

**CITY OF HOMER
HOMER, ALASKA**

Erickson

ORDINANCE 25-08(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE TO ADD CHAPTER 2.30 ENTITLED
INCIDENT MANAGEMENT PLANNING.

WHEREAS, It is in the best interest of the City to enact regulations for Incident
Management Planning.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code is hereby amended to add Chapter 2.30 entitled Incident
Management Planning and to read as follows:

Chapter 2.30
INCIDENT MANAGEMENT PLANNING

Sections:

- 2.30.010 Definitions.
- 2.30.012 Purpose.
- 2.30.020 Emergency management coordinator designation.
- 2.30.030 Declaration of disaster authority.
- 2.30.040 Intergovernmental agreements.
- 2.30.050 Emergency operations plan.
- 2.30.060 Emergency powers of the Emergency Management Coordinator.
- 2.30.080 Cleanup authority.
- 2.30.090 Financing.
- 2.30.110 Compensation.
- ~~2.30.120 Governmental or private liability.~~
- ~~2.30.130~~ **120** Waiver of fees.

2.30.010 Definitions.

As used in this chapter:

“Disaster emergency” means the condition declared by proclamation of the mayor to
designate the imminence or occurrence of a disaster.

“Emergency Management Coordinator” means the City Manager or their designee.

“Incident” means an occurrence, natural or manmade, that necessitates a response to protect life or property. In this document, the word “incident” includes planned events as well as emergencies and/or disasters of all kinds and sizes, including, but not limited to, fire, flood, earthquake, landslide, mud slide, wind driven water, weather condition, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot, equipment failure, or shortage of food, water, fuel or clothing, or the release of petroleum products or a hazardous substance requiring prompt action to avert environmental danger or damage, cyberattack, or civil defense measures to mitigate or respond to acts of war toward the city or the United States of America by any enemy or the agents thereof.

2.30.012 Purpose.

The purpose of this chapter are to provide for the effective preparation for and carrying out of plans for emergency mitigation, preparedness, response, prevention and recovery for persons and property within the City in the event of an incident. Additionally, the purpose is to provide for the coordination of emergency functions and services of the City with other public agencies and affected private persons, corporations and organizations.

2.30.020 Emergency Management Coordinator designation.

The Emergency Management Coordinator (EMC) shall have full authority to coordinate and cooperate with the Kenai Peninsula Borough Office of Emergency Management and with the State of Alaska Division of Homeland Security and Emergency Management for response to and recovery from unforeseen emergencies and disasters.

2.30.030 Declaration of disaster authority.

The Mayor, upon being advised by the City Manager that the City’s resources are not sufficient to meet the emergency, can determine and declare that a disaster exists. The City Manager or designated alternate has the authority to declare a local disaster in the absence of the Mayor.

2.30.040 Intergovernmental agreements.

The City Manager may enter into intergovernmental arrangements with other political subdivisions, and the Alaska Division of Homeland Security and Emergency Management, for mutual aid in response to and recovery from disaster emergencies. Notification will be provided to the City Council at the next regular or special City Council meeting.

2.30.050 Emergency Operations Plan.

The City of Homer Emergency Operations Plan (EOP) will describe the system that will be used to manage the mitigation of disasters as defined in this chapter. It is an all-hazard, all-risk plan based on the National Incident Management System (NIMS) for comprehensive management of disaster emergency relief forces and disaster emergency operations.

The City will use an all-hazard disaster emergency management system that encompasses all types of disaster emergencies and enables each level of government to integrate with other

85 levels, public agencies, and with private sector resource providers under the NIMS Incident
86 Command System (ICS).

87
88 This EOP is intended to meet disaster emergency planning requirements of all federal, state,
89 borough, and city agencies and departments having jurisdiction over such matters. It is further
90 intended that this document be used as a reference and training aid for municipal, regional,
91 industry, and other emergency response personnel to ensure efficient and effective response
92 to and management of disaster emergencies.

93
94 The EOP will be activated whenever there is a disaster emergency that could significantly
95 threaten human health, property or the environment. Upon declaration of a disaster
96 emergency, the designated person responsible for disaster emergency management is
97 authorized to commit the resources necessary to carry out the provisions of this plan.

98
99 2.30.060 Emergency powers of the Emergency Management Coordinator.

100 In addition to any other powers conferred upon EMC by law, he or she may, upon proclamation
101 of a disaster emergency:

102 A. Suspend the provisions of any regulatory ordinance prescribing procedures for the
103 conduct of city business or the orders or regulations of any city department, if
104 compliance with the provisions of the statute, order or regulation would prevent, or
105 substantially impede or delay, action necessary to cope with the disaster emergency,
106 provided that such rules and regulations must be confirmed by City Council at the
107 earliest regular or special meeting of the City Council;

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109 B. Use all of the resources of the city government as reasonably necessary to cope with
110 the disaster emergency;

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112 C. Direct and compel the relocation of all or part of the population from any stricken
113 or threatened area in the city, if he or she considers relocation necessary for the
114 preservation of life or for other disaster mitigation purposes;

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116 D. Prescribe routes, modes of transportation and destination in connection with
117 necessary relocation;

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119 E. Control ingress and egress from a disaster area, the movement of persons within
120 the area, and the occupancy of premises in it;

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122 F. Make provisions for the availability and use of temporary housing;

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124 G. Allocate, ration or redistribute food, water, fuel, clothing and other items he or she
125 deems necessary;

126

H. Obtain vital supplies, equipment and other property found lacking and needed for the protection of the health, life and property of the people, and bind the city for the fair value thereof.

I. In accordance with intergovernmental agreements, the EMC may direct city employees to the aid of other communities when required and he or she may request aid from the state, or other political subdivision, be sent to the City when disaster conditions are beyond the capability of the city's resources to control.

2.30.080 Cleanup authority.

Debris and wreckage removal in disaster emergency or major disaster:

A. When a major disaster or emergency has been declared to exist in the City, the EMC may:

1. Through the use of City employees or other public employees including public emergency response volunteers, clear from publicly or privately owned land or water, debris and wreckage that may threaten public health, safety or property;

2. Apply for and accept state or federal funds and use those funds for the purpose of removing debris or wreckage from publicly or privately owned land or water.

B. The City shall not remove debris or wreckage from private property without first receiving agreement from the owner of the debris or wreckage, and from the property owner, to indemnify the city against claims arising from the removal.

2.30.090 Financing.

A. It is the intent of the City Council, and declared to be the policy of the City, that funds to meet disaster emergencies will always be available.

B. Emergency procurement will follow the City's most current Procurement Policy and Procedures Manual.

2.30.110 Compensation.

No compensation for personal services is authorized under this chapter except for contract services during proclaimed disaster emergencies and in accordance with Homer City Code.

~~2.30.120 Governmental or private liability.~~

~~A. This chapter provides for the City to exercise its governmental functions for the protection of the public peace, health and safety and neither the City nor agents or representatives of the City, or any individual, receiver, firm, partnership, corporation, association or trustee, or any agents thereof, in good faith carrying out, complying with~~

~~or attempting to comply with any order, rule or regulation promulgated pursuant to this chapter shall be liable for any damage sustained to persons or property as the result of said activity.~~

~~B. Any person owning or controlling real estate premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or parts of the premises during a declared disaster emergency shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of or damage to the property of such persons.~~

~~2.30.130~~**120** Waiver of fees.

City Council may, via resolution, grant the City Manager authority to reduce or waive permit and application fees arising from a disaster emergency so long as the reduced or waived fees are incurred no more than one year after the expiration of such emergency.

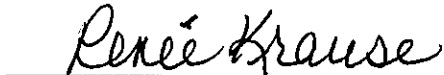
Section 2. This Ordinance is of a permanent and general character. and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 10th day of February, 2025.

CITY OF HOMER


DONNA ADERHOLD, MAYOR PRO TEM

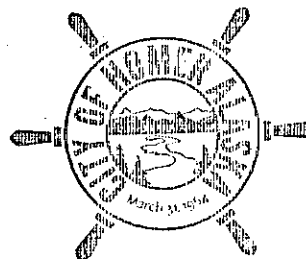
ATTEST:



RENEE KRAUSE, MMC, CITY CLERK

YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 1/27/25
Public Hearing: 2/10/25
Second Reading: 2/10/25
Effective Date: 2/11/25





MEMORANDUM

Ordinance 25-08, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code to Add Chapter 2.30 Entitled Incident Management Planning.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and City Council
Date: January 27, 2025
From: Shelly Erickson, Councilmember
Through: Melissa Jacobsen, City Manager

I wanted to address why this is coming forward to the Council. Melissa has worked with me and also this document has appropriate staff dialogue. While we need to go through and make sure this complete document is up to date and relevant since the Pandemic, this is a first step for the City in our code on this issue, especially should something unforeseen happen.

Years ago when I was on the council our City Manager moved the EMC to the Fire Chief. I think we all thought it was fine, as most of these issues would be somewhat short term. When the Pandemic came up, it was a different sort of emergency, but our code took away the ability for the City Manager to be in charge or to designate someone who might have been more qualified in such a situation.

The problem for the Council is that the chain of command in an emergency is now a City Employee that does not have to answer to the Council, Employee - City Manager - Mayor/Council. The correct way outside of an emergency is Mayor/Council - City Manager - Employee.

Line 41 is to clean up this issue. "Emergency Management Coordinator" means the City Manager or their designee.

What this means is that the City Manager is always the boss and it keeps the Mayor/Council relationship as it should be. Giving the City Manager the way to designate someone with the experience to manage a disaster vs just a position would put our response in a more effective position, while still keeping the Mayor and Council involved so the ability for elected officials to speak to their constituents is maintained and if for some reason there needed to be a change, the council has the ability to fulfill their job with the City Manager.