 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, resolutions, and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairperson or the Vice Chairperson.

SEC. 3-2.16 EMERGENCY ORGANIZATION. The emergency organization of the City of Hayward shall consist of all officers and employees of the 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 the City during said emergency, including persons pressed into service under the provisions of Section 3-2.12 a.(6)(iii), of this Article.

SEC. 3-2.17 PUNISHMENT OF VIOLATIONS. It shall be a misdemeanor 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 Article, or in the performance of any duty imposed upon him or her by virtue of this Article;
- b. Do any act forbidden by any lawful rule or regulation issued pursuant to this Article;
- c. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State; or
- d. Fail to return any equipment, identification or other property within thirty days after having been given notice to do so.