



TO: Mayor and Councilmembers

FROM: Vyto Adomaitis, Neighborhood Services and Public Safety Director

CONTACT: Michael Baris, Emergency Services Coordinator

SUBJECT: Update to the City of Goleta's Municipal Code Pertaining to Emergency Organization and Coordination of Emergency Functions

RECOMMENDATION:

Introduce and conduct first reading (by title only) and waive further reading of Ordinance No. 20-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Chapter 2.10 of Title 2 of the Goleta Municipal Code Pertaining to Emergency Organization and the Coordination of Emergency Functions."

BACKGROUND:

On October 15, 2019, the City Council passed Resolution No. 19-65 adopting the October 2019 update to the City of Goleta's Emergency Operations Plan (EOP). The City Council also provided direction for staff to revise the Goleta Municipal Code (GMC) to align the GMC with the best practices found in the updated EOP.

The proposed changes to the GMC were presented to the Ordinance Review Standing Committee on January 30th, 2020, and the Committee recommended adoption of the changes.

DISCUSSION:

At the October 15th, 2019 City Council meeting, the Council adopted the most recent version of the City's EOP. Council also directed staff to make necessary changes to the GMC to amend any conflicts it may have with the newly adopted EOP. The last time the GMC's emergency organization sections were updated was in 2006.

Staff from the Department of Neighborhood Services and Public Safety and the City Attorney's Office worked together to provide an update to Chapter 2.10 of Title 2 of the GMC (Attachment 1). Multiple sections were either combined, reordered, or renamed to present the City's emergency organization in a clearer manner.

A summary of the changes made can be found below:

1. Section 2.10.010 – Purpose and Authority

- a. Unchanged.

2. Section 2.10.020 – Definitions

- a. Now explicitly refers to Public Safety Power Shutoffs (PSPS) as a potential Local Emergency.

3. Section 2.10.030 – Creation of the Office of Emergency Services

- a. Section renamed from “Director and Assistant Director of Emergency Services”.
- b. Clarifies the role of the Director of Emergency Services in relation to the Disaster Council.

4. Section 2.10.040 – Powers and Duties of the Director and Assistant Director of Emergency Services

- a. Clarifies the line of succession if the City Manager, Assistant City Manager, or Director of Neighborhood Services and Public Safety are unable to serve as Director of Emergency Services.

5. Section 2.10.050 – Disaster Council

- a. Multiple GMC sections pertaining to the Disaster Council have been combined to form Section 2.10.050.
- b. Clarifies the Director of Emergency Services as the Chair of the Disaster Council.
- c. Reflects updated titles to City staff and includes the Library Director as a member of the Disaster Council.
- d. Removes the Mayor as a member of the Disaster Council to better reflect the Disaster Council’s role as an operational body.

6. Section 2.10.060 – Emergency Operations Plan

- a. Section renamed from “Emergency Plan.”
- b. Refers to state and federal guidelines for updating the EOP rather than an outdated three-year deadline.

7. Section 2.10.070 – Disaster Service Workers

- a. Renamed from “Emergency Organization.”
- b. Properly aligns with California Government Code that all public employees are considered Disaster Service Workers.

8. Section 2.10.080 – Expenditures

- a. Unchanged

9. Section 2.10.090 – Punishment of Violations

- a. This section codified Ordinance 20-04U passed on April 7, 2020 (Agenda Item B.3).
- b. Proposes to add penalty provisions to any violations of Chapter 2.10.

FISCAL IMPACTS:

There are no immediate fiscal impacts with this ordinance.

If a local emergency is proclaimed due to a Public Safety Power Shutoff, the City can now refer to the GMC in its emergency proclamation. This may lead to cost reimbursement from the State of California and the Federal Emergency Management Agency after emergency operations have been completed.

ALTERNATIVES:

The City Council can choose to not adopt the ordinance however, this will create inconsistencies to remain between the GMC and the EOP adopted by Resolution 19-65.

Reviewed By:

Legal Review By:

Approved By:



Kristine Schmidt
Assistant City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS:

1. Ordinance No. 20- _ entitled "An ordinance of the City Council of the City of Goleta, California, amending Chapter 2.10 of the Goleta Municipal Code pertaining to emergency organization and the coordination of emergency functions."

ATTACHMENT 1

An Ordinance of The City Council of The City of Goleta, California, Amending Chapter 2.10 of the Goleta Municipal Code Pertaining to Emergency Organization and the Coordination of Emergency Functions

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING CHAPTER 2.10 OF THE GOLETA MUNICIPAL CODE PERTAINING TO EMERGENCY ORGANIZATION AND THE COORDINATION OF EMERGENCY FUNCTIONS.

WHEREAS, on October 15th, 2019, the City Council passed Resolution No. 19-65 adopting the October 2019 update to the City's Emergency Operations Plan. City Council provided direction for staff to align the Goleta Municipal Code with the best practices found in the updated Emergency Operations Plan.

THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.10 of Title 2 of the City of Goleta Municipal Code is amended to read as follows:

Sections:

- 2.10.010. Purpose and Authority.
- 2.10.020. Definitions.
- 2.10.030. Creation of the Office of Emergency Services.
- 2.10.040. Powers and Duties of the Director and Assistant Director of Emergency Services.
- 2.10.050. Disaster Council.
- 2.10.060. Emergency Operations Plan.
- 2.10.070. Disaster Service Workers.
- 2.10.080. Expenditures.
- 2.10.090. Punishment of Violations

CHAPTER 2.10 EMERGENCY ORGANIZATION

2.10.010. Purpose and Authority.

- A. The declared purposes of this chapter are to provide for the preparation and implementation of plans for the protection of persons and property within the City in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of the City of Goleta with all other public agencies, corporations, organizations, and affected private persons.
- B. The City of Goleta has the responsibility and authority to respond to and command all necessary resources necessary to effectively protect the public safety and infrastructure of the City of Goleta during an emergency incident as

defined in this chapter. All police, fire, public employees, and citizens shall comply with the direction provided through the command of the Goleta Disaster Council during any time when a "State of Emergency" has been declared by any authority described in this chapter, and as required under the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). (Ord. 06-06 § 1; Ord. 02-25 § 2)

2.10.020 Definitions.

For the purpose of this chapter, the words and phrases herein defined shall be construed in accordance with the following definitions:

"Local emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage including but not limited to Public Safety Power Shutoff (PSPS), earthquake, war or imminent threat of war, or other conditions other than conditions resulting from labor controversy, which conditions are or are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and requiring the combined forces of other political subdivisions to combat.

"State of emergency" means the duly proclaimed 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, earthquake, war or imminent threat of war, or other conditions other than conditions resulting from 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, or city and requiring the combined forces of a mutual aid region or regions to combat.

"State of war emergency" means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever the 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. (Ord. 06-06 § 1; Ord. 02-25 § 2)

2.10.030 Creation of the Office of Emergency Services.

- A. There is hereby created in the City the Office of Emergency Services whose role shall be to implement the plans and recommendations of the Disaster Council.
- B. The City Manager is hereby designated as the Director of Emergency Services.
- C. The Director of Neighborhood Services and Public Safety is hereby designated as Assistant Director of Emergency Services. (Ord. 06-06 § 1; Ord. 02-25 § 2)

2.10.040 Powers and Duties of the Director and Assistant Director of Emergency Services.

- A. The Director of Emergency Services is hereby 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 the Director of Emergency Services proclaims a local emergency, 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 Santa Barbara Operational Area Director of Emergency Services to proclaim a state of emergency when, in the opinion of the Director of Emergency Services, the locally available resources are inadequate to cope with the emergency.
 3. Control and direct the effort of the emergency organization of the 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 the City; and resolve questions of authority and responsibility that may arise between them.
 5. Represent the City in all dealings with public or private agencies on matters pertaining to local emergencies as defined herein.
 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 of Emergency Services is hereby empowered to:
 - a. 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 the City is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as deemed necessary in the execution of the duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers pursuant to the California Emergency Services Act (California Government Code Section 8550 et seq.);

- d. To requisition necessary personnel or material of any City department or agency; and
 - e. To execute all ordinary power as City Manager all of the special powers conferred upon the City Manager by this chapter or by resolution of emergency plan pursuant hereto adopted by the City Council, all powers conferred upon the City Manager 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 during an emergency.
 - C. The Assistant Director shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this City. (Ord. 06-06 § 1; Ord. 02-25 § 2)

2.10.050 Disaster Council

The City of Goleta Disaster Council is hereby created. The Disaster Council will be called to meeting at the request of the Director or Assistant Director of Emergency Services and will prioritize objectives during the response and recovery of the City from a disaster. Membership of the Disaster Council shall consist of the following:

- A. The City Manager, who shall be Chair;
- B. The Director of Neighborhood Services and Public Safety who shall serve as Vice Chair;
- C. The Assistant City Manager
- D. The City Clerk;
- E. The Director of Public Works;
- F. The Director of Finance;
- G. The Director of Planning and Environmental Review;
- H. The Library Director;
- I. The Chief of Police Services;
- J. The City Attorney;
- K. A Santa Barbara County Fire representative;
- L. 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. (Ord. 06-06 § 1; Ord. 02-25 § 2)

2.10.060 Emergency Operations Plan.

The Goleta Disaster Council shall be responsible for the development of the City of Goleta Emergency Operations Plan. The plan shall provide for the effective mobilization of all the resources of the City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by the City Council. Thereafter, the Assistant Director of Emergency Services shall be responsible for the periodic review and updating of the plan and will follow guidelines set by the State of California and the Federal Emergency Management Agency. The plan shall comply with the State Emergency Management system (SEMS), the National Incident Management System (NIMS), and be consistent with the Santa Barbara Operational Plan. (Ord. 06-06 § 1; Ord. 02-25 § 2)

2.10.070 Disaster Service Workers.

Under California Government Code, Title 1, Division 4, Chapter 8, Sections 3100-3109, all public employees are considered Disaster Service Workers. During an emergency, personnel can be charged with duties incident to the protection of life and property in the City. These personnel consist of all officers and employees of the City, including all contract public safety members, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of this chapter.

2.10.080 Expenditures.

Any expenditure 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. (Ord. 06-06 § 1; Ord. 02-25 § 2)

2.10.090 Punishment of Violations.

During a local emergency, no person shall:

- 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 lawful rule or regulation issued pursuant to this chapter.
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter.
- C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state.

- D. Be in violation of any lawful curfew order enacted pursuant to this chapter, unless the individual violates such order by reason of good cause, necessity or is homeless and has no place to go.

The City may enforce violations of this section by:

- A. Imposing an administrative citation pursuant to Chapter 1.02.
B. Prosecuting a misdemeanor, punishable by a fine of not to exceed one thousand (\$1,000) dollars or by imprisonment for not to exceed six months, or both.

SECTION 2. Certification of City Clerk

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the manner required by law.

SECTION 3. Effective Date.

This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the ___ day of May, 2020.

PASSED, INTRODUCED AND ADOPTED on ____ day of May 2020.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 20-__ adopted at a regular meeting of the City Council of the City of Goleta, California, held on the of XXrd of ____ 2020, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK