

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

DEPT: CEO/Office of Emergency Services *G. H. ...* BOARD AGENDA # B-15

Urgent

Routine *Routine*

AGENDA DATE March 25, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading on an Ordinance to Restructure the Existing Disaster Council for the Purpose of Redefining the Role of the Council as well as the Membership and their Responsibilities

STAFF RECOMMENDATIONS:

Introduce and waive the first reading of an ordinance to amend the language of the Stanislaus County Code, Chapter 2.52, Sections 2.52.030, 2.52.040, 2.52.049, and 2.52.050.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended amendment to the Stanislaus County Code.

BOARD ACTION AS FOLLOWS:

No. 2008-219

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION: **Introduced and waived the first reading of Ordinance C.S. 1037**

ATTEST: *Christine Ferraro*
CHRISTINE FERRARO TALLMAN, Clerk

Approval to Introduce and Waive the First Reading on an Ordinance to Restructure the Existing Disaster Council for the Purpose of Redefining the Role of the Council as well as the Membership and their Responsibilities.

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Discussion:

History

Disaster Council

The Stanislaus County Board of Supervisors adopted a resolution in December 1946 to begin the process of developing a County Disaster Council and to seek accreditation by the California State Disaster Council. Accreditation was subsequently granted by the State and the Stanislaus County Disaster Council was formally established by County Ordinance No. 305 in 1950. The purpose of the Disaster Council was to oversee the disaster preparedness activities of the various County departments and other jurisdictions in the County, including the preparation of emergency and disaster plans, policies and procedures.

Since it's inception, membership of the Disaster Council has consisted of the Chairman of the Board of Supervisors, the Director of Emergency Services, such chiefs of emergency services as are provided for in a current emergency plan of this County, and such representatives of civic, business, labor, veterans, professions, or other organizations having an official emergency responsibility, as may be appointed by the Board of Supervisors.

In 1993, Stanislaus County replaced Ordinance Code CS 539 with Chapter 2.52 "Civil Defense and Disaster Council." Since this time, seven cities within the County have adopted ordinances creating Disaster Councils. Pursuant to the State of California Government Code 8610, all Disaster Councils are required to develop plans for meeting any condition constituting a local emergency or state of emergency.

Government Code 8610 also allows for Disaster Councils to be created that can be a combination of Cities and Counties for the entire operational area. Government Code 8559 defines an operational area as an intermediate level of the state emergency services organization, consisting of a County and all political subdivisions within the County area.

Operational Area Council

In June, 1998, the Stanislaus County Board of Supervisors adopted the agreement for the establishment and participation in the Stanislaus Operational Area Agreement as required by SB 1871 for the purposes of enhancing large-scale emergency management concepts and plans. The County and all nine cities adopted the agreement that brings all participants together as an

Approval to Introduce and Waive the First Reading on an Ordinance to Restructure the Existing Disaster Council for the Purpose of Redefining the Role of the Council as well as the Membership and their Responsibilities.

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“Operational Area Council” to more efficiently and effectively plan for future emergencies and/or disasters.

Stanislaus Operational Area Decision Process for Emergency Planning

To clarify membership, purpose, roles, and responsibilities of the Disaster Council and Operational Area Council it is recommended that Chapter 2.52 of the County Code be amended to reflect the Emergency Planning Decision Process. This Process is based upon the FIRESCOPE Decision Process that is the model used by the Federal Government when developing the National Incident Management System (NIMS), adopted by the Stanislaus County Board of Supervisors in September, 2006. It is also based on the Standardized Emergency Management System (SEMS) and the Incident Command System (ICS) adopted by the Board of Supervisors in December 1995.

Benefits of amending the County Code to re-establish and re-define the Disaster Council and adopt the Stanislaus Area Decision Process for Emergency Planning include:

- ◆ Effective use of resources by establishing one Disaster Council instead of 10 or more.
- ◆ Maintain NIMS/SEMS compliance for grant funding and recovery funding after an emergency event/incident.
- ◆ Maintain local control by membership on the single Disaster Council with ultimate approval remaining with City Councils, Boards of Directors and Board of Supervisors.
- ◆ Maximum use of resources in planning, preparedness, response and recovery to emergencies in the Operational Area.
- ◆ Provides access to the public for input, inclusion, collaboration, coordination, and communication.

Policy Issue: The Board of Supervisors may evaluate whether approval of the staff recommendations would support and enhance the Board’s priorities of a safe community and effective partnerships.

Staffing Impact: There is no staffing impact associated with this item.

Chapter 2.52 CIVIL DEFENSE AND DISASTER COUNCIL

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. (Ord. CS 539§1 (part), 1993: prior code §2-140).

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 ~~air pollution~~, 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. (Ord. BS 539 §1(part), 1993: prior code §2-141).

2.52.030 Disaster council—Membership.

The county disaster council is created and shall consist of the following:

A. ~~The chairman~~ 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~~

~~C. Such chiefs of emergency services as are provided for in a current emergency plan of this county, adopted pursuant to this chapter;~~

~~D. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the board of supervisors. (Ord. CS 539 §1 (part), 1993: prior code §2-142).~~

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.

2.42.49 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 Disaster 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.

2.52.07040 Plan and agreement preparation.

It shall be the duty of the county Disaster Council, and it is empowered, to develop, review and recommend for adoption by the board of supervisors, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chair, or in the chair's absence from the county or

| inability to call such meeting, upon call of the vice chair. (Ord. CS 539 §1 (part), 1993: prior code §2-143).

| **2.52.0850 Director—Office created.**

There is created the office of director of emergency services. The chief executive officer shall be the director of emergency services. (Ord. CS 539 §1 (part), 1993: prior code §2-144(a)).

| **2.52.0960 Assistant director.**

There is created the office of assistant director of emergency services, who shall be the county fire warden. (Ord. CS 539 §1 (part), 1993: prior code §2-144(b)).

| **2.52.10070 Deputy director.**

There is created the office of deputy director of emergency services, who shall be appointed by the assistant director (county fire warden). (Ord. CS 539 §1 (part), 1993: prior code §2-144(c)).

| **2.52.110980 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. (Ord. CS 539 §1 (part), 1993: prior code §2-145).

2.52.090-120 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. (Ord. CS 539 §1 (part), 1993: prior code §2-146).

2.52.1300 Emergency plan preparation.

The director of emergency services, in ~~conjunction~~ 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. (Ord. CS 539 §1 (part), 1993: prior code §2-147).

2.52.1410 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. (Ord. CS 539 §1 (part), 1993: prior code §2-148).

2.52.1520 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. (Ord. CS 539 §1 (part), 1993: prior code §2-149).

Stanislaus County Operational Area Decision Process for Emergency Management

The Stanislaus County Operational Area Decision Process has been developed to support the public and private sector in a coordinated and collaborative approach to emergency preparedness, public education, response and recovery plans for large scale emergencies or events in Stanislaus County and its partner jurisdictions. The decision process, modeled after the FIRESCOPE decision process, ensures support and coordination of all of the emergency operations plans, policies and procedures for emergency response, conformity with the State of California Mutual Aid plans, the Standardized Emergency Management System, and the National Incident Management System. This process is designed to reduce communication conflicts and enhance cooperation and collaboration between all parties involved with, or interested in, Emergency Management in Stanislaus County.

The decision process provides a systematic approach to preplanning, public education, response and recovery for natural and man-made disasters. The process accepts input from all levels of the response system as well as the recipients of those services. It provides for an orderly, outlined process, ensuring Incident Command System (ICS), Standardized Emergency Management System (SEMS), and National Incident Management System (NIMS) compliance, with a focus on success in preparing, responding, and recovering from disasters and/or emergencies. This process has the support of the Stanislaus County Chief Executive Officer (CEO)/Director of Emergency Services and the Office of the Fire Warden, who serves as the Operational Area Coordinator.

Issues or projects, depending on the type and kind, may enter the decision process at one of two organizational levels: Disaster Council level, or Operational Area Council level. Decision Process issues are categorized as follows:

1. Developmental – includes the development of new, or modification of, existing Emergency Operations Plan developed products
2. Policy and Procedural – includes issues that affect the management and operations of emergency response in Stanislaus County
3. Informational – includes issues of general interest that do not normally require action by the Disaster Council.

General procedures that govern how these three categories are addressed with the decision process are as follows:

- ◆ Developmental projects may be assigned to either a Task Force (formed for a specific project) or a Specialist Group (standing, program-specific committees). The assigned group will provide the required staff work to validate a project, evaluate a proposed project or develop a project as directed by the Operational Area

Council Coordinator (OACC). As projects are developed or evaluated, they will ultimately be forwarded up to the Operational Area Council (OAC) level for further review and approval. It will then be the responsibility of the OAC to determine the level of involvement of the Disaster Council related to the project.

- ◆ Policy and Procedural items being addressed through the Decision Process require that the issues be identified as countywide related issues either involving: 1) joint operations of multiple agencies or jurisdictions, or, 2) maintenance of the mutual aid systems and programs within Stanislaus County. Issues related to mutual aid will not involve day-to-day activities, but program level procedures within the county. The Disaster Council serves in an advisory capacity only as related to Operational Area Mutual Aid Coordination activities.

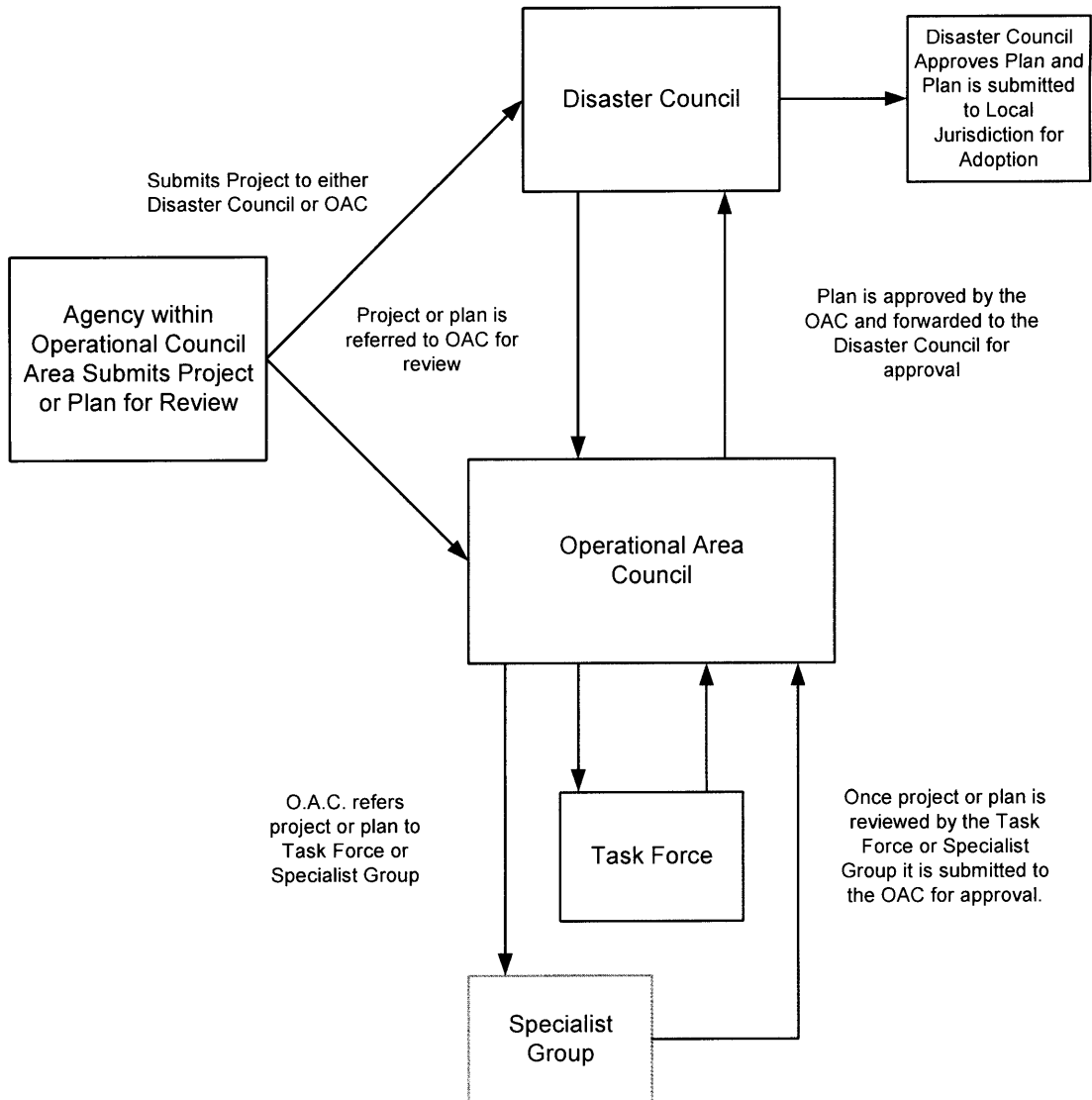
For Policy or Procedural issues involving DISASTER PLANNING, RESPONSE AND MITIGATION, the Disaster Council will submit their recommendations and approval as to form and content to those jurisdictions and agencies affected. Agencies and jurisdictions will be strongly encouraged to adopt the recommended plans and/or proposals.

- ◆ Informational issues can be addressed at any organizational level. The organizational level receiving the informational issue will have the responsibility of determining whether the information should be forwarded to other Decision Process levels. The Stanislaus County Deputy Director of Emergency Services, or his designee, will assist in the exchange of information between appropriate organizational levels.

Within the Decision Process, all decisions will be made by consensus.

At the Disaster Council level, decisions pertaining exclusively to a jurisdiction or agency shall be made by simple majority vote of the Council. Thereafter, the recommended action will be forwarded to the appropriate board, commission, or executive representative.

The Process



The Disaster Council

The Disaster Council is created in the Stanislaus County Ordinance, section 2.52.030. The Disaster Council consists of the following:

1. Chairman of the Stanislaus County Board of Supervisors
2. The Director of Emergency Services, who shall be vice chair
3. The Assistant Director of Emergency Services, who shall be Secretary
4. One elected official from each city in Stanislaus County

It shall be the duty of the Disaster Council to oversee the disaster 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 Disaster Council will be responsible to ensure compliance with the Incident Command System (ICS), the Standardized Emergency Management System (SEMS), and the National Incident Management System (NIMS), with all parties and jurisdictions that have an interest in emergency management within the Stanislaus County Operational Area. The Disaster Council will 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 Disaster Council will approve to form all proposed emergency operations procedures, plans, and other documents related to emergency preparedness and planning. The Disaster Council may 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 emergency operations plans, policies, and procedures.

Operational Area Council

The Stanislaus County Operational Area Council will consist of 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 (OAC) 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 Operational Area Council will be responsible for the technical review for compliance with ICS, SEMS and NIMS, and most importantly, coordination with all agencies in the operational area. The Operational Area Council will also be the lead agency for the Multi-Agency Emergency Operations Center Management Team and the Multi-Agency Incident Management Team(s). The OAC 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. The OAC members will agree to participate in this decision process by creating a planning partnership for a systematic approach for exchanging disaster intelligence as well as resource requests and availability. The OAC will 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. The Disaster Council may sit as the Disaster Council for any jurisdiction that deems it appropriate by resolution and local ordinance.

The Operational Area Council may 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. Once the work has been completed, the information will be presented to the Operational Area Council for approval. Once approved by the OAC, the information will be forwarded to the Disaster Council with a recommendation for adoption.

Operational Area Task Force(s)

Task force members are representatives of any agency, jurisdiction, or organization, private or public, with functional expertise in the areas of interest or concern. The task force will address the specific topic(s) and develop a response to the Operational Area Council that is ICS, SEMS and NIMS compliant. Task forces are temporary and once their assignment has been completed and accepted by the Operational Area Council, they will be disbanded.

Operational Area Specialist Groups

Specialist group members are representatives of any agency, jurisdiction, or organization, public or private, with functional expertise in areas of interest and emergency management. Groups may be long-term or terminate depending upon the projected need in their area of expertise. Group assignments will be approved by the Operational Area Council. Specialist group work products will be presented to the Operational Area Council for approval. Once approved by the OAC, the information will be forwarded to the Disaster Council with a recommendation for adoption.

Staff

The Stanislaus County Office of Emergency Services/Fire Warden will provide staff support for the Stanislaus County Disaster Council, the Stanislaus County Operational Area Council, committees, task forces, and specialist groups as needed.

**Stanislaus
Operational Area
Decision Process
for Emergency
Planning**

Stanislaus County BOS

**CEO
Director of Emergency Services**

Disaster Council

Stanislaus County Board of Supervisors Chairperson	City of Oakdale Elected Official
Stanislaus County CEO	City of Hughson Elected Official
City of Modesto Elected Official	City of Patterson Elected Official
City of Turlock Elected Official	City of Waterford Elected Official
City of Ceres Elected Official	City of Newman Elected Official
City of Riverbank Elected Official	Stanislaus County Assist. Director of Emergency Services

Operational Area Council

Operational Area Council JPA Partner Agencies

Stanislaus County Office of Emergency Services	City of Oakdale Emergency Manager
City of Modesto Emergency Manager	City of Hugson Emergency Manager
City of Turlock Emergency Manager	City of Patterson Emergency Manager
City of Ceres Emergency Manager	City of Waterford Emergency Manager
City of Riverbank Emergency Manager	City of Newman Emergency Manager

Operational Area Participants

O.A. Participants will be comprised of any government, public, or private individual or organization that has an interest in emergency management.

United Way	American Red Cross
Stanislaus County Sheriff	Stanislaus County Ag Commissioner
Mountain Valley EMSA	Stanislaus County Dept. of Environmental Resources
Special Districts - Fire	County/City Schools
Police Representative	State OES
Stanislaus County Departments	Private Industry
Utilities	Faith-based Organizations
NOAA Weather Service	Community-based Organizations
State OES Inland Region	ARES
TID/Utilities	Other Special Districts
Clear Channel	

Technical Review Committee

**Task Force
(Ad-hoc)**

**Specialist Groups
(Standing)**

ORDINANCE C.S. _____

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

Section 1. Section 2.52.020 of the Stanislaus County Code is hereby amended to read as follows:

“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.”

Section 2. Section 2.52.030 of the Stanislaus County Code is hereby amended to read as follows:

“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.”

Section 3. Section 2.52.040 is hereby amended and renumbered Section 2.52.070.

Section 4. Section 2.52.040 is hereby added to the Stanislaus County Code as follows:

“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.”

Section 5. Section 2.52.049 is hereby added to the Stanislaus County Code as follows:

“2.52.49 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.”

Section 6. Section 2.52.050 is hereby renumbered Section 2.52.080 of the Stanislaus County Code.

Section 7. Section 2.52.050 is hereby added to the Stanislaus County Code as follows:

“2.52.050 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.”

Section 8. Section 2.52.060 is hereby renumbered Section 2.52.090 of the Stanislaus County Code.

Section 9. Section 2.52.060 is hereby added to the Stanislaus County Code as follows:

“2.52.060 ‘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 Disaster 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.”

Section 10. Section 2.52.070 is hereby renumbered Section 2.52.100 of the Stanislaus County Code.

Section 11. Section 2.52.070 of the Stanislaus County Code is hereby amended to read as follows:

“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.”

Section 12. Section 2.52.080 is hereby renumbered Section 2.52.110 of the Stanislaus County Code.

Section 13. Section 2.52.090 is hereby renumbered Section 2.52.120 of the Stanislaus County Code.

Section 14. Section 2.52.100 is hereby amended and renumbered Section 2.52.130 of the Stanislaus County Code.

Section 15. Section 2.52.130 of the Stanislaus County Code is hereby amended to read as follows:

“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.”

Section 16. Section 2.52.110 is hereby renumbered Section 2.52.140 of the Stanislaus County Code.

Section 17. Section 2.52.120 is hereby amended and renumbered Section 2.52.150 of the Stanislaus County Code.

Section 18. Section 2.52.150 of the Stanislaus County Code is hereby amended to read as follows:

“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.”

Section 19. This Ordinance shall take effect thirty (30) days 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 of general circulation published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this _____ day of _____, 2008 by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Thomas Mayfield, Chairman 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: _____
Deputy Clerk

APPROVED AS TO FORM:

By: Michael H. Krausnick
Michael H. Krausnick, County Counsel

ORDINANCE C.S. 1037

NOTICE IS HEREBY GIVEN that on April 8, 2008, at 9:00 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the adoption and the waiving of the second reading of Ordinance C.S. 1037. This ordinance 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.

NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, call the Stanislaus County Office of Emergency Services at 525-3600.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 25, 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:

MARCH 30, 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

MARCH 30, 2008


(Signature)

ORDINANCE C.S. 1037
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at 9:00 a.m., or as soon thereafter as the matter
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Stanislaus County Office of Emergency Services at
525-3600.

BY ORDER OF THE BOARD OF SUPERVISORS
DATED: March 25, 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
MARCH 30, 2008

DRB-55-6-10