



**NOTICE AND CALL OF EMERGENCY MEETING
YREKA CITY COUNCIL
June 29, 2021 - 5:30 P.M.
Yreka City Council Chamber 701 Fourth Street, Yreka, CA**

The full agenda packet can be found on the City’s website: www.ci.yreka.ca.us/AgendaCenter

PLEDGE OF ALLEGIANCE.

PLEASE SILENCE YOUR CELL PHONES AND TURN THE WI-FI OFF ON YOUR DEVICES TO HELP STAFF CONSERVE BANDWIDTH FOR BROADCASTING. THANK YOU.

The meeting details have been placed on the agenda to allow Councilmembers, staff, and the public to participate in the meeting via teleconference, pursuant to the Governor’s Executive Order N-29-20. There will be **limited public access** to the Council Chambers at this time.

Members of the public may join the meeting via Zoom: <https://us02web.zoom.us/j/6194957056>
If you join the meeting via Zoom, you may digitally “raise your hand” and wait to be unmuted in order to speak. During the call you may press *9 to “raise your hand” to ask to speak during the meeting.

Speakers will be asked to identify themselves.

**Conference call in Number: 669-900-6833 (Toll-Free 888 788 0099)
Meeting ID #619-495-7056**

PUBLIC COMMENTS: This is the time for public comments. Council may ask questions but may take no action during the public comment section of the meeting, except to refer to staff that they prepare a report or place an item on a future agenda. If you are here to make comments on a specific agenda item, you may speak at that time. If not, this is the time. Please limit your remarks to 5 minutes.

SPEAKERS: Please speak from the podium. State your name and mailing address so that City Staff can respond to you in regard to your comments, or provide you with information, if appropriate. You are not required to state your name and address if you do not desire to do so.

1. Discussion/Possible Action:

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY OF YREKA DECLARING A LOCAL EMERGENCY, AND AUTHORIZING THE DELAY OF THE SALE AND USE OF FIREWORKS WHICH MAY CREATE A THREAT TO PUBLIC SAFETY DEEMED TO BE ARISING FROM THE INCIDENCE OF THE LAVA FIRE AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY AND FINDING THE ORDINANCE EXEMPT FROM CEQA REVIEW.

ADJOURNMENT.

In compliance with the requirements of the Brown Act, notice of this meeting has been posted in a publicly accessible place, 1 hour in advance of the meeting.

All documents produced by the City which are related to an open session agenda item and distributed to the City Council are made available for public inspection in the City Clerk's Office during normal business hours.

Public Hearings: If, in the future, you wish to challenge in court any of the matters on an agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing. Any person seeking to challenge a City Council decision made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6. Please refer to Code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes "final."

"CHALLENGING DECISIONS OF CITY ENTITIES The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of Yreka is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing. If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Yreka, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies."

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the City Clerk 48 hours prior to the meeting at (530) 841-2336 or by notifying the Clerk at aboymd@ci.yreka.ca.us.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

ORDINANCE NO.

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY OF YREKA DECLARING A LOCAL EMERGENCY, AND AUTHORIZING THE DELAY OF THE SALE AND USE OF FIREWORKS WHICH MAY CREATE A THREAT TO PUBLIC SAFETY DEEMED TO BE ARISING FROM THE INCIDENCE OF THE LAVA FIRE AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY AND FINDING THE ORDINANCE EXEMPT FROM CEQA REVIEW

WHEREAS, Independence Day is approaching on July 4th; and

WHEREAS, each year the sale of safe and sane fireworks, as defined in California Code of Regulations Title 19 §986, occurs at this time for the public’s use in celebrating the holiday; and

WHEREAS, there is also an annual public display of pyrotechnics; and

WHEREAS, the Governor of the State of California has declared this to be a drought year; and

WHEREAS, there presently exists a combination of higher than normal temperatures and low humidity; and

WHEREAS, there is a wildfire called the Lava Fire which has already burned more than 13,300 acres near the cities of Mt. Shasta and Weed; and

WHEREAS, Yreka’s Fire Department and its resources are providing mutual aid assistance to the Lava Fire resulting in a shortage of fire suppression resources within the environs of the City of Yreka; and

WHEREAS, our law enforcement resources are additionally strained because they engaged in patrolling the roads to keep the public from traveling into unsafe areas; and

WHEREAS, it is not unusual for fireworks to create fires that require suppression; and

WHEREAS, any fires caused by fireworks would, under the present circumstances, create a dire threat to the public’s safety if those fires were uncontrolled and unabated due to Yreka’s present lack of fire-fighting resources due to the deployment of its resources for mutual aid in the suppression of the Lava Fire; and

31 **WHEREAS**, this Ordinance is a temporary ordinance intended to promote protect the
32 public from fire danger to the public and city facilities during this state of emergency; and

33 **WHEREAS**, California Government Code Section 36937 authorizes the City Council to
34 introduce and adopt an ordinance it declares to be necessary as an emergency measure to
35 preserve the public peace, health, and safety at one and the same meeting if passed by at least
36 four affirmative votes; and

37 **WHEREAS**, The California Emergency Services Act, pursuant to California
38 Government Code §§ 8630-8634 and 8550, et seq., permits local agencies to declare a local
39 emergency, which is necessary to provide for the carrying out of plans for the protection of
40 persons and property within the city limits during a condition of a disaster or dire threat to
41 public safety and facilities. In addition, a local declaration of emergency provides the city with
42 the necessary powers needed to protect citizens and property, preserve municipal government
43 and assure mutual disaster aid from appropriate local, state and federal agencies.

44 **WHEREAS**, it is deemed and hereby declared necessary, pursuant to California
45 Government Code §§ 36937 and 8634, for the immediate preservation of the public peace, health
46 or safety, that, based on the foregoing recitals, that it is urgent that the City Council adopt the
47 following ordinance.

48 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**
49 **CITY OF YREKA AS FOLLOWS:**

50 **SECTION 1. Finding of Immediate Threat.** The City Council of the City of Yreka hereby
51 finds that the present sale and use of Safe and Sane Fireworks and public pyrotechnics
52 present a current and immediate threat to the public health, safety in the event of uncontrolled
53 fires within the city due to the environmental factors and the lack of fire suppression and law
54 enforcement resources to suppress any fires which circumstances constitutes a need for
55 immediate preservation of the public peace, health, or safety that warrants these urgency
56 measures. This finding is based upon the facts stated in the recitals above, as well any oral
57 and written testimony received at the June 29, 2021 City Council emergency session.

58 **SECTION 2. Police Power.** This Ordinance is enacted pursuant to the California
59 Government Code § 36937 and 8634, together with the City of Yreka’s general police
60 powers and Article XI of the California Constitution.

61 **SECTION 3. Declaration of Emergency.** The City of Yreka hereby finds, determines and
62 ordains that a local emergency now exists throughout the City of Yreka. It is further ordered
63 and ordained that during the existence of said local emergency the powers, functions, and
64 duties of the City Manager and the emergency organization of this city shall be those
65 prescribed by state law, by ordinances, and resolutions of this city as may hereafter be
66 approved by the City Council. It is further ordered and ordained that said local emergency
67 shall be deemed to continue to exist until its termination is proclaimed by the City Council of
68 the City of Yreka, State of California.

69 **SECTION 4. Enforcement Authority.** The City Manager, Chief of Police, and Fire Chief
70 or designee are jointly and severally authorized to exercise his/her discretion to take such
71 action as determined to promote the enforcement of this declaration of the City Council.

72 **SECTION 5. Authorization to seek State and Federal Assistance.** The City Manager or
73 designee is authorized to exercise his/her discretion to execute and file any application or
74 agreement with the State of California or federal government for purposes of obtaining
75 state or federal assistance, and to execute any applications or agreements on behalf of or for
76 the purpose of authorizing or assisting the City of Yreka, California in obtaining state or
77 federal financial assistance.

78 **SECTION 6. Severability, Resolution and Introduction.** If any provision of this ordinance is
79 found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that
80 invalidity shall not affect the remaining provisions of this ordinance which can be implemented
81 without the invalid provisions, and to this end, the provisions of this ordinance are declared to be
82 severable. The City Council of the City of Yreka hereby declares that it would have adopted this
83 ordinance and each provision thereof irrespective of whether any one or more provisions are
84 found invalid, unconstitutional or otherwise unenforceable. Additionally, if all or a portion of
85 this ordinance may be lawfully adopted as a resolution of the City Council, those portions are
86 hereby deemed to be a resolution of this City Council. And, finally, if, for any reason, this
87 declaration is deemed not to constitute a sufficient urgency, the adoption of the ordinance at this
88 hearing shall be deemed, instead to constitute the introduction of the ordinance, wherein its
89 reading in full is waived and ready by title only, subject to subsequent adoption at a second
90 reading and potential adoption following noticed public hearing.

91 **SECTION 7. California Environmental Quality Act (CEQA) Compliance.** This ordinance is
92 not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines
93 Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect
94 physical change in the environment) and Section 15060(c)(3) (the activity is not a project as
95 defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in
96 physical change to the environment, directly or indirectly.)

97 **SECTION 8. Effective Date.** This Urgency Ordinance shall become effective immediately upon
98 its adoption pursuant to Government Code §39937 and shall expire whenever the City Council so
99 determines, so long as that determination is made at the earliest time reasonably possible.

100 **SECTION 9. Implementation.** The City Council hereby authorizes and directs the City
101 Manager to take any action and sign any documents necessary to implement this Ordinance.

102 **SECTION 10. Publication.** The City Clerk is directed to publish a summary of this ordinance
103 and post it for CEQA review.

104 **SECTION 11. Codification.** This ordinance, being of temporary nature, shall not be codified in
the City of Yreka Municipal Code.

106 **SECTION 12. Execution.** The Mayor and City Clerk are authorized to subscribe this ordinance
107 where indicated below to evidence its approval.

108 **PASSED FOR ADOPTION** as an urgency ordinance this 29th day of June, 2021, by the
109 following vote:

110 AYES:

111 NOES:

112 ABSENT:

113

114

Duane Kegg, Mayor

115 APPROVED AS TO FORM

Attest:

116

117 _____
Dohn Henion, City Attorney

Arthur Boyd, City Clerk