

Chapter 16

(Title 2, Chapter 16 adopted by Ordinance 2008-12, effective March 11, 2008)

Continuity of Government For Emergencies

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Section 2-16-1. Purpose.

The purpose of this chapter shall be to provide direction for continuity in government by providing a procedure for succession in offices where elected officials or other key personnel are absent or unavailable during the course of any major natural disaster or occurrence.

Section 2-16-2. Authority.

The process provided for in this chapter is authorized pursuant to the authority provided local governments in regard to response and recovery from natural disasters pursuant to §63-5b-101 et seq. of the Utah Code, as amended and any other applicable laws, providing for deputization, delegation of government authority, appointment and filling of vacant elective offices.

Section 2-16-3. Definitions.

As used in this chapter:

A. Absent: Not physically present or not available to be communicated with via telephone, radio or telecommunications for forty eight (48) hours.

B. Emergency Interim Succession: The temporary replacement or filling of offices within the city government to meet the demands of emergency response as a result of a natural phenomenon or disaster and the period shall not extend beyond that required to formally provide for the filling of a vacancy by current statutory and constitutional provisions, or until the officer or emergency interim successor earlier in the order of succession is available and which shall not exceed thirty (30) days.

C. Natural Phenomenon or Disaster: Means and includes widespread damage, social disruption, injury, loss of life or property resulting from attack, technological hazard, earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought, epidemic, other catastrophic event, or internal disturbance including riot, strike, disruptive terrorism, prison break.

D. Unavailable: Means absent from the place of government during a disaster or natural phenomenon that seriously disrupts normal governmental operations; or unable because of physical, mental or legal reasons, or otherwise unavailable to exercise the powers and duties of an office during a disaster, whether or not the absence or inability would give rise to a vacancy of the office under existing constitutional or statutory provisions.

Section 2-16-4. Designation of Emergency Interim Successors.

By July 1 each year, three (3) emergency interim successors and their order of succession shall be designated in writing by each officer of the city, which list shall be provided to the Mayor, City Recorder and the Chief of Police. The City Recorder shall provide all of the lists of designated interim successors to the State Department of Homeland Security on or before July 15 each year. For purposes of this chapter only, "officer" means any person who is elected to a position in the city government or is listed in the City's annual ordinance establishing the salaries of elected and appointed officers.

Section 2-16-5. Emergency Interim Succession.

If an officer of the city is unavailable once a natural phenomenon or disaster has occurred, the designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession. The emergency interim successor shall exercise the powers and duties of the office only until the vacancy is filled in accordance with the constitution or applicable statutes, or until the officer or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office.

Section 2-16-6. Oath of Office for Emergency Interim Successors.

The emergency interim successor shall not be required to take an oath of office, unless specifically provided by law.

Section 2-16-7. Relocation of Seat of Government.

The city offices shall function as the seat of government in the event of a natural phenomenon or disaster. The mayor, upon a determination that the city offices are not capable of functioning as the seat of government for the city, may designate another location, outside of the city if necessary, to serve as a seat of government during the emergency.

Section 2-13-8. Adherence to Emergency Operations Plan.

Additional policies and procedures for responding to a natural phenomenon or disaster are provided in the city emergency operations plan. All city officials and emergency interim successors are to be familiar with all of the duties and responsibilities of their office as detailed in the emergency operations plan.