

Attachment 1

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 2.24 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE
ROBLES REGARDING EMERGENCY ORGANIZATION AND FUNCTIONS.**

WHEREAS, El Paso de Robles Municipal Code Chapter 2.24 regulates the preparation and carrying out of plans for the protection of persons and property within this jurisdiction in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons; and

WHEREAS, an “emergency” means the extreme peril to the safety of persons and property within the city caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, or other conditions beyond the control of the services, personnel, equipment, and facilities of the city; and

WHEREAS, the city recently updated its Emergency Operations Plan to reflect state and federal changes of incident management organizations, compliance with relevant legal statutes, critical components of the incident management structure, compliance with the California Standardized Emergency Management System, the Nation Incident Management System, the Incident Command System, the National Response Framework, and the National Preparedness Guidelines; and

WHEREAS, the city desires to update the municipal code to align with the recent update to the city’s Emergency Operations Plan that was adopted by the City Council on April 16, 2024.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. Chapter 2.24 is hereby amended to read as follows:

Chapter 2.24 EMERGENCY ORGANIZATION AND FUNCTIONS¹

2.24.010 Purposes.

The purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this jurisdiction in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.020 Definition.

As used in this chapter, "emergency" means the extreme peril to the safety of persons and property within the territorial limits of the city caused by conditions such 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 cyberterrorism, which 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 that requires extraordinary measures beyond the authority vested in the California Public Utilities Commission. Unless the provision or context otherwise requires, any term not defined in this chapter shall have the respective meanings ascribed thereto in the California Emergency Services Act.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.030 Disaster council—Membership.

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

1. The mayor, who shall be chair.
2. The Emergency Services Director, who shall be vice chair.
3. Such chiefs of emergency services as are provided for in a current emergency plan of this jurisdiction, adopted pursuant to this chapter.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.040 Disaster council—Powers and duties.

It shall be the duty of the disaster council, and it is hereby empowered, to review and develop for city council approval the Emergency Operations Plan and recommend to the city council such ordinances and resolutions and rules and regulations as are necessary or desired to implement such plans. The disaster council shall meet upon call of the Emergency Services Director or, in his or her absence from the city or inability to call such meeting, upon call of the Assistant Emergency Services Director.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.050 Director and Assistant Director of Emergency Services.

There is hereby created the Office of Director of Emergency Services Director. The city manager shall be the Emergency Services Director.

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

There is hereby created the Office of Emergency Operations Center Director, who shall be appointed by the Emergency Services Director.

There is hereby created the Office of city Disaster Preparedness Officer. The Fire Chief of the city shall be the city disaster preparedness officer.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.060 Powers and duties of Director and Assistant Director.

A. The Emergency Services Director 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 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 beyond the jurisdiction's capacity to adequately respond to or recover from the 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.
5. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter.
6. In the event of the proclamation of a "local emergency" as provided in this chapter, 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 Emergency Services Director is hereby 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;

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- 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 deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster services workers;
 - d. To requisition necessary personnel or material of city departments or agencies; and
 - e. To execute all ordinary power as city manager, all of the special powers conferred by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, and all powers conferred by any statute, by any agreement approved by the city council, and by any other lawful authority.
7. Nothing herein shall limit or otherwise preclude the disaster council or city council from directly enacting measures or directing enforcement of measures in furtherance of this chapter or as deemed necessary by the city council to protect the public health, safety, and welfare, pursuant to any declared local, state, or federal emergency by any lawful means otherwise available to them, including but not limited to declaration, proclamation, motion, minute order, resolution, or ordinance.
- B. The Emergency Services Director 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 duties during an emergency. Such order of succession shall be specified in the city's Emergency Operations Plan.
- C. The Assistant Emergency Services Director, under the supervision of the Director and with the assistance of the city Disaster Preparedness Officer, shall assist with the development of emergency plans, annexes, operating procedures, and such other rules and regulations necessary to manage the emergency programs of the city; and shall have such other powers and duties as may be assigned by the Emergency Services Director.
- D. The Emergency Operations Center (EOC) Director shall direct and coordinate the activities of all personnel assigned to the EOC; ensure the EOC is fully operational and appropriately staffed during an emergency; provide for the overall management and coordination of emergency response and recovery operations; work closely with other agencies and organizations to ensure a coordinated response to the disaster; provide situational awareness reports to the City Council; and facilitate and then manage the transition into the recovery phase.
- E. The Disaster Preparedness Officer shall oversee the effective and efficient management of emergency operations within the city; plan, organize and coordinate citywide emergency management efforts through the preparation and maintenance of the city's Emergency Plans; liaison with local, county, state, and federal emergency management agencies; assist with planning, organizing, and directing the disaster preparedness activities and operations focused on the development of the city's emergency management program; ensure the readiness of the city's Emergency Operations Center; and educate the city management, employees, community partner organizations and the public about disaster preparedness.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.070 Emergency organization.

All officers and employees, together with those volunteer forces enrolled to aid the emergency organization 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 Section 2.24.060.A.7.c of this chapter, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city of El Paso de Robles. All above-mentioned members of the emergency organization, without exception, will be considered disaster service workers giving them the protections of "disaster service workers" in accordance with California Civil Code 1714.5, or as that section subsequently may be amended.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.080 Compliance with the California Emergency Services Act.

The disaster council shall comply with the California Emergency Services Act, codified in California Government Code § 8550, et seq.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.090 Emergency Operations Plan.

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The Emergency Services Director and city Disaster Preparedness Officer shall be responsible for the development of and updates to the city emergency operations plan. The plan 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, 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 resolution of the city council.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.110 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 of El Paso de Robles.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

2.24.120 Punishment of violations.

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars, 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 or her 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 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 emergency agency of the state.
- D. As used in this chapter, “rule or regulation issued pursuant to this chapter” means, in addition to any duly adopted ordinance of the city, any duly adopted resolution, proclamation, declaration or order of the city council, the disaster council or the Emergency Services Director in furtherance of their respective emergency powers pursuant to a declared local (city or county), state or federal emergency affecting the city of El Paso de Robles.
- E. As used in this chapter, “rule or regulation issued pursuant to this chapter” shall also include any emergency or public health measure, order or directive applicable in the city and issued by any county of San Luis Obispo, state of California or United States jurisdictional authority authorized to issue or enact such emergency or public health measures, orders or directives, where the city council, disaster council and/or Emergency Services Director has authorized or directed, or is required to authorize or direct, the enforcement of such measures pursuant to their powers under this chapter or their otherwise applicable authority to take actions in furtherance of the health, safety and welfare of the city organization and residents.
- F. In addition to misdemeanor prosecution, nothing herein shall preclude enforcement of violations of this chapter by any means otherwise permitted by the Paso Robles Municipal Code or other applicable law, including but not limited to administrative or civil enforcement.

(Ord. No. 1062 N.S., § 7, 10-16-2018)

INTRODUCED at a regular meeting of the City Council held on _____, 2024, for first reading by the City Council of the City of El Paso de Robles, and adopted on the ___ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Hamon, Mayor

Attest:

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Melissa Boyer, City Clerk