

**ORDINANCE NO. C.S. 1156**

**AN ORDINANCE REPEALING EXISTING CHAPTER 2.52 OF THE STANISLAUS COUNTY CODE CONCERNING CIVIL DEFENSE AND DISASTER COUNCIL AND ADDING A NEW CHAPTER 2.52 CONCERNING CIVIL DEFENSE AND DISASTER COUNCIL**

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

**Section 1.** Ordinance CS 1037, § 1, 2008, adding Chapter 2.52 of the Stanislaus County Code, is hereby repealed. Provided, that it is the intent of the Board of Supervisors in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance.

**Section 2.** Chapter 2.52 is hereby added to read as follows:

**Chapter 2.52 CIVIL DEFENSE AND DISASTER COUNCIL**

**2.52.010 Purpose.**

The declared purpose of this chapter is to comply with the California Emergency Services Act (Government Code §§ 8550 et seq.) by providing 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. This ordinance is enacted pursuant to the authority granted by Government Code sections 8610 and 6500.

**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 Stanislaus Disaster Council is created and shall consist of the following members:

- A. The Director of Emergency Services, who shall be chair of the Disaster Council;
- B. A member of the Board of Supervisors, 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. The County and each city may select an alternate to attend meetings and to act on its behalf in the event the elected official is unavailable. Said alternate need not be an elected official, so long as the alternate has been appointed by that entity's governing body.

### **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 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, council commission, or executive representative.
- E. Sit as the Disaster Council for any jurisdiction that deems it appropriate by resolution and local ordinance.
- F. Administer a disaster service worker volunteer program, pursuant to California Code of Regulations, Title 19, sections 2570 et seq.

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

### **2.52.049 Operational Area Council.**

The Stanislaus 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.

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

### **2.52.050 Meetings.**

A. The Disaster Council shall meet at least annually and as often as may be deemed necessary. The Disaster Council will operate under the Brown Act for open meetings of local legislative bodies.

B. The Operational Area Council shall meet quarterly or upon call of the assistant director of emergency services.

### **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.

### **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 of Emergency Services (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 (7) 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;

d. To require emergency services of any officer or employee and, in the event of the proclamation of a "state of emergency" in Stanislaus County or the existence of a "state of war emergency," to command the aid of as many citizens of this community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers; and

e. To requisition necessary personnel or material of the departments or agencies.

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 2.52.110, 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 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 expenditure 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.**

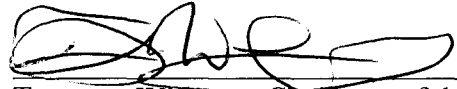
It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment for not to exceed six (6) months, or both, for any person, during a state of war emergency, state of emergency, or local emergency, to:

- 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 3.** This ordinance shall take effect thirty (30) days from and after the date of its passage and before this 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 Chiesa, seconded by Supervisor Monteith, 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 27th day of January, 2015, by the following called vote:

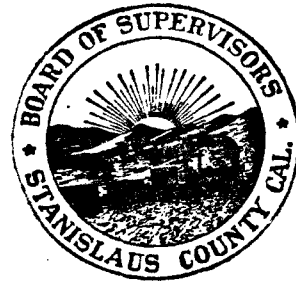
AYES: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow  
NOES: Supervisors: None  
ABSENT: Supervisor: None



Terrance Withrow, 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 Patricia Gonzales  
Deputy

APPROVED AS TO FORM:

John P. Doering  
County Counsel

By Edward R. Burroughs  
Assistant County Counsel

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

STANISLAUS COUNTY  
ORDINANCE C.S. 1156

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

Upon motion of Supervisor Chiesa, seconded by Supervisor Monteith, Stanislaus County Ordinance C.S. 1156 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 27th day of January 2015, by the following called vote: AYES: SUPERVISORS: O'Brien, Chiesa, Monteith, De Marini and Chairman Withrow; NOES: None; ABSENT: None; ABSTAINING: None.

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:

- 1. Section 2.52.010 Purpose states that the declared purpose of this chapter is to comply with the California Emergency Services Act;
- 2. Section 2.52.030 Disaster Council - Membership (D) is amended to add that the County and each city may select an alternate to attend meetings and to act on its behalf in the event that the elected official is unavailable. Said alternate need not be an elected official, as long as the alternate has been appointed by that entity's governing body;
- 3. Section 2.52.040 (F) states that the Disaster Council shall have the power to administer a disaster service worker volunteer program, pursuant to California Code of Regulations;
- 4. Section 2.52.110, Section A, subsections (6)(d) and (6)(e) outline the Power and Duties of the Director in the event of a proclamation of a "state of emergency" in Stanislaus County.

ADDITIONAL NOTICE IS GIVEN that this Ordinance will take effect thirty (30) days from and after the date of its passage.

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, contact Dale Skiles, County Fire Warden at (209) 552-3600, or at 3705 Oakdale Road, Modesto, CA 95357. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: January 27, 2015. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Deputy Clerk. Pub Dates Jan 31, 2015

Jan 31, 2015

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

January 31st, 2015

(By Electronic Facsimile Signature)

Cynthia A. Villarreal