

## **ORDINANCE NO. 1539**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING SECTION 2703 OF TITLE II (ADMINISTRATION), CHAPTER 6 (EMERGENCY ORGANIZATION AND FUNCTIONS) RELATED TO FREQUENCY OF CITY COUNCIL LOCAL EMERGENCY PROCLAMATION REVIEW**

The City Council of the City of Arcata does ordain as follows:

**Section 1. Findings and Purposes.** The City Council hereby finds as follows:

A. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On March 11, 2020, the Humboldt County Health Officer declared a Local Health Emergency in response to the COVID-19 outbreak in California.

B. Pursuant to Government Code §8630, the governing body of a city, or an official designated by ordinance, may proclaim a local emergency which must be reviewed by the governing body at least once every 60 days until the governing body terminates the local emergency.

C. Arcata Municipal Code, Section 2703, allows the City’s Director of Emergency Services to proclaim the existence of a local emergency, subject to ratification by the City Council no later than 7 days thereafter. Once ratified, the continuing need for a local emergency must be reviewed by the City Council at least every 14 days.

D. On March 21, 2020, the Director of Emergency Services proclaimed the existence of a Local Emergency in the City of Arcata due to the increase of COVID-19 in the community and the potential impact on community resources. On March 26, 2020, the City Council adopted Resolution No. 190-65 to ratify the Director of Emergency Services’ Local Emergency Proclamation. At least every 14 days thereafter, the City Council has met in regular and special meetings, confirmed the need, and renewed the Local Emergency Proclamation in the City of Arcata.

E. Local impacts from the COVID-19 pandemic are projected to last for at least several months with a continued need for the City’s Local Emergency Proclamation to last through at least through the next 60 days. Reviewing the Local Emergency Proclamation every 14 days as required by the Arcata Municipal Code Section 2703 has become an unnecessary expenditure of limited City Council and staff time and resources that are more appropriately directed toward local emergency response. The purpose of this Ordinance is to conserve City resources consistent with State Law by requiring City review of the need for local emergency at least every 60 days.

**Section 2. Amendment to Section 2703.** Title II, Administration, Chapter 6, Emergency Organization and Functions, Section 2703 is hereby amended as shown by the following strike

through for deleted text and double underscore for new text:

**SEC. 2703. Proclamation of Emergency.**

A. Upon a request by the Director, or on its own initiative, the City Council may proclaim the existence or the threatened existence of a local emergency when circumstances described in Section 2701 (C) exist. Said proclamation shall be in writing and shall take effect immediately.

B. If the City Council is not in session, the Director may proclaim the existence or the threatened existence of a local emergency when circumstances described in Section 2701 (C) exist. Said proclamation shall be in writing and shall take effect immediately. When a local emergency is proclaimed by the Director, the City Council shall review and ratify the proclamation within 7 days thereafter or the proclamation shall have no further force or effect.

C. At least once every ~~14~~ 40 days after the proclamation of a local emergency and until said local emergency is terminated, the City Council shall review the continuing need for a local emergency and shall terminate the local emergency at the earliest possible date the conditions warrant.

D. The City Council may, by resolution, request the Governor to proclaim a state of emergency when the locally available resources are inadequate to cope with the emergency.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

**Section 4. Environmental Review.** This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because modifies an existing program consistent with state law and it can be seen with certainty that the proposed code revisions are technical, minor, and/or have no possibility that they may have a significant effect on the environment.

**Section 5. Effective Date of Ordinance.** This Ordinance will take effect thirty days after its adoption.

**DATE:** December 16, 2020

**ATTEST:**

**APPROVED:**

/s/ Bridget Dory  
City Clerk, City of Arcata

/s/ Sofia Pereira  
Mayor, City of Arcata

### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1539 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 16<sup>th</sup> day of December, 2020, by the following vote:

**AYES: PEREIRA, WATSON, ATKINS-SALAZAR, GOLDSTEIN, SCHAEFER**

**NOES: NONE**

**ABSENT: NONE**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata