

April 8, 2008

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2008-239

ORDINANCE NO. C.S. 1037

AN ORDINANCE AMENDING CHAPTER 2.52 RELATED TO CIVIL DEFENSE AND DISASTER COUNCIL

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Chapter 2.52, Civil Defense and Disaster Counsel, of the Stanislaus County Code is amended and restated as set forth in Exhibit A attached hereto and incorporated herein by reference.

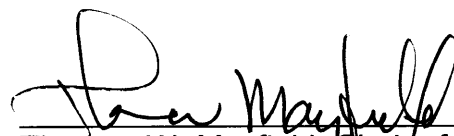
Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor O'Brien, seconded by Supervisor Monteith, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the 8th day of April, 2008, by the following called vote:

AYES:Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

NOES: Supervisors: None

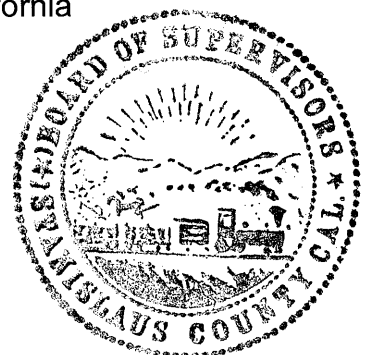
ABSENT: Supervisors: None



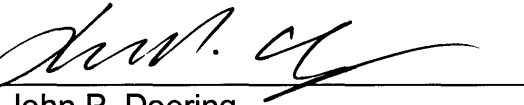
Thomas W. Mayfield, Chair of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:
Christine Ferraro Tallman
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By Christine Ferraro Tallman
Deputy



APPROVED AS TO FORM:

By 
John P. Doering
County Counsel

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Chapter 2.52

CIVIL DEFENSE AND DISASTER COUNCIL

Sections:

2.52.010	Purpose
2.52.020	Emergency Defined
2.52.030	Disaster Council – Membership
2.52.040	Disaster Council – Powers and Duties
2.42.049	Operational Area Council
2.52.050	Meetings
2.52.060	State of War, State of Emergency or Local Emergency
2.52.070	Plan and Agreement Preparation
2.52.080	Director – Office Created
2.52.090	Assistant Director
2.52.100	Deputy Director
2.52.110	Director – Powers and Duties
2.52.120	Emergency Organization
2.52.130	Emergency Plan Preparation
2.52.140	Expenditures
2.52.150	Violations Designated and Penalty

2.52.010 Purpose.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this county in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this County with all other public agencies, corporations, organizations, and affected private persons.

2.52.020 Emergency Defined.

As used in this chapter, “emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this County caused by such conditions as fire, flood, storm, epidemic, riot or earthquake, domestic terrorism, or other conditions including conditions resulting from war or imminent war, but other than conditions resulting from labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County, requiring the combined forces of other political subdivisions to combat.

2.52.030 Disaster Council – Membership.

The County Disaster Council is created and shall consist of the following:

- A. The Chair of the Board of Supervisors, who shall be chair of the Disaster Council;
- B. The Director of Emergency Services, who shall be vice chair;
- C. The Assistant Director of Emergency Services, who shall be secretary;
- D. One elected official from each city in Stanislaus County.

2.52.040 Disaster Council – Powers and Duties.

The Disaster Council shall have power to:

- A. Oversee the preparedness activities of the various county departments and other jurisdictions in the Stanislaus County Operational Area. This includes preparation of Emergency and Disaster Plans, policies and procedures, and ensuring unity of purpose. The Council will be responsible to ensure unity of purpose. The Council will be responsible to ensure compliance with the National Incident Management System, the Standardized Emergency Management System and the Incident Command System.
- B. Approve to form all proposed emergency operations procedures, plans and other documents related to emergency preparedness and planning.
- C. Hear proposals from any agency, department or interested party in emergency and disaster preparedness. Prior to any formal action, the proposal shall have the approval of the Operational Area Council for operational and procedural conformity with the Stanislaus County emergency operations plan, policies, and procedures.
- D. Be required to have a majority of the members present for approval and/or review of any plan, policies or issues and a simple majority vote will carry the recommended action. Thereafter, the recommended action will be forwarded to the appropriate board, commission, or executive representative.
- E. Sit as the Disaster Council for any jurisdiction that deems it appropriate by resolution and local ordinance.

The Disaster Council does not have operational duties or powers during emergencies, disasters or other events or incidents.

2.42.049 Operational Area Council.

The Stanislaus County Operational Area Council is created under the authority of Government Code Article 9, Section 8605, and shall consist of the Assistant Director of Emergency Services and Joint Powers Agreement (JPA) members that represent each

city within Stanislaus County. Generally, the JPA member will be the emergency manager from his/her jurisdiction. The Operational Area Council will:

A. Coordinate, review, and recommend for approval all emergency or disaster response policies, procedures, plans, and other influencing factors or events that would affect the Stanislaus Operational Area.

B. Review all disaster plans by any agency or jurisdiction in Stanislaus County for approval to form and compliance with the National Incident Management System, the Standardized Emergency Management System and the Incident Command System. After review of the proposed plans, policies and procedures, relating to emergency management, the Operational Area Council will then make its recommendation to the Disaster Council.

C. Be the lead agency for the Multi-Agency Emergency Operations Center Management Team and the Multi-Agency Incident Management Team(s).

D. Foster an effective flow of disaster information and emergency preparedness on a day-to-day basis through training, exercises, uniformity in planning, and response plans and policies.

E. Appoint Task Forces and/or Specialist Groups for specific detailed work that requires the focus of technical experts to develop plans, policies and procedures for the Stanislaus Operational Area.

Standing task forces may be appointed to include:

1. Special Needs Population
2. Public Health Emergency Preparedness Committee
3. Faith-Based representation

The Operational Area Council not have operational duties or powers during an event or emergency and is created to serve in the preparedness and planning phases only.

2.42.050 Meetings.

The Disaster Council shall meet a minimum of twice annually and as often as may be deemed necessary. The Disaster Council will operate under the Brown Act for Open Meetings and Local Legislative Bodies.

The Operational Area Council shall meet quarterly or upon call of the Assistant Director of Emergency Services.

2.42.060 State of War, State of Emergency or Local Emergency.

During a "State of War," "State of Emergency" or "Local Emergency," the chair of the Disaster Council, or the Director of Emergency Services may call upon the

Disater Council to meet with the Emergency Operations Center Policy Group to act as an advisory group on issues as determined by the Director of Emergency Services or the Disaster Council Chair.

2.52.070 Plan and Agreement Preparation.

It shall be the duty of the Disaster Council to review and recommend for adoption by the Board of Supervisors, emergency plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.

2.52.080 Director – Office Created.

There is created the Office of Director of Emergency Services. The Chief Executive Officer shall be the Director of Emergency Services.

2.52.090 Assistant Director.

There is created the Office of Assistant Director of Emergency Services, who shall be the County Fire Warden.

2.52.100 Deputy Director.

There is created the Office of Deputy Director of Emergency Services, who shall be appointed by the Assistant Director (County Fire Warden).

2.52.110 Director – Powers and Duties.

A. The Director is empowered to:

1. Request the Board of Supervisors to proclaim the existence or threatened existence of a local emergency if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session. Whenever a local emergency is proclaimed by the Director, the Board of Supervisors shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;

2. Request the Governor to proclaim a state of emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;

3. Control and direct the effort of the emergency organization of this County for the accomplishment of the purpose of this chapter;

4. Direct cooperation between and coordination of services and staff of the emergency organization of this county and resolve questions of authority and responsibility that may arise between them;

5. Represent this County in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;

6. In the event of the proclamation of a local emergency as provided in this chapter, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Director is empowered:

a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors,

b. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the county for the fair value thereof and, if required immediately, to commandeer the same for public use,

c. To execute all of the ordinary power as (Chief Executive Officer), all of the special powers conferred upon the position by this chapter or by resolutions or emergency plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon the position by any statute, by any agreement approved by the Board of Supervisors, and by any other lawful authority.

B. The Director of Emergency Services shall designate the order or succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform the Director's duties during an emergency.

C. The Assistant Director, under policy direction of the Director, shall act as Chief of Staff of the emergency organization.

D. The Deputy Director shall, under the supervision of the Assistant Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this county on a day-to-day basis and shall have such other powers and duties as may be assigned by the Assistant Director.

2.52.120 Emergency Organization.

All officers and employees of this county, 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 subsection (A)(6) of Section 2.52.080, be charged with duties incident to the protection of life and property in this county during such emergency, shall constitute the emergency organization of the county.

2.52.130 Emergency Plan Preparation.

The Director of Emergency Services, in concert with the County Disaster Council and the Operational Area Council shall be responsible for the development of the county emergency plan; such plan shall provide for the effective mobilization of all of

the resources of this County, both public and private, to meet any condition constituting a local emergency, 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 Board of Supervisors.

2.52.140 Expenditures.

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

2.52.150 Violations Designated and Penalty.

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars, or by imprisonment for not to exceed six months, or both, for any person, during a state of war emergency, state of emergency, or local emergency, to:

A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him/her by virtue of this chapter;

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

C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state.

ORDINANCE C.S. 1037

Upon motion of Supervisor O'Brien, seconded by Supervisor Monteith, Ordinance C.S. 1037 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 8th day of April 2008, by the following called vote:

AYES: SUPERVISORS: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield
NOES: None
ABSENT: None
ABSTAINING: None

Ordinance C.S. 1037 amends Chapter 2.52 of the Stanislaus County Code to restructure the existing Disaster Council for the purpose of redefining the role of the Council as well as the membership and their responsibilities


A full copy of the ordinance is available for review at the Clerk of the Board's Office, 1010 10th Street, Suite 6700, Modesto, California. For further information, call the Stanislaus County Counsel's Office at 525-6376, 1010 10th Street, Suite 6400, Modesto, California.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: April 8, 2008

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

BY:


Elizabeth A. King, Assistant Clerk of the Board

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident
Of the County aforesaid; I am over the age of
Eighteen years, and not a party to or interested
In the above entitle matter. I am a printer and
Principal clerk of the publisher
of **THE MODESTO BEE**, printed in the City
of **MODESTO**, County of **STANISLAUS**,
State of California, daily, for which said
newspaper has been adjudged a newspaper of
general circulation by the Superior Court of the
County of **STANISLAUS**, State of California,
Under the date of **February 25, 1951, Action
No. 46453**; that the notice of which the annexed is
a printed copy, has been published in each issue
there of on the following dates, to wit:

APRIL 12, 2008

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at
MODESTO, California on

APRIL 12, 2008


(Signature)

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at 525-6376, 1010 10th Street, Suite 6400, Modesto,
California.
BY ORDER OF THE BOARD OF SUPERVISORS
DATED: April 8, 2008
ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the County of
Stanislaus, State of California
BY: Elizabeth A. King,
Assistant Clerk of the Board
APRIL 12, 2008