

ORDINANCE NO. 1366

AN ORDINANCE AMENDING THE ARCATA MUNICIPAL CODE EMERGENCY ORGANIZATION AND FUNCTIONS, CONTINUITY OF GOVERNMENT

TITLE II—ADMINISTRATION CHAPTER 6—EMERGENCY ORGANIZATION AND FUNCTIONS SECTION 2701—DEFINITIONS SECTION 2707—CONTINUITY OF GOVERNMENT

Section 1. The City Council for the City of Arcata hereby amends Title II (*Administration*), Chapter 6, (*Emergency Organization And Functions*), Sections 2701 (*Definitions*) and 2707 (*Continuity of Government*) as follows:

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 emergency plan (SEC. 2704). If an inconsistency arises, the definitions in the emergency plan shall control.

- A. "Director" means the Director of Emergency Services for the City of Arcata.
- B. "Emergency" means a local emergency, state of emergency, state of war emergency or national emergency.
- C. "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(A)(3) of this Chapter.
- D. "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, 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.
- E. "National Emergency" means a proclamation by the President of the United States of the existence of a national emergency.

F. "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, 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.

G. "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.

H. "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.

I. "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.

SEC. 2707. Continuity of Government.

A. In the event of a proclamation of local emergency, state of emergency, state of 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, Director of Public Works, Director of Environmental Services. If the City Manager becomes available, she/he shall resume the office of Director and City Manager.

Section 2. This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: October 17, 2007

ATTEST:

/s/ Michael Hackett
City Clerk, City of Arcata

APPROVED:

/s/ Mark Wheetley
Vice-Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1366**, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 17th day of October, 2007, by the following vote:

AYES: **GROVES, WHEETLEY, MACHI, PITINO, STILLMAN**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Michael Hackett
City Clerk, City of Arcata