

ORDINANCE NO. 14-024

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AMENDING CHAPTER 3.20 OF THE PACIFIC GROVE MUNICIPAL CODE
REGARDING EMERGENCY SERVICES**

FINDINGS

1. Since 1997, the City of Pacific Grove (City) has regulated Emergency Services as set forth in Pacific Grove Municipal Code (PGMC) Chapter 3.20.

2. The City's Office of Emergency Services is located within the City's Police Department. Its mission is to develop and maintain a state of readiness in the event of a natural or human-related disaster. The City is also part of the Monterey County Emergency Response Network.

3. The City has determined it is appropriate to revise the PGMC to align its emergency services provisions with National Incident Management System (NIMS), the California Standardized Emergency Management System (SEMS), and contemporary emergency management standards.

4. This ordinance amends Chapter 3.20 of the Municipal Code to reflect the designation of the City Manager as the emergency services director and the Police Chief as assistant emergency services director; and clarify the succession process for the director and the delegation of emergency authority.

5. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.

6. Enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing Findings are adopted by the City Council as though set forth fully herein.

SECTION 2. Existing Municipal Code section 3.20.070 of Chapter 3.20, entitled "Office of emergency services" shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (***bold italic text***), as follows:

3.20.070 Office of emergency services.

There is created the office of emergency services. This office shall develop and maintain the emergency operations plan for the city in accordance with the state's standardized emergency management system, as well as a training program for city staff covering their responsibilities under this SEMS multihazard functional plan. The city manager shall be the ~~director of the office of emergency services~~ ***director***, and the ~~administrative services director~~ ***police chief*** shall be the assistant emergency ~~services~~ ***services*** director of the office of emergency services, and the ~~disaster coordinator, appointed by the city manager, shall be responsible for day-to-day operation of the office of emergency services.~~

SECTION 3. Existing Municipal Code section 3.20.080 of Chapter 3.20, entitled "Duties of director, assistant director, and disaster coordinator of the office of emergency services." shall be amended by the deletion of all text shown in strikeout text (~~strikeout text~~) and by the addition of all text shown in bold, italic text (***bold italic text***), as follows:

~~3.20.080 Duties of director, and assistant director, and disaster coordinator of the office of emergency services.~~

- (a) The director is empowered to:
 - (1) Request the city council to proclaim the existence or threatened existence of a "local emergency" if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation ~~within seven days~~ ***at the next regular or special council meeting that first occurs*** thereafter or the proclamation shall have no further force or effect;
 - (2) Request ~~the Monterey County operational area to request the~~ ***and/or the*** Governor to ~~declare~~ ***proclaim a local*** "state of emergency" when, in the opinion of the director, ~~the~~ locally available resources are inadequate to cope with the emergency;
 - (3) Control and direct the efforts of the ***City's*** emergency organization ~~of this city for the~~ ***to*** accomplishment of the purposes and intent of this plan and the governing ~~of this chapter~~;
 - (4) Direct cooperation between and coordination of services and staff of the ***City's*** emergency ***services*** organization ~~of this city~~, and resolve ***any*** questions of authority and responsibility that may arise between them;
 - (5) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein, ***including dealing with the Monterey County Operational Area***;

- (6) In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by ~~the~~ **Monterey County and/or the** Governor, ~~or the Director of the State Office of Emergency Services, or the existence of a “state of war emergency,”~~ the director is empowered to:
- (A) Make and issue rules and regulations on matters reasonably related to the protection of life and/or property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
 - (B) Obtain vital supplies, equipment, and such other properties **not readily available** ~~found lacking~~ and needed for the protection of life and/or property and to bind the city for the fair value **of same** ~~thereof~~ and, if required immediately, to commandeer the same for public use;
 - (C) Require emergency services of any city officer or employee and, in the event of the proclamation of a “state of emergency” in ~~the~~ **Monterey** ~~Ceounty in which this city is located or the existence of a “state of war emergency,”~~ to command the aid of as many citizens of this community as he or she deems necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster services workers;
 - (D) Requisition necessary personnel or material of any city department or agency; and
 - (E) Execute all of **his or her** ~~the~~ ordinary powers of ~~the~~ **as** city manager, all of the special powers conferred upon **the director** ~~him or her~~ by this chapter or by resolution or emergency plan pursuant **to this chapter** ~~hereto~~ adopted by the city council, all powers conferred ~~upon him or her~~ by any statute, by any agreement approved by the city council, and by any other lawful authority.
- (b) ~~The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by the city council.~~ **Individual department directors/managers shall designate succession processes within their areas of responsibility.**
- (c) The assistant director shall, **under the supervision of the director and with the assistance of appropriate department directors/managers, develop emergency plans and manage the emergency programs of the City,** ~~and be first in order of succession, and shall~~ have such other powers and duties as may be assigned by the director.

(d) The disaster coordinator shall be appointed by the director of the office of emergency services, and shall be the *manage the* emergency program manager. The *disaster coordinator* emergency program manager is the position in which authority is vested for everyday direction, supervision, and administration of the city's total emergency services program. This position must have direct line of communication and reporting authority to the director of emergency services. The disaster coordinator is also responsible for any other duties assigned by the director of the office of emergency services.

SECTION 4. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall take effect on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 19th day of November 2014, by the following vote:

AYES: Mayor Kampe, Councilmembers Cohen, Cuneo, Fischer, Lucius

NOES: None

ABSENT: Councilmembers Huitt, Miller

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney