

ORDINANCE NO. 08-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 95, "EMERGENCY MANAGEMENT", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 95.03, "EMERGENCY MANAGEMENT STRUCTURE", AND SECTION 95.04, "POWERS, DUTIES AND RESPONSIBILITIES", TO PROVIDE FOR THE CREATION OF AN INDEPENDENT DIRECTOR OF EMERGENCY MANAGEMENT POSITION; PROVIDING A SAVINGS CLAUSE; GENERAL REPEALER CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Commission of the City of Delray Beach to provide the necessary organization, powers, and authority to enable the timely and effective use of all available City resources to prepare for, respond to, and recover from emergencies, natural and man-made, likely to affect the security, safety, or health of the City of Delray Beach and its residents; and

WHEREAS, it is the intent of the City Commission that nothing contained within this ordinance shall relieve City departments of their normally assigned duties, responsibilities, and functions; and

WHEREAS, it is the intention of the City Commission that nothing contained within this ordinance shall be construed as a delegation of authority to abridge or diminish the legislative or administrative powers of the City Commission; and

WHEREAS, the City Commission is authorized to create an emergency management program pursuant to Chapter 252, *Florida Statutes*; and

WHEREAS, pursuant to Chapter 252, *Florida Statutes*, emergency management programs shall have a director that is appointed by the City Commission or the City Manager; and

WHEREAS, currently, Chapter 95 of the City of Delray Beach Code of Ordinances provides for the City Manager or his/her designee to perform the function of Director of Emergency Management and the Coordinator of Emergency Services to perform certain duties; and

WHEREAS, the City Commission desires to create a Director of Emergency Management position that is separate from the City Manager position and to eliminate the Coordinator of Emergency Services position in order to best protect the City of Delray Beach and its residents in the event of an emergency.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA AS FOLLOWS:

Section 1. That Chapter 95, "Emergency Management", of the Code of Ordinances of the City of Delray Beach is hereby amended by amending Section 95.03, "Emergency Management Structure", and Section 95.04, "Powers, Duties and Responsibilities", to read as follows:

### **Sec. 95.03 EMERGENCY MANAGEMENT STRUCTURE.**

~~(A) The City Manager or his designee shall perform the function of Director of Emergency Management and shall implement, manage and report on all actions authorized and taken under the provisions of this Chapter.~~

~~(B) The City Manager or his designee shall appoint a Coordinator of Emergency Services whose~~ Director of Emergency Management's duties shall include the ongoing planning for and coordination of those actions necessary for the creation and maintenance of an effective emergency response capability to prepare for and manage emergency conditions.

### **Sec. 95.04 POWERS, DUTIES AND RESPONSIBILITIES.**

~~(A) The City Manager, or Acting City Manager, when acting as the Director of Emergency Management, shall have the following powers, duties and responsibilities: The City Manager or Acting City Manager may delegate, in writing, a specific power, duty, or responsibility listed below to the Director of Emergency Management:~~

- ~~(1) To declare or recommend a declaration of emergency pursuant to Section 95.05; to inform the Mayor and Vice Mayor and the City Commission of the reasons for and status of events requiring the declaration.~~
- ~~(2) To direct the creation, revision and the exercise of emergency response plans conforming to State and County emergency plans for the mitigation of, preparation for, response to, and recovery from emergencies; and to exercise all powers permitted by F.S. Chapter 252.~~
- ~~(3) To assist the efforts of the Coordinator~~ Director of Emergency Services Management in preparation for, response to, and recovery from; emergency conditions.
- ~~(4) To recommend a budget to the City Commission for the creation and maintenance of an emergency response capability as provided herein.~~
- ~~(5) To promulgate emergency regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an emergency, to the City Commission.~~

~~(B) The Coordinator of Emergency Services~~ Director of Emergency Management shall have the following responsibilities and duties:

- ~~(1) To supervise the development and maintenance of City emergency plans, including annual updates.~~
- ~~(2) To plan for and develop an emergency operations control center to include equipment, manning, and operational procedures necessary to for the management and control of emergency conditions.~~
- ~~(3) To develop and manage the City's emergency awareness public information program.~~
- ~~(4) To prepare and submit an annual operating budget to the City Manager related to emergency management activities, preparations and training.~~

Section 2. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such

decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 3. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 4. That this ordinance shall become effective upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
MAYOR

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_