

MEETING DATE: October 25, 2010

AGENDA ITEM : Adoption of an Ordinance Adding Section 3.01.010 to Chapter 3.01 and Amending Chapter 3.09 of the Culver City Municipal Code Regarding Disaster Council and Emergency Organization; Adoption of an Ordinance Adding Sections 3.09.200 Through 3.09.215 to Chapter 3.09 of the Culver City Municipal Code Establishing Restrictions on Excessive and Unjustified Increases in Consumer Prices During a Declared Emergency.

ATTACHMENTS

		<u>Pages</u>
1.	Emergency Services Ordinance	1-13
2.	Anti-Price Gouging Ordinance	14-20

ORDINANCE NO. 2010-_____

**AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA ADDING SECTION 3.01.010 TO CHAPTER
3.01 AND AMENDING CHAPTER 3.09 OF THE CULVER
CITY MUNICIPAL CODE REGARDING DISASTER
COUNCIL AND EMERGENCY ORGANIZATION**

WHEREAS, pursuant to Section 8610 of the California Government Code, municipalities are authorized to enact local legislation creating a disaster council and to provide for the organization, powers and duties, divisions, services and staff of the city's emergency organization; and,

WHEREAS, pursuant to Section 8630 of the California Government Code, a city by ordinance may designate an official empowered to proclaim a Local Emergency; and,

WHEREAS, the City of Culver City created its Disaster Council in 1949 under the former state Military and Veterans Code, and the City's Disaster Council was accredited by the State of California on June 16, 1949; and,

WHEREAS, the City Council of the City of Culver City finds it is necessary to update the City's provisions pertaining to its Disaster Council and its emergency organization, to ensure its ordinance is aligned with state and federal law, and to incorporate changes made to the City's Emergency Plan.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Section 3.01.010 is hereby added to Chapter 3.01 of the Culver City Municipal Code as follows:

1 **3.01.010 COUNCIL VACANCIES IN EVENT OF EMERGENCIES**

2 In the event of a Local Emergency, declaration of a State of Emergency, or a
3 State of War Emergency, the City Council may be reconstituted and vacancies filled
4 pursuant to Section 3.09.025(B) of this Code.

5
6 **SECTION 2:** Chapter 3.09 of Title 3 of the Culver City Municipal Code is hereby
7 amended as follows (strike through denotes deletion, underline denotes addition):

8 **CHAPTER 3.09**

9 **DISASTERS AND EMERGENCIES**

10 ***Disaster Council and Emergency Services Organization***

11
12 3.09.005 Purposes

13 3.09.010 Definitions

14 3.09.015 Disaster Council membership; powers and duties

15 3.09.020 Director and Assistant Director of Emergency Services; powers and duties

16 3.09.025 Succession ~~Emergency organization~~

17 3.09.030 Emergency organization plan

18 3.09.035 Emergency plan ~~Expenditures~~

19 3.09.040 Expenditures ~~Punishment of violations~~

20 3.09.045 Temporary antenna installations

21 3.09.050 Punishment of violations

22
23 **§ 3.09.005 PURPOSES.**

24 The declared purposes of this Chapter are to provide for the preparation and
25 carrying out of plans for the protection of persons ~~and~~ property and the environment
26 within this City in the event of an emergency; the direction of the emergency

1 organization; and the coordination of the emergency functions of this City with all
2 other public agencies, corporations, organizations, and affected private persons.

3 **§ 3.09.010 DEFINITIONS.**

4 As used in this Chapter, unless the context otherwise indicates:

5 A. **EMERGENCY** ~~Emergency~~ shall mean the actual or threatened
6 existence of conditions of disaster or of extreme peril to the safety of persons,
7 and property or the environment within this City caused by such conditions as
8 air pollution, fire, flood, storm, epidemic, ~~riot~~ civil unrest, drought, sudden and
9 severe energy shortage, or earthquake, or other conditions, including
10 conditions resulting from terrorist acts or threats, war or imminent threat of
11 war, but other than conditions resulting from a labor controversy, which
12 conditions are or are likely to be beyond the control of the services,
13 personnel, equipment, and facilities of this City, requiring the combined forces
14 of other political subdivisions to combat.

15 B. **Local Emergency** shall have the meaning given it in Section 8558 of
16 the California Government Code, or its successor provision.

17 C. **State of Emergency** shall have the meaning given it in Section 8558
18 of the California Government Code, or its successor provision.

19 D. **State of War Emergency** shall have the meaning given it in Section
20 8558 of the California Government Code, or its successor provision.

21 E. **Successor provision** shall mean the specified section of state law as
22 amended from time to time and any replacement for that section if that
23 section is recodified or renumbered.

24 **§ 3.09.015 DISASTER COUNCIL MEMBERSHIP; POWERS AND DUTIES.**

25 A. *Disaster Council membership.*- The Culver City Disaster Council is
26 hereby ~~created and~~ shall consist of the members of the City Council. The
27
28

1 Mayor shall serve as Chairperson, and the Vice Mayor shall serve as Vice
2 Chairperson, following:

3 1. ~~_____ The Mayor, who shall be Chairman.~~

4 2. ~~_____ The Director of Emergency Services, who shall be Vice~~
5 ~~Chairman.~~

6 3. ~~_____ The Assistant Director of Emergency Services.~~

7 4. ~~_____ Such chiefs of emergency services as are provided for in a~~
8 ~~current emergency plan of this City, adopted pursuant to this Chapter.~~

9 5. ~~_____ Such representatives of civic, business, labor, veterans, professional,~~
10 ~~or other organizations having an official emergency responsibility, as may be~~
11 ~~appointed by the Director with the advice and consent of the City Council.~~

12 B. *Powers and duties.* It shall be the duty of the Culver City Disaster
13 Council, and it is hereby empowered:

14 1. ~~_____ To~~ to develop and recommend for adoption by the City Council,
15 emergency and mutual aid plans and agreements, and such
16 ordinances and resolutions and rules and regulations as are necessary
17 to implement such plans and agreements.

18 2. To forward a copy of any emergency plan developed and
19 adopted by the City to the State of California Office of Emergency
20 Services, including without limitation, the City of Culver City
21 Emergency Plan provided for in Section 3.09.030.

22 3. To register disaster service workers; provided, however, that the
23 Disaster Council may delegate the act of registering disaster service
24 workers to others through the City of Culver City Emergency Plan.

25 4. To designate the individual responsible for keeping the
26 registration of disaster service workers current, and for the accuracy
27 and safekeeping of the official registration records, provided however,
28

1 that the documented proof that the disaster service worker has taken
2 the oath of office shall be filed in the office of the City Clerk.

3 5. To direct the activities of disaster service workers within the City
4 through its role in the adoption of the City of Culver City Emergency
5 Plan. The Emergency Plan shall delegate to City staff the authority to
6 direct the activities of disaster service workers during a Local
7 Emergency, State of Emergency, or State of War Emergency.

8 C. The Disaster Council shall meet upon call of the Chairman
9 Chairperson or, in his absence from the City or inability to call such meeting,
10 upon call of the Vice Chairpersonman.

11 D. The Disaster Council shall have such other powers, duties and
12 responsibilities of a local disaster council pursuant to the provisions of Article
13 10 of the California Emergency Services Act (beginning with California
14 Government Code section 8610), as amended from time to time and any
15 replacement of that Article if that Article is recodified or renumbered.

16
17 **§ 3.09.020 DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY**
18 **SERVICES; POWERS AND DUTIES.**

19 **A. *Director and Assistant Director of Emergency Services.***

20 1. There is hereby created the office of Director of Emergency
21 Services. The City Manager shall be the Director of Emergency
22 Services.

23 2. There is hereby created the office of Assistant Director of
24 Emergency Services, ~~who shall be appointed by the Director~~ The
25 Assistant City Manager shall be the Assistant Director of Emergency
26 Services.

27 **B. *Powers and duties.***

- 1 1. The Director of Emergency Services is hereby empowered to:
- 2 a. Monitor and evaluate potentially dangerous emergency
- 3 situations, and when appropriate, rRequest the City Council to
- 4 proclaim the existence or threatened existence of a "Llocal
- 5 emergencyEmergency" if the City Council is in session, or to
- 6 issue such proclamation if the City Council is not in session.
- 7 Whenever a local emergency is proclaimed by the Director of
- 8 Emergency Services, the City Council shall take action to ratify
- 9 the proclamation within 7 days thereafter or the proclamation
- 10 shall have no further force or effect. If the City Council does not
- 11 ratify the Local Emergency, such inaction shall not affect the
- 12 validity of the Local Emergency during the period of time that it
- 13 was in effect.
- 14 b. Request the Governor to proclaim a "Sstate of
- 15 Eemergency," when, in the opinion of the Director of Emergency
- 16 Services, the locally available resources are inadequate to cope
- 17 with the emergency and the City Council is not in session.
- 18 c. Control and direct the effort of the emergency
- 19 organization of this City for the accomplishment of the purposes
- 20 of this Chapter.
- 21 d. Direct cooperation between and coordination of services
- 22 and staff of the emergency organization of this City; and resolve
- 23 questions of authority and responsibility that may arise between
- 24 them.
- 25 e. Represent this City in all dealings with public or private
- 26 agencies on matters pertaining to emergencies as defined
- 27 herein.
- 28

1 f. Coordinate and carry out the policies and direction of the
2 City Council and the Disaster Council, and perform such other
3 duties and responsibilities as delegated by the Disaster Council
4 or by the City Council.

5 g. Adopt rules and regulations consistent with the
6 provisions of this Chapter for operation of the Office of
7 Emergency Services.

8 fh. In the event of the proclamation of a "Local
9 Emergency" as herein provided, the proclamation of a "state
10 State of Emergency" by the Governor or the Director of the
11 State Office of Emergency Services, or the existence of a
12 "State of War Emergency," the Director of Emergency
13 Services is hereby empowered:

14 (1) To implement and carry out the City of Culver City
15 Emergency Plan adopted pursuant to Section 3.09.030;

16 (2) To make and issue rules and regulations on
17 matters reasonably related to the protection of life
18 persons, and property and the environment as affected
19 by such emergency, including but not limited to orders
20 and regulations imposing a curfew within designated
21 boundaries where necessary to preserve the public order
22 and safety; provided, however, such rules and
23 regulations must be confirmed at the earliest practicable
24 time by the City Council;

25 (23) To obtain vital supplies, equipment, and such
26 other properties found lacking and needed for the
27 protection of life persons
28

1
2 ~~and, property, and the environment, and to bind the City~~
3 ~~for the fair value thereof, and, if required immediately, to~~
4 ~~commandeer the same for public use;~~

5 (4) To authorize the use of any gifts of services,
6 equipment, temporary loan of equipment, supplies,
7 goods or other in-kind donations, as necessary to provide
8 for the protection of persons, property, and the
9 environment, regardless of whether the donation comes
10 from public or private sources. The order authorizing the
11 use of any gifts shall be in writing. Any such donations
12 used by the City shall be deemed duly accepted by the
13 City Council in accordance with Section 37354 of the
14 California Government Code, or its successor provision.
15 A report of all such gifts used shall be made to the City
16 Council at its next regular meeting for review.

17 (35) To require emergency services of any City officer
18 or employee, and, in the event of the proclamation of a
19 "state of emergency" in the county in which this City is
20 located or the existence of a "state of war emergency," to
21 command the aid of as many citizens of this community
22 as he or she deems necessary in the execution of his or
23 her duties, and to grant to public officers, employees,
24 and registered volunteers the authority to command the
25 aid of citizens of this community as they deem necessary
26 in the execution of their duties; such persons shall be
27 entitled to all privileges, benefits, and immunities as are
28

provided by state law for registered disaster service workers;

(46) To requisition necessary personnel or material of any City department or agency; and

(7) To request state aid, including without limitation, financial aid, equipment, personnel, supplies or anything else that the state or federal government may provide to assist the City in coping with, responding to, or recovering from the emergency situation;

(8) To perform such other functions as necessary or appropriate to cope with the emergency situation; and,

(59) To execute all of his or her ordinary powers as City Manager, all of the special powers conferred upon him or her by this Chapter or by resolution or emergency plan pursuant hereto and adopted by the City Council, and all powers conferred upon him or her by any statute, by any agreement approved by the City Council, and by any other lawful authority.

i. In the event of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety, the Director of Emergency Services may issue a declaration of a shelter crisis pursuant to Section 8698.2 of the California Government Code, or its successor provision.

~~2. The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during~~

1 an emergency. ~~Such order of succession shall be approved by the City~~
2 Coun³². The Director of Emergency Services, or his or her

3 designee, shall, with the assistance of the Fire Chief, and the Police
4 Chief, manage the emergency operations of the City.

5 3. The Assistant Director of Emergency Services shall, under the
6 supervision of the Director of Emergency Services, and with the
7 assistance of emergency service chiefs, develop emergency plans and
8 manage the emergency programs of this City; and shall have such
9 other powers and duties as may be assigned by the Director of
10 Emergency Services.

11 **§ 3.09.025 SUCCESSION.**

12 A. Director of Emergency Services.

13 1. The City Manager, as Director of Emergency Services, shall
14 designate the order of succession to that office, in a letter signed by
15 the City Manager and delivered to the City Clerk, and such person(s)
16 designated shall automatically serve as Acting Director of Emergency
17 Services, in the order specified in the letter, until the City Manager is
18 present and able to serve. Such letter may delineate the
19 circumstances and provide the parameters for determining when the
20 City Manager or other successors are absent or unable to perform the
21 duties of the Director of Emergency Services.

22 2. Such persons who serve as Acting Director of Emergency
23 Services shall be employees or officers of the City. An individual
24 serving as Acting Director of Emergency Services shall have the
25 authority and powers of the Director of Emergency Services.

26 3. The City's Emergency Plan may provide additional guidelines to
27 assist City personnel in determining when the City Manager, or his or
28

her successor, is absent or unable to perform the duties of the Director of Emergency Services.

B. City Council.

In the event of a State of War Emergency, or declaration of a State of Emergency, or Local Emergency, City Council vacancies may be filled and the City Council may be reconstituted using the methods provided in Article 15 of Division 1 of Title 2 of the California Government Code (§§ 8635 *et seq.*) as amended from time to time and any replacement for that Article if that Article is recodified or renumbered.

3.09.030 EMERGENCY ORGANIZATION.

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

§ 3.09.030035 -EMERGENCY PLAN.

 The Culver City Disaster Council shall be responsible for the development of the City of Culver City Emergency Plan; ~~which~~ such ~~plan~~ shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a Local Emergency, ~~state~~ State of Emergency, or State of War Emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

§ 3.09.035040 EXPENDITURES.

1 Any expenditures made in connection with emergency activities, including
2 mutual aid activities, shall be deemed conclusively to be for the direct protection and
3 benefit of the inhabitants and property of the City of Culver City.

4 **3.09.045 TEMPORARY ANTENNA INSTALLATIONS.**

5 The City Manager, as the Director of Emergency Services, is authorized in
6 the event of a Local Emergency, State of Emergency or State of War Emergency to
7 accommodate all providers of wireless services whose antenna facilities can be
8 deployed immediately within the City for the purpose of implementing the City of
9 Culver City Emergency Plan, coordinating the emergency and disaster functions of
10 the City, and protecting persons, property and the environment. The temporary
11 deployment of such wireless antenna facilities may be authorized at such locations,
12 and for such period of time, as will afford maximum protection for the public health,
13 welfare, and safety.

14 **§ 3.09.040050 PUNISHMENT OF VIOLATIONS.**

15 It shall be a misdemeanor, punishable by a fine of not to exceed Five
16 HundredOne Thousand Dollars (\$51,000.00), or by imprisonment for a period not to
17 exceed six (6) months, or both, for any person, during an emergency, to:

18 A. Willfully obstruct, hinder, or delay any member of the emergency
19 organization in the enforcement of any lawful rule or regulation issued
20 pursuant to this Chapter, or in the performance of any duty imposed upon
21 him or her by virtue of this Chapter.

22 B. Do any act forbidden by any lawful rule or regulation issued pursuant
23 to this Chapter, if such act is of such a nature as to give or be likely to give
24 assistance to the enemy or to imperil the lives or property of inhabitants of
25 this City, or to prevent, hinder, or delay the defense or protection thereof.

1 C. Wear, carry, or display, without authority, any means of identification
2 specified by the emergency agency of the State Director of Emergency
3 Services or specified in the City's Emergency Plan.
4

5 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall take
6 effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of
7 the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk
8 shall cause this Ordinance, or a summary thereof, to be published in the Culver City News
9 and shall post this Ordinance or a summary thereof in at least three places within the City.

10 **SECTION 4.** The City Council hereby declares that, if any provision, section,
11 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
12 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
13 reason of any preemptive legislation, then the City Council would have independently
14 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
15 or words of this ordinance and as such they shall remain in full force and effect.
16

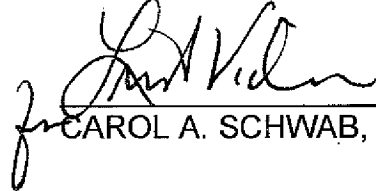
17 **APPROVED AND ADOPTED** this ____ day of _____, 2010.
18

19 _____
20 CHRISTOPHER ARMENTA, Mayor
21 City of Culver City, California

22 ATTEST:

APPROVED AS TO FORM:

23 _____
24 MARTIN R. COLE, City Clerk
25

26 
27 _____
28 CAROL A. SCHWAB, City Attorney

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING CHAPTER 3.09 OF THE
CULVER CITY MUNICIPAL CODE BY ADDING
SECTIONS 3.09.200 THROUGH 3.09.215
ESTABLISHING RESTRICTIONS ON EXCESSIVE AND
UNJUSTIFIED INCREASES IN CONSUMER PRICES
DURING A DECLARED EMERGENCY

WHEREAS, under California Penal Code Section 396(i), municipalities are
authorized to enact local legislation prohibiting excessive and unjustified increases in the
prices of essential consumer goods and services when a declared emergency results in
abnormal disruptions of the market; and

WHEREAS, it is in the best interests of the City of Culver City to protect the
residents of Culver City during or shortly after an emergency, from excessive and
unjustified increases in the prices charged for goods and services that are vital and
necessary for the health, safety, and welfare of consumers; and

WHEREAS, this Ordinance does not apply where prohibited or preempted by state
or federal law.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY,
CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 3.09 of the Culver City Municipal Code is hereby amended to
add a subchapter entitled "Restrictions pertaining to excessive and unjustified increases in
consumer prices during a declared emergency" (Sections 3.09.200 through 3.09.215) as
follows:

///

///

///

***Restrictions Pertaining to Excessive and Unjustified Increases in Consumer Prices
During a Declared Emergency
(Anti-Price Gouging Ordinance)***

3.09.200 Findings and Intent

3.09.205 Definitions

3.09.210 Prohibition against Excessive and Unjustified Increases in Consumer Prices
during a Declared Emergency

3.09.215 Extension of Time Period during Which Prohibition is in Effect

3.09.200 Findings and Intent.

The City Council hereby finds that during emergencies and major disasters elsewhere, including, but not limited to, earthquakes, fires, floods, or civil disturbances, some merchants have taken unfair advantage of consumers by greatly increasing prices for essential consumer goods and services. While the pricing of consumer goods and services is generally best left to the marketplace under ordinary conditions, when a declared state of emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of essential consumer goods and services be prohibited. It is the intent of the City Council in enacting this ordinance to protect citizens from excessive and unjustified increases in the prices charged during or shortly after an emergency for goods and services that are vital and necessary for the health, safety, and welfare of consumers. Further it is the intent of the City Council that this Article be liberally construed so that its beneficial purposes may be served.

3.09.205 Definitions.

For the purposes of this Subchapter, the following terms shall have the following meanings:

- 1 A. 'Building materials' means lumber, construction tools, windows, and
2 anything else used in the building or rebuilding of property.
- 3 B. 'Consumer food item' means any article that is used or intended for
4 use for food, drink, confection, or condiment by a person or animal.
- 5 C. 'Declared Emergency' means a Local Emergency or State of
6 Emergency as defined in Section 3.09.010 of this Code.
- 7 D. 'Emergency supplies' includes, but is not limited to, water, flashlights,
8 radios, batteries, candles, blankets, soaps, diapers, temporary shelters, tape,
9 toiletries, plywood, nails, and hammers.
- 10 E. 'Gasoline' means any fuel used to power any motor vehicle or power
11 tool.
- 12 F. 'Goods' has the same meaning as defined in subdivision (c) of Section
13 1689.5 of the California Civil Code.
- 14 G. 'Housing' means any rental housing leased on a month-to-month term.
- 15 H. 'Medical supplies' includes, but is not limited to, prescription and
16 nonprescription medications, bandages, gauze, isopropyl alcohol, and
17 antibacterial products.
- 18 I. 'Repair or reconstruction services' means services performed by any
19 person who is required to be licensed under the California Contractors' State
20 License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the
21 California Business and Professions Code), for repairs to residential or
22 commercial property of any type that is damaged as a result of an event that
23 led to a Declared Emergency or State of War Emergency.
- 24 J. 'Transportation, freight, and storage services' means any service that
25 is performed by any company that contracts to move, store, or transport
26 personal or business property or rents equipment for those purposes.
- 27
28

1 **3.09.210 Prohibition Against Excessive And Unjustified Increases In**
2 **Consumer Prices During A Declared Emergency.**

3 A. Consumer Goods and Services

4 1. Upon the proclamation of a Declared Emergency or an event
5 triggering a State of War Emergency, and for a period of 30 days
6 following the proclamation of a Declared Emergency or the event that
7 triggered a State of War Emergency, it is unlawful for a person,
8 contractor, business, or other entity to sell or offer to sell any
9 consumer food items or goods, goods or services used for emergency
10 cleanup, emergency supplies, medical supplies, home heating oil,
11 building materials, housing, transportation, freight, and storage
12 services, or gasoline or other motor fuels for a price of more than 10
13 percent above the price charged by that person for those goods or
14 services immediately prior to the proclamation of a Declared
15 Emergency or the event that triggered a State of War Emergency.

16 2. Subject to subsection A.3 below, a person may only increase
17 prices in excess of the amount permitted in subsection A.1 as follows:

18 (i) The seller or vendor can demonstrate that the increase in
19 price is directly attributable to additional costs imposed on that
20 person by the supplier of the goods; or,

21 (ii) The seller or vendor can demonstrate that the increase in
22 price is directly attributable to additional costs for labor or
23 materials used to provide the services.

24 3. In those situations where the increase in price is attributable to
25 additional costs imposed by the seller's supplier or additional costs of
26 providing the good or service during the Declared Emergency or State
27 of War Emergency, the price charge shall represent no more than 10
28

1 percent above the total of the cost to the seller, plus the markup
2 customarily applied by the seller for that good or service in the usual
3 course of business immediately prior to the proclamation of a Declared
4 Emergency or the event that triggered a State of War Emergency.

5 4. A business offering an item for sale at a reduced price
6 immediately prior to the proclamation of a Declared Emergency or the
7 event triggering a State of War Emergency may use the price at which
8 it usually sells the item to calculate the price increase permitted
9 pursuant to this Section.

10 B. Construction, Repair, and Clean-up Services

11 1. Upon the proclamation of a Declared Emergency or an event
12 triggering a State of War Emergency, and for a period of 180 days
13 following the proclamation of a Declared Emergency or the event that
14 triggered a State of War Emergency, it is unlawful for a contractor to
15 sell or offer to sell any repair or reconstruction services, or any
16 services used in emergency cleanup, for a price of more than 10
17 percent above the price charged by that person for those services
18 immediately prior to the proclamation of a Declared Emergency or the
19 event that triggered a State of War Emergency.

20 2. Subject to subsection B.3 below, a person may increase prices
21 in excess of the amount permitted in subsection B.1. as follows:

22 (i) The seller or vendor can demonstrate that the increase in
23 price is directly attributable to additional costs imposed on that
24 person by the supplier of the goods; or,

25 (ii) The seller or vendor can demonstrate that the increase in
26 price is directly attributable to additional costs for labor or
27 materials used to provide the services.
28

1 3. In those situations where the increase in price is attributable to
2 the additional costs imposed by the contractor's supplier or additional
3 costs of providing the service during the Declared Emergency or State
4 of War Emergency, the price represents no more than 10 percent
5 above the total of the cost to the contractor, plus the markup
6 customarily applied by the contractor for that good or service in the
7 usual course of business immediately prior to the proclamation of a
8 Declared Emergency or the event that triggered a State of War
9 Emergency.

10 4. A contractor offering services at a reduced price immediately
11 prior to the proclamation of a Declared Emergency or the event
12 triggering a State of War Emergency may use the price usually
13 charged for the services to calculate the price increase permitted
14 pursuant to this subchapter.

15 C. Hotel and Motel Rates

16 1. Upon the proclamation of a Declared Emergency or an event
17 triggering a State of War Emergency, and for a period of 30 days
18 following the proclamation of a Declared Emergency or the event that
19 triggered a State of War Emergency, it is unlawful for an owner or
20 operator of a hotel or motel to increase the hotel or motel's regular
21 rates, as advertised immediately prior to the proclamation of a
22 Declared Emergency or the event that triggered a State of War
23 Emergency, by more than 10 percent.

24 2. A hotel owner or operator may increase prices in excess of the
25 amount permitted by subsection C.1. if the owner or operator can
26 prove that the increase in price is directly attributable to additional
27 costs imposed on it for goods or labor used in its business, to seasonal
28

adjustments in rates that are regularly scheduled, or to previously
contracted rates.

3.09.215. Extension of Time Period During Which Prohibition is in Effect.

The provisions of this Article may be extended for additional 30-day periods
by the Director of Emergency Services or the City Council, if deemed appropriate to
protect public health, safety, or welfare.

SECTION 2. Pursuant to Section 619 of the City Charter, this Ordinance shall take
effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of
the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk
shall cause this Ordinance, or a summary thereof, to be published in the Culver City News
and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 3. The City Council hereby declares that, if any provision, section,
subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
invalid or unconstitutional by any final action in a court of competent jurisdiction or by
reason of any preemptive legislation, then the City Council would have independently
adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
or words of this ordinance and as such they shall remain in full force and effect.

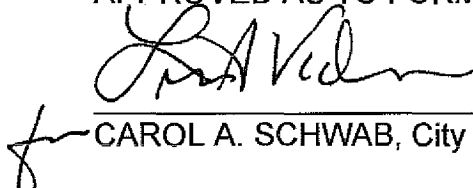
APPROVED AND ADOPTED this ____ day of _____, 2010.

CHRISTOPHER ARMENTA, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk


for CAROL A. SCHWAB, City Attorney