

ORDINANCE NO. 1549

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE II, CHAPTER 6 EMERGENCY ORGANIZATION AND FUNCTIONS

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

Section 1: Title II, Administration, Chapter 6, Emergency Organization and Functions, of the Arcata Municipal Code is hereby amended as shown by the following strike through for deletions and bold underlined for additions:

Title II—Administration Chapter 6—Emergency Organization and Functions

SEC. 2700. Purposes.

The ~~declared~~ purposes of this chapter are to provide for 1) the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency; ~~the directions of 2)~~ the emergency organization of the City during an emergency; and, 3) the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, entities, and affected private persons individuals involved in emergency response and recovery.

SEC. 2701. Definitions.

The following terms used in this chapter shall be defined as set forth below except to the extent such definitions may be inconsistent with definitions in the ~~e~~Emergency Operations ~~p~~Plan adopted pursuant to (SEC. 2704). If an inconsistency arises, the definitions in the ~~e~~Emergency Operations ~~p~~Plan shall control.

A. ~~"Director"~~ means the Director of Emergency Services for the City of Arcata.

BA. "Emergency" means a ~~l~~Local ~~e~~Emergency, ~~s~~State of ~~e~~Emergency, ~~s~~State of ~~w~~War ~~e~~Emergency or ~~n~~National ~~e~~Emergency.

EB. "Emergency Organization" means all officers and employees of the City, together with those disaster service volunteers registered and enrolled to aid them during an emergency, and all groups, organizations, and persons who, by agreement or operation of law, may be impressed into service under provisions of Section ~~2702~~2706(A)(3) of this Chapter.

DC. "Local Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the City of Arcata, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other

conditions, other than conditions resulting from a labor controversy, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage which requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

ED. "National Emergency" means a proclamation by the President of the United States of the existence of a national emergency.

FE. "State of Emergency" means the duly proclaimed, by the Governor or Director of the State Office of Emergency Services, existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, **cyberterrorism**, sudden and severe energy shortage, plant or animal infestation, or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions other than conditions resulting from a labor controversy, or conditions causing a "state of war emergency," which conditions, by reason of their magnitude are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city, and county and city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

GF. "State of War Emergency" means the condition which exists immediately, with or without the proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the Federal Government indicating that such an enemy attack is probable or imminent.

HG. "Sudden and Severe Energy Shortage" means a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, or natural disaster, and which has a statewide, regional, or local impact.

IH. "Unavailable" means an officer who is either killed, missing, or is so seriously injured as to be unable to attend meetings and otherwise perform her/his duties. **Any question as to whether a particular officer is unavailable shall be settled by the City Council or any remaining available City Councilmembers (including standby officers who are serving on the City Council).**

SEC. 2702. Director and Assistant Director of Emergency Services; Alternates.

A.——There is hereby created the office of Director of Emergency Services. The City Manager is hereby designated the Director of Emergency Services. **If the City Manager is Unavailable to act as Director of Emergency Services, the Police Chief is designated the Director of Emergency Services, followed by City Engineer, the Director of Environmental Services and Director of Community Development. If the City Manager becomes available to act as Director of Emergency Services, she/he shall resume the office of Director of Emergency Services.**

— B. — There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director.

SEC. 2703. Proclamation of Emergency.

A. Upon a request by the Director of Emergency Services, 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 (D) exist. Said proclamation shall be in writing and shall take effect immediately.

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

C. At least once every forty (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 ~~s~~State of ~~e~~Emergency when the locally available resources are inadequate to cope with the emergency.

SEC. 2704. Emergency Operations Plan (EOP); Elements; Adoption.

The Director of Emergency Services shall be responsible for the development of the City of Arcata Emergency Operations Plan (EOP), which shall provide for the effective mobilization of all of the resources of the City, both public and private, to meet any condition constituting a ~~Local~~ ~~Emergency~~, ~~s~~State of ~~e~~Emergency, ~~s~~State of ~~w~~War ~~e~~Emergency, or ~~n~~National ~~e~~Emergency. Said emergency plan The EOP shall include such elements as continuity of government, the mobilization of resources, mutual aid, and public information; and shall describe the principles and methods to be applied in carrying out emergency operations for rendering mutual aid during emergencies; and, shall provide for the organization, powers, and duties, services, and staff of the emergency organization. Said plan The EOP shall take effect upon adoption by resolution of the City Council. Said plan Any EOP protocols pertaining to the administrative functioning of the emergency operations center such as staffing rosters, staff training, and communications and volunteer protocols may be revised from time to time as determined appropriate by the Director of Emergency Services.

SEC. 2705. Powers and Duties of the Director and Assistant Director of Emergency Services and Emergency Operations Center (EOC) Director.

A. The Director of Emergency Services shall control and direct the efforts of the

emergency organization of the City for the accomplishment of the purposes of this Chapter.

B. The Director of Emergency Services shall coordinate the services and staff of the emergency organization of the City; and resolve questions of authority and responsibility that may arise within personnel and staff of the emergency organization.

C. The Director of Emergency Services shall represent the City in all public dealings with public and private agencies on matters pertaining to emergencies as defined herein.

D. The AssistantEmergency Operations Center (EOC) Director shall have such powers and duties as may be assigned by the Director of Emergency Services.

SEC. 2706. Powers and duties of Director of Emergency Services during emergency.

A. In the event of a proclamation of a ~~l~~Local ~~e~~Emergency, or the proclamation of a ~~s~~State of ~~e~~Emergency, or the existence of the ~~s~~State of ~~w~~War ~~e~~Emergency, or the existence of a ~~n~~National ~~e~~Emergency, the Director of Emergency Services is hereby empowered:

1. To promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations shall be in writing and shall be confirmed at the earliest practical time by the City Council.
2. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof, and, if required immediately, to commandeer the same for public use.
3. To require emergency services of any City officer or employee, and, to command the aid of as many citizens of this community as she/he deems necessary in the execution of her/his duties. In the event the aid of private citizens is necessary, such persons shall register as volunteers in accordance with the ~~emergency plan~~ EOP. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers and/or disaster service worker volunteers.
4. To requisition necessary personnel or material of any ~~e~~City department or agency.
5. To execute all of her/his ordinary powers as City Manager, as well as to execute all of her/his special powers conferred by this ~~e~~Chapter, ~~emergency plan~~ EOP, any agreement approved by the City Council, or by ~~any~~ other lawful authority.

B. Notwithstanding the provisions of this Section, the Director of Emergency Services is not authorized to commandeer any newspaper, ~~newspaper~~ ~~wire~~ service, or radio or television station, but if no other means of communication is available, the Director of Emergency Services may utilize any news service, and the City shall pay the reasonable value

of such use. In so utilizing any such facilities, the Director of Emergency Services shall interfere as little as possible with the facilities' transmission of news.

SEC. 2707. Continuity of Government.

A. In the event of a proclamation of ~~Local~~ Emergency, ~~State~~ Emergency, ~~State~~ War ~~Emergency~~, or ~~National~~ Emergency, when fewer than a quorum of City Councilmembers are available, the City Council shall proceed to reconstitute itself by filling vacancies until there are sufficient members to form a quorum as required by law. The available City Council members shall fill vacancies by appointment. Should no City Councilmembers be available, the Chair of the County Board of Supervisors shall appoint members to the City Council until there are sufficient members to form a quorum as required by law.

B. In the event a Councilmember becomes available after a period of being ~~Unavailable~~, that Councilmember shall resume her/his office.

C. Emergency appointments to the City Council as authorized herein shall be temporary, and shall last only until such time as either an elected Councilmember becomes available, or a special election may be held.

~~D. In the event the City Manager is, or becomes, unavailable and is therefore unable to serve as Director, the Chief of Police shall serve as both City Manager and Director. In the event the Chief of Police is, or becomes, unavailable to serve as Director and City Manager, the Director of Community Development shall serve as both City Manager and Director. Thereafter, in the event of unavailability, the order of succession to serve as Director and City Manager shall be the Director of Finance or the Director of Environmental Services. If the City Manager becomes available, she/he shall resume the office of Director and City Manager.~~

SEC. 2708. Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Arcata.

SEC. 2709. Punishment of Violations.

It shall be a misdemeanor, punishable by a fine of not to exceed ~~five hundred one thousand dollars~~ \$500.00, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter or in the performance of any duty imposed upon him by virtue of this Chapter.

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this Chapter if such act is of such a nature as to give or be likely to give assistance to the enemy or

to imperil the lives or property of inhabitants of this City, or to prevent, hinder, or delay the defense or protection thereof.

C. Wear, carry, or display, without authority, any means of identification specified by the Director of Emergency Services or the emergency agency of the State.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, 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 3: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it updates an existing plan and it can be seen with certainty that there is no possibility such update may have a significant effect on the environment. Further, specific actions taken pursuant to the updated emergency plan during an emergency may be subject to one or more of the following CEQA exemptions: Public Resources Code §§21080(b), 21080.12, 21080.14, 21080.16, 21080.33, 21172; and 14 Cal Code Regs §15269.

Section 4: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: September 15, 2021

ATTEST:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Brett Watson
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1549, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 15th day of September, 2021, by the following vote:

AYES: WATSON, ATKINS-SALAZAR, GOLDSTEIN, MATTHEWS, SCHAEFER

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata