

MARIPOSA COUNTY ORDINANCE NO. 709

AN ORDINANCE RESTRUCTURING THE
DUTIES OF THE OFFICE OF EMERGENCY SERVICES
AND MAKING OTHER REVISIONS BY RESCINDING AND
REPLACING CHAPTER 2.80 IN ITS ENTIRETY

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY DOES ORDAIN
AS FOLLOWS:

Section I: The Board of Supervisors of Mariposa County directed the Administrative Officer to restructure the duties of the Emergency Services Officer and make other revisions following the recent fire emergency of 9/2/87 to 9/8/87. The following revisions are the result of that action. Therefore, Chapter 2.80 is hereby rescinded and replaced to read in its entirety as follows:

"CHAPTER 2.80"

EMERGENCY SERVICES,
EMERGENCY ADVISORY COUNCIL AND EMERGENCY SERVICES COUNCIL

Sections:

- 2.80.010 Purposes.
- 2.80.020 Definitions.
- 2.80.030 Creation of the Mariposa Office of Emergency Services.
- 2.80.035 Authority to Act
- 2.80.040 Powers and duties of the Director of Emergency Services.
- 2.80.050 Duties of the Emergency Services Officer.
- 2.80.060 Duties of the Emergency Planning Coordinator.
- 2.80.070 Line of succession, Director Emergency Services.
- 2.80.080 Line of succession, Emergency Services Officer.
- 2.80.090 Membership of the Emergency Advisory Council.
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- 2.80.200 Emergency Services Council: American Red Cross.
- 2.80.210 Emergency Services Council: Public Information Division.
- 2.80.220 Emergency Services Council: Volunteer and Rumor Control Division.
- 2.80.230 Emergency Services Council: Damage Assessment Division.
- 2.80.240 Emergency Services Council: Building Inspection Division.
- 2.80.250 Emergency Services Council: Support Services Division.
- 2.80.260 Reconstruction Permits.
- 2.80.270 Status of Registered Volunteers.
- 2.80.280 Status of Unregistered Volunteers.
- 2.80.290 Authority to Command Aid of Citizens.
- 2.80.300 Test Exercises.
- 2.80.310 Punishment of Violation.

2.80.010 Purposes.

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 Mariposa County in the event of an emergency; the structure and directions of the emergency organization, defining those officially empowered positions and excluding both public and private individuals having no official capacity during an emergency; and the coordination of the emergency functions of this County with all other public agencies, corporations, organizations and affected private persons.

2.80.020 Definitions.

A. This chapter makes reference to three distinct emergency planning and response agencies within Mariposa County i.e., Office of Emergency Services, Emergency Advisory Council, and Emergency Services Council; more specifically defined as follows:

1. "Office of Emergency Services (OES)": The agency primarily charged with planning and preparing for emergencies, generally staffed by one part-time or full-time specialist in emergency services. Serves as liaison to State and Federal Emergency Agencies for routine matters. Not normally considered a response agency, although may be called upon when special expertise is required.

2. "Emergency Advisory Council": An advisory body composed of the heads of the various emergency response agencies within Mariposa County. The Emergency Advisory Council advises the Board of Supervisors about proposed emergency plans, mutual aid agreements, and similar matters which may come before the Board. The Council is a planning and advisory body, not a response agency.

3. "Emergency Services Council": The Emergency Services Council is the title applied to those parts of the County Government and segments of the private sector involved in response to an emergency. The Council includes County Officers and employees, registered volunteers, members of private utility and emergency services, and any others so designated by the Director of Emergency Services or Emergency Services Officer. The Council is the Emergency Response Agency for the County.

B. This Chapter makes reference to three distinct emergency designations, i.e., Local Emergency, State of Emergency, and State of War Emergency more specifically defined as follows:

1. "Local Emergency": A local emergency means the duly proclaimed existence of conditions of emergency or of extreme peril to the safety of persons and property within the territorial limits of Mariposa County, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, earthquake, volcanic eruption, or other conditions, other than conditions resulting from a labor controversy or conditions causing a "State of War Emergency," which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County's emergency response agencies, and will require extraordinary efforts on the part of County Government to combat.

A local emergency may be proclaimed by the Director of the Mariposa Office of Emergency Services, by his successor if he is absent or unable to serve, or by the Board of Supervisors. This chapter makes provision for a line of succession to the position of Director to insure that there will always be someone present in the County with authority to proclaim a local emergency.

A local emergency shall not remain in effect for more than seven (7) days unless the proclamation is ratified by the Board of Supervisors. Following each ratification, the Board shall review, at least every fourteen (14) 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.

2. "State of Emergency": A State of Emergency means the duly proclaimed existence of conditions of emergency or of extreme peril to the safety of persons and property within the State of California, caused by such conditions as air pollution, fire, flood, storm, epidemics, riot, drought, earthquake, volcanic eruption, 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, and require the combined forces of mutual aid region or regions to combat.

A State of Emergency is declared by the Governor of California. The Chairman of the Board of Supervisors may request the Governor to declare a State of Emergency when he finds that local resources are inadequate to cope with the emergency.

3. "State of War Emergency": A State of War Emergency means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever the State of California or any part of the United States of America 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 probable or imminent.

2.80.030 Creation of the Mariposa Office of Emergency Services.

The Mariposa Office of Emergency Services is created, and shall consist of:

A. The Director of Emergency Services. The Chairman of the Mariposa County Board of Supervisors shall be the ex-officio Director of Emergency Services.

B. The Emergency Services Officer. The Administrative Officer of the County shall be the Emergency Services Officer.

C. The Emergency Planning Coordinator. This position will be filled on a full-time or part-time basis by an applicant appointed by the Board of Supervisors.

2.80.035 Authority to Act

Only those persons; whether elected officials, appointed or private individuals, who fill those positions established and defined by this ordinance shall be empowered to proclaim an emergency, direct the Emergency Services Council, direct official or volunteer workers, requisition material, obligate the County for expenditure of any funds, issue rules or act in any capacity on the behalf of Mariposa County during an emergency.

2.80.040 Powers and Duties of the Director of Emergency Services.

The Director of Emergency Services is generally responsible for overseeing of the Mariposa Office of Emergency Services, but has no specific day-to-day duties. In this role, the Director is empowered to:

A. 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 on his own authority if the Board of Supervisors is not in session.

2.80.050 Powers and Duties of the Emergency Services Officer.

A. Govern and direct the effort of the Emergency Services Council in the accomplishment of the purposes of this chapter;

B. Direct coordination and cooperation between the Chiefs of Divisions of the Emergency Services Council, and resolve questions of authority and responsibility that may arise between them;

C. Represent the Emergency Services Council in all dealings with public or private agencies pertaining to emergency preparedness; it shall also be the duty of the Emergency Services Officer, and he is empowered, during an emergency or when emergency is imminent to :

1. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

2. Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, other than supplies or equipment from private homes, and bind the County for the fair value hereof and, if required immediately, to commandeer the same for public use;

3. Require emergency services of any County Officer or employee;

4. Requisition necessary personnel or material of any County Department or Agency;

5. Execute all of his ordinary powers as a County Officer, all of the special powers conferred upon him by this chapter, and all powers conferred upon him by any other lawful authority.

2.80.060 Duties of the Emergency Planning Coordinator.

A. The Coordinator shall bear the primary responsibility for preparing the County to meet emergencies. This is a combined planning, training and public education mission. The Coordinator shall perform the daily duties necessary to keep the Mariposa Office of Emergency Services in compliance with State and Federal programs and regulations. The Coordinator shall be the custodian of the Mariposa County Emergency Plan, and shall keep the plan up to date by testing it with periodic exercises. In time of emergency, the Coordinator will serve as the coordinator of the Emergency Services Council, which makes him Chief of Staff to the Emergency Services Officer for all emergency-related activities. One of the primary responsibilities of the Coordinator is to prepare himself for these roles by pursuing State and Federal training programs in emergency management. He shall also perform such other duties as are assigned by the Emergency Services Officer and the Board of Supervisors.

2.80.070 Line of succession, Director of Emergency Services

A. The Chairman of the Board of Supervisors shall be the ex-officio Director of Emergency Services.

B. If for any reason the Chairman of the Board of Supervisors is absent or is unable to execute the duties and powers of Director of Emergency Services, the Vice Chairman of the Board of Supervisors shall exercise all the powers of the Director of Emergency Services.

C. If the Chairman and the Vice Chairman of the Board of Supervisors are both absent or unable to execute their duties, the Sheriff/Coroner of Mariposa County shall exercise all the powers of the Director of Emergency Services.

D. In the unlikely event that all three (3) of these County Officers are absent or unable to execute their duties, the ranking officer in the Department of the Sheriff/Coroner shall exercise all the powers of the Director of Emergency Services.

2.80.080 Line of succession, Emergency Services Officer.

A. The Administrative Officer of the County shall be the Emergency Services Officer.

B. If for any reason the Administrative Officer is absent or is unable to execute the duties and powers of the Emergency Services Officer, the Sheriff/Coroner shall exercise all the powers of the Emergency Services Officer.

C. If the Administrative Officer and Sheriff/Coroner are both absent or unable to execute their duties, the Public Works Director shall exercise all the powers of the Emergency Services Officer.

D. In the unlikely event that all three (3) of these County Officers are absent or unable to execute their duties, the Emergency Planning Coordinator shall exercise all the powers of the Emergency Services Officer.

2.80.090 Membership of the Emergency Advisory Council.

The Mariposa County Emergency Advisory Council is created and shall consist of the following:

A. The Chairman of the Board of Supervisors, who shall be the Chairman of the Emergency Advisory Council.

B. The Administrative Officer, who shall be Vice Chairman.

C. The Emergency Planning Coordinator.

D. The Sheriff/Coroner of Mariposa County.

E. The County Health Officer.

F. The Commander of the Mariposa County Unit of the California Highway Patrol.

G. The County Fire Chief.

H. The District Attorney.

I. The County Counsel.

J. The Chief Administrator of the John C. Fremont Hospital.

K. The Director of the Mariposa Chapter of the Red Cross.

L. 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.

2.80.100 Powers and Duties of the Emergency Advisory Council

A. It shall be the duty of the Mariposa County Emergency Advisory Council, and it is empowered to:

1. Assist the Mariposa Office of Emergency Services in developing 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 Emergency Plan;;

3. Consider and recommend to the Board of Supervisors for approval, mutual aid plans and agreements.

B. The Emergency Advisory Council shall meet upon call of the Chairman or upon call of the Vice Chairman.

2.80.110 Membership of the Emergency Services Council

The Mariposa County Emergency Services Council is created, and shall consist of the 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 be charged with duties incident to the protection of life and property in the county during such disaster.

2.80.120 Emergency Services Council: Divisions

The functions and duties of the County Emergency Services Council shall be distributed among the following Divisions of such Council, each Division to be under the direction of a Chief, and in his absence, the First Deputy and Second Deputy Chief, respectively appointed by the Chief. 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 be custodians of special equipment and other property which may be obtained from any source and assigned to such Division by the Emergency Services Officer. Each Division shall be responsible for the registration of volunteers, and shall transmit the names of such volunteers to the Emergency Services Officer.

2.80.130 Emergency Services Council: Law and Coroner Division.

The Law and Coroner Division shall be under and subject to the control of the Sheriff/Coroner, who shall be Chief of the Division. The Division shall consist of the Sheriff, Under-Sheriff, Deputy Sheriffs, Jail Officers, Reserve Officers, search and rescue personnel, the Constable, mortuary personnel, and volunteers who may be registered by the Division. The function of this Division is to maintain law and order, to provide for the identification and sanitary storage or disposal of corpses, and to perform rescue and other duties as appropriate.

2.80.140 Emergency Services Council: Fire Division

The Fire Division shall be under and subject to the control of the County Fire Chief. The Division shall consist of all personnel assigned to the Fire Chief, including volunteer fire fighters registered by the County. The function of this Division is to prevent, suppress and control fires, and to perform rescue, mass feeding, and hazardous materials control duties as appropriate.

2.80.150 Emergency Services Council: Health Division

The Health Division shall be under and subject to the control of the County Health Officer or his designated Officer, one of who shall be the County Sanitarian. The Health Division has various legal responsibilities relating to hazardous materials emergencies, epidemics, sanitation, and miscellaneous other health subjects.

2.80.155 Emergency Services Council: Emergency Medical Services Division

The Emergency Medical Services Division shall be under and subject to the control of the Emergency Medical Services Director or his designated Medical Officer, one of whom shall be the Chief of the Medical Division. The Division shall consist emergency medical services personnel and medical service volunteers who may be registered by the Division. The Emergency Medical Services Division has the primary responsibility for providing emergency medical care to victims outside of hospitals.

2.80.160 Emergency Services Council: Hospital Division

The Hospital Division shall be under and subject to the control of the Administrator of the John C. Fremont Hospital, who shall be the Chief of the Hospital Division. The Division shall consist of John C. Fremont Hospital personnel and medical service volunteers who may be registered by the Division. This Division has the primary responsibility for providing emergency medical in-patient care to victims.

2.80.170 Emergency Services Council: Public Works Division

The Public Works Division shall be under and subject to the control of the County Public Works Director, who shall be the Chief thereof, and consists of all county employees who may be so designated by the Chief of the Division, and volunteers who may be registered by the Division.

2.80.180 Emergency Services Council: Utilities Division

The Utilities Division shall be under and subject to the control of the local Pacific Gas and Electric Manager who shall be the Chief thereof, and shall consist of all PG&E personnel assigned by the Chief.

2.80.190 Emergency Services Council: Communications
Division

The Communications Division shall be under and subject to the control of the Emergency Services Officer, who shall be the Chief of the Division. The Communications Division shall consist of all telephone company personnel, amateur radio operators, citizen's band radio operators, and volunteers who may be registered by the Division. The function of this Division is to multiply the channels of communication available to the Emergency Services Council to guard against system failures and to provide for the increase in emergency traffic which accompanies emergency operations.

2.80.200 Emergency Services Council: American Red Cross

The Chief of the American Red Cross Division shall be the Chairman of the Mariposa County Chapter of the American Red Cross, or such other official as the American Red Cross may designate. The Division shall consist of all the personnel of the American Red Cross within the County, together with such volunteers as may be registered by the Division. The primary responsibility of the Red Cross will be the care of emergency victims in congregate care facilities.

2.80.210 Emergency Services Council: Public Information
Division.

The Public Information Division shall be under and subject to the control of a Chief designated by the Emergency Services Officer, said Chief to act as the Public Information Officer (PIO) for the County during the crisis. All communications with members of the press will be channeled through this Division.

2.80.220 Emergency Services Council: Volunteer and Rumor
Control Division.

The Volunteer and Rumor Control Division shall be under and subject to the control of the County Mental Health Director, who shall be the Chief of the Division. The Division shall consist of mental health department personnel and such volunteers as may be registered by the Division. The function of this Division will be to coordinate volunteer assistance between private parties, and to serve as a general information interface between Mariposa County residents and Emergency Services Council.

2.80.230 Emergency Services Council: Damage Assessment Division.

The Damage Assessment Division shall be under and subject to the control of the County Assessor, who shall be the Chief of this Division. The Division shall consist of personnel with professional experience in estimating the value of buildings and real estate, together with such volunteers as may be registered with the Division. The function of this Division is to provide the Director of the Emergency Services Council with a monetary figure representing the amount of damage which has been suffered by the County. This figure is essential for obtaining State or Federal Emergency assistance for the County.

2.80.240 Emergency Services Council: Building Inspection Division.

The Building Inspection Division is under and subject to the control of the County Chief Building Inspector, who shall be the Chief thereof. The Division consists of Building Department personnel together with qualified volunteers registered by the Division. The function of this Division is to examine damaged and potentially damaged buildings within the County to determine their suitability for reoccupation following an emergency.

2.80.250 Emergency Services Council: Support Services Division.

The Support Services Division is under and subject to the control of the Emergency Planning Coordinator, who shall be the Chief thereof. The Division consists of personnel with miscellaneous capabilities relating to emergency response, such as radiological defense monitors, fallout shelter managers, cooks, snowmobile operators, cross-country skiers, private pilots, truckers, contractors, or other citizens of the county whose expertise and abilities might be needed in time of emergency, but who are not otherwise provided for in this chapter. The function of this Division shall be determined by the nature of the emergency.

2.80.260 Reconstruction Permits.

All contractors wishing to engage in repairs or reconstruction work necessitated by conditions of an emergency must obtain permits and copies of emergency damage inspection forms from the County Building Department before proceeding with any work. In addition, the contractor must be registered with the Building Department before a permit may be issued.

2.80.270 Status of Registered 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 Services Council, shall serve without compensation from the County. While engaged in such services, they shall have the same privileges and immunities as officers and employees of the County performing similar duties.

2.80.280 Status of Unregistered Volunteers.

Persons who participate in emergency operations without being officially registered with any Division of the Emergency Services Council do so as private citizens. Such persons will not be compensated or insured by the County, and will be personally liable for their actions.

2.80.290 Authority 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. Such citizens shall be registered at that time by the officers, employees or registered volunteers.

2.80.300 Test Exercises.

It will be one of the duties of the Coordinator to conduct periodic test exercises for the purpose of training personnel and testing the provisions of the Mariposa County Emergency Plan. With respect to any such test exercise, however, 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.

2.80.310 Punishment of Violation.

It shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment not to exceed six (6) months, or both, for any person during an officially proclaimed State of War Emergency, State of Emergency, or Local Emergency, to:

A. Wilfully obstruct, hinder or delay any member of the Emergency Services in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him 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 and property of other inhabitants of this County, or to prevent, hinder or delay the defense or protection thereof;

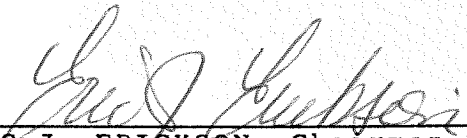
C. Wear, carry or display, without authority, any means of Emergency Service identification.

D. Act on behalf of Mariposa County or the Emergency Services Council unless given specific authority by this ordinance, the Director of Emergency Services or the Emergency Services Officer whether elected, appointed or private individual.

Section II: This ordinance shall become effective thirty (30) days from the date of final passage pursuant to Government Code Section 25123.


Section III: PASSED AND ADOPTED by the Board of Supervisors of Mariposa County by the following vote, on June 21, 1988.

AYES: BAGGETT, DALTON, ERICKSON, RADANOVICH, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



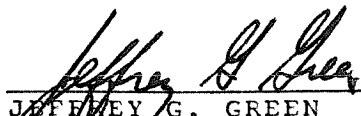
ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JEFFREY G. GREEN
County Counsel