



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: May 23, 2013
To: Honorable Mayor & City Council
From: Pamela Mottice-Muller, Director Office of Emergency Management
Subject: City Council Handbook for Emergencies and Disasters
Attachments: 1. City Council Handbook for Emergencies and Disasters

INTRODUCTION

The Office of Emergency Management developed the *City Council Handbook for Emergencies and Disasters* to assist the City Council in understanding the Emergency Operation Plan (EOP), to meet federal requirements and to ensure clarity of roles, authorities, and responsibilities. At the City Council meeting on May 23, 2013 staff will review information included in this handbook.

DISCUSSION

City Council Members have a significant role in the City's emergency response and recovery organization as well as a vital role in disaster preparedness and mitigation. During and after a disaster Council Members' actions ensure the continuation of government, influence the community, both residential and business, and directly impact the City's ability to protect lives, property, and the environment.

The City Council's primary role during a disaster is one of policymaker, communicator, liaison, and spokesperson to the community, outside government agencies, and non-governmental agencies. It is hoped that the *City Council Handbook for Emergencies and Disasters* will provide an important framework to the overall emergency organization, City Council disaster roles, authorities and responsibilities and will assist in the disaster related decision-making process.

Additional information, as well as a hard bound copy of this handbook, can be found in the City's Emergency Operations Plan. City Council members have updated copies of the Plan in their respective offices. Recently the State of California has approved the City's updated Emergency Operations Plan and the Plan will be brought to the City Council for review and approval.

Meeting Date: May 13, 2013

A hard bound copy will also be provided to keep at home with your disaster supplies. This handbook will also be sent to those listed on the City Council's individual succession plan list and they will be asked to watch the Study Session presentation.

FISCAL IMPACT

To ensure the effective response and recovery of the City during and after a disaster, it is important that all City staff understand their disaster roles and responsibilities and the emergency organization in which the City, Los Angeles County, the State of California and the Federal government will operate. Without understanding and knowledge of these roles and responsibilities the City, directly and indirectly, could lose thousands, if not millions of dollars in disaster caused losses and in federal and state reimbursements as well as the confidence of the citizens and businesses of our community.

RECOMMENDATION

Staff recommends that the City Council read and familiarize themselves with the handbook. Additional training can be arranged through the Office of Emergency Management.

Pamela Mottice-Muller 

Attachment 1

A City Council Handbook for Emergencies and Disasters



Office of Emergency Management
Pamela-Mottice Muller
(310) 285-1025
pmottice@beverlyhills.org



TABLE OF CONTENTS

INTRODUCTION

Definitions: Emergency and Disaster
Phases of Emergency Management

EMERGENCY MANAGEMENT ORGANIZATION

Emergency Management Systems: ICS/SEMS/NIMS
Mutual Aid
City of Beverly Hills Emergency Operations Plan
Emergency Operations Center
SEMS/NIMS Organizational Chart
Management Section Chart

ROLES OF CITY COUNCIL

EOP: City Council Section
City Council Member Roles
Emergency Services Ordinance
City Council Succession Plan

CONCLUSION

APPENDIX

Emergency Meetings of the City Council
Proclaiming a Local Emergency
Disaster Myths



INTRODUCTION

This handbook is designed to provide you, a member of the Beverly Hills City Council, with information related to your roles, authorities and responsibilities during and after disasters and emergencies, and to assist in your disaster related decision-making process.

City Council Members have a significant role in the City of Beverly Hills' emergency management organization. Your actions ensure the continuation of government, influence the community, both residential and business, and directly impact our City's ability to protect lives, property, and the environment, both during and after a disaster or emergency.

The City Council's primary role during a disaster is one of policymaker, communicator, liaison, and spokesperson to the community, outside government agencies, and non-governmental agencies. To help you fulfill and to better understand these roles, this handbook provides information on disaster response, recovery, and the emergency management organization of the City.

Additional information can be found in the City's Emergency Operations Plan (EOP). City Council members should have copies of this document in their respective offices. The City's EOP addresses the City of Beverly Hills' planned response to situations associated with all hazards such as natural disasters, technological incidents, and national security emergencies.

As with all Disaster Service Workers, your ability to support emergency response and recovery efforts will depend directly upon your preparedness at home and at work. Please take the time to prepare your home and family.

Any questions regarding the information within this handbook should be directed to the Office of Emergency Management. It is the Office of Emergency Management's hope that this handbook will provide a framework for you as a City Council member, so that you may better understand the emergency management structure and your roles and responsibilities.

This guide refers to disasters and emergencies. They are defined as:

EMERGENCY: An unplanned event that can cause death/injuries to employees, customers, and/or can shut down or disrupt operations, cause physical/environmental damage or threaten the facilities in the structure or public image.

DISASTER: A condition of extreme peril; a disaster occurs when a disruption reaches such that there are injuries, deaths, or property damage and when a disruption affects many or all of the community's essential functions



PHASES OF EMERGENCY MANAGEMENT

There are four phases of emergency management that make up the “emergency life cycle”: mitigation, preparedness, response, and recovery. These phases represent the various elements of a disaster. All phases are interconnected and everyone in government has responsibilities in all four phases, including the City Council. The following sections discuss the four phases and present the different ways that City Council Members should be involved in these four phases.



MITIGATION AND PREVENTION: reducing long-term risk to life and property

PREPAREDNESS: the activities done before a disaster; such as training, planning, and community education and exercises.

RESPONSE: actions taken to save lives and property during an emergency.

RECOVERY: cleanup and restoration of activities to return to normal.

MITIGATION PHASE

Mitigation is any sustained action taken to reduce or eliminate long-term risk to life and property from a hazardous event. Mitigation can protect critical facilities, reduce exposure to liability, and minimize community disruption. The City Council approved the Hazard Mitigation Plan in 2004 and is currently being updated. Similar to the General Plan Safety Element, the Hazard Mitigation Plan identifies specific hazards to Beverly Hills and develops strategies, plans, projects, and activities to reduce the risk of these hazards in our community.

The City Council can assist in this phase by considering and advising on mitigation strategies, reviewing requirements for special legislation and development of policy, and supporting future City actions in mitigation. The City Council’s support of the ordinance to have residents convert their wood shingle roofs to fire safe roofing materials is an example of a mitigation project.



PREPAREDNESS PHASE

Preparedness involves activities that are done before a disaster or emergency; such as training, planning, exercises, and community and employee education designed to save lives and to minimize damage when an emergency occurs.

City Council Members are asked to support and participate in trainings and exercises held to enhance the City's readiness. The City Council can also assist in the preparedness phase by developing a family disaster plan for themselves and creating emergency supply kits for their own homes and workplace. The City Council should also encourage others to have plans and emergency supplies ready and to become more involved in their community to promote a neighborhood approach to emergency preparedness. The City's Health and Safety Commission will also help bring the emergency preparedness message to the community.

The Office of Emergency Management (OEM), with the City's goal of being the safest and the most prepared city in America, continues to work to ensure that the City is ready for a disaster or emergency. OEM, in coordination with all City Departments, has placed an emphasis on emergency planning, training, exercises, public awareness and education as part of this preparedness phase. Also, OEM continues to work with other departments to ensure that they are ready to respond when an emergency or disaster occurs.

RESPONSE PHASE

The response phase covers the period during and immediately following a disaster. During this phase, the City provides emergency assistance to victims of the event and tries to reduce the likelihood of further damage.

The community's expectations may not match the capabilities of local, state, and federal government's ability to respond after a disaster. Additionally, the news media may choose to edit information, make it inaccurate, or not to use it at all. Thus, it is important for City Council Members to ensure that timely and accurate information is given to the community. Other specific City Council roles in the in response phase will be discussed later in this document.

GOALS

The following are the emergency management goals for disaster response:

- To provide effective life safety measures, reduce property loss, and protect the environment
- To provide a basis for the direction and control of emergency operations
- To plan for the continuity of government
- To provide for the rapid resumption of impacted businesses and community services
- To provide accurate documentation and records required for cost recovery efforts



- To provide for the protection, use and distribution of remaining resources
- To coordinate operations with the emergency services organizations in other jurisdictions, if necessary.

ASSUMPTIONS

The following assumptions are held the City's response to an emergency or disaster and reflect the City's most probable course of action:

- The City of Beverly Hills is primarily responsible for reasonable emergency actions and will commit all available resources, as necessary, to save lives, minimize injury to persons, and minimize damage to property and the environment.
- The City of Beverly Hills will utilize ICS, SEMS and NIMS in emergency response operations.
- The Director of Emergency Services will coordinate the City's disaster response in conformance with the Emergency Services Ordinance.
- The City of Beverly Hills will participate in the Los Angeles County Operational Area.
- The resources of the City of Beverly Hills will be made available to local agencies and citizens to cope with disasters affecting this area.
- The City of Beverly Hills will commit its resources to a reasonable and necessary degree before requesting mutual aid assistance.
- Mutual aid assistance will be requested when disaster relief requirements exceed the City's ability to meet them.

The emergency management organization will give priority to the following operations:

- dissemination of accurate and timely emergency public information and warning to the public
- situation analysis
- resource allocation and control
- evacuation and rescue operations
- medical care operations
- coroner operations
- care and shelter operations
- access and perimeter control
- public health operations
- restoration of vital services and utilities

RECOVERY PHASE

The recovery phase involves all the cleanup and restoration activities that are necessary to return the City to normal. This means getting damaged repaired, utilities restored, and debris cleaned up. The recovery phase has many objectives such as reinstatement of family autonomy, the provision of essential



public services, permanent restoration of private and public property, and recovery of costs associated with response and recovery. Recovery is often the hardest phase of a disaster and may continue for an extended time.

Since the disaster recovery process is a financially, physically, and emotionally exhausting process for everyone involved, confusion and misinformation about relief programs can become an enormous source of frustration. Residents may also have priorities different from those of the City's and could have unrealistic expectations about what the City of Beverly Hills could do for them to recover. The City Council will assist in a variety of ways during the recovery phase by referring residents to the information and resources that they will need, providing accurate and current information to the community, and supporting policy that enables the City to recover quickly.



EMERGENCY MANAGEMENT ORGANIZATION

The City of Beverly Hills' emergency management organization uses the Incident Command System (ICS), the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). The City is part of the Los Angeles County Operational Area and the Southern Region of the Governor's Office of Emergency Services (State OES).

The City Manager serves as the Director of Emergency Services and is responsible for implementing the City's Emergency Operations Plan through the efforts of the City's Office of Emergency Management. Within the emergency organization, departments and agencies have specified roles and responsibilities for certain functions.

EMERGENCY MANAGEMENT SYSTEMS

There are three emergency management systems used to organize response during an emergency or disaster: ICS, SEMS, and NIMS. Each system is described below. Training is available in each of the systems through the Office of Emergency Management at bi-annual training sessions or the City Council may arrange a special training session. The City Council are encouraged to take a self-study ICS and NIMS class available online at: <http://training.fema.gov>. The Office of Emergency Management will provide Council members with a manual to assist in this process, if requested.

INCIDENT COMMAND SYSTEM (ICS)

The Incident Command System is an all scene, all hazard, flexible framework created to manage all types of incidents from emergencies and disasters, to parades and celebrations. The City has adopted the use of ICS. ICS allows departments to meet the needs of incidents of any size, allow personnel from a variety of agencies to meld rapidly into a common management structure, and to be cost effective by avoiding duplication of efforts. ICS is also built around "best business practices", ensuring the full utilization of resources by maintaining a manageable span of control, establishing pre-designated incident locations and facilities, implementing resource management practices, and using the common terminology (no jargon or radio codes). ICS serves as the basis for the State Emergency Management System (SEMS) and the National Incident Management System (NIMS).

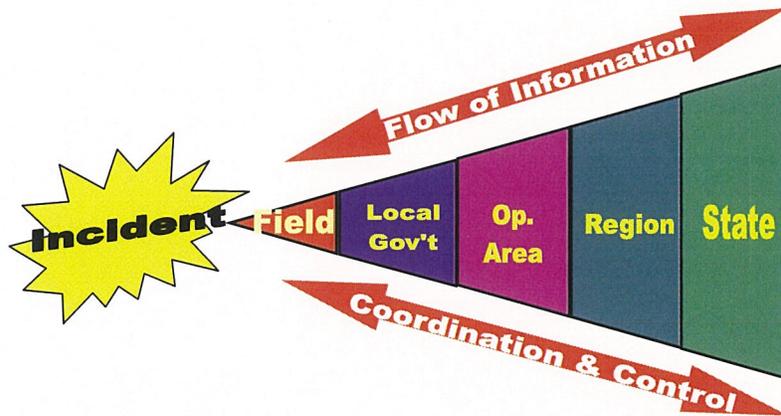
STANDARDIZED EMERGENCY MANAGEMENT SYSTEM (SEMS)

The Standardized Emergency Management System (SEMS) is a state law that was adopted by the City Council in 1996 for managing emergencies involving multiple jurisdictions and agencies. SEMS is intended to facilitate the flow of information within and between levels of the government, and facilitate coordination among all responding agencies. SEMS is designed to be flexible



and adaptable to the varied disasters that occur in California and to the needs of all emergency responders. SEMS consists of five organizational levels: field response, local government, Operational Area (countywide), Region, and State. The various levels are activated beginning at the Field Level and move up in size as the incident size increases and additional resources are needed. Below is an illustration of the five organizational levels of SEMS.

Organizational Levels of SEMS

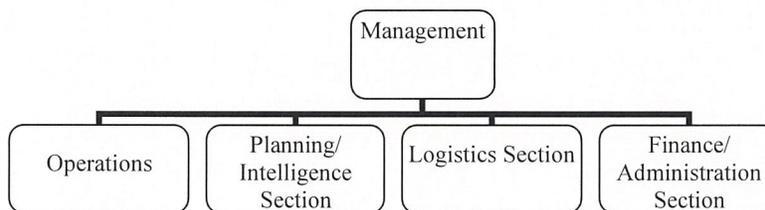


NATIONAL INCIDENT MANAGEMENT SYSTEM

The National Incident Management System (NIMS) is a nationwide standardized approach to incident management and response. It establishes a uniform set of processes and procedures that emergency responders at all levels of government will use to conduct response operations. The City adopted the use of NIMS in 2006 and all City employees have been trained in SEMS and NIMS.

ICS/SEMS/NIMS ORGANIZATIONAL CHART

Under ICS/SEMS/NIMS, management of an incident is separated into five sections: Management, Operations, Planning/Intelligence, Logistics, and Finance. Each department is assigned to positions in these sections. The following chart shows the five functions:



The City Council falls under the Management Section as part of the SEMS/NIMS emergency organization.



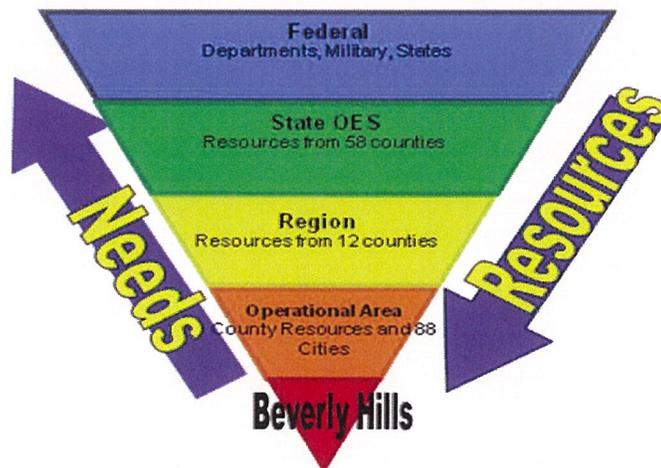
MUTUAL AID

As part of all three systems, mutual aid plays an important role. After an emergency or disaster, response and recovery needs may outpace jurisdictional resources. The City may be asked to provide resources to other jurisdictions or may request additional resources from other jurisdictions under mutual aid. The foundation of California's emergency planning and response is a statewide mutual aid system which is designed to ensure that adequate resources, facilities, and other support is provided to jurisdictions whenever their own resources prove to be inadequate to cope with a given situation(s). The basis for the system is the California Disaster and Civil Defense Master Mutual Aid Agreement (on file), as provided for the California Emergency Services Act (CESA).

The statewide mutual aid system, operating within the framework of the Master Mutual Aid Agreement, allows for the progressive mobilization of resources to and from emergency response agencies, local governments, operational areas, regions and state with the intent to provide requesting agencies with adequate resources.

For example, if the City's internal assets are not sufficient to provide required services, the City will make requests to Area A cities: Santa Monica, West Hollywood, and Culver City, and in some cases Los Angeles, for pre-arranged mutual aid. If Area A resources are not sufficient then, the City of Beverly Hills will make mutual aid requests through the Los Angeles County Operational Area. If additional resources are needed, a request will be made progressively to the next highest level of government until reaching the Federal level. Below, is an illustration of this process. All responses to disasters and emergencies start and end at the local level and are typically handled at the lowest possible geographic, organizational, and jurisdictional level.

Chart of Mutual Aid Resources Available to the City





CITY OF BEVERLY HILLS EMERGENCY OPERATIONS PLAN

The City of Beverly Hills Emergency Operations Plan, approved by the City Council in October 2007, addresses the City's planned response to extraordinary emergency situations associated with **all hazards** natural and manmade disasters, such as but not limited to earthquakes, acts of terrorism, fires, flood, landslides, hazardous material incidents, technological incidents, and national security emergencies. This plan is a preparedness document designed to be read, understood, and exercised prior to an emergency. Each City Council member has been given a copy of the City of Beverly Hills Emergency Operations Plan.

EMERGENCY OPERATIONS CENTER

An Emergency Operations Center (EOC) is a location from which centralized emergency management can be performed during a major emergency or disaster. It is a central location of authority and information, and allows for face-to-face coordination among personnel who must make emergency decisions. This facilitates a coordinated response by the Director of Emergency Services, Emergency Management Staff, and representatives from organizations that are assigned emergency management responsibilities. The level of staffing in the EOC depends upon the specific emergency situation. The following functions are performed by the City of Beverly Hills' EOC:

- Managing and coordinating emergency operations.
- Receiving and disseminating warning information.
- Developing emergency policies, procedures, and action plans.
- Collecting intelligence from, and disseminating information to, the various EOC representatives and the City Council, and, as appropriate, to County, city, special district, non-profit and community based organizations, state agencies, military, and federal agencies.
- Preparing intelligence/information summaries, situation reports, operational reports, and other reports as required.
- Maintaining general and specific maps, information display boards, and other data pertaining to emergency operations.
- Continuing analysis and evaluation of all data pertaining to emergency operations.
- Controlling and coordinating the operational and logistical support of departmental resources committed to the emergency.
- Maintaining contact and coordination with support department operations centers (DOC), other non-governmental agencies and the County/Operational Area EOC.
- Providing emergency warnings, alerts, information, and instructions to the public, making official releases to the news media and scheduling press conferences as necessary.

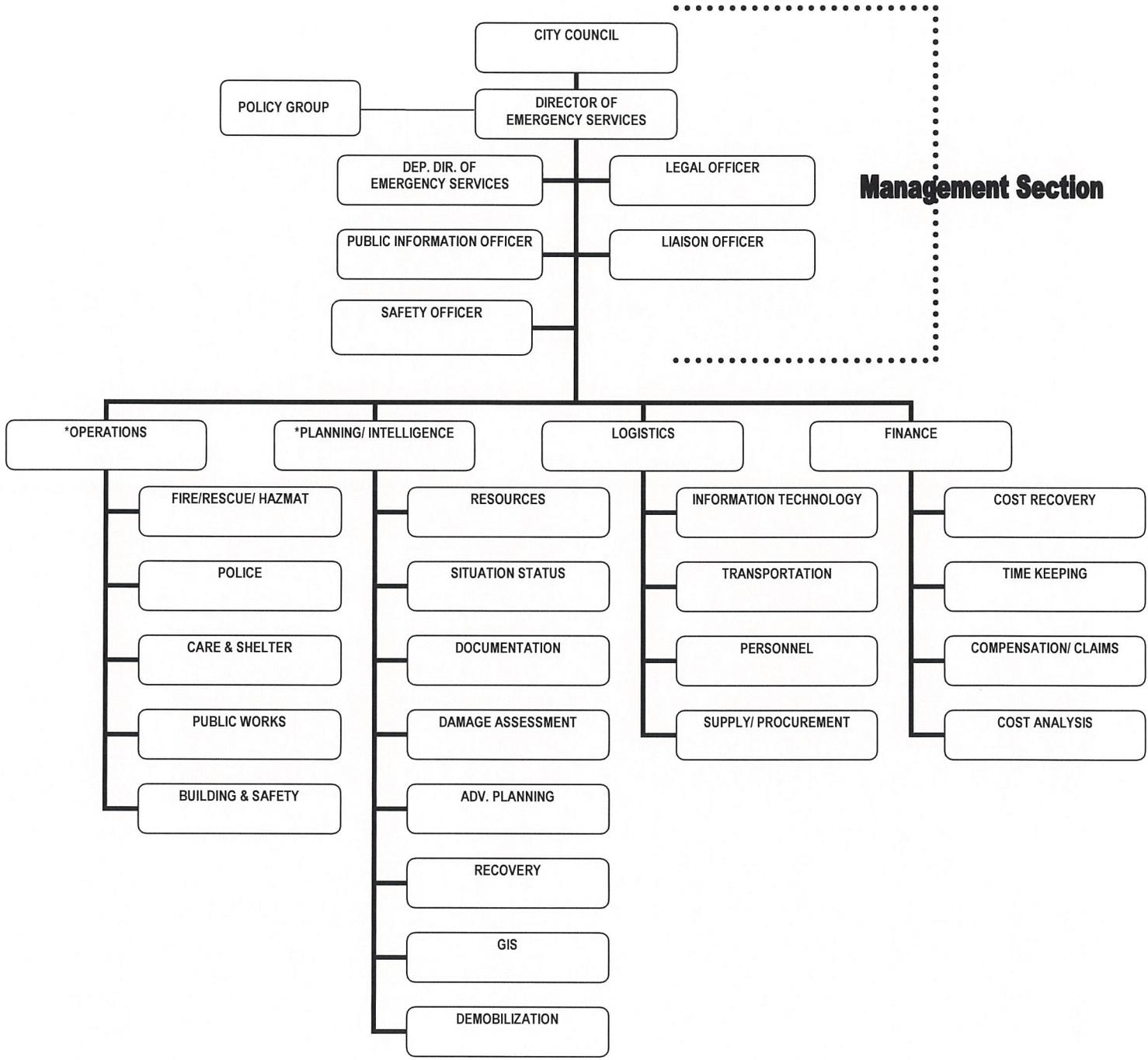


Management of the Emergency Operations Center and alternate facilities is the responsibility of the Office of Emergency Management. This responsibility includes all facility functions, support systems, and operational readiness issues. Organization of the EOC and staff is based on the Standardized Emergency Management System (SEMS). The City Manager, or his designee, serves as the Director of Emergency Services (DES). The Director of Emergency Services, has primary responsibility for ensuring that the City Council is kept apprised of the situation and will bring all major policy issues to the City Council for review and decision. The Liaison Officer will assist the Director in working with the City Council.



SEMS/NIMS EOC Table of Organization

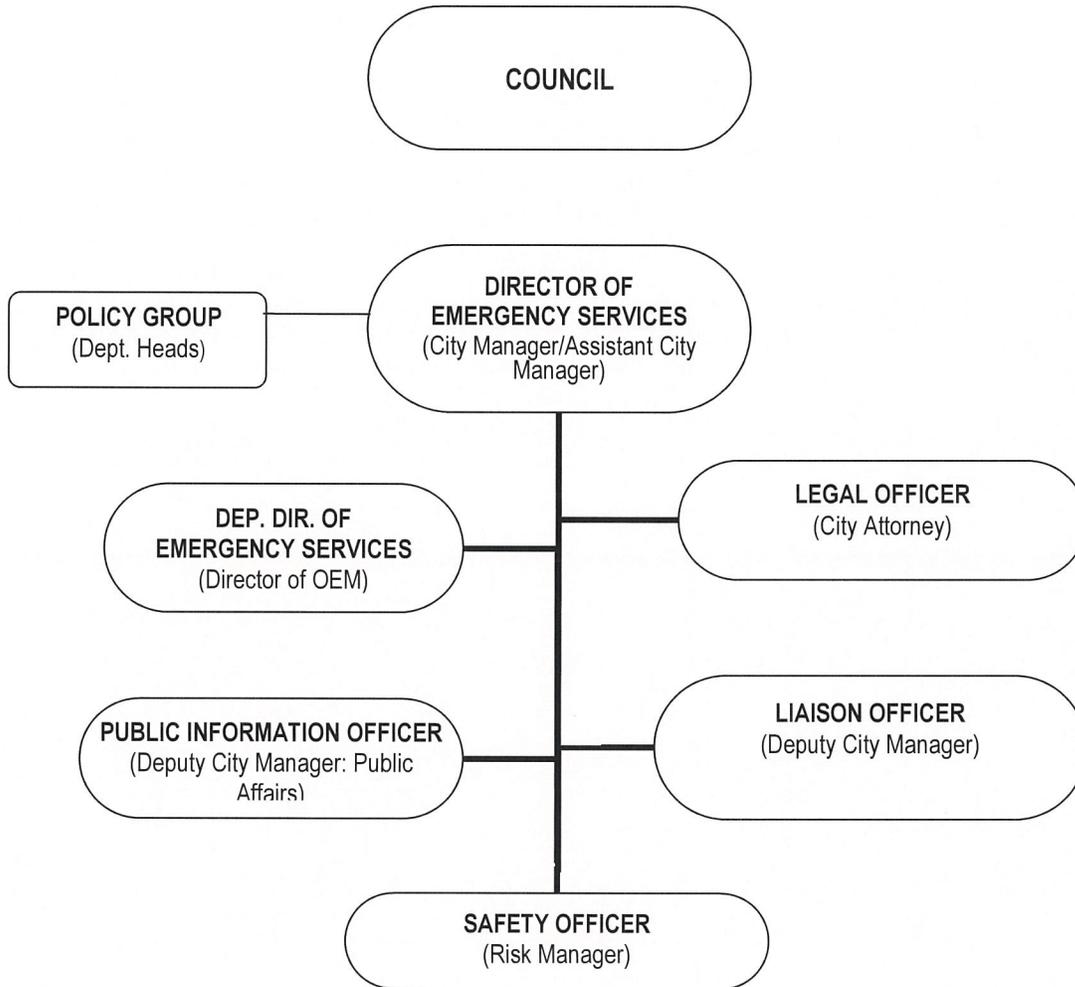
The following chart shows the EOC Table of Organization. These positions are staffed by various departments.





Management Section Chart

The City Council is part of the Management Section. The following chart shows the organizational chart for the management section and the title of the person who serves in each position.





ROLES OF CITY COUNCIL

This Section describes duties that the City Council will perform and roles that it will fill during an emergency or disaster.

The following two pages are taken from Part Two: Management Section (pgs 7-12) of the Beverly Hills Emergency Operations Plan and outlines the City Council's general duties during an emergency or disaster.

MANAGEMENT CITY COUNCIL

SUPERVISOR: Electorate.

GENERAL DUTIES:

- Proclaim and/or ratify a local emergency.
- Pass important resolutions for the management of the emergency.
- Obtain briefings from Director of Emergency Services or Liaison Officer
- Provide information provided to the public and media.
- Support a multi agency disaster response.
- Host and accompany VIPs and government officials on tours of the emergency/disaster.

COMMAND STAFF RESPONSIBILITY:

Proclaim and/or ratify a local emergency, approve emergency orders and serve as City Official.

READ ENTIRE CHECKLIST AT START-UP AND AT BEGINNING OF EACH SHIFT

CHECKLIST ACTIONS

- Check in at the Policy & Management Office.
- Receive incident briefing from the Director of Emergency Services or Liaison Officer
- Call emergency meetings of the City Council to proclaim and/or ratify a local emergency and approve emergency orders as needed.
 - three (3) members of the City Council are needed for an official quorum
 - emergency proclamations must be ratified within seven (7) days
 - approve extraordinary expenditure requirements as necessary
- Review, at least every 21 days, the need for continuing the Local



Emergency and proclaim the termination of the Local Emergency as conditions warrant.

- Upon request of the PIO or Liaison Officer, host and accompany VIP's and governmental officials on tours of the emergency/disaster area. Coordinate all tours with Public Information Officer (PIO).
- Provide interviews to the media as arranged by the PIO.
- Refer all requests for emergency information to the Director of Emergency Services or Public Information Officer.
- Oversee the release of official statements.
- Develop or utilize existing citizens' advisory group to address concerns.
- Consider developing an emergency planning task force within the local business or trade association to discuss concerns and disseminate pre-event planning information and post-event recovery information.
- Consider developing a plan to provide a "citizen and business aid" location, which can be utilized, for information and assistance to citizens and businesses impacted by an emergency.
- Encourage post-event discussions in the community to identify perceived areas of improvements.
- Using activity log (**see Part Two-Management Support Documentation – Activity Log**), to maintain all required records and documentation to support After-Action Report and the history of the emergency/disaster.

Document:

- Messages received
- Action taken
- Decision justification and documentation
- Requests filled
- EOC personnel, time on duty and assignments

Precise information is essential to meet requirements for possible reimbursement by State OES and FEMA.

NOTE: Council members should refrain from direct involvement with City or joint City/County/State Emergency Operations Center (EOC) activities. Council members will be provided information updates through the Director of Emergency Services or Liaison Officer.

When to report

As directed by the Director of Emergency Services (City Manager), or at the onset of a major disaster/emergency.

Where to report

Report to the fourth floor of City Hall. If unable to get in or it is unsafe, report to the Emergency Operations Center (EOC).



Report to

The Liaison Officer (EOC: Management Section), with support from the Administrative City Council Liaison position, will assist the City Council with their disaster related functions.

In the event that City Hall is rendered unusable by an emergency, the temporary office of City government will be as follows:

1st Alternate: Fire Station, Administration Offices

2nd Alternate: Public Works Facility

3rd Alternate: Beverly Gardens

4th Alternate: Costa Mesa City Hall

5th Alternate: Palm Springs City Hall

CITY COUNCIL MEMBER ROLES

When a disaster strikes, the City Council will often serve as the primary conduit between government and the public both during and after the event. It may hold public meetings to conduct business relevant to response and recovery from the disaster (for example, the adoption of ordinances) and to hear from and communicate with the public. Additionally, the Council may review potential or threatened litigation and provide general direction to the Director of Emergency Services in such matters. In addition to the general duties listed in the City Council job description in the Emergency Operations Plan, other specific responsibilities of the City Council include:

- Receive regular updates and briefings from the Director of Emergency Services and possibly through the Liaison Officer.
- Serve as a liaison with other City, County, State and/or Federal government representatives.
- Review and approve the Proclamation of Local Emergency.
- Conduct public meetings to determine public needs and identify current or future city actions related to the disaster.
- Receive information and assistance from the Director of Emergency Services and City Public Information Officer (PIO) to assist with public information outreach.
- Visit impacted areas, shelters, and other temporary facilities to spot problems and special issues (Make arrangements with Liaison Officer first).
- Review requirements for special legislation and development of policy.
- Consider and advise both short and long term recovery strategies.
- Serve as the liaison with public or community organizations.
- Survey problem sites in Beverly Hills and assist residents and the City in finding solutions to problems resulting from the disaster.



- Participate in required training as required by State & Federal law.

In addition to these duties, the City Council may also serve in other roles and capacities such as:

- 1) Providing policy direction for the Director of Emergency Services,
- 2) Providing leadership, condolences, comfort and encouragement for the community,
- 3) Meeting with the media to discuss the community's strengths and resilient spirit,
- 4) Hosting visiting dignitaries.

Involvement in Response

Primarily, the Council's role is in policy direction and community leadership. City Council members should resist the temptation to speed to the scene of an emergency or disaster. Should it be necessary to visit the scene of an emergency or a disaster, the decision should be made in consultation with the Director of Emergency Services, aka City Manager, or designee.

Also, Council Members should avoid the direct decision making process in disasters and emergencies and should not expect to participate in the operation of the Emergency Operations Center (EOC). EOC staff have specialized training in emergency management and the presence of untrained personnel can interfere with operations in the EOC. To maintain unity of command and the safety of the responders, the chain of command cannot be bypassed.

Providing Policy Direction to Director of Emergency Services

After a disaster or an emergency, the City can face great loss of property and life. The City Council should expect to provide policy direction for the financial, physical, and emotional recovery of the City. City Council members have to ensure that emergency managers have a clear policy direction to follow as part of the recovery process. Council members could also provide policy guidance to ensure that the city is disaster prepared and support training and exercises to keep the City at a high level of readiness.

Providing Leadership, Condolences, Comfort, and Encouragement to the Community

Since disasters and emergencies are high profile events and the community may face a huge loss of life and property, the community will need leadership to provide comfort, caring, and encouragement to the City's residents. Leadership is important to instill confidence in the public that the incident is being managed effectively. Leadership from City Council Members could also be provided by motivating and supporting employees, so that they can accomplish difficult tasks under dangerous and stressful circumstances.



Meeting with the media and the public to discuss the community's strength and resilient spirit

All media contacts should be done through the City's Public Information Officer (PIO). The PIO can assist with ensuring your information is adequate and timely. The following are some suggestions with working with the media and the community:

- Seek out victims at shelters and reception centers to offer comfort and sympathy
- Set realistic expectations for government response
- Do not make specific promises for recovery assistance
- Do not make comparisons to other disasters
- Demonstrate concern for the community
- Speak with one voice
- Avoid answering questions about specific cases regarding disaster assistance and response

Hosting Visiting Dignitaries

High level federal and state level officials, mayors, and other leaders may visit the City after a disaster. The City Council may have to greet these dignitaries and should coordinate with the Liaison Officer before any visits.

EMERGENCY SERVICES ORDINANCE

The City Council readopted the Emergency Services Ordinance (No. 07-O-2521) in July 2007, which revised the original ordinance adopted in 1988. The ordinance creates the Disaster Council, establishes its powers, places the City Manager as the Director of Emergency Services, establishes a succession plan, authorizes the Council to adopt a resolution on the threshold amount for use during emergencies, and has a change regarding temporary installation antennae facilities.

Additionally, this ordinance gives the Director of Emergency Services (City Manager) the authority to proclaim a local emergency if an emergency occurs when the City Council is not in session. The City Council must then ratify the proclamation within seven days.

CITY COUNCIL SUCCESSION PLAN

There are two formal City Council decisions that discuss a succession plan for City Council Members: the Emergency Services Ordinance (No. 07-O-2521) and Resolution 06-12219 appointing Standing Officers for the City Council. These decisions provide for the continuance of the legislative functions of the City during a state or local emergency.



The Emergency Services Ordinance provides that if the **Mayor** is unavailable, the Mayor is replaced by the Vice Mayor or next available senior City Council member. If no Council members are available, then the successors for Mayor and Vice Mayor take on those roles.

Should a **Council Member** become unavailable, the Standing Officer Ordinance allows each City Council Member to appoint, pre-disaster or emergency, three qualified standby officers. The term "unavailable" means that a Council Member or a standby officer "is killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his duties" (Cal. Gov't Code § 8640.)

Standby officers serve at the City Council's pleasure and may be removed and replaced at any time with or without cause. (Cal. Gov't Code § 8640.) Standby officers receive no compensation for the performance of their duties except as provided by law. The City Clerk will administer the oath of office to the standby officer at the time of appointment. The City Clerk's Office maintains the list, provided by City Council Members, of standby officers. City Council members should promptly notify the City Clerk of changes to their selections.

CONCLUSION

City Council members will play any number of roles during and after a disaster or emergency ranging from: policymaker, communicator, liaison, and spokesperson to the community, outside government agencies, and non-governmental agencies. Council Members' actions influence community members as well as employees and directly impact our city's ability to protect lives, property, and the environment. While City Council members should not participate at the scene of an emergency or directly in the activities of the Emergency Operations Center, City Council Members have a significant role in the City of Beverly Hills emergency response and recovery organization.

The Office of Emergency Management hopes that this guide has helped the City Council have a better understanding of their roles, authorities and responsibilities as it continues towards its goal of becoming the safest most prepared city in America.



APPENDIX

PROCLAIMING A LOCAL EMERGENCY

Proclamations of a Local Emergency are normally made when there is extreme peril, caused by natural or man-made situations, to the safety of persons and property within the City. A local emergency may be proclaimed by the City Council or by the Director of Emergency Services (BHMC Section 2-4-107). A local emergency proclaimed by the Director of Emergency Services must be ratified by the City Council within seven (7) days. The City Council body must review the need to continue the proclamation at least every twenty-one (21) days, until the local emergency has been terminated, but if the City Council meets weekly, the review must take place at least every fourteen (14) days (Section 8630).

CRITERIA FOR PROCLAMATION OF A LOCAL EMERGENCY

As defined by the California Office of Emergency Services, there are no distinct legal definitions that define the point at which an emergency should be declared. It is a judgment decision to be made by authorized personnel, based on the assessment of the severity of the situation, as it affects both the public and private sectors. The City's Emergency Operations Plan lists criteria that may be used as a basis for determining that a situation is beyond the control of the City.

The proclamation of a local emergency must be made within 10 days after occurrence of a disaster in order to be eligible for state financial assistance under the California Disaster Assistance Act (Section 2685.2).

The proclamation of a Local Emergency provides the legal authority to:

- if necessary, request that the Governor proclaim a State of Emergency (Section 8625)
- promulgate or suspend orders and regulations necessary to provide for the protection of life and property, including issuing orders or regulations imposing a curfew within designated boundaries (Section 8634)
- exercise full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements (Section 8631)
- request state agencies and other jurisdictions to provide mutual aid (Section 8632)
- require the emergency services of any local official or employee (Section 3100 *et seq.*)
- requisition necessary personnel and materials from any local department or agency (Municipal Code Section 2-4-107)



- obtain vital supplies and equipment and, if required, immediately commandeer the same for public use (Municipal Code Section 2-4-107)
- impose penalties for violation of lawful orders
- conduct emergency operations without incurring legal liability for performance, or failure of performance (Note: Article 17 of the CESA, Section 8655, provides for certain privileges and immunities.)
- give City employees and governing bodies certain legal immunities for emergency action taken (Section 8655 and 8657)
- expend funds in connection with the emergency (Section 53021)
- appoint additional police officers when necessary for preservation of the public order (Section 38631)
- in some cases, to waive public contract bidding requirements (Public Contract Sections 1102, 10101, 20168, 22050)

Depending on the nature of the disaster and how widespread it is, the City may want to implement certain emergency orders. This may immediately fall under the purview of the police or fire chief; but in any case, the City Council will probably want to ratify such orders. As the disaster response efforts continue, staff may bring other policy items to the City Council for their approval. Conducting emergency City Council meetings in the immediate aftermath of a major disaster should be expected. How to do this is discussed earlier in this document.



EMERGENCY MEETINGS OF THE CITY COUNCIL

Section 54954 of the Brown Act provides that if a fire, flood, earthquake, or other emergency makes it unsafe to meet in the place designated for holding regular City Council meetings, the presiding officer of the City Council, or his or her designee, can designate the place that regular meetings will be held for the duration of the emergency. The presiding officer's designation of a meeting place under those circumstances must be:

- Made in a notice to the local media that have requested notice pursuant to Section 54956 of the Governmental Code,
- By the most rapid means of communication available at the time (Section 54954(e)).

The Beverly Hills Municipal Code, Section 2-1-4, provides that the "presiding officer" of the City Council is the mayor, or in the mayor's absence, the vice mayor.

If a Local Emergency, State of Emergency, or State of War Emergency exists, and the City Council cannot meet at the designated place for regular meetings, CESA authorizes the City Council to meet at a location outside the boundaries of the City, if the circumstances warrant it and the Brown Act procedures described above are followed. (Gov't Code §§ 8642, 54954.)

The Brown Act (Government Code §§ 54950-54963) governs meeting access for local public bodies. The Brown Act cannot be suspended by a local proclamation of emergency or by any other local legislation. However, the Brown Act itself does provide some flexibility with the noticing and agenda requirements in "emergency situations." Emergency situations include "emergencies" and "dire emergencies."

- **Emergency:** Defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body. (Gov't Code § 54956.5(a)(1)). In an "emergency" in which prompt action is necessary due to the disruption or threatened disruption of public services, the City Council may hold an emergency meeting without complying with the 24-hour notice requirement and/or posting requirement ordinarily required prior to a special meeting. However, telephonic notification must be given to the media that have requested notice of special meetings at least one hour before the emergency meeting is held. (Gov't Code § 54956.5(b)(1)&(2).) All other special meeting requirements must be followed. (Gov't Code § 54956.5(d).)



- **Dire Emergency:** Defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the City Council. (Gov't Code § 54956.5(a)(2).) In a "dire emergency" in which prompt action is necessary due to the disruption or threatened disruption of public services, the City Council may hold a dire emergency meeting without complying with the 24-hour notice requirement and/or posting requirement ordinarily required prior to a special meeting. The notice of the meeting provided to the media need not be provided one hour in advance of the meeting. Instead, it can occur at or near the time the presiding officer (or designee) notifies the members of the City Council about the dire emergency meeting. All other special meeting requirements must be followed. (Gov't Code § 54956.5(d).)
- **No Telephone Service:** In either an emergency or a dire emergency, if telephone services are not functioning, the media notice requirements mentioned above are deemed waived, and the City Council (or designee) must notify the media that the emergency meeting was held, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible. (Gov't Code § 54956.5(b)(2).)
- **Meeting Location:** If by reason of fire, flood, earthquake, or other emergency, it is unsafe to meet in the designated meeting location, City Council meetings can be held for the duration of the emergency at a place designated by the presiding officer of the City Council (or designee). Notice of the meeting location must be given to the media that have requested notice of special meetings. That notice must be given to the media by the most rapid means of communication available at the time.
- **Closed Sessions:** During an emergency meeting or dire emergency meeting, the City Council may meet in closed session as otherwise permitted by the Brown Act if agreed to by a two-thirds vote of the City Council members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.
- **Post Meeting Obligations:** When the City Council has conducted an emergency meeting or a dire emergency meeting, the City must post minutes of the meeting, a list of the persons notified prior to



the meeting, a list of persons the City attempted to notify prior to the meeting but were unable to reach, the actions taken by the Council and roll call vote. This information must be posted in a public place, as soon after the meeting as possible and shall remain in place for ten (10) days. (Gov't Code § 54956.5(e).)

In short, in emergency situations, the City and its officials **MUST** comply with the Brown Act, but the Act itself provides flexibility with regard to noticing requirements.



DISASTER MYTHS

This section discusses the various disaster myths that have been spread by the media and other sources. It can be difficult to get accurate and timely information during a disaster, but the City uses variety of methods to ensure that citizens receive the proper information that they need. Disaster or emergency information can be communicated via the City's cable channels, 10 and 35, the City webpage, Twitter page, the 1500am radio channel, the Telephone Notification System, or the City Disaster Hotline. The Disaster Hotline will be activated in response to a specific emergency or set of circumstance which causes a large influx of calls. **The number is: (310) 550-4680.** Providing accurate and timely information is the key to alleviating human suffering in times of disaster. Conveying this critical information to the community may be the most important function of the City Council.

Myth # 1 Looting always occurs after a disaster, disasters draw mobs of converging looters, or disasters bring out the worst in people.

The media expect and seek out instances of looting. Some looting may occur, but it is not generally widespread. Crime rates actually have a short-term decline after a disaster.

Most of the people who spontaneously converge on a disaster are volunteers wanting to help, or sightseers causing traffic jams. If needed, the City is ready to mitigate this issue with fences and curfews if necessary.

In disasters, most people will help any others who need assistance. Instead of bringing out the worst in people, disasters, especially soon after the event, often bring out the best in people. Oftentimes spontaneous volunteers will converge at a disaster site offering help. The City has a Disaster Volunteer Plan covering procedures for processing both registered and spontaneous volunteers.

Myth #2 Martial law is usually declared

Martial law is seldom declared. In the US, after the 1906 earthquake in San Francisco, the military patrolled the streets and had a very high profile in response efforts, but marital law was not formally declared, and the military generally operated at the request of civil authorities. Other cases of martial law in the U.S. occurred during the war of 1812, the Civil War, and a few instance of labor unrest. Marital Law was not declared in New Orleans after Hurricane Katrina.

Myth # 3 Price Gouging is widespread.

As with looting, the media expects and seeks out instances of price gouging. In reality, price gouging is infrequent, isolated, and triggers strong negative reactions from the community. State law prohibits excessive and unjustified increases in the prices of essential consumer goods and services when a declared state of emergency results in abnormal disruptions in the market. Additionally, the City Council passed an Anti-Price Gouging Ordinance, allowing



the City to prosecute violations rather than on relying upon the District Attorney's office to do so.

Myth#4 People obey evacuation orders

Often the challenge with evacuations is getting people to leave while it is still safe to do so. People often wait too long before evacuating. It is a misdemeanor to not evacuate during a mandatory evacuation. The path of evacuation and the location to evacuate are often determined by the nature, size, severity and hazards related to the disaster.

Every family should have a family evacuation plan and identify family meeting places; places where family members would meet out outside their home, outside their neighborhood, outside the City, and outside the State. There are predetermined shelter sites throughout the City that can be activated in an emergency. The City stores a variety of emergency supplies such as water, food, tools to use for Community Care.

Myth #8 All donated goods are useful

Spontaneous donations can be one of the biggest problems after a disaster and cause far more problems than they solve. Cash sent to recognized disaster relief agencies is the best assistance.

Myth #9 Most victims will be rescued by highly trained personnel.

In fact most disaster victims are rescued by untrained people, usually other disaster victims. Los Angeles City CERT trainers report that bystanders make up 95% of the disaster response. Trained professionals will be needed where complex rescues must be done, but most rescues are simple and easily accomplished. The City of Beverly Hills offers emergency response training for both employees (Employee Emergency Response Training, EERT) and residents (Community Emergency Response Training, CERT). CERT is designed to help our families, neighborhoods, schools, and businesses prepare for effective disaster/emergency response through training and preplanning. EERT's purpose is to prepare individuals to provide life safety emergency response to a fire, evacuation, or other emergencies or disasters in all city-owned facilities. Both programs are under the leadership of the Office of Emergency Management.