

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: CEO Office of Emergency Services

BOARD AGENDA # *B-6

Urgent

Routine

AGENDA DATE July 1, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Renew the Agreement for Participation in the Stanislaus Operational Area Organization between Stanislaus County and the Nine Incorporated Cities

STAFF RECOMMENDATIONS:

1. Approve the Agreement for participation in the Stanislaus Operational Area Organization.
2. Authorize the Chairman of the Board to sign the Agreement.

FISCAL IMPACT:

There is no fiscal impact to the County General Fund associated with approval of this agreement.

BOARD ACTION AS FOLLOWS:

No. 2014-345

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

C-1-B-9, C-2-C-9, C-3-A-4, C-4-B-6,
C-5-E-17, C-6-J-15, C-7-B-10, C-8-B-6,
C-9-B-7

DISCUSSION:

Senate Bill (SB) 1871 resulted from the impact of the Oakland/Berkeley Hills Fire and requires each County in California to formally organize as an "Operational Area" for the purpose of enhancing large scale emergency management concepts and plans. This item is being presented for Board of Supervisors approval to renew the agreement between the County and its nine incorporated cities to participate together in the Stanislaus Operational Area Organization.

Government Code Section 8605, establishes the authority of this "Operational Area" and provides the mean for the appropriate parties, the County and all cities within the County, to form an "Operational Area Council." The California Emergency Services Act references the "operational area" and defines it as "an intermediate level of the state of emergency services organization" created to perform extraordinary functions for both county and city governments within a county area such a strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources.

In June 1998 the Board of Supervisors adopted the initial "Agreement for the establishment and participation in the Stanislaus Operational Area Organization" along with all nine cities. The Agreement was renewed in 2004 and again in 2010. The 2010 Agreement was updated to reflect the role of the Disaster Council and the Operational Area Council and is set to expire this October.

The recommended Agreement is based on the 2010 Agreement, which County Council reviewed to ensure it is current and applicable. No changes from the expiring Agreement were recommended for the new Agreement other than the term.

On April 17, 2014, the Operational Area Council reviewed and approved the Agreement and recommended that it be submitted to the Disaster Council for approval. On May 15, 2014, the Stanislaus County Disaster Council reviewed and approved the Agreement and recommended that it be submitted to the Board of Supervisors and each of the nine City Councils for approval.

POLICY ISSUES:

Approval to renew and sign the Stanislaus Operational Area Organization agreement supports the Board's priorities of A Safe Community, Effective Partnerships, and Efficient Delivery of Public Services by enhancing emergency preparedness capabilities between the County and the nine cities.

STAFFING IMPACT:

Existing staff from the Office of Emergency Services will continue to support the functions of this Agreement.

Approval to Renew the Agreement for Participation in the Stanislaus Operational Area
Organization between Stanislaus County and the Nine Incorporated Cities
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CONTACT PERSON:

Dale Skiles, Assistant Director of Emergency Services. Telephone (209) 552-3600.

AGREEMENT FOR THE ESTABLISHMENT AND PARTICIPATION IN THE STANISLAUS OPERATIONAL AREA ORGANIZATION

This Agreement is made this first day of July, 2014, by and between the County of Stanislaus, hereinafter referred to as "COUNTY" and the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, hereinafter referred to as "CITIES."

WHEREAS, the potential for a major catastrophe due to earthquake, flood, or other disaster causes all governmental entities within Stanislaus County to be prepared to share resources and information among themselves, as well as with the State of California, in order to protect public welfare; and

WHEREAS, each party desires increased interagency cooperation and coordination of resources during a disaster; and

WHEREAS, this Operational Area Agreement is being entered into by the undersigned parties pursuant to California Government Code, Article 9, Section 8605; and

WHEREAS, great efficiency, planning, and response can be achieved by joining the efforts of the CITIES, special districts, and the COUNTY together in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act (Government Code Section 8550 et seq.) makes reference to the "operational area" and defines it as an "intermediate level of the state of emergency services organization" created to perform extraordinary functions for both county and city governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources; and

WHEREAS, the Stanislaus County Board of Supervisors and each of the nine cities within the county have adopted the Stanislaus Operation Area Decision Process for Emergency Planning for the purpose of clarifying memberships, purpose, roles and responsibilities of the Operational Area Council; and

WHEREAS, this Operational Area Decision Process Emergency Planning is based upon the FIRESCOPE Decision Process and is in compliance with NIMS, SEMSS and ICS;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE PARTIES TO THE AGREEMENT:

1. INTENT AND PURPOSE

- A. The purpose of this Agreement is to renew the partnership between the parties to this Agreement which will utilize the Decision Process, a systematic approach designed to foster the maximum use of resources in

planning, preparedness, response and recovery to emergencies in the Operational Area.

- B. The existing Stanislaus Operational Area Organization (SOAO) will continue to administer the partnership between the parties to this Agreement and to carry out the purposes of the Agreement. For such purposes, the Stanislaus Operational Area Organization shall have the authority to establish policies and procedures for the governing of the organization, and to establish guidelines for the exchange of information and resources during a disaster.
- C. The Stanislaus Operational Area Organization will provide emergency preparedness on a day-to-day basis through training and exercise activities, and will develop policies and procedures for a centralized emergency response center for the purpose of exchanging disaster information and resource requests during a disaster.
- D. The Stanislaus Operational Area Council will be an integral part of the Stanislaus Operational Area Decision Process for Emergency Management and will 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. The Stanislaus Operational Area Council will 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.
- E. The Stanislaus Operational Area Council may appoint Task Forces and/or Specialist Groups for specific detailed work that requires focus of technical experts to develop plans, policies, and procedures for the Stanislaus Operational Area. Once approved by the Stanislaus Operational Area Council, the information will be forwarded to the Disaster Council with a recommendation for adoption.

2. **RECOGNITION OF AND PARTICIPATION IN AN OPERATIONAL AREA FOR EMERGENCY SERVICES**

The parties to this Agreement recognize an Operational Area, as that term is defined in the California Emergency Services Act (Government Code Section 8550 et seq.) which designates an intermediate level of organization, cooperation, and planning between public entities within Stanislaus County boundary. The parties agree to participate in the organizational structure, which is a planning partnership for a systematic approach for exchanging disaster intelligence and resource requests, in order to foster an effective flow of disaster information and resource requests in emergencies, and also to provide emergency preparedness on a day-to-day basis through training and exercise activities. Each of the parties to

this Agreement will designate individuals to be trained to staff the Operational Area Organization. Parties to this Agreement will be eligible to participate in the consolidated purchases process outlined in the Operational Area Organization procedures. Each party to this Agreement will also designate, in writing, a line of succession of officials who are empowered to speak on behalf of their part in the Operational Area Organization.

In the event of an energy shortage emergency, the parties will act in accordance with the actions determined by the Operational Area Organization to meet such emergencies.

3. **CONSIDERATION**

The consideration and value under this Agreement are the mutual advantage of protection afforded each of the parties under the Agreement. There shall not be any monetary compensation required or exchanged from any party to another party under this Agreement.

4. **AGREEMENT STEERING COMMITTEE**

The Stanislaus Operational Area Council is hereby established, which consists of one representative of each of the parties to this Agreement. It will be the responsibility of the Council to set the policies and procedures for the governing of the Operational Area Council. The chairperson of the Council shall be the Operational Area Coordinator/Assistant Director of Emergencies Services.

5. **MULTI-AGENCY COORDINATION SYSTEM**

The Operational Area Organization and procedures will be based on the Multi-Agency Coordination System (M.A.C.S.) originally developed by the FIRESCOPE Advisory Committee. The Stanislaus County Coordinator of Emergency Services and his/her designated alternates will act as the Operational Area M.A.C.S. Coordinator.

6. **PROVISIONS OF FACILITIES AND SUPPORT**

The COUNTY shall provide the Operational Area, Emergency Operations Center (E.O.C.) at no cost to the Stanislaus Operational Area Organization or its members. The COUNTY will provide E.O.C. support staff and all necessary supplies for the Operational Area Organization during actual operations and drills. All parties to this Agreement shall provide their own staff for the decision-making and operational positions of the Operational Area Organization.

7. **TERM OF THE AGREEMENT**

This Agreement shall be effective from the date executed by all parties until the

anniversary of the Agreement of 2020. This Agreement may be terminated prior to the conclusion of the term by mutual agreement of a majority of the member parties.

8. WITHDRAWAL OF PARTY

Any party to this Agreement may withdraw as a party to this Agreement, prior to the termination of the term of this Agreement, upon giving thirty (30) days prior written notice to the other parties in accordance with paragraph ten (10).

9. NOTICES

Any and all notices permitted or required to be given hereunder shall be in writing and shall be deemed fully given and effective (1) upon actual delivery, if delivery is by hand; or (2) five (5) days after delivery into the United States mail if delivery is by first class mail, postage paid registered, or certified (return receipt requested) mail. Each such notice shall be sent to the individuals at the addresses as the respective parties may designate from time to time.

10. INDEMNIFICATION AND HOLD HARMLESS

Each of the parties agree to indemnify and hold the other parties harmless and waive all claims for compensation for any loss, damage, personal injury, or death incurred in consequences of the act or omissions of the indemnifying party's own employees and agent.

11. NO ASSIGNMENT

No party to this Agreement may assign this Agreement. Any assignment by any party shall be null and void unless such party obtains the prior written consent of all other parties to such assignment.

12. PARTIAL INVALIDITY

If any provision of this Agreement is held by a Court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue to full force without being paired or invalidated in any way.

13. SALARIES, EMPLOYMENT AND WORKERS COMPENSATION BENEFITS AND COMPLIANCE WITH LAWS

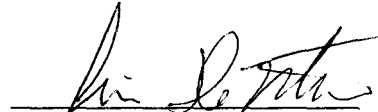
The compensation and terms of employment and Workers' Compensation benefits of each employee participating in the Operational Area Organization shall be the responsibility of the party employing the individual and each party to this Agreement shall insure compliance with all safety and hourly requirements for employees in accordance with federal, state and county safety health


regulations and laws.


14. COUNTER PARTS

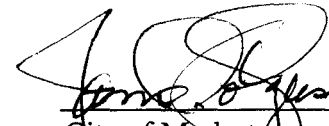
This Agreement may be executed or revoked simultaneously in one (1) or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

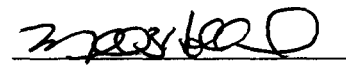
IN WITNESS WHEREOF THE PARTIES HERE HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:

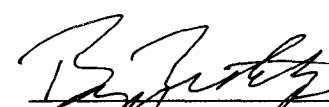
 7/1/2014
County of Stanislaus Date
Print Name: Jim De Martini


 12/16/14
City of Ceres Date
Print Name: Toby Weiss


 9-29-14
City of Hughson Date
Print Name: Raul L. Mendez


 10/20/14
City of Modesto Date
Print Name: James W. Holgerson


 10/28/14
City of Newman Date
Print Name: Michelle E. Hecman

 9-10-14
City of Oakdale Date
Print Name: Bryan Whitemyer


 8/7/2014
City of Patterson Date
Print Name: ROD B. BUTLER

 8/12/14
City of Riverbank Date
Print Name: Jill Anderson

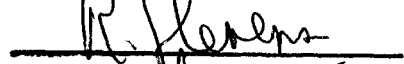
 12/5/14
City of Turlock Date
Print Name: Roy W. Waschen

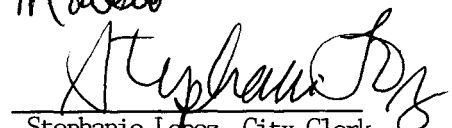
 8/12/14
City of Waterford Date
Print Name: Tim Cozen

APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL
BY


DATE: 6/26/14

APPROVED AS TO FORM


For: Modesto

ATTEST: 
Stephanie Lopez, City Clerk
Reso 2014-308