ORDINANCE NO. NS-2992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SANTA ANA MUNICIPAL CODE CHAPTER 2, ARTICLES I AND IV AND REPEALING SANTA ANA MUNICIPAL CODE SECTIONS 33-183 AND SECTIONS 33-184

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. As part of a Charter modernization initiative, voters approved removal of certain provisions regarding the Personnel Board, Planning Commission, and Board of Parks and Recreation from the Charter. This amendment incorporates many of these provisions into the Santa Ana Municipal Code;
B. Provisions regarding the City's Environmental and Transportation Advisory Committee were located in Chapter 33 of the Santa Ana Municipal Code instead of in Chapter 2 with the majority of the Boards, Commissions, and Committees. As part of this amendment, all Boards, Commissions and Committees will be located in Chapter 2; and
C. The amendment makes other changes to modernize and streamline Articles I and IV of Chapter 2 of the Santa Ana Municipal Code including removing dated provisions and updating other portions of the Code.

Section 2. The Santa Ana City Council hereby amends Chapter 2, Articles I and IV of the Santa Ana Municipal Code as follows:

CHAPTER 2 - ADMINISTRATION

ARTICLE I. - IN GENERAL

Sec. 2-1. - Reserved.

Sec. 2-2. - Confidential matters.

(a) No city council member who obtains the private residential address, personal email address, or telephone number of any city officer or employee from city personnel records shall use such address or telephone number to advance the private interests of themselves or others, including, but not limited to, business or political purposes; provided, however, nothing herein shall be construed to prohibit city council members from mailing holiday or greeting cards, invitations to social
events or similar items to city officers or employees at their private residential addresses, regardless of the source of those addresses.

(b) Any violation of this section shall be a misdemeanor.

Sec. 2-3. - Peace officer standards and training—Desire to participate.

The city declares that it desires to qualify to receive aid from the state under the provisions of chapter 1 of title 4, part 4 of the California Penal Code.

Sec. 2-4. - Same—Adherence to standards.

Pursuant to section 13522 of said chapter 1, the city, while receiving aid from the state pursuant to said chapter 1, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

Sec. 2-5 - Corrections program standards and training.

While receiving any state aid pursuant to article 2 (commencing with section 6040) of chapter 5 of title 7 of part III of the California Penal Code, the city will adhere to the standards for selection and training established by the board of corrections.

Sec. 2-6. - Certain reserve police officers to have powers of regular police officer.

(a) All reserve police officers of the City of Santa Ana who have been issued a Peace Officers Standards and Training Level I Reserve Officer Certificate prior to January 1, 1981, shall have the full powers of a peace officer, where the city manager, on the recommendation of the chief of police, has determined such reserve officer qualified to perform general law enforcement duties by reason of such reserve officers' training and experience.

(b) This section retains in the chief of police the authority, control and command over the reserve police force and permits the adoption of rules and regulations limiting or designating the extent of authority of the various activities of the reserve officers.

Secs. 2-7 – 2-99. – Reserved.

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ARTICLE IV. - OFFICERS, DEPARTMENTS, BOARDS AND COMMISSIONS

DIVISION 1. - OFFICERS

Sec. 2-300. - City officers and department heads.

The following are officers of the City of Santa Ana:

(1) Members of the city council;

(2) City manager;

(3) City attorney;
(4) Clerk of the council;
(5) Assistant city manager;
(6) Deputy city manager;
(7) Special assistant to the city manager;
(8) Police chief;
(9) Executive director of finance and management services;
(10) Executive director of public works;
(11) Executive director of parks, recreation and community services;
(12) Executive director of human resources;
(13) Executive director of community development;
(14) Executive director of planning and building safety;
(15) Executive director of information technology; and
(16) Executive director of library services.

Sec. 2-300.4.- Reserved.

Sec. 2-300.5. - Executive director of planning and building safety.

All references in this Code, or in any resolution, agreement, regulation, authorization or directive of the city council, the city manager or any board or commission of the city, or in any document whatsoever that predates the effective date of this section, to the planning director, the building director, the director of building safety, and the director of planning and development service shall be deemed references to executive director of planning and building safety.

Sec. 2-300.6. - Executive director of parks, recreation and community services.

All references in this code, or in any resolution, agreement, regulation, authorization or directive of the city council, the city manager, or any board or commission of the City of Santa Ana, or any document whatsoever, to the director of recreation and parks or to the executive director of recreation, parks and community services shall be deemed references to the executive director of parks, recreation and community services.

Sec. 2-300.7. - Executive director of human resources.

All references in the charter or this Code, or in any resolution, agreement, regulation, authorization or directive of the city council, the city manager, or any board or commission of the City of Santa Ana, or any document whatsoever, to the director of personnel shall be deemed references to the executive director of human resources.
Sec. 2-300.8. - Executive director of finance and management services.

1. All references in the charter or this Code, or in any resolution, agreement, regulation, authorization or directive of the city council, the city manager, or any board or commission of the City of Santa Ana, or any document whatsoever, to the director of finance shall be deemed references to the executive director of finance and management services.

2. To become eligible for the position of executive director of finance and management services, the person appointed by the City Manager shall be qualified to administer and direct an integrated department of finance. The executive director of finance and management services shall have the power to:

   a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager;

   b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded;

   c) Supervise a system of financial internal control including the auditing of all purchase orders before issuance, the auditing and approving before payment of all invoices, bills, payrolls, claims, demands, or other charges against the City, and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such charges;

   d) Direct the settlement of claims, demands or other charges, including the issuance of warrants therefor;

   e) Direct the maintenance of accounting systems for the City government and each of its offices, departments, and other agencies; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of appropriations, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; and require reports of the receipts and disbursements from each receiving and expending agency of the City government; to be made daily or at such intervals as he or she may deem expedient;

   f) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements and other financial data in sufficient detail to show the financial position of the City, and, as of the end of each fiscal year, submit a complete financial statement and report;

   g) Direct the administration of the license and business tax program of the City;
h) Direct treasury administration for the City; including the receiving and collecting of revenues and receipts from whatever source; have custody of all public funds belonging to or under the control of the City or any office, department, or other agency of the City government; and deposit all funds received in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, by the City Manager, in compliance with the provisions of the state constitution and laws of the state governing the handling, depositing, and securing of public funds.

i) Direct centralized purchasing and a property control system for the City government under the rules and regulations to be prescribed by ordinance.

Secs. 2-301 – 2-303. – Reserved.

Sec. 2-304. - Participation in real estate incentive programs.

(a) No member of a board or commission, city officer or employee, who in the course of his or her duties is required to participate in the formulation of policies for, or implementation of, any city-sponsored real estate incentive program, shall be eligible to participate in, or directly or indirectly receive any benefits therefrom, except as set forth in subsection (c) hereof.

(b) City-sponsored real estate incentive program, for purposes of this section, shall have the same meaning as set forth in section 2-109 of this chapter, as it exists now or as amended in the future.

(c) The prohibitions set forth in this section shall be inapplicable where they are in conflict with state or federal law.

Secs. 2-305–2-324. - Reserved.

DIVISION 2. -APPOINTIVE BOARDS AND COMMISSIONS

Sec. 2-325. - Compensation for members of boards, commissions.

1. The members of the following boards and commissions of the city shall receive the compensation as set forth herein:

   (a) Community Development Commission. Fifty dollars ($50.00) per meeting, three (3) meetings maximum per month, plus twenty dollars ($20.00) per month automobile allowance.

   (b) Personnel Board. Fifty dollars ($50.00) per meeting.

   (c) Planning Commission. Fifty dollars ($50.00) per meeting, three (3) meetings maximum per month, plus fifty dollars ($50.00) per month automobile allowance.
(d) **Historic Resources Commission.** Fifty dollars ($50.00) per meeting, two (2) meetings maximum per month.

(e) **Parks, Recreation and Community Services Commission.** Fifty dollars ($50.00) per meeting, two (2) meetings maximum per month.

(f) **Environmental and Transportation Advisory Commission.** Fifty dollars ($50.00) per meeting, two (2) meetings maximum per month.

(g) **Youth Commission.** One (1) meeting per month, three (3) special meetings maximum per year with the compensation of fifty dollars ($50.00) per meeting.

(h) **Arts and Culture Commission.** Each commission member shall receive a maximum compensation in the amount of $50.00 for attendance at one regular meeting per month.

2. The members of the appointive boards and commissions may receive reimbursement for necessary traveling and other expenses when on official duty of the City when such expenditure has been appropriated by the City Council and authorized by the board or commission and subject to rules and regulations prescribed by ordinance or order of the City Council.

Sec. 2-326. – Appointments, removals, vacancies, term

a) Except as otherwise specified in the charter, the member of each of the appointive boards and commissions shall be appointed, and may be removed, by the City Council, subject in both appointment and removal by the affirmative votes of a majority of the members. For boards and commissions having at least seven (7) members, the City Council shall select seven (7) members from nominations made by the council member (or mayor in the case of the city-wide seat) whose term coincides with that board or commission seat, as determined by the City Council in accordance with subsection (e) below, together with nominations from any other member of the Council all other appointments shall be as determined by the charter, or by the City Council from time to time. At least fifty-percent (50%) of those persons nominated from time to time by a council member shall be residents of the ward represented by such council member. At the request of a councilmember, this rule may be waived by a 2/3 vote for the City Council for any one appointment if the requesting member is unable to find a qualified and acceptable ward resident to nominate. For purposes of this rule, residency is only required at the time of nomination.

b) Vacancies arising from whatever cause shall be filled in the same manner. Upon a vacancy occurring leaving an unexpired portion of the term, any appointment to fill such a vacancy shall be for the unexpired portion of
such term. All terms shall begin on the same date as City Councilmember terms as provided in section 400 of the Charter.

c) If a member of a board or commission absents himself or herself from two (2) regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or fails to attend at least one-half (1/2) of the regular meetings of such board or commission within a calendar year, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.

d) Except as otherwise provided in this section, the members of such boards and commissions shall serve for a term of four (4) years and until their respective successors are appointed or qualified, but in no event shall any persons be eligible for reappointment who has served three (3) consecutive terms of four (4) years each, irrespective of what seat or seats the member is appointed to by the City Council. Notwithstanding the foregoing, one seat shall be a city-wide seat having a two (2) year term which coincides with that of the Mayor, and which shall be limited to four (4) consecutive terms. Short or partial terms (as defined for City Council in Section 401 of the Charter) shall not be considered. Unless otherwise provided by ordinance of the City Council for a board or commission having more or less than seven (7) members, the terms of three (3) of the members of each such board or commission shall begin on the date of the beginning of the term of office of council members elected at every second general election commencing with the April, 1983 general election, the terms of three (3) other members shall begin on the date of the beginning of the term of office of council members elected at every second general election commencing with the November, 1984 general election, and one (1), as designated by the City Council, shall coincide with the term of the mayor. It is the intent of this section that the term of office on boards and commissions shall be concurrent with the term of office of council members. Thereafter, any appointment to fill an unexpired term shall be for such an unexpired period. No person shall be eligible for appointment to a board or commission who completed a term on the City Council immediately preceding that board or commission term.

e) For boards and commissions with at least seven (7) members, the City Council shall designate six (6) board and commission seats by ward, and one city-wide. These designations shall be solely for the purpose of nominations and calculations of terms as provided in this Section 2-326.
Except for purposes of the fifty-percent (50%) nomination rule in subsection (a) above, residency in that ward is not required.

Sec. 2-327. – Prohibition against serving as treasurer for campaign committee.

If any member of an appointive board or commission shall become the treasurer of a campaign committee which receives contributions for any candidate for mayor or councilmember, his or her office shall become vacant and shall be so declared by the City Council. No person who serves as the treasurer of a campaign committee which receives contributions for any candidate for mayor or councilmember shall be eligible for appointment to any appointive board or commission.

Sec. 2-328. – Meetings; chairperson; recording secretary.

The election of each chairperson and vice-chairperson shall be held at the meetings of the respective boards and commissions during the month of July of each year. The board or commission, in the event of a vacancy in the office of the chairperson or vice-chair person, shall elect one of its members for the unexpired term. The chairperson shall have the responsibility for informing the City Council of board, commission, or committee actions or inactions and the reasons therefore.

The City Manager or his or her designee shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with the charter, this code, and shall be filed with the Clerk of the Council for public inspection. The personnel board shall meet monthly, provided there is business on the agenda to come before it.

Sec. 2-329. – Reserved.

DIVISION 3.- PERSONNEL BOARD

Sec. 2-330. – Personnel board-Membership.

The personnel board shall consist of seven (7) members to be appointed by the City Council from the qualified electors of the City. None of the members shall be removed from office without reasonable and sufficient cause, in accordance with procedures as provided by ordinance. None of the members shall hold public office or employment in city government or be a candidate for any other public office or position, be an officer of any local, state or national partisan political club or organization, or while a member of the personnel board or for period of one (1) year after he or she has
ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City.

Sec. 2-331.-Same—Powers and duties.

The personnel board shall have power and be required to:

a) Hear appeals pertaining to the disciplinary suspension, demotion, or dismissal of any officer or employee having permanent status in any office, position, or employment in the civil service; and as otherwise provided for in the civil service rules and regulations;

b) Consider matters that may be referred to it by the City Council or the City Manager and render such counsel and advice in regard thereto as may be requested by the referring authorities;

c) By its own motion, make such studies and investigations as it may deem necessary for the formulation of civil service policies, or to determine the wisdom and efficacy of the policies, plans and procedures dealing with civil service matters and report its findings and recommendations to the City Manager or the City Council, or to both such authorities, as it may see fit;

d) Conduct public hearings on all proposed amendments to or repeal of civil service rules and regulations in the manner as prescribed by ordinance, and advise the council of its findings in such matters within sixty (60) days.

Sec. 2-332. —Attendance of witnesses; oaths and affirmations.

The personnel board shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Each member of the personnel board shall have the power to administer oaths and affirmations in any investigation or proceeding pending before it.

DIVISION 4.- PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION

Sec. 2-333. Parks, Recreation, and Community Services Commission—Membership.

The members of the parks, recreation, and community services commission shall be appointed from the qualified electors for the City. Seven (7) members shall be appointed as required by section 2-326 of this code.
Sec. 2-334.-Same-Powers and duties.

The parks, recreation and community services commission shall have the power and duty to:

a) Act in an advisory capacity to the City Council in matters pertaining to the acquisition, capital improvements, rehabilitation and maintenance of parks and recreational, cultural, zoo and facilities;

b) Act in an advisory capacity and consider the proposed annual budget for the Parks, Recreation, and Community Services Agency and make recommendations to the City Manager and/or City Council;

c) Act in an advisory capacity to the City Council in recommending policies and/or legislation on all matters pertaining to parks, recreation and community services;

d) Perform such other duties as may be directed by the City Council;

e) Act in an advisory capacity and provide a recommendation to the City Council and the City Manager as to the acceptance or rejection of offers of donations of money, personal property or real estate to be used for recreation and parks programs; and additionally, it shall make recommendations on the sale, transfer, or usage of existing or future park property; and

f) The commission shall report annually to the City Council on its goals and accomplishments.

Sec. 2-335-2-349. Reserved.

DIVISION 5 - PLANNING COMMISSION

Sec. 2-350. - Establishment.

There is created and established a planning commission for the city pursuant to Santa Ana city Charter section 900.

Sec. 2-350.1 -Planning commission-Membership.

The planning commission shall consist of seven (7) members to be appointed by the City Council from the qualified electors of the City, and no member of said commission shall hold any paid office or employment in City government.

Sec. 2-350.2 -Planning commission- Powers and duties

The planning commission shall have the power and be required to:

a) Periodically review the City's General Plan;
b) Make studies and plans for future civic land use, including use as public recreation facilities;

c) Annually review the City's capital improvement program solely for consistency with the General Plan;

d) Exercise such functions as to land subdivisions, zoning and other City planning as may be prescribed by ordinance; and

e) By its own motion, make such studies and investigations as it may deem necessary for the formulation of planning and land use policies and report its findings and recommendations to the City Council or the City Manager, or to both such authorities, as it may see fit.

Sec. 2-351. - Meetings.

The planning commission shall meet at dates and times as set forth in its bylaws.

Sec. 2-352. - Reserved.

Sec. 2-353. - Committees.

The chairperson of the planning commission shall appoint as needed such temporary or standing committees for the study, investigation and report of particular matters as may be helpful in carrying out the responsibilities of the commission.

Sec. 2-354. - Reserved.

Sec. 2-355. - Director's duties.

It shall be the duty of the Executive Director of planning and building safety as chief administrative officer of the planning department of the city to make or cause to be made such investigations, studies, drawings, maps and reports and recommendations as requested by the planning commission in the furtherance of its transactions. In addition, the planning director shall report to the planning commission all information and data available to him or her which can be of assistance to the deliberations of the commission and shall advise and recommend to the commission on all technical matters relating to city planning.

Sec. 2-356. - City administrative officials' duties.

It shall be the duty of all officials of the city to furnish to the planning commission within a reasonable length of time any information available to such officials as may be requested by the commission and required by it for the effective carrying out of its responsibilities.
Sec. 2-357. - Submission of capital improvement plans.

On or before the first day of March in each year each city officer, department, office, board, commission or other city agency whose functions include recommending, preparing plans for or constructing public capital improvements shall submit to the planning director, as the agent for the planning commission, a list of capital improvements proposed by such officer or agency for planning, initiation or construction during the ensuing fiscal year.

Sec. 2-358. - Report to council on capital improvement schedule.

On or before the fifteenth day of May of each year the planning commission shall submit a report to the city council which shall contain any revisions recommended by it in the capital improvement program, as required by section 2-357 of this Code, and shall also contain the comments and recommendations of the commission regarding the capital improvements proposed by the various officers and agencies of the city as provided for in section 2-357.

Sec. 2-359. - Appeals from decisions of the building official.

The planning commission shall also hear appeals from the decisions of the building official in accordance with section 8-4 of this Code.

Sec. 2-360. - Attendance of witnesses; oaths and affirmations

The planning commission, when hearing appeals from the decision of the building official, shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Each member of the planning commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before it.

Secs. 2-361—2-369. - Reserved.

DIVISION 6. - HISTORIC RESOURCES COMMISSION

Sec. 2-370. - Establishment.

There is created and established a historic resources commission for the city pursuant to and in accordance with the provisions of city Charter section 900.

Sec. 2-371. - Members.

The historic resources commission shall consist of nine (9) members. Seven (7) members shall be subject to appointment and removal and shall serve terms in accordance with section 2-326 of this Code. The remaining two (2) members shall be ex officio representatives from the planning commission and the community development commission, with one (1) member from each commission. Commission members should possess an expertise and experience in the disciplines of architecture, history,
architectural history, planning or other historic preservation related disciplines, such as urban planning, to the extent that such professionals are available in the community.

Sec. 2-372. - Meetings.

The historic resources commission shall meet at dates and times specifically set out and established in the bylaws of the commission.

Sec. 2-373. - Director's duties.

It shall be the duty of the executive director of the planning and building safety, as chief administrative officer of the planning department of the city, to make or cause to be made such investigations, studies, drawings, maps and reports and recommendations as requested by the historic resources commission in the furtherance of its transactions. In addition, the executive director of the planning and building safety shall report to the historic resources commission all information and data available to him or her which can be of assistance to the deliberations of the commission and shall advise and recommend to the commission on all technical matters to historic preservation.

Sec. 2-374. - Powers and duties.

The historic resources commission shall have the following powers and duties:

(a) Consider all matters that may be referred to it by the city council or the city manager and shall render its recommendations, counsel and advice in regards thereto;

(b) Carry out those duties enumerated in chapter 30 of this Code regarding places of historical and architectural significance;

(c) Advise and make recommendations to the city council on applications for properties to be included in financial incentive programs participated in by the city for the preservation of historic resources;

(d) Advise and make recommendations to the planning commission, city council and other city boards and commissions regarding historical projects and property;

(e) Recommend to the city council policies and regulations regarding the protection, reuse and rehabilitation of historical property;

(f) Recommend to the city council programs for the protection, retention and use of historic resources including utilizing federal, state, local and/or private funding sources and mechanisms, such as Certified Local Government Program, Mills Act Contracts, and the state Historic Building Code;

(g) Recommend to the city council programs that confer recognition upon the owners of designated historic resources;

(h) Encourage public understanding and involvement in historic and architectural heritage.

Secs. 2-375—2-449. - Reserved.

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DIVISION 7. — YOUTH COMMISSION

Sec. 2-450. - Commission established; composition.

There is hereby created and established a youth commission for the City of Santa Ana, having such powers as set forth in this division. The youth commission shall consist of seven (7) regular members who shall be subject to appointment and removal pursuant to Section 2-326 of this Code. No member of the commission shall hold any paid office or be employed in the City government.

Sec. 2-451. - Requirements of membership.

Each member of the youth commission shall be a student enrolled and attending school in 7th through 12th grades, as well as a resident of the City of Santa Ana. Members shall consist of up to seven voting members, all residents of the City of Santa Ana. Should any member cease to reside within the City of Santa Ana, or cease to be a student enrolled and attending a school his/her office shall automatically be vacated.

Sec. 2-452. - Director's duties.

It shall be the duty of executive director of the parks, recreation and community services agency, and/or his/her designee, to report to the youth commission all information and data available to him/her which can be of assistance to the deliberations of the commission and shall advise the commission on any issues on which they require assistance and/or guidance.

Sec. 2-453. - Meetings.

The youth commission shall meet at dates and times set forth in the bylaws. The bylaws shall be approved by the City Council.

Sec. 2-454-2-455. Reserved.

Sec. 2-456. - Organization.

The commission shall elect from its members a chairperson and vice chairperson, each of whom shall serve in such position for the term of one (1) year. No member shall serve in the position of chairperson for more than one (1) term.

Sec. 2-457. - Responsibilities and duties of commission.

The youth commission shall have the following responsibilities and duties:
(a) Act in an advisory capacity to the City Council in matters pertaining to youth and teen services, programs, and cooperation with other public and/or private agencies;

(b) Act in an advisory capacity and consider the proposed annual budget for the Parks, Recreation and Community Services Agency and make recommendations regarding youth services to the City Manager and/or City Council;

(c) Act in an advisory capacity to the City Council in recommending policies and/or legislation for improving the position of the youth in the City of Santa Ana; and

(d) Perform such other duties as may be directed by the City Council.

Secs. 2-458—2-549. - Reserved.

DIVISION 8. - ARTS AND CULTURE COMMISSION

Sec. 2-550. - Establishment.

There shall be created, constituted and established a Santa Ana Arts and Culture Commission.

Sec. 2-551. - Members.

The arts and culture commission shall consist of seven (7) members. Members of the commission should be persons who are concerned about arts and cultural issues in the city and should be persons who have professional expertise or substantial volunteer involvement in the following areas: Visual, performing or literary arts; architecture, design or urban planning; education; history; science; film; or arts and cultural institution management. The commissioners shall be subject to appointment and removal and shall serve terms in accordance with section 2-326 of this Code.

Sec. 2-552. - Meetings.

The arts and culture commission shall meet on dates and times as established in the bylaws of the commission.

Sec. 2-552.5 - Duties of the city manager.

It shall be the duty of the city manager or his or her designee to provide staff support to the arts and culture commission and provide data, materials and resources which can be of assistance to the deliberations of the commission and shall advise and recommend to the commission on all technical matters.

Sec. 2-553. - Powers and duties.

The arts and culture commission shall have the following powers and duties:

(a) The commission shall act as an advisory body to the city manager and the city council and make recommendations regarding but not limited to:
(1) Policies, priorities and plans for the development and improvement of arts and cultural activities in Santa Ana, and, in conjunction with other appropriate agencies, in the greater Santa Ana area.

(2) Coordinating with the private sector and other governmental agencies in promoting arts and cultural excellence as a tool for the encouragement of economic development, business relocation and tourism.

(3) Organizing and promoting activities which celebrate the city and its unique cultural heritage.

(4) Allocation and budgeting of funds for arts and cultural funding.

(5) Payments for the design, execution and placement of public art projects, within established appropriations for the art projects.

(6) Encouraging the use of local artists in city public art projects.

(7) Guidelines for accepting, selecting, purchasing, commissioning, placing and preserving art projects and other city art acquisitions, gifts or extended loans of art.

(8) Deaccessioning of artworks, when necessary.

(b) The commission shall advocate for arts education, cultural diversity, and other initiatives that further the growth and sustainability of the arts and cultural community in Santa Ana area.

(c) The commission shall have such other powers and duties as may be appropriate in carrying out the purposes and goals of this division and as set forth in reports or recommendations adopted by the city council.

(d) The commission shall consider matters referred to it by the city manager or the city council.

DIVISION 9. - ENVIRONMENTAL AND TRANSPORTATION ADVISORY COMMISSION

Sec. 2-554. –Environmental and transportation advisory commission

1. On December 2, 1991, the city council created and established under city council Resolution No. 91-112 the environmental and transportation advisory committee for the City of Santa Ana. This body shall now be known as the environmental and transportation advisory commission (ETAC). The environmental and transportation advisory commission shall be comprised of nine (9) members who shall be qualified electors of the city. The provisions of section 2-326 of this code shall govern the appointment, removal and terms of the members of ETAC and the existence of vacancies on ETAC Membership in ETAC may include (1) member who shall be nominated by the Santa Ana Chamber of Commerce and approved by a majority of the City Council and one (1) member nominated by the
Santa Ana Hispanic Chamber of Commerce and approved by the City Council within the nine (9) member limit. The members nominated by the Chambers need not be qualified electors of the city. Effective January 1, 2021, the members nominated by the Santa Ana Chamber of Commerce and the Hispanic Chamber of Commerce are limited to one, four (4) year term.

2. ETAC meetings and procedures shall be resolved and detailed in separately adopted by-laws.

Sec. 2-555. —Same-Duties and responsibilities.

1. The duties of ETAC shall consist of acting in an advisory capacity to the city council in the study, review, and recommendations with regard to the removal, planting, replanting or disposition of public trees in the public right of way. ETAC shall review and make recommendations regarding requests for public tree removal by individual property owners, neighborhood associations, or developers. The ETAC shall make recommendations on designated species for specific streets and neighborhoods.

2. ETAC will assist in the dissemination of news and information regarding the protection, maintenance, removal and planting of public trees on public property to the city council and citizens of the City of Santa Ana.

3. ETAC, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matters of question coming within the scope of the urban forest.

4. The duties of ETAC shall also consist of acting in an advisory capacity to the city council, in the study, review, and recommendation related to master planning of transportation and streetscape matters, and guiding principles on Water and Wastewater matters.

5. The ETAC shall provide general input regarding the City's Circulation Element, the Bicycle and Pedestrian Master Plans, and Citywide Complete Streets, and advice on major surface transportation programs. ETAC may also provide input on street environment, streetscape, and right of way aesthetics.

Secs. 2-556—2-599. - Reserved.
DIVISION 10. - LIBRARY

Sec. 2-600. - Established; use.

A public library is established in the city for its inhabitants and nonresident taxpayers. The public library shall provide free basic library services, subject always to such ordinances and resolutions as may be made by the city council. Any person who violates any such ordinance or regulation may, in addition to any other penalty, be excluded from the privileges of the library.

Sec. 2-601. - Reserved.

Sec. 2-602. - Interfering with or disrupting library activities.

Any person who comes into any public library or onto the library's immediate adjacent grounds, including but not limited to the patio and parking areas, and whose presence or acts interfere with the purpose and peaceful conduct of the activities of such library or disrupts the library or its facilities or its staff or its patrons or its activities is guilty of a misdemeanor if he or she remains there after being asked to leave the library by the library director or his or her designated representative.

Secs. 2-603—2-607. - Reserved.

Secs. 2-608 - 2-609. - Reserved.

Secs. 2-610—2-615. - Reserved.

DIVISION 11. - REDEVELOPMENT AGENCY

Sec. 2-616. - Need for agency declared; agency authorized to function in city.

It is hereby found and declared, pursuant to Section 33101 of the Community Redevelopment Law, that there is a need for the redevelopment agency created by Section 33100 of said law to function in the City of Santa Ana, and said agency is hereby authorized to transact business, and exercise its powers under the Community Redevelopment Law.

Sec. 2-617. - Council designated redevelopment agency; rights, powers, duties, etc.

The Council of the City of Santa Ana hereby declares itself to be the redevelopment agency, as provided in this division, and all rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in such agency shall be and are vested in this body.

Sec. 2-618. - City fee payment deferral.

(a) To the extent that the community redevelopment agency of the city has an obligation to pay city fees or charges (including development fees and
administrative cost fees) for construction, demolition, or building site preparation work, the payment of such fees by the redevelopment agency, or by contractors performing such work, or by the subcontractors of such contractors, shall be deferred until such time as the city council may demand the payment thereof. The redevelopment agency shall be responsible for the eventual payment of all fees deferred pursuant to this section, including those which would otherwise have been paid by its contractors or their subcontractors. The redevelopment agency's obligations under this section shall constitute an indebtedness of the redevelopment agency to the city.

(b) For purposes of this section, the redevelopment agency shall be deemed to have the obligation to pay city fees and charges for construction, demolition or site preparation work in private property only to the extent that the redevelopment agency has assumed such obligation in an agreement with a private developer for the development of such property.

Sec. 2-619. – Successor Agency and Successor Housing Agency.

Per ABx1 26, all redevelopment agencies in California were effectively dissolved as of and on February 1, 2012. Pursuant to Health and Safety Code section 34173, the city elected to serve as the Successor Agency for the Community Redevelopment Agency, and selected the Housing Authority to act as the Successor Housing Agency.

Sec. 2-620. - Reserved.

DIVISION 12. - COMMUNITY DEVELOPMENT COMMISSION

Sec. 2-621. - Commission created; composition.

There is hereby created the community development commission, originally named the community redevelopment and housing commission, consisting of seven (7) members, except as otherwise provided in section 2-626. The community development commission shall serve both in the capacity of a community redevelopment commission pursuant to Sections 33201 and 33202 of the Health and Safety Code of the State of California and in the capacity of a housing commission pursuant to Sections 34291 and 34292 of said Health and Safety Code.

Sec. 2-622. - Appointment, removal of members; filling of vacancies.

The members of the community development commission shall be appointed and may be removed and vacancies filled, as provided in section 2-326 of this Code.

Sec. 2-623. - Term of members.

The terms of the members of the community development commission shall be in accordance with section 2-326 of this Code, except as otherwise provided in section 2-626.
Sec. 2-624. - Commission members prohibited from acquiring interest in property included within project areas.

No member of the community development commission shall acquire any interest in any property included within any project area undertaken by the community redevelopment agency.

Sec. 2-625. - Members to disclose financial interest in property included within project area.

Each member of the community development commission who owns or has any direct or indirect financial interest in any property included within a project area as designated by the community redevelopment agency, shall immediately make a written disclosure of it to the city council.

Sec. 2-626. - Tenant commissioners.

Two (2) tenant commissioners shall serve on the community development commission at such times as that commission is acting in the capacity of a housing commission, and at such times the number of members of that commission shall be increased to nine (9). The tenant commissioners shall serve for terms of two (2) years, from the date of their appointments, and their successors shall be tenants. Successors of tenant commissioners shall be appointed for a term of two (2) years. If a tenant commissioner ceases to be a tenant, he or she shall be disqualified as a commissioner and another tenant shall be appointed to fill the unexpired term.

Sec. 2-627. - Prohibited interest of commissioner.

(a) No member of the community development commission shall acquire any direct or indirect interest in any housing project or any property included or planned to be included in any project, nor shall (s)he have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If (s)he owns or controls a direct or indirect interest in any such property, (s)he shall immediately make a written disclosure of it to the housing authority and such disclosure shall be entered upon its minutes. Failure so to disclose his/her interest constitutes misconduct in office.

(b) Nothing contained in this section or any provision of the Housing Authorities Law shall be construed as precluding a tenant of the housing authority from serving on the community development commission, provided that the fact of such tenancy is disclosed to the housing authority in writing and entered upon its minutes immediately upon assuming office; nor shall any provisions of this section be construed as in any manner prohibiting the right of such tenant commissioner to exercise his full powers vested in his/her office.

Secs. 2-628 - 2-629. - Reserved.
DIVISION 13. - INDUSTRIAL DEVELOPMENT AUTHORITY

Sec. 2-630. - Purposes.

The California Industrial Development Financing Act, as set forth in Title 10 (commencing with Section 91500) of the Government Code of the State of California, has established an industrial development authority of this city for the achievement of specified public purposes. The public purposes are the increasing of opportunities for useful employment or otherwise contributing to economic development. The need for the establishment of an industrial development authority in the achievement of such purposes is based upon findings that industry requires the new and alternative method of capital finance that such authorities can provide in order for it to undertake the acquisition, construction or rehabilitation of facilities the use of which will serve those public purposes.

Sec. 2-631. - Findings.

There is a need in the City of Santa Ana for the acquisition, construction or rehabilitation of facilities for the use of industry which will increase employment opportunities or otherwise contribute to economic development, and further, the new and alternative method of capital finance that industrial development authorities can provide will aid in satisfying that need.

Sec. 2-632. - Declarations.

(a) **Need.** There is a need in the City of Santa Ana for an industrial development authority to provide industry with an alternative and additional method of finance in accordance with state policy as set forth in the California Industrial Development Financing Act.

(b) **Organization.** The industrial development authority of this city established by the California Industrial Development Financing Act is hereby declared organized and shall function under the name "Industrial Development Authority of the City of Santa Ana," and be authorized to transact business and exercise of all of the powers and other authority conferred upon industrial development authorities by such act.

Sec. 2-633. - Board of directors.

The city council of the City of Santa Ana is declared to be, ex officio, the board of directors of the industrial development authority of the City of Santa Ana.

Sec. 2-634. - Meetings.

The time, place and manner of the regular meetings of the board of directors of the industrial development authority of the City of Santa Ana shall be established by bylaws adopted by such board.

Secs. 2-635—2-640. - Reserved.
DIVISION 14. - HOUSING AUTHORITY

Sec. 2-641. - Council designated housing authority.

The city council hereby declares itself to be the housing authority pursuant to Section 34290 of the California Health and Safety Code, and all rights, powers, duties, privileges and immunities vested by the Housing Authorities Law in such authority shall be and are vested in said body.

DIVISION 15:- EMERGENCY SERVICES

Sec. 2-642. - Purposes.

The purposes of this division are to establish the emergency organization of the city; to provide for coordination of the emergency functions of the city with all other public agencies, organizations, businesses and private persons; and to provide for the preparation and implementation of emergency plans and procedures; all for the protection of persons and property in the event of a large scale emergency or disaster.

Sec. 2-643. - Definitions.

For the purpose of this division, certain words and phrases shall be construed as follows, unless it is apparent from the context that a different meaning is intended:

*Emergency* or *local emergency* — Means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the city or county, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

*State of emergency* — Means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a "state of war emergency", which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden
and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

*State of war emergency* — Means the condition which exists immediately, with or without a proclamation thereof by the governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

*Emergency services/emergency operations/emergency management* — Used interchangeably, means the preparation for and carrying out of all emergency functions necessary to mitigate, prevent, prepare for, respond to, and recover from large emergencies or disasters caused by all hazards, whether natural, technological or human caused.

*Director or director of emergency services* — Means the individual having primary jurisdiction and authority over the city’s response and recovery to emergencies and disasters and is authorized to act on behalf of the city.

Sec. 2-644. - Emergency organization.

A. *City organization.* All officers and employees of the city, together with those volunteer forces enrolled to aid them in an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of this title, charged with duties incident to the protection of persons and property in this city during such emergency, shall constitute the emergency organization of the city.

B. *Disaster service workers.* Pursuant to California Government Code Sections 3100 to 3109, all public employees are declared to be disaster service workers under law, and are subject to such disaster service activities as may be assigned by their superiors or by law, which may include assisting any unit of the emergency organization or performing any act contributing to the protection of life or property or mitigating the effects of an emergency or disaster. Private persons who register as emergency volunteers of the city are also deemed disaster service workers of the city. The city police department and the city personnel department shall develop policies and procedures for the registration, training and standards for employee and volunteer disaster service workers.

C. *Director of emergency services.*

1. *Director, deputy director and line of succession.* There is hereby created the position of director of emergency services, who shall have full authority over the operations and resources of the city during a proclaimed emergency, and this position shall be filled by the city manager. There is also created the position of deputy director of emergency services, which shall be filled by the chief of police.

In the absence or the inability to act of the city manager, he/she shall automatically be succeeded as director of emergency services by the following officials in the order named:
1. Deputy director of emergency services/Chief of Police.
2. Assistant city manager.
3. Deputy city manager.
4. Director of public works.
5. Director of finance and management services.
6. Director of planning and building.

Additionally, the city manager may designate a specific official to act as director of emergency services based upon the circumstances of a specific emergency event. An official designated as director may appoint a subordinate with command or management authority to act as Director to accommodate schedule conflicts, shift relief or other required absence.

2. **Director of emergency services—Powers and duties.** The Director of emergency services is empowered to:

1. In accordance with the provisions of Section 2-646A, 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,

2. Request the governor to proclaim a state of emergency when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency. (The County of Orange is also empowered to make this request on behalf of the county as a whole, and commonly does so),

3. Control and direct the efforts of the emergency organization of the city for the accomplishment of the purposes of this division,

4. Direct cooperation between, and coordination of, the services and staff of the emergency organization of the city, and to resolve questions of authority and responsibility that may arise among them,

5. In the event of the proclamation of a local emergency as provided herein, or the proclamation of a state of emergency by the governor or the director of the governor's office of emergency services, or the existence of a state of war emergency, the director is hereby empowered to:
   a. Make and issue rules, regulations, orders or directives on matters reasonably necessary to the protection of life and property as affected by such emergency; or to suspend rules, regulations, orders or directives; provided such rules and regulations or suspensions are confirmed by the city council at the earliest practicable time,
   b. Requisition necessary personnel or material of any city department or agency,
   c. Obtain vital supplies, equipment or other such properties found lacking and needed for the protection of life and property and to obligate the
city for the fair value thereof and, if required immediately, to commandeer the same for public use,

d. Require emergency service of any city officer or employee, and to command the aid of the citizens of this community,

e. Execute all of the ordinary powers and duties as city manager, all special powers and duties conferred upon the city manager by this division and by the emergency operations plan adopted pursuant hereto, all powers and duties conferred upon him/her by any statute, agreement or other lawful authority, and in conformity with Section 38791 of the California Government Code, to exercise complete authority over the city and to exercise all police powers vested in the city by the constitution and general laws.

3. Deputy director of emergency services—Powers and duties. The deputy director of emergency services/chief of police is empowered, under the supervision of the director, to:

1. Represent the city in all dealings with public and private agencies on matters pertaining to any emergency as defined by this division,

2. Develop the emergency plans and manage the emergency programs of this city,

3. Appoint and oversee an emergency operations coordinator in accordance with, and to further execute, the provisions of this division,

4. Carry out any other powers or duties as may be assigned by the director.

D. City council—Powers and duties. The city council is empowered to:

1. Enact such ordinances, resolutions or rules as may be necessary to prevent, prepare for, mitigate, respond to or recover from actual or foreseeable emergencies or disasters,

2. In accordance with the provisions of Section 2-646A, proclaim the existence or threatened existence of a local emergency, if in session; or to ratify such proclamation made by the director if not in session,

3. During a local emergency, pursuant to Section 415 of the Charter, city council may enact emergency ordinances on matters reasonably necessary to the protection of life and property as affected by such emergency. City council may review rules, regulations, orders or directives or suspensions thereof issued by the director pursuant to subsection C.2.

E. Emergency operations coordinator. There is created the position of emergency operations coordinator, which shall reside in the city police department under the supervision of the deputy director of emergency services/chief of police or his/her designee. The emergency operations coordinator shall:

1. Coordinate all city activities related to emergency preparedness, prevention, mitigation, response and recovery;
2. Facilitate emergency and disaster planning for the city, encompassing governmental entities and resources, commercial and industrial resources, and private or non-governmental organizations necessary to support disaster operations;

3. Prepare and maintain the emergency operations plan for the city, and facilitate with city departments the preparation and maintenance of standard operating procedures and guidelines necessary to support disaster operations;

4. Prepare and maintain city supplies and facilities that support disaster operations;

5. Develop and coordinate emergency training and exercise programs as may be required for city staff, and an emergency preparedness community education program;

6. Coordinate emergency planning and interagency coordination with other local, state and federal agencies and with private or other disaster relief organizations; and serve as the city's representative member of regional emergency planning and interagency coordination committees and planning groups;

7. Recommend to the director of emergency services for referral to the city council matters of policy related to disaster planning or preparedness;

8. Recommend to the director of emergency services for referral to the emergency operations advisory board matters for consideration within the purview of their responsibilities.

F. Emergency operations advisory board.

1. Emergency operations advisory board members. The city emergency operations advisory board shall be composed of:
   
   1. Director of emergency services/city manager, who shall be chair,
   
   2. Deputy director of emergency services/Chief of police, who shall be vice chair,
   
   3. Executive managers named in the director of emergency services line of succession in subsection C.1.:
      
      a. Assistant city manager,
      b. Deputy city manager,
      c. Director of public works,
      d. Director of finance and management,
      e. Director of planning and building,
   
   4. Orange County Fire Authority Division 6 Chief,
   
   5. City attorney, who shall serve as legal advisor to the emergency operations advisory board,
6. City clerk, who shall serve as secretary to the emergency operations advisory board,

7. Any other department directors or staff requested by the director of emergency services, and

8. Emergency operations coordinator, to serve as staff to the emergency operations advisory board.

2. Emergency operations advisory board—Powers and duties. It shall be the responsibility of the city emergency operations advisory board, and it is empowered to, review and recommend for adoption by the city council emergency plans, policies and agreements, and such ordinances, resolutions, rules and regulations as may be necessary to implement such plans and agreements; to oversee the planning and preparedness activities of all city departments; to oversee the training of all city staff and employees; and to oversee the training and activities of volunteer programs of the city related to disaster roles and functions. The emergency operations advisory board as a body serves in a pre-disaster planning and preparedness role and as such body may not have a direct role in disaster response or recovery activities.

3. Emergency operations advisory board meetings. The emergency operations advisory board shall meet quarterly; and additionally as necessary upon the call of the chair, or in his/her absence from the city or inability, upon call of the vice-chair.

G. Emergency operations committee. The emergency operations committee is created as a standing and working sub-committee to the emergency operations advisory board. The emergency operations committee is composed of the emergency operations coordinator, who shall be chair, and managers or management staff from each city department appointed by the department director and who shall be able to speak on behalf of their department. The emergency operations committee will provide operational direction for implementation of programs and activities established by the emergency operations advisory board, develop and maintain city emergency plans and procedures, coordinate training and exercise programs for each city department and for the city as a whole, and shall constitute a core of emergency operations center staff. The emergency operations committee shall meet monthly and additionally at the direction of the emergency operations advisory board or upon call of the emergency operations coordinator.

H. Adoption of collaborative systems and standards. The city recognizes that a large-scale emergency or disaster may have the potential to overwhelm the commonly available resources and capabilities of the city and may require the combined response of numerous agencies, jurisdictions and levels of government. Therefore, the city participates in the Orange County Operational Area response and recovery organization as provided by California Emergency Services Act Section 8605 and is a signatory to the Orange County Operational Area Agreement. The city adopts the California Standardized Emergency Management System (SEMS) and the federal National Incident Management System (NIMS) as a basis for emergency plans and response. The framework of these systems includes use of the Incident Command
System (ICS), multi-agency and interagency coordination, participation in the Master Mutual Aid Agreement and Systems of the State of California, and the Operational Area concept. The city will comply with the provisions of the California Emergency Services Act.

Sec. 2-645. - Emergency operations plan.

The emergency operations committee shall be responsible for the development and maintenance of the city emergency operations plan (EOP) and related annexes or manuals. The EOP shall provide for the effective mobilization of all the resources of the city, both public and private, to meet any condition constituting a local emergency, and shall provide for the organization, duties and functions, and procedures and capabilities of the city's response to the emergency. Each city department will supplement the EOP with those standard operating procedures necessary to fulfill their role in an emergency under the EOP.

The EOP shall comply with the principles of the Orange County Operational Area Agreement, the California Standardized Emergency Management System (SEMS) and the federal National Incident Management System (NIMS).

The emergency operations advisory board shall be responsible to review and recommend adoption of the EOP to city council, and to implement the requirements of the plan once adopted. City council shall review and adopt the plan by resolution as a policy of the city. Once adopted, the plan shall be mandatory upon city departments and agencies, employees and registered volunteer emergency workers and shall have the effect of law whenever an emergency has been proclaimed as provided in this division.

Sec. 2-646. - Emergency proclamations and measures.

A. Proclamations of local emergency. A local emergency, as defined by section 2-643 and by California Emergency Services Act Section 8558(c), may be proclaimed upon conditions of disaster or extreme peril, existing or imminently likely, so as to threaten lives and property, and by reason of its magnitude is or is likely to be beyond the control of the available services, personnel, equipment and facilities of the city.

The director of emergency services may request the city council to proclaim the existence of a local emergency, if the city council is in session, or may issue such proclamation if the city council is not in session. Such proclamation must be made within ten (10) days of the occurrence of the disaster or emergency. Whenever a local emergency is proclaimed by the director, the city council must, within seven (7) days from the date of the original proclamation by the director, approve a resolution ratifying the proclamation, or allow the proclamation to expire. City council shall review the need for continuing the local emergency at least once every thirty (30) days and shall terminate the emergency or allow it to expire at the earliest possible date that conditions warrant.

During a local emergency, the city council or the director of emergency services may promulgate ordinances, orders or regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within
designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

The city council shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant. Upon termination of the local emergency, any such rules, regulations, orders and directives or suspensions thereof prepared under the proclamation of local emergency shall terminate and have no further force or effect.

B. Initial emergency measures. All emergency measures taken by the director of emergency services prior to the issuance of an official proclamation of emergency, or prior to any decision by the city council not to issue such proclamation, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city and shall be legal and binding on the city. The director of emergency services shall be immune from any form of liability for all emergency measures taken pursuant to an official proclamation of emergency made by the director prior to a decision by the city council, even if the city council later decides not to ratify the director's proclamation of emergency.

C. Emergency expenditures. Any expenditure made in connection with emergency activities under this division, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city.

The director of emergency services, during a proclaimed emergency, shall have the authority to approve contracts and waive normal purchasing requirements as necessary to support the emergency response under this division and to protect the life and property of the residents of the city. The director shall have the authority to enter contracts or make purchases for any supplies, materials, equipment or services when any such item is immediately necessary for the continued operation of city government, for the preservation of life or property, or when such purchase is required for the health, safety and welfare of the people, provided there is a present, immediate and existing emergency.

The finance director shall maintain a detailed accounting of all expenditures made under this provision and shall submit upon termination of the emergency, a detailed report to the city manager, who in turn shall provide the report to the city council.

Sec. 2-647. - Continuity of government.

Disasters or large-scale emergencies may result in conditions causing the absence or unavailability of officers or officials of the city. The preservation and continued functioning of local government is of utmost concern in these circumstances. The city will take these minimum precautions to provide for the continuance of essential government services during times of emergencies:

A. City council. If, during a local emergency, state of emergency or state of war emergency that has been proclaimed or exists under the provisions of the emergency services act, it has been determined that a majority of the city council seats have become temporarily or permanently vacant and a regular quorum no longer exists, the powers and authority of the city council, except for
those duties prescribed to the city council in Article IV, section 403 of the City Charter, shall vest with the director of emergency services until a quorum of the regularly elected city council members is present, or until a sufficient number of vacancies that are determined to be permanent are filled under the provisions of Article IV, Section 403 of the City Charter.

B. Executive management lines of succession. For the purposes of this division, department directors shall appoint a three-deep order of succession of appropriate subordinate management staff to succeed to their position in the event that official is unavailable or unable to serve. The person who succeeds to each office under this provision shall assume all the powers and duties of the office succeeded to immediately upon such succession. The succeeding person shall serve until the appointing official resumes his or her office or until a permanent successor is appointed under the applicable provisions of the City Charter or this Code.

Sec. 2-648. - Enforcement.

It shall be a misdemeanor for any person, during a proclaimed 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 division, or in the performance of any duty imposed upon him/her by this division;

b. Engage in any act forbidden by any lawful rule or regulation issued pursuant to this division, if such act is of such a nature as to give, or be likely to give, assistance to an 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. Wear, carry or display, without authority, any means of identification specified by the Office of Emergency Services of the State of California or by the city.

Secs. 2-649 – 2-699. – Reserved.

Section 3. The Santa Ana City Council hereby repeals Santa Ana Municipal Code Sections 33-183 and 33-184 in their entirety:

Sec. 33-183.- Reserved.

Sec. 33-184.- Reserved.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.
Section 5. This ordinance shall become effective thirty (30) days after its adoption.

Section 6. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this 1st day of September, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Laura A. Rossini
Laura A. Rossini
Acting Chief Assistant City Attorney

AYES: Councilmembers Bacerra, Mendoza, Penalosa, Pulido, Sarmiento, Solorio, Villegas (7)

NOES: Councilmembers None (0)

ABSTAIN: Councilmembers None (0)

NOT PRESENT: Councilmembers None (0)
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2992 to be the original ordinance adopted by the City Council of the City of Santa Ana on September 01, 2020 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 9-3-2020

[Signature]

Daisy Gomez
Clerk of the Council
City of Santa Ana