



## CITY OF POQUOSON

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Office of the City Manager

J. Randall Wheeler

February 22, 2010

**To:** City Council  
**Through:** City Manager  
**From:** Assistant City Manager  
**Subject:** Ordinance Amending Chapter 26 Article II of the City Code Pertaining To  
Emergency Management

At the last meeting the Emergency Operations Plan was adopted. This Plan designates the City Manager as the Director of Emergency Management and delegates the day-to-day activities to the Coordinator. The ordinance presented for your consideration amends Chapter 26, Section II of the City Code to reflect this designation of the Director and Coordinator(s) of the Emergency Services.

JFW:ei

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE CITY OF POQUOSON, VIRGINIA BY REVISING  
CHAPTER 26, ARTICLE II, PERTAINING TO EMERGENCY MANAGEMENT

BE IT ORDAINED by the Council of the City of Poquoson, Virginia:

**Section 1:** That Chapter 26, Article II Division 2 of the Code of Ordinances of the City of Poquoson, Virginia is hereby amended to read as follows:

Chapter 26  
Civil Emergencies  
Article II Emergency Management  
Division 2. Office of Emergency Management

**Section 26-51. Created; director and coordinator generally.**

In accordance with Code of Virginia, § 44-146.19, an office of emergency management is hereby created for and within the city. The ~~mayor~~ City Manager is hereby appointed as director ~~and the city manager appointed as coordinator~~ of emergency services. The Director shall appoint a coordinator who ~~The coordinator shall appoint a deputy coordinator(s)~~, with the consent of the council.

**Section 26-52. Duties of director.**

- (a) In cooperation with other public and private agencies within the state, the director of emergency management shall develop, or cause to be developed, mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted.
- (b) The director of emergency management shall prepare and keep current a local or interjurisdictional emergency plan for the area. This shall include, but not be limited to, responsibilities of all local agencies and the establishment of a chain of command.

**Section 26-53. Declaration of local emergency.**

- (a) A local emergency may be declared by the local director of emergency management with the consent of the city council of the political subdivision. If the city council cannot convene due to the disaster or other exigent circumstances, the director, or in his absence, the ~~deputy director~~ Coordinator, or in the absence of both the director and ~~deputy director~~ Coordinator, any Deputy Coordinator or member of the city council may declare the existence of a local emergency, subject to confirmation by the city council at its next regularly scheduled meeting or at a special meeting within 14 days of the declaration, whichever occurs first. The city council, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.

(b) A declaration of a local emergency as defined in Code of Virginia, § 44-146.16(6) shall activate the local emergency operations plan and authorize the furnishing of aid and assistance thereunder.

(c) Whenever a local emergency has been declared, the director of emergency management of each political subdivision or any member of the city council in the absence of the director, if so authorized by the city council, may control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster, and proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, provided such funds in excess of appropriations in the current approved budget, unobligated, are available. Whenever the governor has declared a state of emergency, each political subdivision affected may, under the supervision and control of the governor or his designated representative, enter into contracts and incur obligations necessary to combat such threatened or actual disaster beyond the capabilities of local government, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law pertaining to public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

**Section 2:** That the second reading of this ordinance is hereby dispensed with and the provisions contained herein shall become effective immediately upon its adoption.

**ADOPTED:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_

City Clerk