MARIPOSA COUNTY ORDINANCE NO. 526

AN ORDINANCE AMENDING THE MARIPOSA COUNTY CODE BY DELETING
CHAPTER 2.80 RELATING TO DISASTER COUNCIL AND CORPS
AND BY ADDING A NEW CHAPTER 2.80 RELATING TO
DISASTER COUNCIL AND CORPS

The Board of Supervisors of the County of Mariposa,
State of California, does hereby ordain as follows:

SECTION I: Chapter 2.80, Disaster Council and Corps,
of the Mariposa County Code is deleted in its entirety.

SECTION II: A new Chapter 2.80 entitled "Disaster
Council and Corps" is added to the Mariposa County Code to read
in its entirety as follows:

Chapter 2.80

DISASTER COUNCIL AND CORPS

Sections:

2.80.010 Definitions.
2.80.020 Membership of disaster council.
2.80.030 Ex officio chairperson of disaster council.
2.80.040 Powers and duties of disaster council.
2.80.050 Director and assistant director of emergency
    services.
2.80.060 Powers and duties of the director and assistant
    director of emergency services.
2.80.070 Emergency organization--Generally.
2.80.080 Emergency organization--Divisions.
2.80.090 Emergency organization--Law and order division.
2.80.100 Emergency organization--Fire division.
2.80.110 Emergency organization--Medical division.
2.80.120 Emergency organization--Public works.
2.80.130 Emergency organization--Utilities.
2.80.140 Emergency organization--Communications.
2.80.150 Emergency organization--American Red Cross.
2.80.160 Volunteers.
2.80.170 Authority of public officers, employees, and
    volunteers to command aid of citizens.
2.80.180 Test exercises.
2.80.190 Violation--Penalty.

2.80.010 Definitions.

A. "Local emergency" means the duly proclaimed existence
of conditions of disaster or of extreme peril to the safety of
persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat. A state of local emergency shall not remain in effect for more than seven days unless the proclamation by the director of emergency services is ratified by the board. Following such ratification, the board shall review, at least every fourteen days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.

B. "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake or other conditions, other than conditions resulting from a labor controversy or conditions causing a "state of war emergency", which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel equipment, and facilities of any single county, city and county, or city and require the combined forces of mutual aid region or regions to combat. The chairman of the board may request the governor to declare the existence of a state of emergency when he/she finds that local resources are inadequate to cope with the emergency.

C. "State of war emergency" means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probably or imminent.

2.80.020 Membership of disaster council. The Mariposa County disaster council is created and shall consist of the following:

A. The director of emergency services.
B. The assistant director of emergency services.
C. The sheriff of the county.
D. The district attorney of the county.
E. The health officer of the county.
F. The commander of the Mariposa County unit of the California Highway Patrol.
G. The ranger in charge of the California Division of Forestry.
H. The chief of each division of emergency organization as established in §§2.80.080-2.80.150.
I. One representative chosen from the combined service organizations.
2.80.030 Ex officio chairperson of disaster council. The director of emergency services shall be the ex officio chairperson of the disaster council, and the assistant director of emergency services shall be vice chairperson.

2.80.040 Powers and duties of disaster council.

A. It shall be the duty of the county disaster council, and it is empowered to:

1. Develop a plan for meeting any condition constituting a local emergency, state of emergency, or state of war emergency; such plan shall provide for the effective mobilization of all of the resources within the county, both public and private.

2. Prepare and recommend for consideration by the board of supervisors ordinances necessary to implement the disaster plan.

3. Consider and recommend to the board of supervisors for approval mutual aid plans and agreements.

B. The disaster council shall meet upon call of the chairperson or, in his/her absence from the county or inability to call such meeting, upon call of the vice chairperson.

2.80.050 Director and assistant director of emergency services.

A. There is hereby created the office of director of emergency services. The chairperson of the board of supervisors shall serve as the director of emergency services.

B. There is hereby created the office of assistant director of emergency services, who shall be appointed by the director.

2.80.060 Powers and duties of the director and assistant director of emergency services.

A. The director is hereby empowered to:

1. Request the board of supervisors to proclaim the existence of a local emergency if the board is in session, or to issue such proclamation if the board is not in session; whenever a local emergency is proclaimed by the director, the board shall take action to ratify the proclamation within seven days 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 Mariposa County for the accomplishment of the purposes of this chapter.

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

5. Represent the county in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

6. In the event of a proclamation of local emergency as herein provided, 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 hereby empowered to:

   a. Make and amend rules and regulations 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 practical time by the board of supervisors.

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

   c. Require emergency services of any county officer or employee, and in the event of the proclamation of a state of emergency in the county or the existence of a state of war emergency, command the aid of as many citizens of the county as he/she deems necessary in the execution of his/her duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers.

   d. Requisition necessary personnel or material of any county department or agency.

   e. Execute all of his/her ordinary power as chairperson of the board of supervisors, all special powers conferred upon him/her by this
ordinance or by resolution or emergency plan pursuant hereto adopted by the board of supervisors, and all powers conferred upon him/her by any statute, by any agreement approved by the board of supervisors or by any other lawful authority.

B. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his/her duties during an emergency. Such order of succession shall be approved by the board of supervisors.

C. The assistant director shall, under the supervision of the director and with the assistance of the emergency organization chiefs, develop emergency plans and manage the emergency programs of the county and shall have other powers and duties as may be assigned by the director.

2.80.070 Emergency organization—Generally. All officers and employees of the 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 §2.80.060-A-6-c of this chapter, be charged with duties incident to the protection of life and property in the county during such emergency, shall constitute the emergency organization of the county.

2.80.080 Emergency organization—Divisions. The functions and duties of the county emergency organization shall be distributed among the following divisions of such organization, each division to be under the direction of a chief, and in his/her absence, the first deputy and second deputy chief, respectively, appointed by the chief, and the division is to consist of the following forces, organizations, and services and such other forces, organizations, or services as may be included pursuant to the provisions of this chapter. The chiefs of divisions shall include in the division plans recommended mutual aid agreements. The chiefs of divisions shall be custodians of special equipment and other property which may be obtained from any source and assigned to such division by the director of emergency services. Each division shall be responsible for the registration of volunteers, and shall transmit the names of such volunteers to the executive secretary.

2.80.090 Emergency organization—Law and order division. The law and order division shall be under and subject to the control of the sheriff, who shall be chief of the law and order division. The division shall consist of sheriff's personnel and auxiliary deputy sheriffs, constables, and deputy constables of the county and volunteers who may be registered by the division.

2.80.100 Emergency organization—Fire division. The fire division shall be under and subject to the control of the chief
of the State Division of Forestry. The division shall consist of all personnel assigned by the chief and all auxiliary volunteer fire fighters who may be registered by the division.

2.80.110 Emergency organization--Medical division. The medical division shall be under and subject to the control of the health officer of the county, who shall be the chief of the medical division. The division shall consist of health department personnel and medical service volunteers who may be registered by the division.

2.80.120 Emergency organization--Public works. The public works division shall be under and subject to the control of the county surveyor, who shall be the chief thereof, and shall consist of all county employees who may be so designated by the chief of the division and volunteers who may be registered by the division.

2.80.130 Emergency organization--Utilities. The utilities division shall be under and subject to the control of the local Pacific Gas and Electric Company manager, who shall be the chief thereof, and shall consist of all PG&E personnel assigned by the chief.

2.80.140 Emergency organization--Communications. The communications division shall be under and subject to the control of the sheriff of Mariposa County, who shall be the chief thereof.

2.80.150 Emergency organization--American Red Cross. The chief of the American Red Cross division shall be the chairperson of the Mariposa County Chapter of the American Red Cross, or such other official of the Red Cross as he/she may designate. The division shall consist of all the personnel of the American Red Cross within the county together with such volunteers who may be registered by the division.

2.80.160 Volunteers. All persons, other than officers and employees of the county, volunteering services pursuant to the provisions of this chapter and being registered with one of the divisions of the emergency organization shall serve without compensation from the county.

2.80.170 Authority of public officers, employees, and volunteers to command aid of citizens. Public officers, employees, and registered volunteers are authorized to command the aid of citizens when necessary in the execution of their duties during a state of war emergency, a state of emergency, or a local emergency.

2.80.180 Test exercises. The board may call test exercises whenever, in its opinion, such test exercises are needed; provided, however, that with respect to any such test exercise, no one shall have the power to command the assistance of any private citizen, and the failure of a citizen to obey any order or regulation pertaining to a test exercise shall not constitute a violation of any law.
2.80.190 Violation--Penalty. It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person during a disaster:

A. Willfully to 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. To 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 and property of other inhabitants of this county, or to prevent, hinder, or delay the defense or protection thereof.

C. To wear, carry, or display, without authority, any means of identification specified by the disaster council.

SECTION III: This ordinance shall take effect and be operative thirty days from the date of final passage in accordance with Government Code §25123.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 16th day of October, 1979, by the following vote:

AYES:   Dalton, Owings, Weber
NOES:   Clark, Erickson
ABSTAINED:  None
ABSENT:  None

EUGENE P. DALTON, JR., Chairman
Board of Supervisors

APPROVED AS TO FORM:

NEIL B. VAN WINKLE
County Counsel/Administrative Assistant to the Board
DATED:  10/26/79

ATTEST:

JOAN J. LYNK, Clerk of the Board
LEGAL NOTICE

The Board of Supervisors of the County of Mariposa, State of California, hereby gives notice that on or about October 9, 1979, the Board will adopt a new Mariposa County ordinance amending the Mariposa County Code by deleting Chapter 2.80 thereof relating to disaster council and corps and by adding a new Chapter 2.80 thereto relating to disaster council and corps.

A certified copy of the full text of the proposed ordinance is available for public review in the Clerk of the Board's office, Courthouse, Mariposa, California.

JOAN J. LYNK, Clerk of the Board

Gazette to publish 10/11/79
LEGAL NOTICE

The Board of Supervisors of the County of Mariposa, State of California, hereby gives notice that on October 16, 1979, the Board adopted Mariposa County Ordinance No. 526 which amends the Mariposa County Code by deleting Chapter 2.80 thereof relating to disaster council and corps and by adding a new Chapter 2.80 thereto relating to disaster council and corps.

A certified copy of the full text of Ordinance No. 526 is available for public review in the Clerk of the Board's office, Courthouse, Mariposa, California.

JOAN J. LYNK, Clerk of the Board

Gazette: please publish 10/18/79
Paid Dec 10/18