

ORDINANCE NO. 25-2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ELK GROVE MUNICIPAL CODE SECTION 9.19.041 (A)(6) TO UPDATE
NAMING CONVENTIONS RELATING TO EMERGENCY SERVICES
ORGANIZATION AND FUNCTIONS**

WHEREAS, Government Code 8585 changes California Office of Emergency Services to California Emergency Management Agency; and

WHEREAS, City approved Ordinance No. 26-2007 prior to the name change;
and

WHEREAS, the State of California needs the ordinance updated for certification;
and

WHEREAS, the City desires to be an accredited disaster council.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose and Authority

Chapter 9.19 of the Municipal Code entitled "Emergency Services Organization and Functions" is to provide for the preparation and carrying out of plans during the event of an emergency. The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution and to consolidate references to agency naming conventions.

Section 2: Amending Elk Grove Municipal Code 9.19.041 (A)(6)

Elk Grove Municipal Code Section 9.19.041 (A)(6) is amended to read as follows:

9.19.041: Powers and duties of the Director and Assistant Director of Emergency Services...

(A)(6) In the event of the proclamation of a "Local Emergency" as herein provided, the proclamation of a "State of Emergency" by the Governor or the Secretary of the California Emergency Management Agency, or the existence of a "State of War Emergency", the Director is hereby empowered:

Section 3: Repeal of Conflicting Ordinances

Under the provisions of Government Code, Section 8668 (a) of the California Emergency Services Act, existing civil defense and disaster ordinances will remain in full force and effect until revised, amended, or revoked. In subsequent revisions of a city emergency services ordinance, the following proviso should be included in the repealing

section in order to preserve existing rights and privileges:

“Provided, that 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of the City Council in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance.”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 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: 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 provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code, Section 36933(c)(1).

ORDINANCE: 25-2010
INTRODUCED: October 13, 2010
ADOPTED: October 27, 2010
EFFECTIVE: November 26, 2010


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

Date signed: November 1, 2010

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 25-2010**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on October 13, 2010 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 27, 2010 by the following vote:

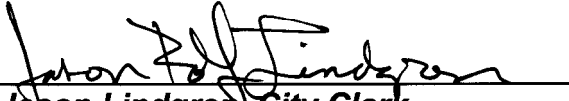
AYES : **COUNCILMEMBERS:** *Scherman, Detrick, Cooper, Hume*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Davis*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**