



Office of the City Manager

08

CONSENT CALENDAR

April 29, 2014

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Gil Dong, Fire Chief, Berkeley Fire Department

Subject: Disaster and Fire Safety Commission Accreditation; Amending BMC Chapter 2.88

RECOMMENDATION

Adopt first reading of an Ordinance amending Chapter 2.88 of the Berkeley Municipal Code to include a statement of compliance with the California Emergency Services Act and a section on the City's emergency plan for the purposes of accreditation of the City's Disaster Council.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts.

CURRENT SITUATION AND ITS EFFECTS

Chapter 2.88 of the Berkeley Municipal Code does not currently include a statement of compliance with the Emergency Services Act as required by Title 19 of the California Code of Regulations (CCR) §2571(b)(4). Statement of compliance with the Emergency Services Act is a requirement of accreditation of the City's Disaster Council. Accreditation and compliance with statutory requirements will allow the City to participate in the State's Disaster Service Worker Volunteer Program (DSWVP).

BACKGROUND

The Disaster Service Worker Volunteer Program was created as the result of legislation to provide workers' compensation benefits to registered Disaster Service Worker (DSW) volunteers who are injured while participating in authorized disaster-related activities, including pre-approved training. Disaster service, as defined for the Program, is designed to aid in the response and recovery phases in a disaster or emergency. It does not include the day-to-day emergency response activities typically associated with, for example, law enforcement, fire services or emergency medical services. The Program also provides limited immunity from liability.

A city is required to have an Accredited Disaster Council (ADC) that complies with rules and regulations established by Cal OES as stated in Government Code Sections 8585.5, 8610, and 8612 in order to participate in the DSWVP. The consolidation of the City of Berkeley's ADC with its Fire Safety Commission in 2006 resulting in the Disaster

and Fire Safety Commission did not affect the City's accreditation status provided it continues to comply with California Government Code. The omission of a statement of compliance with the Emergency Services Act as required by California Code of Regulations §2571(b)(4) was discovered and requires amendment.

ENVIRONMENTAL SUSTAINABILITY

The recommended action does not impact the City's environmental sustainability goals.

RATIONALE FOR RECOMMENDATION

The Disaster Service Worker Volunteer Program (DSWVP) provides workers compensation benefits to registered Disaster Service Worker volunteers who are injured while participating in authorized disaster-related activities, including pre-approved training.

A city must have an Accredited Disaster Council in compliance with California Government Code to participate in the DSWVP. Inclusion of a statement of compliance with the Emergency Services Act in Chapter 2.88 of the Berkeley Municipal Code (BMC) will rectify accreditation requirements of California Code of Regulations that are currently omitted from the BMC.

ALTERNATIVE ACTIONS CONSIDERED

The alternative action would be to leave BMC unchanged resulting in ineligibility for the City to participate in the DSWVP.

CONTACT PERSON

Aaron Lee, Deputy Fire Chief, Fire Department, 510-981-5502

Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.88 TO STATE COMPLIANCE WITH THE EMERGENCY SERVICES ACT AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 2.88.080 is amended to read as follows:

**Section 2.88.080 Emergency organization--Composition.**

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, including persons impressed into service under the provisions of Section 2.88.060A7c of this chapter, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City.

[The emergency organization established by this Chapter must comply with the Emergency Services Act in the execution of its duties.](#)

Section 2. That Berkeley Municipal Code Chapter 2.88.090 is renumbered as follows:

**Section 2.88.~~090~~100 Expenditures.**

Section 3. That Berkeley Municipal Code Chapter 2.88.100 is renumbered as follows:

**Section 2.88.~~100~~110 Violations deemed misdemeanors.**

Section 4. That Berkeley Municipal Code Chapter 2.88.090 is added to read as follows:

**Section 2.88.090 Emergency plan.**

The City of Berkeley Disaster and Fire Safety Commission shall be responsible for the development of the emergency plan, which plan shall provide for the effective mobilization of all of the resources of this jurisdiction, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such emergency plan shall take effect upon adoption by resolution of the City Council.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

