



STAFF REPORT

MEETING DATE: September 10, 2025

PRESENTER: John Jansons, City Manager (JAJ)

SUBJECT: An Ordinance of the City Council of the City of Kerman Repealing Chapter 2.52 of Title 2 of the Kerman Municipal Code and Adding a New Chapter 2.52 to Title 2 of the Kerman Municipal Code Relating to Emergency Organization and Functions (JAJ)

RECOMMENDATION: Council waive first reading and introduce by title only an Ordinance Repealing Chapter 2.52 of Title 2 of the Kerman Municipal Code and adding a new Chapter 2.52 to Title 2 of the Kerman Municipal Code Relating to Emergency Organization and Functions.

EXECUTIVE SUMMARY:

Council waive first reading and introduce by title only, an Ordinance Repealing Chapter 2.52 of Title 2 of The Kerman Municipal Code and adding a new Chapter 2.52 to Title 2 of the Kerman Municipal Code relating to emergency organization and functions.

DISCUSSION:

City staff have been working on an Emergency Operations Plan (EOP) with significant details for efficiently mitigating significant emergencies affecting the City. The EOP initiates the formation of the City's Emergency Management Organization, delineates roles and responsibilities to protect public health and safety during an emergency, and includes operational concepts.

In reviewing the proposed EOP in 2024 with Council, it was determined that the City's current Emergency Organization Ordinance needed to be amended to ensure harmony between the Ordinance and the EOP. The City's current ordinance relating to emergencies was adopted in 1951.

The proposed ordinance (**Attachment 'A'**) has been drafted using the California Disaster Council's recommended model ordinance. And it is in keeping with the vast majority of other cities' emergency ordinances. The ordinance establishes the legal framework for managing emergencies, including defining the emergency organization, its powers and duties, and how it coordinates with other agencies during a disaster. The details for implementation will be presented with the Emergency Operating Plan. Once the ordinance is adopted, the City Council may proceed to adopt the Emergency Operating Plan by resolution.

If the ordinance is introduced, staff intends to present the EOP for adoption by resolution at the next meeting when the ordinance will be scheduled for a second reading or at a meeting after that. The EOP would be effective at same time as the ordinance becomes effective.

FISCAL IMPACT:

None.

ATTACHMENTS:

A. Ordinance

ORDINANCE NO. 25-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN REPEALING
CHAPTER 2.52 OF TITLE 2 OF THE KERMAN MUNICIPAL CODE AND ADDING A
NEW CHAPTER 2.52 TO TITLE 2 OF THE KERMAN MUNICIPAL CODE RELATING
TO EMERGENCY ORGANIZATION AND FUNCTIONS**

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 2 “Administration and Personnel” of the Kerman Municipal Code is amended by repealing Chapter 2.52 and adding new Chapter 2.52 relating to Emergency Organization and Functions to read as follows:

Chapter 2.52

EMERGENCY ORGANIZATION AND FUNCTIONS

Sections:

2.52.010	Purposes.
2.52.020	Definitions.
2.52.030	Disaster Council Membership.
2.52.040	Disaster Council Powers And Duties.
2.52.050	Director And Assistant Director Of Emergency Services.
2.52.060	Powers And Duties Of The Director And Assistant Director Of Emergency Services.
2.52.070	Emergency Organization.
2.52.080	Emergency Plan.
2.52.090	Expenditures.
2.52.100	Punishment Of Violations.
2.52.110	Severability.

2.52.010 Purposes.

The declared purposes of this ordinance are to provide for the preparation and carrying out of plans for the protection of persons and property within 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.

2.52.020 Definitions.

As used in this ordinance, “emergency” shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this jurisdiction caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are

likely to be beyond the control of the services, personnel, equipment, and facilities, requiring the combined forces of other political subdivisions to combat.

2.52.030 Disaster Council Membership.

The City of Kerman Disaster Council is hereby created and shall consist of the following:

- A. The mayor, who shall be chair.
- B. The director of emergency services who shall be vice chair.
- C. The assistant director of emergency services.
- D. Such chiefs of emergency services as are provided in an Emergency Plan of the city adopted pursuant to this ordinance or by resolution of the City Council.

2.52.040 Disaster Council Powers And Duties.

The Disaster Council may ask to review any 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 prior to submission to the City Council for adoption. The Disaster Council shall meet at least once per year, upon call of the chair or, upon call of the vice chair (in the absence of the chair).

2.52.050 Director And Assistant Director Of Emergency Services.

The following offices are hereby established by the City Council:

- A. The office of Director of Emergency Services which shall be held by the City Manager.
- B. The office of Assistant Director of Emergency Services, who shall be appointed by the City Manager.

2.52.060 Powers And Duties Of The Director And Assistant Director Of Emergency Services.

- A. The Director of Emergency Services has the authority 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 (7) 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 circumstances are beyond the city's capacity to adequately respond to or recover from the emergency.

3. Control and direct the effort of the city emergency organization for the accomplishment of the purposes of this ordinance.
4. Direct cooperation between and coordination of services and staff of this emergency organization.
5. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
6. Be the authorized signatory on all emergency-related documents, including state emergency services and federal management agency documents, unless another officer is designated by law or by the City Council.
7. 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 existence of a "state of war emergency," the Director has the following powers:
 - (a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergencies; 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 jurisdiction for the fair value thereof and, if required immediately, to commandeer the same for public use;
 - (c) To require emergency services of any 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 the departments or agencies; and
 - (e) To execute all ordinary power as 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 governing body, 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 duties 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 and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of

this jurisdiction; and shall have such other powers and duties as may be assigned by the Director or pursuant to an Emergency Plan adopted by the City Council.

2.52.070 Emergency Organization.

All officers and employees, 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 SEC. 2.52.060C of this ordinance as well as any Emergency Plan approved by the City Council, be charged with duties incident to the protection of life and property during such emergency, shall constitute the emergency organization of the City of Kerman.

2.52.080 Emergency Plan.

The Disaster Council is authorized to review and make recommendations on any Emergency Plan developed by staff prior to presentation to the City Council for approval. The Emergency Plan shall provide for the effective mobilization of all of the resources of this jurisdiction, 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.

2.52.090 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.

2.52.100 Punishment Of Violations.

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment for not to exceed six (6) 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 ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, 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.

2.52.110 Severability.

If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2. CEQA. A preliminary environmental assessment has been performed for this project pursuant the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

SECTION 3. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 4. Effective Date. This ordinance shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on the 10th day of September, 2025, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on the ___ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
City Clerk