



Council Agenda Report

To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Susan Duenas, Public Safety Manager

Approved by: Reva Feldman, City Manager

Date prepared: June 2, 2020 Meeting date: July 13, 2020

Subject: An Ordinance Amending Section 2.52.040 Malibu Municipal Code Chapter 2.52 (Emergency Services Organization)

RECOMMENDED ACTION: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 467 Amending Section 2.52.040 (Disaster Council Powers and Duties) in Chapter 2.52 (Emergency Services Organization) of Title 2 (Administration and Personnel) of the Malibu Municipal Code to Require the Disaster Council to Comply with the California Emergency Services Act and to Meet at Least Once Annually and finding the same exempt from the provisions of the California Environmental Quality Act; 2) Direct staff to schedule the second reading and adoption of Ordinance No.467 for the August 10, 2020 Regular City Council Meeting; and 3) Adopt Resolution 20-40 agreeing to the rules and regulations established by the California Governor's Office of Emergency Services pursuant to the provisions of government code section 8585.5 relating to relative to workers' compensation benefits for registered disaster service worker volunteers; and repealing Resolution No. 91-85.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was included as part of item 1b in the Adopted Work Plan for Fiscal Year 2019-2020.

DISCUSSION: The California Emergency Services Act (enacted in 1970) outlines the authority, governance, and responsibilities of state and local governments, as well as regulations pertaining to mutual aid, operational areas, disaster preparedness, emergency declarations, public safety communication, and disaster volunteers. The City has complied with the California Emergency Services Act since incorporation.

The California Governor's Office of Emergency Services (Cal OES) recently updated its requirements for disaster council accreditation. Disaster councils that were previously

accredited must now update their emergency ordinance and submit an updated disaster service worker resolution in order to be re-accredited. Updates to the ordinance must reflect disaster council compliance with the California Emergency Services Act and include a provision that the disaster council will meet at least once annually. The updated resolution must reflect compliance with the regulations established by Cal OES.

Disaster councils must be accredited in order to register community volunteers as disaster service workers with the State of California. California's Disaster Service Worker Volunteer Program provides state-funded workers' compensation benefits for volunteers who contribute their services, skills, and time to aid in the response to a disaster or during approved training. The City's Disaster Council was initially accredited on March 1, 1994, and has previously registered members of the Malibu Community Emergency Response Team (CERT) as disaster service workers with the State of California.

The proposed ordinance includes provisions requiring the City's Disaster Council to comply with the California Emergency Services Act and to meet at least once annually.

The text of the proposed resolution relating to disaster service workers is essentially the same as existing Resolution No. 91-85 which was approved on December 17, 1991. But the proposed resolution cites Cal OES as the regulatory authority while the previous resolution cited the California Emergency Council as the regulatory authority.

Staff is recommending the City Council introduce on first reading the proposed ordinance and adopt the proposed resolution so that the City may fulfil the Cal OES requirements.

ATTACHMENTS:

1. Ordinance No. 467
2. Resolution No. 20-40

ORDINANCE NO. 467

AN ORDINANCE OF THE CITY OF MALIBU AMENDING SECTION 2.52.040 (DISASTER COUNCIL POWERS AND DUTIES) IN CHAPTER 2.52 (EMERGENCY SERVICES ORGANIZATION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE MALIBU MUNICIPAL CODE TO REQUIRE THE DISASTER COUNCIL TO COMPLY WITH THE CALIFORNIA EMERGENCY SERVICES ACT AND TO MEET AT LEAST ONCE ANNUALLY AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. The California Emergency Services Act sets forth the range of disaster and emergency powers and responsibilities of state and local governments dealing with any natural or manmade disasters or state of war. The California Emergency Services Act created the California Office of Emergency Services, which recently updated its requirements for disaster council accreditation.

B. The City's Disaster Council is responsible for developing and recommending for adoption to the City Council emergency and mutual aid plans and agreements for the effective mobilization of all City resources to meet any condition constituting an emergency. It is also responsible for developing and recommending for adoption to the City Council any ordinances, resolutions, rules, and regulations as are necessary to implement such emergency and mutual aid plans and agreements.

C. The City desires to amend its municipal code to require the City's Disaster Council to comply with the California Emergency Services Act and to meet at least once per calendar year.

SECTION 2. Section 2.52.040 (Disaster council powers and duties) in Chapter 52 (Emergency Services Organization) of Title 2 (Administration and Personnel) of the Malibu Municipal Code is amended to read as follows:

2.52.040 Disaster council powers and duties.

A. The disaster council shall comply with the California Emergency Services Act.

B. It shall be the duty of the city disaster council, and it is empowered, to develop and recommend for adoption by the city council, emergency 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 disaster council shall meet at least once per calendar year upon call of the chairperson or, in his or her absence from the city or inability to call such meeting, upon call of the vice-chairperson.

SECTION 3. Environmental Review.

The City Council finds that adoption and implementation of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the same manner required by law.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2020.

_____, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

RESOLUTION NO. 20-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AGREEING TO THE RULES AND REGULATIONS ESTABLISHED BY THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 8585.5 RELATING TO WORKERS' COMPENSATION BENEFITS FOR REGISTERED DISASTER SERVICE WORKER VOLUNTEERS; AND REPEALING RESOLUTION NO. 91-85

The City Council of the City of Malibu does hereby find, order, and resolve as follows:

SECTION 1. Recitals.

- A. Section 8585.5 of the Government Code provides that the California Governor's Office of Emergency Services (Cal OES) shall establish rules and regulations for various classes of disaster service worker volunteers and the scope of the duties of each class. It further provides that Cal OES shall also adopt rules and regulations prescribing the way disaster service worker (DSW) volunteers of each class are to be registered. All rules and regulations shall be designed to facilitate the payment of workers' compensation.
- B. Cal OES has adopted rules and regulations establishing classes of DSW volunteers, the scope of duties of each class, and the manner of registration.
- C. The City's Disaster Council develops and recommends for adoption by the City Council emergency and mutual aid plans and agreements and such ordinances, resolutions, rules, and regulations as are necessary to implement such plans and agreements.
- D. Section 8612 of the Government Code provides that any disaster council which both agrees to follow the rules and regulations established by Cal OES pursuant to the provisions of Section 8585.5 and substantially complies with those rules and regulations shall be certified by the office. Upon that certification, and not before, the disaster council becomes an accredited disaster council.
- E. The City of Malibu desires to have an "accredited disaster council" organization so that its registered DSW volunteers who are injured may benefit from the provisions of Chapter 10 of Division 4 of Part 1 of the Labor Code.

SECTION 2. The City Council hereby agrees to follow the rules and regulations established by Cal OES pursuant to the provisions of Government Code Section 8585.5.

SECTION 3. The City Council hereby repeals Resolution No. 91-85.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 13th day of July 2020.

, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
~~BY THE CITY ATTORNEY'S OFFICE~~
CHRISTI HOGIN, City Attorney