



## OFFICE OF THE CITY ATTORNEY

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# ORD-21

**DAWN A. MCINTOSH**  
City Attorney

**GARY J. ANDERSON**  
Assistant City Attorney

May 9, 2023

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Declare an Ordinance of the City Council of the City of Long Beach amending the Long Beach Municipal Code by amending Section 2.69.060 relating to the City Council review period for continuing a local emergency; read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

### DISCUSSION

Pursuant to City Manager's request, we have prepared the attached Ordinance amending Section 2.69.060 to the Long Beach Municipal Code.

### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

DAWN MCINTOSH, City Attorney

By: Anita Lakhani  
Deputy City Attorney

AL:kd

ATTACHMENT: CITY COUNCIL ORDINANCE

## **2.69.060 Director—Duties.**

- A. There is created the position of Director of Civil Defense. This position shall be filled by the City Manager. The title of Director of Emergency Services is coterminous and equally applicable.
- B. The Director is empowered to:
  - 1. Request the City Council to proclaim the existence or threatened existence of a local emergency and the termination thereof, if the Council is in session, or issue such proclamation, if the Council is not in session; provided, however, in the event that such proclamation is by the Director alone the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect. The City Council shall review at least every fourteen (14) days the need for continuing a local emergency and shall terminate it at the earliest possible date the conditions warrant; **The City Council may extend the fourteen (14) day review period for continuing a local emergency for any existing local emergency by minute order for a time period in compliance with state law requirements;**
  - 2. Request the Governor of the State to proclaim a state of emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;
  - 3. Control and direct the efforts of the emergency organization of this City for the accomplishment of the purposes of this Chapter;
  - 4. Direct cooperation between and coordination of the services and staff of the emergency organization of this City and resolve questions of authority and responsibility that may arise between them;
  - 5. Represent the emergency organization of this City in all dealings with public or private agencies pertaining to emergencies as defined in this Chapter;
  - 6. Appoint, with the consent of the City Council, an assistant Director of Civil Defense who, under his direction, shall also be known as the Coordinator of Emergency Services and be in charge of the Department of Emergency Preparedness;
  - 7. Prepare and maintain, on a current basis, a disaster plan to be known as the City Emergency Plan. A portion of the Plan, referred to in the remainder of this Chapter as the basic plan, shall be effective upon approval of the City Council and shall be as more particularly described in this Chapter.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SECTION 2.69.060  
RELATING TO CITY COUNCIL REVIEW FOR CONTINUING  
A LOCAL EMERGENCY

WHEREAS, the City of Long Beach’s (“City”) Municipal Code Section 2.69.060(B)(1) requires the City Council to review the need to continue a local emergency every 14 days;

WHEREAS, California Government Code Section 8630(c) provides that a governing body that proclaimed a local emergency shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency; and

WHEREAS, the City Council desires to amend the City’s Municipal Code to provide an option to increase the 14-day local emergency review requirement for an existing local emergency by minute order for a time period in compliance with state law requirements.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 2.69 of the Long Beach Municipal Code is amended to read as follows:

Chapter 2.69  
CIVIL DEFENSE

2.69.060 Director – Emergency powers.

A. There is created the position of Director of Civil Defense. This

1 position shall be filled by the City Manager. The title of Director of Emergency Services is  
2 coterminous and equally applicable.

3 B. The Director is empowered to:

4 1. Request the City Council to proclaim the existence or threatened  
5 existence of a local emergency and the termination thereof, if the Council is in session, or  
6 issue such proclamation, if the Council is not in session; provided, however, in the event  
7 that such proclamation is by the Director alone the City Council shall take action to ratify  
8 the proclamation within seven (7) days thereafter or the proclamation shall have no  
9 further force or effect. The City Council shall review at least every fourteen (14) days the  
10 need for continuing a local emergency, and shall terminate it at the earliest possible date  
11 the conditions warrant. The City Council may extend the fourteen (14) day review period  
12 for continuing a local emergency for any existing local emergency by minute order for a  
13 time period in compliance with state law requirements;

14 2. Request the Governor of the State to proclaim a state of emergency  
15 when, in the opinion of the Director, the locally available resources are inadequate to  
16 cope with the emergency;

17 3. Control and direct the efforts of the emergency organization of this  
18 City for the accomplishment of the purposes of this Chapter;

19 4. Direct cooperation between and coordination of the services and  
20 staff of the emergency organization of this City and resolve questions of authority and  
21 responsibility that may arise between them;

22 5. Represent the emergency organization of this City in all dealings with  
23 public or private agencies pertaining to emergencies as defined in this Chapter;

24 6. Appoint, with the consent of the City Council, and assistant Director  
25 of Civil Defense who, under his direction, shall also be known as the Coordinator of  
26 Emergency Services and be in charge of the Department of Emergency Preparedness;

27 7. Prepare and maintain, on a current basis, a disaster plan to be  
28 known as the City Emergency Plan. A portion of the Plan, referred to in the remainder of

1 this Chapter as the basic plan, shall be effective upon approval of the City Council and  
2 shall be as more particularly described in this Chapter.

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4 Section 2. The City Clerk shall certify to the passage of this ordinance by  
5 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
6 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
7 Mayor.

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9 I hereby certify that the foregoing ordinance was adopted by the City  
10 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2023,  
11 by the following vote:

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13 Ayes: Councilmembers: \_\_\_\_\_  
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17 Noes: Councilmembers: \_\_\_\_\_  
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19 Absent: Councilmembers: \_\_\_\_\_  
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21 Recusal(s): Councilmembers: \_\_\_\_\_  
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\_\_\_\_\_ City Clerk

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26 Approved: \_\_\_\_\_  
27 (Date)

\_\_\_\_\_ Mayor

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