

TOWN OF PINETOP-LAKESIDE

ORDINANCE NO. 11-354

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, ADOPTING NEW TOWN CODE CHAPTER 8.06 “EMERGENCY MANAGEMENT AUTHORITY/SERVICE/PLANNING.”

WHEREAS, the Mayor and Town Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the Town of Pinetop-Lakeside and its residents, and

WHEREAS, State Statutes, A.R.S. § 26-301 et seq, authorize the Town Council to provide for emergency management, services, planning and delegation of authority, and

WHEREAS, it is necessary and reasonable in order to protect the public health, safety, welfare, order and enjoyment of the Town for the Council to clearly delegate the authority to act in times of declared emergency.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, as follows:

Section 1. Chapter 8.06, “Emergency Management Authority/Service/Planning” of the Town Code is hereby adopted:

Section 8.06.010 Purpose.

A. The Purpose of this chapter is to set forth the general authority to act in the most effective and efficient manner at times of local, regional, or national emergency, whether involving the Town directly or indirectly.

B. “Emergency” when used in this chapter, means an emergency that has been declared by a person authorized pursuant to the laws, rules, and regulations of state, local, or federal government or any political subdivision thereof or by a public utility such as natural gas, electric, water, or sewer.

Section 8.06.020 Mayor’s Authority.

A. The Mayor is authorized to act to the fullest extent of authority of State Law currently set forth in A.R.S. § 26-301 et seq. and in the Mayor’s absence the Vice Mayor is authorized to act.

B. The Mayor at times of declared emergency may execute or authorize the Town Manager to execute any and all documents or agreements that may be reasonably necessary for the Town’s involvement in the emergency.

C. Any document or agreement executed by the Mayor or Manager pursuant to subsection “B” above will be presented to the Town Council for its consideration to either ratify or disapprove. If the Town Council disapproves the document or agreement such disapproval will not impact the validity of the document or agreement; however, the Mayor or Manager will take immediate action to terminate or discontinue any agreement or document use which they have executed pursuant to this chapter once it has been disapproved by the Town Council.

D. The Mayor is authorized to exercise the powers and authorities set out by law including but not limited to A.R.S. § 26-311.

Section 8.06.030 Manager's Authority.

A. The Town Manager as the Chief Administrative Officer and executive head of Town government at times of declared emergency is a logical point of contact for other entities involved directly or indirectly in the emergency, and the Town Manager shall act with such express and implied authorities of any applicable law, rule, regulation, or approved emergency management plan or mutual aid or services agreements.

B. The Town Manager, at times of declared emergency that directly or indirectly impacts the Town, may execute any and all documents reasonably necessary for the Town's efficient and effective participation in the emergency and related to the use of the Town personnel and resources and potential reimbursement for such use.

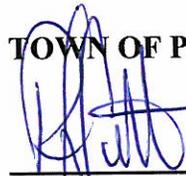
C. If time and circumstances allow, the Manager will obtain the approval or direction of the Mayor prior to executing any document or agreement that would otherwise require the approval of the Town Council. Any such document or agreement executed by the Manager will be presented to the Town Council in accordance with 8.06.020.C above.

D. The Town Manager is authorized and directed to provide and involve the Town in emergency planning and management on local, regional, and national levels.

E. The Manager is authorized and directed to act on behalf of the Town in accordance with the express and implied purposes, intentions, spirit, powers and authority of State Statute currently set forth at A.R.S. § 26-301 et. seq.

PASSED AND ADOPTED by the Mayor and Town Council of Town of Pinetop-Lakeside, this 16th day of June 2011.

TOWN OF PINETOP-LAKESIDE



RICH CROCKETT, Mayor

ATTEST:


LU ANNE FROST, Town Clerk

APPROVED AS TO FORM:


W. KENT FOREE, Town Attorney