



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

April 13, 2021

SUBJECT: City Council Discussion and Consideration to Waive the Second Reading and Adopt Ordinance No. 479 Amending the City of Wheatland's Municipal Code regarding Emergency Services

PREPARED BY: Jim Goodwin, City Manager

Recommendation

Staff recommends the City Council waive the second reading and adopt Ordinance No. 479 amending portions of Section 2.28 (Emergency Organization) of the Wheatland Municipal Code.

Background

The current Emergency Organization section of the Wheatland Municipal Code has not been updated since its adoption in 1971, prior to adoption of the City Manager ordinance in 2005. After consulting with Yuba County Office of Emergency Services (OES), staff is recommending the code be updated to reflect the administrative responsibilities of the City Manager as defined by Section 2.06 of the Wheatland Municipal Code. Designating the City Manager as the Director of Emergency Services will ensure continuity in communication during an emergency.

The following changes are being recommended:

1. Amend Section 2.28.030 making the Director of Emergency Services the Vice-Chairperson of the City Disaster Council.
2. Amend Section 2.28.050 designating the City Manager the Director of Emergency Services.

Ordinance No. 479 was introduced on March 23, 2021. If adopted, the ordinance will become effective on May 13, 2021.

Alternatives

The City Council may choose not to adopt Ordinance No. 479 and move forward with amendments to Section 2.28 of the Wheatland Municipal Code.

Fiscal Impact

There is no financial impact to the General Fund.

Attachments

1. Ordinance 479

ORDINANCE NO. 479

**AN ORDINANCE OF THE CITY OF WHEATLAND AMENDING SECTIONS 2.28.030,
2.28.050, AND 2.28.060 OF CHAPTER 2.28 OF
TITLE 2 OF THE WHEATLAND MUNICIPAL CODE RELATING TO
EMERGENCY ORGANIZATION AND FUNCTION**

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

Section 1. Purpose and Authority. The purpose of this ordinance is to amend Sections 2.28.030, 2.28.050, and 2.28.060 of the Wheatland Municipal Code pertaining to the City's Emergency Organization structure. The amendments will change the membership and structure of the City's disaster council and office of emergency services to reflect the City's current organization, and the organization of neighboring jurisdictions, in order to more effectively respond to and administer the City's emergency plans and operations during state and local emergencies.

Section 2. Findings. The City Council finds and determines as follows:

- A. The City's disaster council is responsible for recommending emergency and mutual aid plans and agreements, and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. It is currently composed of the mayor as chairperson and the assistant director of emergency services as vice chairperson, among others.
- B. The City's office of emergency services is responsible for coordinating the City's response to any proclamation of a local emergency. Currently, the Wheatland Municipal Code provides that the mayor is the director of the office of emergency services, and is empowered to recommend that city council proclaim a local emergency or, if city council is not in session, proclaim a local emergency to later be ratified by city council.
- C. The City Council finds it necessary to change the director of the office of emergency services from the mayor to the City Manager and, accordingly, change the membership of the City's disaster council, in order for the City Manager to assist in the implementation of emergency and mutual aid plans and agreements, and to execute the powers assigned to the director of emergency services relating to the proclamation and administration of a local emergency.
- D. The City is authorized to adopt such amendments pursuant to Government Code sections 8610, 8630, 37100, and other applicable law.

Section 3. Amendments.

A. Wheatland Municipal Code Section 2.28.030 is hereby amended to read as follows:

2.28.030 Disaster Council—Membership.

The city disaster council is created and shall consist of the following:

- A. The mayor, who shall be chairperson;
- B. The director of emergency services, pursuant to Section 2.28.050, who shall be vice chairperson;
- C. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter;
- D. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council.

B. Wheatland Municipal Code Section 2.28.050 is hereby amended to read as follows:

2.28.050 Director and Assistant Director of Emergency Services—Offices created.

- A. There is created the office of emergency services. The City Manager shall be the director of emergency services.
- B. There is created the office of assistant director of emergency services, who shall be appointed by the director.

C. Wheatland Municipal Code Section 2.28.060 is hereby amended to read as follows:

2.28.060—Powers and Duties of the Director and Assistant Director of Emergency Services.

- A. The director of emergency services is empowered to:
 - (1) Request the city council to proclaim the existence of 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 thereafter or the proclamation shall have no further force or effect;
 - (2) Request the Governor to proclaim a “state of Emergency” when, in the opinion of the director, the locally available resources are inadequate to cope with emergency;
 - (3) Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;
 - (4) Direct cooperation between and coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may arise between them;
 - (5) Represent this city in all dealings with public or private agencies or matters pertaining to emergencies as defined in this chapter;
 - (6) In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by 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:

- (a) To make and issue rules and regulations on matters reasonably related to the protection of life and 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) 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;
 - (c) To require emergency services of any city officer or employee and, in the event of the proclamation of a “state of emergency” in the county 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 the director 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 service workers;
 - (d) To requisition necessary personnel or material of any city department or agency; and
 - (e) To execute all ordinary power granted to the City Manager, all of the special powers conferred by this ordinance or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred 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 the duties of the director during an emergency. Such order of succession shall be approved by the city council.
- (C) The assistant director shall, under the supervision of the director, develop emergency plans and manage the emergency programs of this city; and shall have such other powers and duties as may be assigned by the director.

Section 4. Exemption from CEQA. The City Council concludes that there is no possibility that the adoption of this ordinance could have a significant effect on the environment. This ordinance therefore is exempt under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines, section 15061, subdivision (b)(3).

Section 5. Repeal of Conflicting Ordinances. This ordinance supersedes any prior inconsistent City ordinance, resolution, policy, regulation or procedure.

Section 6. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days from and after its passage.

Section 8. Posting. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on _____, 2021.

PASSED AND ADOPTED by the City Council of the City of Wheatland on _____, 2021 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Rick West, Mayor

Attest:

Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. 479, which ordinance was duly introduced, adopted, and posted pursuant to law.

Lisa J. Thomason, City Clerk