

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

DEPT: CEO-Office of Emergency Srvcs/Fire Warden

BOARD AGENDA # \*B-6

Urgent

Routine

*Stanislaus*

AGENDA DATE October 5, 2010

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Re-Establish 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:

The Chief Executive Office - Office of Emergency Services' budget for 2010-2011 is \$1.7 million and includes the County's portion of costs associated with the Operational Area. There is no additional fiscal impact to the County General Fund associated with approval of this agreement.

BOARD ACTION AS FOLLOWS:

No. 2010-620

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

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

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:

*Christine Ferraro*

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

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

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**DISCUSSION:**

Senate Bill (SB) 1871 (Petris) 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 purposes of enhancing large scale emergency management concepts and plans. This item is being presented for Board of Supervisors approval to re-establish the agreement between the County and its nine incorporated cities to participate together in the Stanislaus Operational Area Organization.

Government Code Article 9, Section 8605, establishes the authority of this "Operational Area" and provides the means for the appropriate parties, the County and all cities within the County, to form an "Operational Area Council" to coordinate and manage emergency management issues on behalf of public and selected private agencies within our County.

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 expired in December 2008. In April 2008, the Board of Supervisors adopted Ordinance 1037 restructuring the Disaster Council and incorporating it with the Operational Area Council. The restructuring of the Disaster Council and Operational Area Council resulted in changes to the Operational Area Organization Agreement causing the delay in renewal. The Agreement has been reviewed and updated by County Counsel. In order to re-establish the Operational Area Organization Agreement, copies of the agreement were submitted to the emergency managers of the nine cities to be returned with input from their city attorneys by June 4, 2010. None of the cities recommended any changes to the attached Operational Area Organization Agreement.

It is recommended the Board approve the agreement and authorize the Chairman of the Board to sign the agreement.

**POLICY ISSUES:**

Approval to re-establish 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.

**CONTACT PERSON:**

Gary Hinshaw, 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 5<sup>th</sup> day of October 2010, 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 for Emergency Planning is based upon the FIRESCOPE Decision Process and is in compliance with NIMS, SEMS 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 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 County Operational Area Council will be an integral part of the Stanislaus County 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 Operational Area Council will be responsible for the technical review for compliance with ICS, SEMS and NIMS. The 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 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 approved by the OAC, 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 at 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 to each of the parties under the Agreement. There shall not be any monetary compensation required or exchanged from any party to another party.

**4. AGREEMENT STEERING COMMITTEE**

An 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 Emergency 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 AGREEMENT**

This Agreement shall be effective from the date executed by all parties until the anniversary date of the agreement of 2014. 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 30 days prior written notice to the other parties in accordance with paragraph 10.

**9. NOTICES**

Any and all notices permitted or required to be given hereunder shall be in writing and shall be deemed duly 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 address as the respective parties may designate from time to time.

**10. INDEMINIFICATION AND HOLD HARMLESS**

Each of the parties agrees to indemnify and hold the other parties harmless and waives all claims for compensation for any loss, damage, personal injury, or death incurred in consequence of the acts or omissions of the indemnifying party's own employees and agents.

**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 in 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 impaired or invalidated in any way.

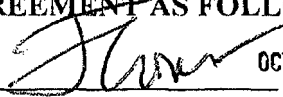
**13. SALARIES, EMPLOYMENT AND WORKERS' COMPENSATION BENEFITS AND COMPLIANCE WITH LAWS**


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 WHERE OF THE PARTIES HERE HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:**

  
\_\_\_\_\_  
County of Stanislaus                      Date  
Jeff Grover, Chairman, Board of  
Supervisors

  
\_\_\_\_\_  
City of Ceres                      Date  
Print Name: ART de Weyer

Stanislaus Operational Area Agreement

APPROVED AS TO FORM  
Richard R. Slavens  
Assistant City Attorney

R. Bawaran 11/22/10  
City of Hughson Date  
Print Name: Ramon Bawaran

Greg Nyhoff 5-8-12  
City of Modesto Date  
Print Name: Greg Nyhoff

MICHAEL 1/5/11  
City of Newman Date  
Print Name: Michael Heenan

Steven Hallam 10-19-10  
City of Oakdale Date  
Print Name: Steven Hallam

Bryan Whitmyer 10/13/10  
City of Patterson Date  
Print Name: Bryan Whitmyer

Richard P. Hobner 10-28-10  
City of Riverbank Date  
Print Name: Richard P. Hobner

Roy W. Wasden 12/7/10  
City of Turlock Date  
Print Name: Roy W. Wasden

Jim Ogden 03/02/12  
City of Waterford Date  
Print Name: Jim Ogden

APPROVED AS TO FORM ONLY

By John Doering  
JOHN DOERING  
County Counsel