

CITY OF NEVADA CITY

MEMORANDUM

TO: Honorable City Council
FROM: Hal DeGraw, City Attorney
DATE: March 22, 2011
SUBJECT: Ordinance Amendment to Municipal Code to Provide for Adoption of a Disaster Plan

Request: Consider, approve and do a first reading of the proposed ordinance amending Chapter 2.44 to allow for adoption of a proposed revised Disaster Plan for the City by resolution.

Background: At the regular March 10, 2010 meeting, the City Council reviewed a City of Nevada City Disaster Plan presented by Fire Chief Sam Goodspeed and adopted it as a working document, directing that he look at a more defined version and that the City Attorney make sure there is consistency with our ordinances. Since that time, the Disaster Plan has been revised as of January 1, 2011 (see Attachment "A") and conducted table top exercises with staff.

I have reviewed existing ordinances as codified in the Nevada City Municipal Code for consistency. Existing provisions relating to "disasters" first adopted in 1951 and amended during a 1990 codification appear in Chapter 2.44 in the somewhat dated context of providing for civil defense (see Attachment "B"). Rather than totally rewriting said chapter, I would recommend changes as shown in Attachment "C" to accommodate adoption and implementation of a Disaster Plan such as the revised one presented by Chief Goodspeed to be adopted by the City Council by resolution and allow its provisions to control over those currently provided for in Chapter 2.44.

A copy of the ordinance amendment proposed to accomplish this change is attached as Attachment "D" for consideration and adoption.

Note: This ordinance amendment only adopts a procedure allowing adoption of a Disaster Plan and revisions thereto by resolution. Its adoption would not, in and of itself, adopt the proposed Disaster Plan. That would require a subsequent resolution.

Fiscal Impact: None

cc: Gene Albaugh, City Manager
Sam Goodspeed, City Fire Chief

ATTACHMENT 'A'

CITY OF NEVADA CITY

DISASTER PLAN

Revised January 1, 2011

CITY OF NEVADA CITY DISASTER PLAN

I. BASIC PLAN

A. PURPOSE

This document establishes a framework through which the City of Nevada City may prevent or mitigate the impacts of, prepare for, respond to, and recover from, a wide variety of disasters that could adversely affect the health, safety or general welfare of the citizens and visitors of Nevada City. This emergency operations plan outlines a method of incident management called the Incident Command System (ICS) that includes a coordinated (multi-department and or multi-agency) response to incidents beyond the scope of normal city operations. Provisions are made for the needed flexibility of direction, coordination, and method of operation to enable City Government to accomplish the following specific goals:

1. Minimize suffering, loss of life, personal injury and property damage resulting from hazardous and/or emergency conditions.
2. Minimize disaster related shortages and service system disruptions that would have an adverse impact on residents, visitors and the local economy.
3. Provide immediate relief and promote short-range and long-range recovery.
4. Avoid or reduce loss of life and property damage resulting from disasters.
5. Comply with state and federal disaster assistance regulations.
6. Document all disaster related expenses to ensure the fullest possible recovery of funds in the event of a presidential declaration.

B. SCOPE

The City of Nevada City Emergency Plan:

1. Describes the various types of emergencies and disasters that may occur, and provides procedures for disseminating warning and for determining, assessing, and reporting the severity and magnitude of disasters.
2. Establishes the concepts under which local government will operate during emergencies by:
 - a. Defining the emergency role and function of City Government.
 - b. Defining the responsibilities of City Government officials.
3. Create a framework for expeditious, effective and coordinated deployment of available resources.
4. Identifies functional responsibilities and actions required of City Government to obtain and implement assistance and relief on a state and federal level, and those actions to be taken in the identification, organization, and mobilization of resources necessary to assist the City before, during and after an emergency.
5. Outlines the forms of recovery assistance available to individuals, businesses and governments.
6. Creates a framework to promote pre and post disaster hazard mitigation efforts.

C. ASSUMPTIONS

1. The City has developed and will continue to update its emergency plans and

- possesses the capability to execute such plans.
2. Prediction and warning systems have been established which make it possible to anticipate some disaster situations that may affect the City.
 3. The City has entered into mutual-aid agreements with other local governments, special districts and private organizations to assist during emergency operations.
 4. The State of California possesses expertise and resources including specific plans and procedures that may be utilized in relieving emergency or disaster related problems that are beyond the capacity of the City.
 5. Should city and state resources prove inadequate to cope with disaster demands, the Governor will request federal assistance under a presidential declaration.
 6. The city has adopted the Incident Command System as its response model for daily emergency operations through disaster response operations.

D. LOCATION

The City of Nevada City is situated on the eastern edge of California and is the county seat of Nevada County. The City comprises a total land area of 2.0 square miles and is home to a resident population of 3,008 (2000 Census). However, because the City is the county seat and is home six separate schools, the daily transient population on a normal day is estimated to be in excess of 14,000.

E. SITUATION

The City of Nevada City is exposed to the effects of many hazards, varying widely in type and magnitude. Emergency conditions could result from a number of natural phenomena such as earthquakes, tornadoes, floods, winter storms, seasonal flooding, mud slides, drought, fires, to include grass and forest fires, high winds, or a combination of the above. Apart from natural disasters, the City is exposed to technological hazards such as transportation accidents involving chemicals, oil and other hazardous material spills, leaks or pollution problems, dumping of hazardous waste, building or bridge collapse, utility service interruptions, energy shortages, civil disturbance or riots, warfare or a combination of the above. A detailed Hazard Analysis is provided in Appendix (A).

F. DEFINITIONS

- a. **Emergency:** Means the occurrence or imminent threat of a condition, incident, or event that requires immediate response actions to save lives; prevent injuries; protect property, public health, the environment, and public safety; or to lessen or avert the threat of a disaster. At the Federal level, an emergency is defined by Title V of P.L. 93-288, Section 102(1), as any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety. Title V includes authority for the President to direct federal agencies to provide emergency assistance to save lives and protect property and public health and safety for emergencies and other than natural disasters. Under Title V, the President may direct the provision of emergency assistance either at the request of a Governor (Section 501(a)) or upon determination by the President that an emergency exists for which the primary responsibility for response rests with the United States...(501(b)).

- b. Disaster: Means the occurrence of widespread or severe damage, injury, loss of life or property, or such severe economic or social disruption that supplemental relief assistance is necessary for the County to recover and alleviate the damage, loss, hardship, or suffering caused thereby. At the Federal level, as defined under P.L. 93-288, a disaster is any natural catastrophe, (including any hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations.

- c. Catastrophic Disaster: Although there is no commonly accepted definition of a catastrophic disaster, the term implies an event or incident, including acts of terrorism, which produces severe and widespread damages of such a magnitude as to result in the requirement for significant resources from outside the affected area to provide the necessary response. For the purpose of this plan, a catastrophic disaster is defined as an event that results in large numbers of deaths and injuries; causes extensive damage or destruction of facilities that provide and sustain human needs; produces an overwhelming demand on state and local response resources and mechanisms; causes a severe long-term effect on general economic activity; and severely affects state, local, and private sector capabilities to begin and sustain response activities

II. ORGANIZATION

There are ten departments of City Government, organizationally configured as illustrated in Appendix (B).

III. CONCEPT OF OPERATIONS

- A. This is an Integrated Emergency Management Plan based on the principle that local government bears the initial responsibility for mitigation, emergency preparedness, response and recovery. Only after local resources are depleted or prove to be inadequate should the City request relief from the next level of government. State assistance is supplied as deemed appropriate by the Governor and as provided in the State Emergency Management Plan.

- B. When local and state resources are determined to be inadequate, the Governor will request a presidential disaster declaration through the Federal Emergency Management Agency based on state and local damage assessment reports.

- C. Phases of Emergency Management: There are four (4) distinct phases of Integrated Emergency Management. They include: hazard mitigation, preparedness, response and recovery. Specifically, each is described as follows:
 - 1. Hazard Mitigation
Actions taken to eliminate or reduce the degree of long-term risk to human life and property from natural and technological hazards.

 - 2. Preparedness
Actions taken in advance of an emergency to develop operational capacities and facilitate an effective response in the event an emergency occurs.

3. Response

Actions taken immediately before, during, or directly after an emergency occurs, to save lives, minimize damage to property, and enhance the effectiveness and speed of recovery.

4. Recovery

Activity initiated to return vital life support systems to minimum operating standards and long-term activity designed to return life to normal or improved levels.

IV. EXECUTION

A. ACTIVATION OF THE CITY PLAN

Upon activation of the plan by the City Manager, the Emergency Management Director will implement increased readiness procedures and such emergency response actions as might be necessary to ensure the protection of life and property. For the purposes of Integrated Emergency Management, the City will use the following terminology to describe its level of readiness: These readiness levels track those used by county and state government.

B. OPERATING CONDITIONS (OPCONS)

These OPCONS increase the city's state of readiness on a scale from 5 to 1. Each OPCON level is declared when a pre-determined set of criteria has been met. The City Manager and Emergency Management Director will assign the appropriate OPCON level, based on the situation at any given time.

1. OPCONS for the City of Nevada City shall be as follows:

<u>OPCON</u>	<u>LEVEL OF READINESS</u>
5	Day-to-Day Operations
4	Potential emergency or disaster conditions are threatening and may require activation of the Emergency Operations Center (EOC) that will serve as Incident Command Post (CIP) for large or citywide incidents or when multiple incidents occur within the city requiring individual ICPs the EOC will serve as the Area Command. Small or localized incidents will be managed from a single ICP near the scene.
3	Emergency or disaster conditions are possible. Activation of the EOC and implementation of the EOP is required.
2	Emergency or disaster conditions are certain. Full activation of the ICP is required. Highest level of preparedness.
1	Emergency or disaster conditions are occurring. Emergency response activities are on going.

2. The OPCON in effect will be that level of operational readiness or response appropriate to the emergency.

3. The following outline those minimum actions to be taken by the City's Emergency Management Director, under a locally declared numerical OPCON or when the county or state government has notified the City that a numerical OPCON is in effect:

a. OPCON 4:

With the concurrence of the City Manager, the Director shall:

- (1) Continuously monitor the developing threat.
- (2) Review all pertinent operational readiness plans, policies and procedures.
- (3) Conduct periodic situational briefings for designated personnel.
- (4) Ensure that all departmental personnel have been advised of the threat and have been placed in a "standby" status.
- (5) Recommend other necessary measures to ensure operational readiness.

b. OPCON 3:

With the concurrence of the City Manager, the Director, shall:

- (1) Complete all OPCON 4 action items.
- (2) Prepare the Emergency Operations Center for activation.
- (3) Establish communications with all county/state/federal agencies; public utilities; and other agencies or organizations as appropriate to the developing situation.
- (4) Ensure the dissemination of warning information to the public.
- (5) Recommend other necessary measures to ensure operational readiness.

c. OPCON 2:

The City Manager will designate an Incident Commander and, if the County EOC is activated, a city representative to the County EOC. The Incident Commander will:

- (1) Complete all OPCON 3 action items.
- (2) Fully activate, provision and staff of the Incident Command Post.
- (3) Activate all appropriate emergency plans, functional annexes and procedures.
- (4) Ensure the dissemination of threat, evacuation, shelter and other information necessary for the protection of life and property.
- (5) Activate all mutual aid agreements.
- (6) Ensure the recall, and deployment of departmental personnel.
- (7) Coordinate all emergency management activities with county/state/federal agencies; public utilities and other agencies or organizations as appropriate to the developing situation.
- (8) Recommend the issuance of emergency proclamations, orders and ordinances commensurate with the emergency or disaster.
- (9) Implement measures to ensure the greatest level of protection possible to public facilities.
- (10) Implement financial procedures to fully document all emergency preparation/response/recovery expenditures.
- (11) Recommend other measures to ensure operational readiness.

d. OPCON 1:

The Incident Commander will:

- (1) Complete all OPCON 2 action items.
- (2) Ensure the implementation of such measures as are necessary to protect life and property.
- (3) Or his designee, act as liaison between the City and County/State/Federal response agencies.

- (4) Function as the City's "Applicant Agent".
- (5) Direct all recovery activities.
- (6) Recommend other measures to facilitate the expenditures and complete recovery of the community.

All personnel are reminded that in many cases the City may have to respond to a disaster without any advance warning and that internal operation plans need to include this flexibility.

C. ENACTMENT OF EMERGENCY ORDINANCES

Upon the recommendation of the City Manager, the City Council may enact emergency ordinances necessary to respond to the emergency or disaster. These ordinances shall indicate the nature of the emergency or disaster; specify the impacts on the City; and outline those measures to be implemented to preserve the public safety and welfare and protect property. Copies shall be filed with the Nevada County Office of Emergency Services, the California Emergency Management Agency and be given the widest possible dissemination possible to ensure full public notification.

V. RESPONSIBILITIES

A. GENERAL

Appointed City officials share responsibility for the planning necessary to minimize losses and provide relief from disasters. This shared responsibility includes activities to ensure mitigation, preparedness, response and recovery.

B. CITY GOVERNMENT

City Government should be prepared to:

1. Direct and control local response to a wide variety of emergencies.
2. Provide immediate response through local resources and personnel.
3. Establish readiness procedures that ensure proper training, notification of personnel and the availability of personnel, material and equipment in an emergency.
4. Establish and activate mutual aid agreements when specific aid is needed.
5. Request assistance from state and federal government when: (1) local resources are fully committed and found to be inadequate and/or (2) a particular capability is required but is not available locally.
6. Participate in state and federal efforts to accomplish post-disaster hazard mitigation plans and studies.

C. CITY MANAGER

1. Act as or designate an Incident Commander.
2. Activate the City of Nevada City Emergency Operation Plan.
3. Suspend the provision of any City ordinance prescribing the procedures for conduct of City business if strict compliance with the provision prevents, hinders, or delays necessary actions in coping with the emergency.
4. Use all resources of the City as necessary to cope with the emergency.
5. Transfer the direction, personnel or functions of city departments or divisions for the purpose of performing or facilitating emergency operation.

D. EMERGENCY MANAGEMENT DIRECTOR

The Emergency Management Director acts as an advisor to the City Manager for disaster mitigation, preparedness, response and recovery and may be appointed by the City Manager to fill a key position when the Emergency Operations are implemented. The Emergency Management Director is responsible to:

1. Direct the efforts of all City departments/divisions with regard to the development and evolution of this plan.
2. Establish a NIMS compliant system for reporting, analyzing, displaying and disseminating emergency information.
3. Coordinate the activities of the departments, divisions and other agencies in preparing for disasters.
4. Receive, review and approve departmental emergency operations plans.
5. Establish procedures to document recovery efforts and expenses and act as the City's applicant agent in accordance with state and federal disaster assistance programs.
6. Coordinate evacuation operation.
7. Coordinate warning operations.
8. Coordinate military assistance.

E. CITY RISK MANAGER

The Risk Manager provides assistance to the Incident Commander or his appointed designee Emergency Management Director in disaster mitigation, preparedness, response and recovery. Responsibilities include but are not limited to:

1. Assist in establishing and monitoring a system for reporting, analyzing, displaying and disseminating emergency information.
2. Identification of critical areas of loss, damage assessment/surveys, coordination and communication with insurance representatives and representatives of State and local authorities.
3. Establish procedures to document recovery efforts and expenses and as the City's applicant agent in accordance with State and Federal disaster assistance programs including FEMA coordination and reporting.
4. Assist in monitoring local shelter operations, and occupancy levels of critical facilities.
5. Monitor developing threat and assist EMD in conducting situational briefings for designated personnel.
6. Augment Incident Command operations.

VI. RESPONSIBILITIES AND TASKS

A. INCIDENT COMMANDER:

The Incident Commander's (IC) responsibility is the overall management of the incident/event. On most incidents, a single IC carries out the command activity. The IC is selected by qualification and experience. The IC may have a deputy, who must have the same qualifications as the person for whom they work, as they must be ready to take over that position at any time. The major responsibilities of the IC are:

1. Assess the situation and/or obtain a briefing from the prior IC.
2. Determine Incidents Objectives and Strategy.
3. Establish the immediate priorities.
4. Brief Command Staff and Section Chiefs.
5. Review meetings and briefings.
6. Establish an appropriate organization.
7. Ensure planning meetings are scheduled as required.
8. Approve and authorize the implementation of an Incident Action Plan.

9. Ensure that adequate safety measures are in place
10. Coordinate activity for Command and General Staff.
11. Coordinate with key people and officials.
12. Approve requests for additional resources or for the release of resources.
13. Keep Agency administrator informed of incident status.
14. Approve the use of trainees, volunteers and auxiliary personnel.
15. Authorize release of information to the new media.
16. Ensure incident status Summary is completed.
17. Order the demobilization of the incident when appropriate.

B. PUBLIC INFORMATION OFFICER

The Public Information Officer (PIO) is responsible for developing and releasing information about the incident to the news media, to incident personnel, and to other appropriate agencies and organizations. The major responsibilities of the PIO are:

1. Determine from the IC if there are any limits on information release.
2. Develop material for use in media releases.
3. Obtain IC approval of media releases.
4. Inform media and conduct media briefings.
5. Arrange for tours and other interviews or briefings that may be required.
6. Obtain media information that may be useful to incident planning.
7. Maintain current information summaries and/or displays on the incident and provide information on the status of the incident to assigned personnel.
8. Maintain unit activity log.

C. LIASON OFFICER

Incidents that are multi-jurisdictional, or have several agencies involved, may require the establishment of the LO position on the Command Staff. The LO is assigned to the incident to be the contact for assisting and/or cooperating Agency Representatives. The major responsibilities of the LO are:

1. Be a contact point for Agency Representatives.
2. Maintain a list of assisting and cooperating agencies and Agency representatives.
3. Assist in establishing and coordinating interagency contacts.
4. Keep agencies supporting the incident aware of incident status.
5. Monitor incident operations to identify current or potential inter-organizational problems.
6. Participate in planning meetings, providing current resource status, including limitations and capability of assisting agency resources.

D. SAFETY OFFICER

The Safety Officer's function is to develop and recommend measures for assuring personnel safety, and to assess and/or anticipate hazardous and unsafe situations. The major responsibilities of the Safety Officer are:

1. Participate in planning meetings.
2. Identify hazardous situations associated with the incident.
3. Review the Incident Action Plan for safety implications.
4. Exercise emergency authority to stop and prevent unsafe acts.
5. Investigate accidents that have occurred within the incident area.
6. Assign assistants as needed.
7. Review and approve the medical plan.

8. Develop the site safety plan and publish site safety plan summary.
9. Maintain Unit/Activity Log.

E. OPERATIONS SECTION CHIEF

The Operations Section Chief is responsible for the management of all operations directly applicable to the primary mission. The major responsibilities of the Operations Section Chief are:

1. Develop operations portion of the Incident Action Plan.
2. Brief and assign Operations Section personnel in accordance with the Incident Action Plan.
3. Supervise Operations Section
4. Determine need and request additional resources.
5. Review suggested list of resources to be released and initiate recommendation for release of resources.
6. Assemble and Disassemble strike teams assigned to the Operations Section.
7. Report information about special activities events, and occurrences to the IC.
8. Maintain unit activity log.

F. PLANNING SECTION CHIEF

The Planning Section Chief is responsible for the collection, evaluation, dissemination and use of information about the development of the incident and status of resources. Information is needed to: 1) understand the current situation, 2) predict the probable course of incident events; and 3) prepare alternative strategies for the incident. The major responsibilities of the Planning Section Chief are:

1. Collect and process situation information about the incident.
2. Supervise preparation of the Incident Action Plan.
3. Provide input to the IC and Ops in preparing the IAP
4. Chair planning meetings and participated in other meetings as required.
5. Assign available personnel to ICS organizational positions as appropriate.
6. Establish information requirements and reporting schedules for Planning Section Units.
7. Determine the need for any specialized resources in support of the incident.
8. If requested, assemble and disassemble Strike teams and Task Forces not assigned to Ops.
9. Establish special information collection activities as necessary (e.g., weather, environmental, toxic, etc.)
10. Assemble information on alternative strategies.
11. Provide periodic predictions on incident potential.
12. Report any significant changes in incident status.
13. Compile and display incident status information.
14. Oversee preparation and implementation of Demobilization Plan.
15. Incorporate plans (e.g., Traffic, Medical, Communications, Site Safety) into the IAP.
16. Maintain unit activity log.

G. LOGISTICS SECTION CHIEF

The Logistics Section Chief is responsible for providing facilities, services and material in support of the incident. The major responsibilities of the Logistics Section Chief are:

1. Plan the organization of the logistics section.
2. Assign work locations and tasks to section personnel.

3. Notify the resource unit of the Logistics Section Units activated and the names of assigned personnel.
4. Assemble and Brief Branch Directors and Unit Leaders.
5. Participate in preparation of the Incident Action Plan.
6. Identify service and support requirements for planned and expected operations.
7. Provide input to and review the Communication Plan, Medical Plan and Traffic Plan.
8. Coordinate and process requests for additional resources.
9. Review the IAP and estimated Section needs for the next operational period.
10. Advise on current service and support capabilities.
11. Prepare service and support elements of the IAP.
12. Estimate future service and support requirements.
13. Receive incident Demobilization plan from Planning Section.
14. Recommend release of Unit resources in conformity with Incident Demobilization Plan.
15. Maintain Unit Activity Log.

H. FINANCE/ADMINISTRATION SECTION CHIEF

The Finance/Administration Section Chief is responsible for all financial, administrative, and cost analysis aspects of the incident. The major responsibilities of the Finance/Administration Section Chief are:

1. Attend planning meetings as required.
2. Manage all financial aspects of an incident.
3. Provide financial and cost analysis information as requested.
4. Gather pertinent information from briefings with responsible agencies.
5. Develop the operating plan for the section.
6. Meet with assisting and Cooperating Agency Representatives as needed.
7. Ensure that all personnel time records are accurately completed and processed.
8. Provide financial input to demobilization planning.
9. Ensure that all obligation documents initiated at the incident are properly prepared and completed.
10. Maintain unit activity log.

I. DEPARTMENT DIRECTORS

City department heads are responsible for emergency operations within their departments as follows:

1. General
 - a. Continuing to perform routine day-to-day departmental tasks as needed.
 - b. Providing departmental technical/operational response to disasters.
 - c. Developing, maintaining and exercising plans for performance of the disaster functions assigned to that department in this plan.
 - d. Providing Incident Command Post representation as required in this plan or as required by the City Manager or Emergency Management Director.
2. Specific
 - a. Legal Department

1. Provide legal advice to members of the City Council, City Manager, and City staff.
2. Prepare emergency ordinances, proclamations, etc. as necessary.

b. Public Information Director

1. Provide direction and control of public information through the preparation and release of official information and statements by and for City officials.
2. Provide response to inquiries by media representatives and official visitors.
3. Provide referral service for inquiries regarding missing persons, availability of assistance to disaster victims and other related information.
4. Provide technical coordination with the commercial broadcast media. Augment warning systems.

c. Police Department

1. Provide law enforcement services.
2. Provide warnings/evacuations.
3. Provide communications
4. Provide traffic management.
5. Augment search and rescue.
6. Augment recovery and identification of victims.

d. Fire Department

1. Provide fire service.
2. Provide emergency medical services.
3. Provide search and rescue.
4. Provide recovery and identification of victims.
5. Provide radiological hazard assessment and establishes protection measures to mitigate effects.
6. Augment evacuation.
7. Augment warning systems.
8. Provide set-up of Family Emergency Shelter and EMS.

e. City Engineer

1. Provide damage assessment/survey.
2. Provide documentation for FEMA Flood Insurance Program.
3. Provide condemnation of damaged structures.
4. Augment coordination of utility restoration.
5. Augments coordination of access to damaged structures.
6. Augment warning systems.
7. Augment evacuation.

f. Public Works Department

1. Provide debris removal and clearing of rights of way.
2. Provide repair/restoration of water/sewer utility service.
3. Provide heavy equipment resources.
4. Provide the coordination of utility restoration.
5. Provide the coordination of emergency transportation assets.
6. Provide engineering services.

7. Augment search and rescue.
8. Augment damage assessments/surveys.
9. Augment fire service operations.
10. Augment traffic control.
11. Manage mutual aid sector

g. Parks and Recreation

1. Provide federal/state DAC/DFO facility.
2. Provide emergency shelter. (Recovery phase only)
3. Provide emergency mortuary facility.
4. Provide set up of EOC
5. Augment recovery and identification of victims.

h. Finance Department

1. Provide accounting and financial services for receipt and disbursement of emergency funds. Provide information systems back up and support
2. Provide and develop procedures for the procurement and availability of supplies, equipment and materials.
3. Maintain a list of critical resource vendors.
4. Augment Incident Command Post operations.

i. Human Resources Department

1. Provide coordination of volunteer resources.
2. Augment Incident Command Post operations.

j. Planning Department

1. Augment damage assessment/survey.
2. Augment coordination with OCRM.
3. Augment Incident Command Post operations.

VII. DIRECTION AND CONTROL

A. It is provided that this plan:

Is the official Emergency Management Plan for the City of Nevada City governing all emergency operations.

B. Line of Succession

“Emergency Interim Executive and Judicial Succession” reference government succession on a local level. City of Nevada City Code of Ordinances provides for an orderly succession should any elected/appointed official become unavailable.

C. Preservation of Records.

It is the responsibility of all local officials to ensure that all public records under their control are preserved and protected in accordance with state and local laws. Examples include: ordinances, resolutions, deeds, tax records, building permits, city council meeting minutes, etc.

D. Emergency Operations Center

During a state of emergency the City of Nevada City provides direction and control from the **primary** EOC which is the Nevada City City Hall located at 317 Broad St., Nevada City, California. Staff members assigned duty in the EOC during emergency operations are designated in Appendix (C).

E. Alternate Emergency Operations Center

Should relocation of the EOC be necessary, the alternate EOC is the City of Nevada City Fire Station 54 located at 201 Providence Mine Rd., Nevada City, California

F. Relief Assistance

In the event of a disaster, the City of Nevada City Emergency Management Director is responsible for the direction and support of all disaster relief activities.

G. Consumer Protection

Consumer complaints pertaining to alleged unfair or illegal business practices will be referred to the City Legal Department.

H. Use of Local Firms

When disaster assistance activities are carried out by contract or agreement with private contractors, firms or individuals, preference will be given to the extent feasible and practicable, to contractors, firms or individuals residing or doing business primarily within the city limits.

VIII. PLAN DEVELOPMENT, MAINTENANCE AND EXECUTION

- A. The City Emergency Management Director has the overall responsibility for emergency planning; coordination of resources; and the conduct of disaster assistance and recovery activities.
- B. City Department Heads have the responsibility for maintaining internal plans, SOPs, and resource data to ensure prompt and effective disaster response.
- C. All departments are responsible for the development and maintenance of their respective segment of the plan.
- D. The Emergency Management Director will maintain and update this plan as required. Other City officials should recommend changes at any time and provide updated information as to changes in personnel, resources or assignment of responsibilities.
- E. The plan will be executed upon order of the City Manager or his designee.
- F. This plan applies to all elements of the City Government whether legislative, appointed or volunteer.
- G. For training purposes and exercises, the Emergency Management Director may activate this plan to ensure readiness posture.

IX. Hazard Analysis – Appendix A

X. EOC Personnel – Appendix B

XI. Organizational Structure – Appendix C

XII. Pandemic Memorandum of Agreement – Annex

XIII. Terrorism – Annex

XIV. Mutual Aid Agreements

XV. Animal Disaster Plan – Appendix D

Appendix A Hazard Analysis

Risks from natural hazards are a combination of hazard, vulnerability and exposure. The risk assessment process measures the potential loss to a community, including loss of life, personal injury, property damage and economic injury resulting from a hazard event. The risk assessment process allows a community to better understand its potential risk and associated vulnerability to natural hazards. This information provides the framework for a community to develop and prioritize mitigation strategies and plans to help reduce both the risk and vulnerability from future hazard events.

Risks from human caused hazard events are very similar to natural hazards except for the issue of human intent or error, in the case of terrorist events, or human caused accidents respectively. Intent, capacity and technological sophistication limit most terrorist events whereas, human caused accidents normally can be predicted in concert with the level and type of human activity. This risk assessment for Nevada City was based on the following four step process:

- 1) Identify Mitigation
- 2) Preparedness
- 3) Response
- 4) Recovery

Existing and planned mitigation measures such as building codes, fire codes, land use regulations, fire management plan and floodplain management regulations were analyzed in conjunction with county and city general plans. The risk assessment for this plan covers the entire geographical extent of Nevada City.

Hazard Identification

Historical Data was retrieved from the California Department of Forestry and Fire Protection; California Office of Emergency Services; Climate Source, Inc; Federal Emergency Management Agency; California Seismic Safety Commission; United States Geological Survey; United States Weather Service; California Geological Survey; Natural Resources Conservation Service; US Census Bureau; California Department of Finance; California Department of Transportation; California Academy of Science and the Nevada County Office of Emergency Services.

The Natural Hazards identified and investigated for the Nevada City disaster plan include:

- Urban and Wildland Fire
- Floods
- Dam failure
- Landslides
- Earthquakes
- Volcanoes
- Agricultural hazards

- Natural Health Hazards
- Land Subsidence
- Severe Weather
 1. Heavy Rain/Thunderstorm/Wind/Lightening/Hailstorm
 2. Snow and Ice
 3. Drought

Human Caused hazards identified include:

- Hazardous Materials Incidents
- Arson or Commercial Fire
- Airborne Hazards

The following natural hazards were not selected for analysis and consideration because due to Nevada City's elevation, seismic activity, no large size lakes and geography. They either rarely/do not occur at all or when they do occur, they are limited in magnitude-no or very limited damages are expected to occur:

- Avalanche
- Hurricanes/Costal Storm
- Tornadoes/Tsunami
- Fog
- Seiches (water wave movement on lakes due to earthquakes)
- Coastal Erosion
- Tsunami

Fire

Accepting Nevada City's terrain, climate, rainfall and forest land/urban mix, it is a certainty that significant wildland fires are going to continue as a threat. Contributing to the threat over the last 75 years have been the fire suppression techniques and policies that have allowed a large fuel load to accumulate.

Generally, the fire season extends from early spring to late fall. Fire conditions arise from a combination of hot weather, an accumulation of vegetation, and low moisture content in the air. These conditions, when combined with high winds and years of drought, increase the potential for wildfire to occur. The wildfire risk is predominantly associated with Wildland-Urban Interface (WUI) areas. WUI is a general term that applies to development interspersed or adjacent to landscapes that support wildland fire. WUI areas have been a major focus of California Department of Forestry and Fire Protection's (CDF) fire management strategy since at least

1972. A fire along this wildland/urban interface can result in major losses of property and structures. Potential losses from wildfire include: human life, structures and other improvements; natural and cultural resources; the quality and quantity of the water supply; other assets such as timber, range and crop land, and recreational opportunities; and economic losses. In addition, catastrophic wildfire can lead to secondary impacts or losses such as future flooding landslides during the rainy season. Generally, there are three major factors that sustain wildfires and predict a given area's potential to burn. These factors are fuel, topography, and weather.

Wildland fire is a serious concern to Nevada City. Many of the roadways in the city are not city maintained roads so there are a great number of single lane roads and double lane roads that are not to current standards for city maintained roads. Many residential parcels have driveways that are also only single lane, some paved but most not, that may have only sporadic clearing of encroaching vegetation.

A second and probably more significant issue is the large amount of fuel load remaining on unincorporated lands. Nevada City is surrounded federal forest lands where fire suppression has been the recently, most dominant fire management strategy. Any fire in the unincorporated areas of Nevada County has a significant potential to become a catastrophic fire when wind, temperature and humidity can combine to enlarge fires very quickly.

Flood

Nevada City has requested flooding mapping through the Federal Emergency Management Agency but has not yet been mapped. We do have current historical information from the 1986, 1995 and 1997 floods that provides indications of likely flood damages. Deer Creek and Little Deer creek converge at the foot of the commercial district on Broad Street. The below grade level of a commercial building at the south- west corner of Broad Street has historically had approximately 3 feet of foot water intrusion during severe flood events. In 1995 and again in 2004 an underground culvert that connects Deer Creek and Little Deer Creek in a parking lot at the intersection of Sacramento Street and Broad Street has failed resulting in failure of the parking lot surface. In 1995 and 2005, Little Deer Creek overflowed its banks in Pioneer Park, a city owned park, with resulting damage to the tennis courts, baseball diamond and horse shoe pits.

100 year and 500 year flood plains have been mapped for Nevada City. Floodplains and floodways are primarily located along the channel of area creeks and rivers. Residential flooding has occurred in the past primarily as a result of clogged drainage ditches and seasonal dry creeks. When flooding does occur it is usually confined to a portion of the property and recedes usually within a few minutes to a few hours.

Dam Failure

Flooding as a result of dam failure can occur as a result of manmade or natural causes. Such causes include improper sitting, structural design flaws, erosion of the face or foundation, earthquakes, massive landslides, and rapidly rising flood waters. Inundation as a result of dam failure would most likely be the result of an earthquake. However, the area of Nevada County in which these dams exist is not located within an historical seismic zone. In fact, the western half of Nevada County is within the lowest earthquake intensity zone in California.

There are large regulated (and inspected) dams located in the unincorporated portions of Nevada County. Review of dam inundation maps and response plans indicated a very low probability of an incident related to uncontrolled release from a regulated dam. Our review does indicate potential damage to public facilities from an uncontrolled release from some dams. More study and information is needed concerning unregulated dams in Nevada County which would include their size, highest water capacity, physical structure and dam maintenance procedures.

Landslide

Accepted that western Nevada City was the site of hydraulic mining in the mid-19th century that has resulted in some large acreage of potentially unstable soil conditions, we can expect that landslides will continue to occur. Mitigating in favor of the City is the generally poor soil stability and condition in these hydraulic mining areas, which precludes their future use and development.

Earthquake

The western 50% of Nevada County is in the lowest Earthquake Shaking Potential for California based upon Spring 2003 maps produced by the USGS. Nevada City is primarily in the 20-30% peak ground acceleration zone. Nevada City has structures of un-reinforced masonry buildings in older neighborhoods and commercial districts. While possible, it is not expected that normal seismic activity in this area would result in significant damage.

During our next plan update we will endeavor to obtain an accurate count of un-reinforced masonry structures/buildings as well as those, which have been remodeled but are not at current seismic standards and their proximate relationships to other structures.

Volcanoes

There are no active volcanoes in or near Nevada City. Nevada City could be susceptible to ash fall from either the Long Valley Caldera or Mt. Lassen but it would most likely be less than 5 centimeters in thickness by interpretation of the USGS Volcanic Hazards Ash Dispersion Map. Nevada City is not likely to be significantly impacted by lava or debris material flows.

Agricultural Hazards

Agricultural disaster events are likely to continue in Nevada City due to its' geographic location on the west slope of the Sierra Nevada. The potential effects of global warming will be a mixed bag for Nevada City. While freeze events may be expected to mitigate, effects from late heavy rainfall may increase. There does not, at this time, appear to be any effective mitigation measure that could be applied to random freeze conditions or heavy late season rainfall. The Agricultural Commissioner supports shaded fuel breaks and other similar efforts to reduce the fire threat. These techniques can help protect vineyard and timber production assets.

Natural Health Hazards

The impact to human health that wildlife can have upon an area is substantial. The avian flu, H1N1 pandemic, and West Nile Virus could potentially be expected to have serious consequences to health and economics worldwide. Nevada City due to its relatively dispersed population may be impacted differently than the states' major urban areas and their compacted human population.

Land Subsidence

Soil subsidence due to mining activity has historically been seen as an outcome of the extensive mining activity that was the mainstay of the early economy of western Nevada County. While there have been anecdotal stories of mineshaft cave-ins, we do not have solid information of the location and condition of the various shafts and vents that do exist. In conjunction with the CA. Division of Mines and Geology, a project and methodology needs to be developed that can provide this information. Certainly, as development projects are proposed, attention needs to be placed on identifying and cataloging the existence of shafts and vents within development project boundaries.

Vulnerability to landslide and earth subsidence exists primarily in the Nevada City gold mining districts. While there have been some episodic events in the past of landslide and land subsidence, hydraulic mining activity ended in the 1880-1890's and underground hard rock

mining ended in the mid 1950's. We would not expect significant events absent an earthquake or other geologic events or unusually high rainfall years.

Severe Weather

Rain, snow, lightning and high winds are likely to continue as one of the natural threats to Nevada County. Not specifically mentioned above were blizzards, which are the combination of wind and blowing snow. The exact and full extent of global warming may become more evident over the next few decades, which will conceivably have an effect on county weather related incidents.

With Nevada City located above the snow line (2,500 feet) snow and ice is a reality of foothill living. Nevada City has developed response mechanisms involving community groups for snow and ice conditions.

Human Caused Hazards

Hazardous Materials

The potential for a hazardous materials incident: Hazardous materials incidents may occur anywhere and at any time in Nevada County. The potential for a hazardous materials incident in Nevada County depends on the volume, distribution, and/or use of chemicals and other hazardous substances in a particular area. An assessment of the known hazardous material threats within Nevada County has been developed. In general, the likelihood of a hazardous materials incident is greatest in the following areas:

Transportation Routes

Highways, railways, and commercial and military aviation routes constitute a major threat because of the multitude of chemicals and hazardous substances transported along them. State Routes 20 and 49 are areas of concern.

Business and Industry

The manufacturing and light industrial firms located in portions of the city offer the potential for hazardous materials incidents.

Agriculture

Accidental releases of pesticides, fertilizers, and other agricultural chemicals may be harmful to human health and the environment. The majority of the agricultural industry in Nevada County consists of ranching and orchard operations in the western portion of the county.

Illegitimate Business

Illegitimate businesses, such as clandestine drug laboratories, are a significant threat to human health, property, and the environment. In many instances, the residue is discharged into a public sewer or private sewage disposal system, or is dumped in remote areas of the county or along the side of the road, posing a serious health threat to the unsuspecting person who stumbles across it.

As development occurs along identified trends, there will be an increasing potential loss due to hazmat issues. As would be expected, future development is largely in areas now served by federal or state highways; in our circumstances State Highways 49 and 20.

With increased population and commerce traveling on these highways we can reasonably expect a greater gross number of accidents and a greater number of accidents that result in a hazmat incident. While Nevada City now contracts for its hazmat response team with the City of Marysville and Truckee Fire Protection District, it will become more likely that a locally based and supported hazmat response team will become a necessity.

Nevada City can reasonably expect that the airborne hazards arriving from the Sacramento Valley and the Bay area via prevailing delta winds and atmospheric conditions will continue to be a health threat.

While Nevada City and its public entities have been aggressive in reducing locally generated particulate material in the atmosphere (dust, smoke) increased vehicle trips will add to existing airborne pollution. Unfortunately, additional solutions to Nevada City's air quality issues reside outside of the governmental control of Nevada County.

Arson and Commercial Fires

Arson and or a commercial fire will continue to remain as serious threats to the commercial and business vitality of Nevada City's developed commercial areas. Enforcement of the county and municipal building, hazardous materials and fire codes will greatly mitigate against future losses of this type.

In 2001 a commercial fire started in the kitchen of Friar Tucks, a highly successful and well-known restaurant in downtown historic Nevada City. By its conclusion, the restaurant, offices of the County Probation Department, an off Broad Street live theatre and The Herb Shop had been completely destroyed. Other businesses such as The Earth Store, Java Johns and near by businesses suffered lesser damages.

Ten percent of all fires in Nevada City are believed to be arson related fires, either wildland interface or commercial. While both types of fire related incidents are of extreme concern to Nevada City, the commercial fire has a potential for great destruction and economic loss. A commercial fire within the business districts of Nevada City would result in serious losses of sales inventory, sales tax, property tax reduction, and loss of employment or loss of life. Secondary effects could be felt in the transient occupancy tax and on the vibrancy of related businesses. In a worst case scenario, multiple businesses could be involved as well as the loss of housing stocks that are sometimes found as "over the store" units.

Airborne Hazards

In as much of the airborne pollution present in Nevada City is caused from upwind migration from the Greater Sacramento and to a lesser degree the San Francisco Bay areas. There are few mitigation methods available with current applications. Certainly burn restrictions and cleaner burning wood stoves will provide most of the currently available technology. Rigorous enforcement on dust control procedures on construction projects will lessen the impact of dust particulates.

SUMMARY HAZARD ANALYSIS: NEVADA CITY

<u>HAZARD</u>	<u>ESTIMATED FREQUENCY</u>	<u>EXPECTED SEVERITY</u>
WILDLAND FIRE	Low	Moderate
ARSON/COMMERCIAL FIRE	Low	Moderate
HAZMAT INCIDENT	Low	Low
EARTHQUAKE/GEOLOGICAL	Rare	Low
SNOW STORM	Occasional	Low
FLOODS	Low	Low
TERRORISM	Rare	Low
SR-49 & SR-20 Accidents	Low	Low
AIRBORNE HAZARDS	Occasional	Low

Appendix B EOC Personnel

The personnel listed below are members of the Emergency Operations Staff and as such shall be present in the EOC during emergency operations.

Mayor
City Manager
Emergency Management Director
City Attorney
City Risk Manager
City Planner
Public Information Officer
Police Chief
Fire Chief
Public Works Director

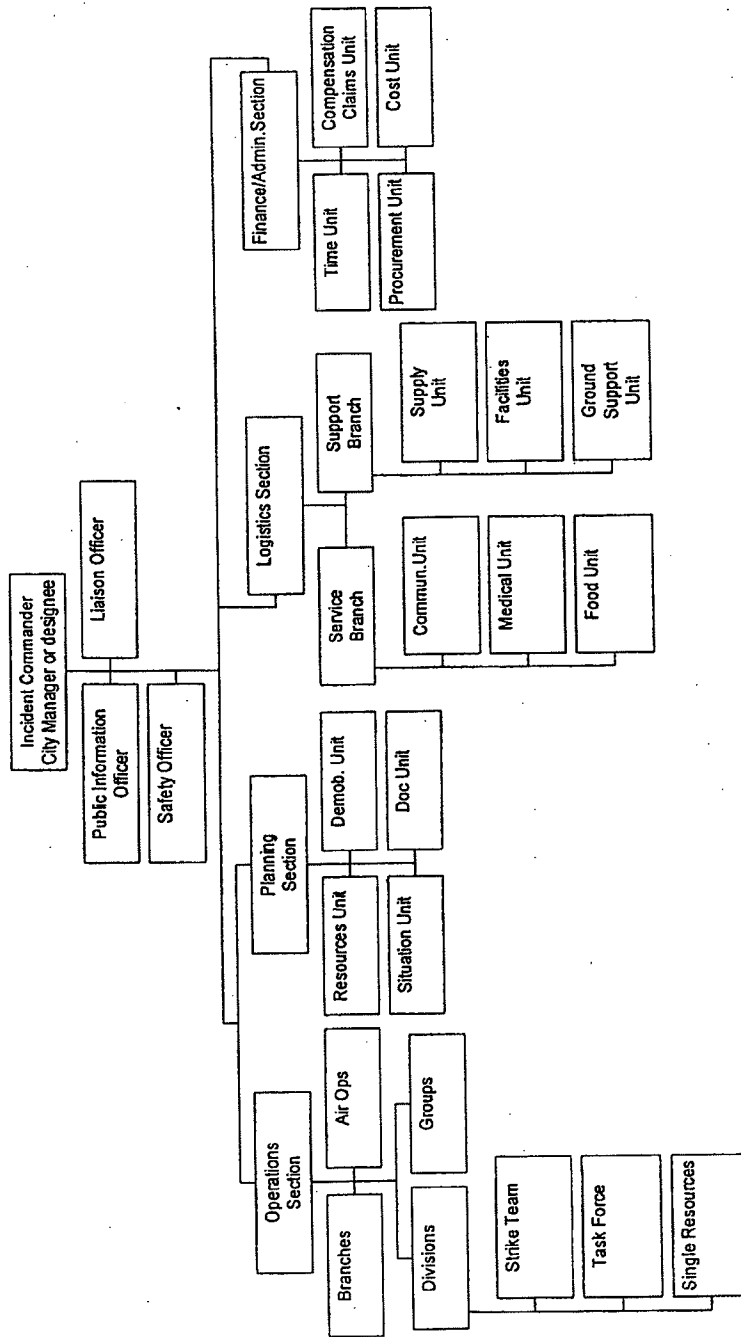
- City Engineer
- Parks and Recreation
- Water Treatment
- Waste Water Treatment

Personnel should adhere to their department's internal emergency operations plan and report to their assigned emergency operations post. It should be understood that emergency conditions may dictate a restructuring of personnel deployment plans. Therefore, each department is cautioned to ensure that needed flexibility is incorporated into its personnel assignments.

Appendix C Organizational Structure

See attached

Organizational Structure



Appendix D
Animal Disaster Plan

To be provided by Nevada City Police Department

ATTACHMENT 'B'

Chapter 2.44 - CIVIL DEFENSE

Sections:

2.44.010 - Purpose of provisions.

2.44.020 - Definitions.

2.44.030 - Civil defense and disaster council—Membership.

2.44.040 - Civil defense and disaster council—Powers and duties—Meetings.

2.44.050 - Director—Powers and duties.

2.44.060 - Civil defense and disaster organization—Designated.

2.44.070 - Violation—Penalty.

2.44.010 - Purpose of provisions.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the civil defense of persons and property within this city in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with civil defense and disaster 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. (Amended during 1990 codification; Ord. 259 § 1, 1951)

2.44.020 - Definitions.

As used in this chapter:

The term "civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

"Disasters," as used in this chapter means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.

(Ord. 259 § 2, 1951)

2.44.030 - Civil defense and disaster council—Membership.

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

- A. The mayor, who shall be chairman;
- B. The director of civil defense and disaster, who shall be vice chairman;
- C. The assistant director, appointed by the mayor with the advice and consent of the city council who, under the supervision of the director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this city, and shall have such other duties as may be as signed by the director.
- D. Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this chapter.
- E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense and disaster responsibility as may be appointed by the mayor with the advice and consent of the city council.

(Ord. 259 § 3, 1951)

2.44.040 - Civil defense and disaster council—Powers and duties—Meetings.

A. It shall be the duty of the city civil defense and disaster council, and it is hereby empowered, to review and recommend for adoption by the city council, civil defense and disaster and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as necessary to implement such plans and agreements.

B. The civil defense and disaster council shall meet upon call of the chairman or in his absence from the city or inability to call such meeting, upon the call of the vice chairman.

2.44.050 - Director—Powers and duties.

- A.
The mayor shall be the director of civil defense and disaster. The director is empowered:
1.
To request the city council to proclaim the existence of a disaster and the termination thereof, if the city council is in session, or to issue such proclamation if the city council is not in session, subject to confirmation by the city council at the earliest practicable time;
 2.
To request the Governor to proclaim a state of extreme emergency when in the opinion of the director the resources of the area or region are inadequate to cope with the disaster;
 3.
To control and direct the effort of the civil defense and disaster organization of this city for the accomplishment of the purposes of this chapter;
 4.
To direct coordination and cooperation between divisions, services and staff of the civil defense and disaster organization of this city, and to resolve questions of authority and responsibility that may arise between them;
 5.
To represent the civil defense and disaster organization of this city in all dealings with public or private agencies pertaining to civil defense and disaster.
- B.
In the event of the proclamation of a disaster, as provided in this chapter, or the proclamation of a state of extreme emergency by the Governor or the State Director of Civil Defense, 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 disaster; 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 the lives and property of the people, and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;
 3.
To require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which this city is located, to command the aid of as many citizens of this community as he thinks necessary, in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense and disaster worker volunteers;
- D.
To requisition necessary personnel or material of any city department or agency;
- E.
To execute all of his ordinary powers as mayor, all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the city council or by any other lawful authority, and in conformity with Section 38791 of the Government Code, or by any other lawful authority, to exercise complete authority over the city and to exercise all police power vested in the city by the Constitution and general laws.

(Ord. 259 § 6, 1951)

2.44.060 - Civil defense and disaster organization—Designated.

- A.
All officers and employees of this city, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 2.44.040(C) of this chapter, be charged with duties incident to the protection of life and property in this city during such disaster, shall constitute the civil defense and disaster organization of the city.
- B.
The functions and duties of the city civil defense and disaster organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by resolution.
- C.
The city council shall concurrently with the adoption of the ordinance codified in this chapter, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, and the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the Civil Defense Agency of the state.

(Ord. 259 §§ 7, 8, 1951)

2.44.070 - Violation—Penalty.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed

six months, or both, for any person during a disaster:

A.

Wilfully to obstruct, hinder or delay any member of the civil defense and disaster 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.

To do any act forbidden by any lawful rules or regulations 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 this city, or to prevent, hinder or delay the defense or protection thereof;

C.

To wear, carry or display, without authority, any means of identification specified by the civil defense and disaster agency of the state.

(Ord. 259 § 9, 1951)

Chapter 2.44 - CIVIL DEFENSE, EMERGENCY PREPAREDNESS, AND DISASTER PLAN

ATTACHMENT C'

Sections:

2.44.010 - Purpose of provisions.

2.44.020 - Definitions.

2.44.030 - Civil defense and disaster council—Membership.

2.44.040 - Civil defense and disaster council—Powers and duties—Meetings.

2.44.050 - Director—Powers and duties.

2.44.060 - Civil defense and disaster organization—Designated.

2.44.070 - Violation—Penalty.

2.44.010 - Purpose of provisions.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection and civil defense of persons and property within this city in the event of an emergency or disaster, and to provide for the coordination of the civil defense, emergency preparedness, and disaster— functions of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with civil defense, emergency, and disaster 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. (Amended during 1990 codification; Ord. 259 § 1, 1951) Any emergency or disaster plan prepared pursuant to this chapter is intended to achieve, and shall be interpreted to accomplish, the following goals:

A. Minimize suffering, loss of life, personal injury and property damage resulting from hazardous and/or emergency conditions;

B. Minimize disaster related shortages and service system disruptions that would have an adverse impact on residents, visitors and the local economy;

C. Provide immediate relief and promote short-range and long-range recovery;

D. Avoid or reduce loss of life and property damage resulting from disasters;

E. Comply with state and federal disaster assistance regulations; and

F. Document all disaster related expense to ensure the fullest possible recovery of funds in the event of a presidential declaration.

2.44.020 - Definitions.

As used in this chapter:

The term "civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

The term "Disastersdisaster," as used in this chapter means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity- resulting in the occurrence of widespread or severe damage, injury, loss of life or property, or such severe economic or social disruption that supplemental relief assistance is necessary for the County to recover and alleviate the damage, loss, hardship, or suffering caused thereby. At the Federal level, as defined under P.L. 93-288, a disaster is any natural catastrophe, (including any hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, landslide, mudslide, snowstorm, or drought), or regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations.

The term "emergency" means the occurrence or imminent threat of a condition, incident, or event that requires immediate response actions to save lives; prevent injuries; protect property, public health, the environment, and public safety; or to lessen or avert the threat of a disaster. At the Federal level, an emergency is defined by Title V of P.L. 93-288, Section 102(1), as any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety.

(Ord. 259 § 2, 1951)

2.44.030 - Civil defense and disaster council—Membership.

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

- A. The mayor, who shall be chairman;
- B. The director of civil defense and disaster, who shall be vice chairman;
- C. The assistant director, appointed by the mayor with the advice and consent of the city council who, under the supervision of the director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this city, and shall have such other duties as may be assigned by the director.
- D. Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this chapter.
- E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense and disaster responsibility as may be appointed by the mayor with the advice and consent of the city council.

(Ord. 259 § 3, 1951)

2.44.040 - Civil defense and disaster council—Powers and duties—Meetings.

A. It shall be the duty of ~~the~~ the city civil defense and disaster council, and it is hereby empowered, to review and recommend for adoption by the city council, civil defense, ~~and emergency and disaster-disaster~~ and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as necessary to implement such plans and agreements.

B. The civil defense and disaster council shall meet upon call of the chairman or in his absence from the city or inability to call such meeting, upon the call of the vice chairman.

C. A city emergency and/or disaster plan may be adopted by resolution. Nothing in this section is intended to preclude consideration and adoption by the city council for adoption of an emergency or disaster plan that was not prepared, reviewed, or recommended by the civil defense and disaster council.

(Ord. 259 § 4, 1951)

2.44.050 - Director—Powers and duties.

Until such time as an emergency and/or disaster plan for the city providing otherwise is adopted by resolution of the city council and is in full force and effect:

- A. The mayor shall be the director of civil defense and disaster. The director is empowered:
 - 1. To request the city council to proclaim the existence of a disaster and the termination thereof, if the city council is in session, or to issue such proclamation if the city council is not in session, subject to confirmation by the city council at the earliest practicable time;
 - 2. To request the Governor to proclaim a state of extreme emergency when in the opinion of the director the resources of the area or region are inadequate to cope with the disaster;
 - 3. To control and direct the effort of the civil defense and disaster organization of this city for the accomplishment of the purposes of this chapter;
 - 4. To direct coordination and cooperation between divisions, services and staff of the civil defense and disaster organization of this city, and to resolve questions of authority and responsibility that may arise between them;
 - 5. To represent the civil defense and disaster organization of this city in all dealings with public or private agencies pertaining to civil defense and disaster.
- B. In the event of the proclamation of a disaster, as provided in this chapter, or the proclamation of a state of extreme emergency by the Governor or the State Director of Civil Defense, 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 disaster; 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 the lives and property of the people, and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use;

3. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which this city is located, to command the aid of as many citizens of this community as he thinks necessary, in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense and disaster worker volunteers;

~~D4.~~
To requisition necessary personnel or material of any city department or agency;

~~E5.~~
To execute all of his ordinary powers as mayor, all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the city council or by any other lawful authority, and in conformity with Section 38791 of the Government Code, or by any other lawful authority, to exercise complete authority over the city and to exercise all police power vested in the city by the Constitution and general laws.

~~C.~~
In the event that an emergency and/or disaster plan is adopted for the city that provides for activation by a person other than the mayor or any other provisions inconsistent with those contained this section, the provisions of that plan shall control over the provisions of this section so long as that plan is in full force and effect and not repealed.

~~(Ord. 259 § 6, 1951)~~

2.44.060 - Civil defense and disaster organization—Designated.

A. All officers and employees of this city, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 2.44.040(C) of this chapter, be charged with duties incident to the protection of life and property in this city during such disaster, shall constitute the civil defense and disaster organization of the city.

B. The functions and duties of the city civil defense and disaster organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by resolution.

C. The city council shall concurrently with the adoption of the ordinance codified in this chapter, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, and the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the Civil Defense Agency of the state.

(Ord. 259 §§ 7, 8, 1951)

2.44.070 - Violation—Penalty.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person during a disaster:

A. Wilfully to obstruct, hinder or delay any member of the civil defense and disaster 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. To do any act forbidden by any lawful rules or regulations 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 this city, or to prevent, hinder or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the civil defense and disaster agency of the state.

(Ord. 259 § 9, 1951)

ORDINANCE NO. 2011-XX

**AN ORDINANCE OF THE CITY OF NEVADA CITY
AMENDING AND ADDING TO CHAPTER 2.44
OF THE NEVADA CITY MUNICIPAL CODE
TO PROVIDE FOR ADOPTION OF A DISASTER PLAN**

WHEREAS, the Nevada City Municipal Code in Chapter 2.44 provides for preparation and carrying out of plans for the civil defense of persons and properties; and

WHEREAS, those provisions refer to coordination of "disaster functions", but it is unclear whether they adequately address emergency preparedness and preparation, adoption, and implementation of a workable disaster plan; and

WHEREAS, it is desirable to clearly provide a framework and plan for emergency preparedness and disaster planning involving those City officials most qualified and most likely to be first responders, capable of implementing measures (pre and post disaster) to preserve the public safety and welfare and protect property; and

WHEREAS, the City Council at its regular March 10, 2010 meeting gave direction to adopt a proposed City of Nevada City Disaster Plan as a working document, subject to further refinement and making sure there is consistency within City ordinances; and

WHEREAS, that Disaster Plan has been refined and revised January 1, 2011, and tested with table-top exercises and it having been determined that certain amendments are necessary to Chapter 2.44 to avoid duplication and to make it clear that said Disaster Plan, upon adoption, will become the controlling plan for addressing civil defense and emergencies and disasters:

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Nevada City as follows:

SECTION I:

The caption "**Chapter 2.44 – CIVIL DEFENSE**" is amended to read "**Chapter 2.44 – CIVIL DEFENSE, EMERGENCY PREPAREDNESS, AND DISASTER PLAN**".

SECTION II:

Section 2.44.010 – Purpose of provisions of Chapter 2.44 is amended to read as follows:

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection and civil defense of persons and property within this city in the event of an emergency or disaster, and to provide for the coordination of the civil defense, emergency preparedness, and disaster functions of this city with all other public agencies and affected private persons, corporations, and organizations. Any expenditures made in connection with civil defense, emergency, and disaster 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. Any emergency or disaster plan prepared pursuant to this chapter is intended to achieve, and shall be interpreted to accomplish, the following goals:

- A. Minimize suffering, loss of life, personal injury, and property damage resulting from hazardous and/or emergency conditions;
 - B. Minimize disaster related shortages and service system disruptions that would have an adverse impact on residents, visitors, and the local economy;
 - C. Provide immediate relief and promote short-range and long-range recovery;
 - D. Avoid or reduce loss of life and property damage resulting from disasters;
 - E. Comply with state and federal disaster assistance regulations;
- and
- F. Document all disaster related expenses to ensure the fullest possible recovery of funds in the event of a presidential declaration.

SECTION III:

Section 2.44.020 Definitions of Chapter 2.44 is amended to expand the definition of "disaster" and to add a definition for "emergency" to read as follows:

As used in the chapter:

The term "civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

The term "disaster" means actual or threatened enemy attack, sabotage, extraordinary fire, flood, injury, loss of life or property, or such severe economic or social disruption that supplemental relief assistance is necessary for the County to recover and alleviate the damage, loss, hardship, or suffering caused thereby. At the Federal level, as defined under P.L. 93-288, a disaster is any natural catastrophe, (including any hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, landslide, mudslide, snowstorm, or drought), or regardless of

cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations.

The term "emergency" means the occurrence or imminent threat of a condition, incident, or event that requires immediate response actions to save lives; prevent injuries; protect property, public health, the environment, and public safety; or to lessen or avert the threat of a disaster. At the Federal level, an emergency is defined by Title V of P.L. 93-288, Section 102(1), as any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety.

SECTION IV;

Section 2.44.040 Civil defense and disaster council – Powers and duties -- Meetings of Chapter 2.44 is amended to add subparagraph C. to read as follows:

...
C. A city emergency and/or disaster plan may be adopted by resolution. Nothing in this section is intended to preclude consideration and adoption by the city council of an emergency or disaster plan that was not prepared, reviewed, or recommended by the civil defense and disaster council.

SECTION V;

Section 2.44.050 – Director – Powers and duties of Chapter 2.44 is amended to add the following first paragraph to the section before subparagraph A; to correct the designations of subparagraphs "D" & "E" to "C" & "D"; and to add a new subparagraph "E" as follows:

Until such time as an emergency and/or disaster plan for the city providing otherwise is adopted by resolution of the city council and is in full force and effect:

...
E. In the event that an emergency and/or disaster plan is adopted for the city that provides for activation by a person other than the mayor or any other provisions inconsistent with those contained in this section, the provisions of that plan shall control over the provisions of this section so long as that plan is in full force and effect and not repealed.

SECTION VI;

Except as otherwise provided for herein, the provisions of Chapter 2.44 shall remain unchanged.

PASSED AND ADOPTED this 13th day of January, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Bergman, Mayor

ATTEST: _____
Niel Locke, City Clerk