



**CITY OF HUGHSON  
CITY COUNCIL MEETING  
CITY HALL COUNCIL CHAMBERS  
7018 Pine Street, Hughson, CA**

**AGENDA  
MONDAY, APRIL 13, 2015 – 7:00 P.M.  
(ADJOURNED TO APRIL 27, 2015 – 7:00 P.M.  
PURSUANT TO GOVERNMENT CODE SECTION  
54955, REGARDING ITEM 5.2)**

**CALL TO ORDER:** Mayor Matt Beekman

**ROLL CALL:** Mayor Matt Beekman  
Mayor Pro Tem Jeramy Young  
Councilmember Jill Silva  
Councilmember George Carr  
Councilmember Harold Hill

**FLAG SALUTE:** Mayor Matt Beekman

**INVOCATION:** Hughson Ministerial Association

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**5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:**

- 5.2:** Introduce and Waive the First Reading of Ordinance No. 2015-02, amending Chapter 2.20 of the Hughson Municipal Code – Emergency Services to include revisions to the Disaster Council Organizational Structure.

**ADJOURNMENT:**

**WAIVER WARNING**

If you challenge a decision/direction of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

**AFFIDAVIT OF POSTING**

**DATE:** April 9, 2015/ April 23, 2015      **TIME:** 7:00pm  
**NAME:** Dominique Spinale Romo      **TITLE:** City Clerk

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT  
 NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

**Disabled or Special needs Accommodation:** In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

**Notice Regarding Non-English Speakers:**

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

**General Information:** The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

**Council Agendas:** The City Council agenda is now available for public review at the City's website at [www.hughson.org](http://www.hughson.org) and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

**Questions:** Contact the City Clerk at (209) 883-4054

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this Agenda will be made available at the City Clerk's counter at City Hall located at 7018 Pine Street, Hughson, CA.



## **CITY OF HUGHSON ITEM NO. 5.2**

### **SECTION 5: PUBLIC HEARING**

**Meeting Date:** April 27, 2015  
**Subject:** Consider Amending Hughson Municipal Code Chapter 2.20 – Emergency Services to Include Revisions to the Disaster Council Organizational Structure  
**Presented By:** Sam T. Rush, Public Works Superintendent

**Approved By:** \_\_\_\_\_

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#### **Staff Recommendation:**

Introduce and Waive the First Reading of Ordinance No. 2015-02, amending Chapter 2.20 of the Hughson Municipal Code – Emergency Services to include revisions to the Disaster Council organizational structure.

#### **Background and Overview:**

The purpose of the Disaster Council is to comply with the California Emergency Services Act (Government Code §§ 8550 et seq.) by providing for the preparation and carrying out of plans for the protection of persons and property within this county in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. In 2008, Stanislaus County and the nine Cities by resolution adopted the current process for the Disaster Council and Operational Area Council. Each city and the County appointed one elected official to serve on the Disaster Council.

On January 30, 2014, the Stanislaus County Disaster Council approved revising the Disaster Council Ordinance to expand the membership to include City Managers as well as Elected Officials as long as the alternate is appointed by the specified entity's governing body. The Disaster Council also approved the State of California's required changes to the Ordinance for the Disaster Council to remain accredited with the State of California for the Disaster Service Worker Volunteer program.

On January 6, 2015 the Stanislaus County Board of Supervisors approved the revised ordinance. On February 3, 2015, the Stanislaus County Office of Emergency Services provided a template for the cities to use in order to amend

their respective ordinances so they would coincide with the revised policy adopted by the County. Staff has prepared the changes to the ordinance based on the template information provided.

A summary of the changes to the Ordinance include the following:

Section 2.20.020 (A) (1) (2) Explanation of Regional Structure - is amended to define the appointment of the Chair and Vice Chair of the Disaster Council.

Section 2.20.020 (A) (4) Explanation of Regional Structure - is amended to add that the County and each City may select an alternate to attend meetings and act on its behalf in the event that the elected official is unavailable. Said alternate need not be an elected official, as long as the alternate has been appointed by that entity's governing body.

Section 2.20.020 (B) (6) Explanation of Regional Structure - is amended to state that the City shall have the power to administer a disaster service worker volunteer program, pursuant to California Code of Regulations.

Section 2.20.040 Emergency Organization - is amended to include wording covering all individuals who may be impressed in to service by the Director of Emergency Services of the City, in the event of proclamation of local emergency, state of emergency, state of emergency, or state of war emergency.

The item was originally scheduled for the April 13, 2015 meeting, but was continued to the April 27 meeting. The Second reading and adoption of this item if approved will be scheduled for the May 11, 2015 meeting. It will become effective within 30 days, on June 11, 2015.

**Fiscal Impact:**

There is no fiscal impact associated with the recommended amendments to the City of Hughson Municipal Code.

**CITY OF HUGHSON  
CITY COUNCIL  
ORDINANCE NO. 2015 - 02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
AMENDING MUNICIPAL CODE CHAPTER 2.20 – EMERGENCY SERVICES**

**WHEREAS**, the City Council of the City of Hughson previously added Chapter 2.20 in 2009 to the Hughson Municipal Code, pertaining to the provision of emergency services in coordination with the emergency services structure known as the Stanislaus County City/County Disaster Council established to comply with the California Emergency Services Act (“Act”) in Government Code Sections 8550 et. seq.; and

**WHEREAS**, Stanislaus County (“County”) is revising the emergency services structure establishing a new Civil Defense and Disaster Council (“Disaster Council”) by amending County Ordinance Chapter 2.52 and has requested each city member to amend its ordinances to conform to the Disaster Council structure; and

**WHEREAS**, the City of Hughson desires to amend Chapter 2.20 of its Municipal Code to conform to the Disaster Council structure.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES  
ORDAIN AS FOLLOWS:**

**Section 1.** Ordinance 2009-08, Section 2 2009, adding Chapter 2.20 of the Hughson Municipal Code (“HMC”), is hereby repealed. Provided, that it is the intent of the City Council in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance.

**Section 2.** Chapter 2.20 is hereby added to the HMC to read as follows:

**“Chapter 2.20 EMERGENCY SERVICES**

**2.20.010 Purpose.**

The declared purpose of this chapter is to comply with the California Emergency Services Act (Government Code §§ 8550 et seq.) by providing for the preparation and carrying out of plans for the protection of persons and property

within this county in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons.

#### **2.20.020 Explanation of regional structure.**

A. Disaster Council. The Stanislaus Disaster Council has been created by the County of Stanislaus with representatives from area communities, including the City of Hughson. The Stanislaus Disaster Council consisting of the following members:

1. The Director of Emergency Services, who shall be chair of the Disaster Council;
2. A member of the board of supervisors, who shall be vice chair;
3. The Assistant Director of Emergency Services, who shall be secretary;
4. One elected official from each city in Stanislaus County. The County and each city may select an alternate to attend meetings and to act on its behalf in the event the elected official is unavailable. Said alternate need not be an elected official, so long as the alternate has been appointed by that entity's governing body.

B. Disaster Council Powers and Duties. The Disaster Council shall have power to:

1. Oversee the preparedness activities of the various county departments and other jurisdictions in the Stanislaus County Operational Area. This includes preparation of emergency and disaster plans, policies and procedures, and ensuring unity of purpose. The Disaster Council will be responsible to ensure compliance with the National Incident Management System, the Standardized Emergency Management System and the Incident Command System.
2. Approve as to form all proposed emergency operations procedures, plans and other documents related to emergency preparedness and planning.
3. Hear proposals from any agency, department or interested party in emergency and disaster preparedness. Prior to any formal action, the proposal shall have the approval of the Operational Area Council for operational and procedural conformity with the Stanislaus County emergency operations plan, policies, and procedures.
4. Be required to have a majority of the members present for approval and/or review of any plan, policies or issues and a simple majority vote will carry the recommended action. Thereafter, the recommended action will be forwarded to the appropriate board, council, commission, or executive representative.
5. Sit as the Disaster Council for any jurisdiction that deems it appropriate by resolution and local ordinance.
6. Administer a disaster service worker volunteer program, pursuant to California Code of Regulations, Title 19, sections 2570 et seq.

7. The Disaster Council does not have operational duties or powers during emergencies, disasters or other events or incidents

C. Operational Area Council. The Stanislaus Operational Area Council is created under the authority of Government Code Article 9, Section 8605, and shall consist of the assistant director of emergency services and Joint Powers Agreement (JPA) members that represent each city within Stanislaus County. Generally, the JPA member will be the emergency manager from his/her jurisdiction. The Operational Area Council will:

1. Coordinate, review, and recommend for approval all emergency or disaster response policies, procedures, plans, and other influencing factors or events that would affect the Stanislaus Operational Area.

2. Review all disaster plans by any agency or jurisdiction in Stanislaus County for approval as to form and compliance with the National Incident Management System, the Standardized Emergency Management System and the Incident Command System. After review of the proposed plans, policies and procedures, relating to emergency management, the Operational Area Council will then make its recommendation to the Disaster Council.

3. Be the lead agency for the multi-agency emergency operations center management team and the multi-agency incident management team(s).

4. Foster an effective flow of disaster information and emergency preparedness on a day-to-day basis through training, exercises, uniformity in planning, and response plans and policies.

5. Appoint task forces and/or specialist groups for specific detailed work that requires the focus of technical experts to develop plans, policies and procedures for the Stanislaus Operational Area.

6. The Operational Area Council does not have operational duties or powers during an event or emergency and is created to serve in the preparedness and planning phases only.

D. Meetings.

1. The Disaster Council shall meet at least annually and as often as may be deemed necessary. The Disaster Council will operate under the Brown Act for open meetings applicable to local legislative bodies.

2. The Operational Area Council shall meet quarterly or upon call of the assistant di-rector of emergency services.

E. State of war, state of emergency or local emergency. During a "state of war," "state of emergency" or "local emergency," the chair of the Disaster Council, or the director of emergency services may call upon the Disaster Council to meet with the emergency operations center policy group to act as an advisory group on issues as determined by the director of emergency services or the Disaster Council chair.

F. Plan and agreement preparation. It shall be the duty of the Disaster Council to review and recommend for adoption by the board of supervisors, emergency

plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.

#### **2.20.030 Definitions.**

The following definitions shall apply to this chapter.

A. "Emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this county caused by such conditions as fire, flood, storm, epidemic, riot or earthquake, domestic terrorism, or other conditions including conditions resulting from war or imminent war, but other than conditions resulting from labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this county, requiring the combined forces of other political subdivisions to combat.

B. "Local emergency" means the duly proclaimed existence of an emergency within the territorial limits of this city.

C. "State of emergency" means the duly proclaimed existence of an emergency other than a local emergency.

D. "State of war emergency" means a duly proclaimed state of war emergency by the Governor whenever California or the nation is attacked by an enemy of the United States, or upon receipt by California of a warning from the federal government indicating that such an enemy attack is probable or imminent. The powers of the Governor granted under a state of war emergency are commensurate with those granted under a state of emergency.

#### **2.20.040 Emergency organization.**

All officers and employees of this city, 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 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.

#### **2.20.050 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.

#### **2.20.060 Appointment to Disaster Council.**

Annually, the Mayor, subject to the approval of the city council, shall appoint an elected officer to serve on the Disaster Council and may appoint an alternate who need not be an elected officer to attend meetings and to act on its behalf in the event the appointed elected official is unavailable.

#### **2.20.070 Director and assistant director of emergency services.**

A. There is hereby created the office of director of emergency services. The city manager shall be the director of emergency services.

B. There is hereby created the office of assistant director of emergency services. The administrative services director shall be the assistant director of emergency services and designated as the city's emergency manager.

#### **2.20.080 Director—Powers and duties.**

The director is empowered to:

A. Request the city council to proclaim the existence or threatened existence of a local emergency if the board of supervisors is in session, or to issue such proclamation if the board of supervisors 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 (7) days thereafter or the proclamation shall have no further force or effect;

B. 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 the emergency;

C. Control and direct the effort of the emergency organization of this city for the accomplishment of the purpose of this chapter;

D. 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;

E. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;

F. 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 director is empowered:

1. 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;

2. 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;

3. To execute all of the ordinary power as city manager, all of the special powers conferred upon the position by this chapter or by resolutions or emergency plan pursuant hereto adopted by the city council, all powers conferred upon the position by any statute, by any agreement approved by the city council, and by any other lawful authority;

4. To require emergency services of any officer or employee and, in the event of the proclamation of a "state of emergency" in Stanislaus County 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 service workers; and

5. To requisition necessary personnel or material of the departments or agencies.

G. The Director of Emergency Services shall designate the order or succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform the director’s duties during an emergency.

H. The Assistant Director, under policy direction of the director, shall act as chief of staff of the emergency organization.

I. The Deputy Director, who shall be appointed by the Director of Emergency Services, shall, under the supervision of the assistant director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city on a day-to-day basis and shall have such other powers and duties as may be assigned by the assistant director.

#### **2.20.090 Emergency plan preparation.**

The Director of Emergency Services, in concert with the Disaster Council and the Operational Area Council shall be responsible for the development of the city emergency plan; such plan shall provide for the effective mobilization of all of the resources of this 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.

#### **2.20.100 Punishment of violations.**

It shall be a misdemeanor, punishable as set forth in HMC 1.12.010 and 1.12.020, 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 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 to imperil the lives or property of inhabitants of the 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.”

**Section 3.** This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee

thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 4.** If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

**Section 5.** This ordinance shall become effective thirty (30) days after its final passage.

**Section 6.** Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on April 27, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson \_\_\_\_\_, seconded by councilperson \_\_\_\_\_, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on May 11, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

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**MATT BEEKMAN, Mayor**

**ATTEST:**

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**DOMINIQUE SPINALE ROMO, City Clerk**