

ORDINANCE NO. _____

**ORDINANCE AMENDING TITLE 7 OF THE MENDOCINO COUNTY CODE CHAPTER 7.04 –
EMERGENCY ORGANIZATION AND FUNCTIONS**

The Board of Supervisors of the County of Mendocino ordains as follows:

Chapter 7.04 of the Mendocino County Code is amended as follows:

Section 7.04.010 - 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; establish the Mendocino County Operational Area; define the emergency organization; and coordinate the emergency functions of this County with all other public agencies, corporations, organizations, and affected private persons. Furthermore, this Chapter establishes the State's Standardized Emergency Management System (SEMS) and the Federal Government's National Incident Management System (NIMS) as the means of effectively preparing for and responding to emergencies in Mendocino County.

Section 7.04.020 - Definitions.

(A) "Emergency" includes a "state of war emergency," "state of emergency" and "local emergency."

(1) "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 probable or imminent;

(2) "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 territorial limits of a County, city and County, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which 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, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission;

(3) "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, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which 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, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

(B) "Operational area" means an intermediate level of the State Emergency Services Organization, consisting of a County and all political subdivisions within the County area.

(C) "Director" means the Director of Emergency Services for the County of Mendocino.

(D) "Emergency organization" means all officers and employees of the County, together with those disaster service volunteers registered and enrolled to aid them during an emergency, and all groups, organizations, and persons who, by agreement or operational support by law, may be impressed into service under provisions of California law.

Section 7.04.030 - Operational Area Created.

The Mendocino County Operational Area is hereby created and shall consist of the County and all political subdivisions within the County area, to include cities, special districts and school districts. All jurisdictions within the operational area shall provide the Director or designee with current emergency contact information at least annually, or when there are changes, whichever is more frequent.

Sec. 7.04.040 - Director, Assistant Director and Emergency Services Coordinator.

(A) There is hereby created the Office of Director of Emergency Services. The Chief Executive Officer is hereby designated the Director of Emergency Services for the Mendocino County Operational Area.

(B) There is hereby created the Office of Assistant Director of Emergency Services. The Mendocino County Sheriff is hereby designated the Assistant Director of Emergency Services for the Mendocino County Operational Area.

(C) There is hereby created the position of Emergency Services Coordinator for the County of Mendocino and the Mendocino County Operational Area. The Emergency Services Coordinator shall be an employee of the Mendocino County Executive Office selected by and under the direction and control of the Chief Executive Officer.

Section 7.04.050 Powers and Duties of Director and Assistant Director of Emergency Services.

(A) The Director is hereby empowered to do the following:

- (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 is not in session. Whenever the Director proclaims a local emergency, 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 efforts of the emergency organization of the 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 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 herein;
- (6) Provide representation on the Disaster Councils for the incorporated cities of Fort Bragg, Point Arena, Ukiah and Willits;

- (7) In the event of the proclamation of a "local emergency" as herein provided, a "state of emergency" or a "state of war emergency," the Director is hereby empowered to do the following:
- (a) 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 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 to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use,
 - (c) Require emergency services of any County officer or employee and, in the event of the proclamation of a "state emergency," to command the aid of as many citizens of this County as the Director deems necessary in the execution of his or 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) Order mandatory evacuations and/or order and execute quarantine operations for the purposes of saving and protecting life,
 - (f) Execute all ordinary powers of County Executive Officer conferred by statute, ordinance, the Board of Supervisors or other lawful authority.

(B) The Assistant Director shall serve as the Director in the event the Director is unavailable to perform his or her duties.

(C) The Director and Assistant Director shall jointly develop an order of succession to the Director's office to take effect in the event that both the Director and Assistant Director are unavailable.

Section 7.04.060 - Powers and Duties of the Emergency Services Coordinator.

- (A) Develop and maintain required emergency plans and annexes and submit such plans to the Director.
- (B) Coordinate or provide required training in the Standardized Emergency Management System (SEMS), National Incident Management System (NIMS), Incident Command System (ICS), Emergency Operation Center (EOC), and such other training as may be required pursuant to State or Federal statute, rule or regulation.
- (C) During an emergency or potential emergency, activate the County's Emergency Operations Center (EOC) after consultation with the Director, if possible. Notify the Director and Assistant Director immediately of any activation.
- (D) Coordinate emergency preparation, response and recovery efforts with the incorporated cities of Fort Bragg, Point Arena, Ukiah and Willits.
- (E) Research, apply for and administer emergency services and homeland security grants.
- (F) Review and recommend updates or modifications to emergency ordinances, plans, annexes, policies, procedures or training curricula pursuant to changes in State or Federal laws, rules or regulations.

Research, apply for and administer emergency services and homeland security grants.
- (G) Prepare and present educational programs, or coordinate delivery of same, to members of the emergency organization and the community.
- (H) Gather and disseminate information on training related to emergency planning, preparation, response and recovery.
- (I) Serve as advisor, respond to questions, and give expertise on emergency preparedness matters, respond to questions and give expertise on emergency preparedness matters from public agencies and the public.
- (J) Assist in the collection of data on public and private resources within the area that could be used in the event of a disaster. Assist the public agencies in applying for and coordinating disaster assistance, which may be provided by Federal and/or State agencies.
- (K) When requested, make recommendations concerning the coordination of communication needs of the agencies and/or emergency service providers.
- (L) Assist in the coordination of volunteer efforts in regard to disaster planning, preparation and recovery that are not administered by another organization. Provide liaison services to volunteer organizations countywide.

- (M) Coordinate and assist in the design, execution and evaluation of emergency preparedness exercises.
- (N) Maintain, or cause to be maintained, and regularly test emergency management and emergency communications systems that may be used to communicate between the operational area and the State of California.
- (O) Provide copies of plans, annexes, ordinances, policies and procedures as they are adopted or amended to each of the cities within the operational area.

Section 7.04.070 - Disaster Council Membership.

The Mendocino County Disaster Council is hereby created and shall consist of the following:

- (A) The Director of Emergency Services, who shall serve as chair.
- (B) The Assistant Director of Emergency Services, who shall serve as vice-chair.
- (C) The Emergency Services Coordinator, who shall serve as secretary.
- (D) Police Chiefs of the incorporated cities of Fort Bragg, Ukiah and Willits.
- (E) City Managers of the incorporated cities of Fort Bragg, Point Arena, Ukiah and Willits (or their designee).
- (F) The County Operational Area Mutual Aid Coordinator.
- (G) One (1) Fire Chief selected by the Mendocino County Fire Chief's Association.
- (H) The County Public Health Director.
- (I) A member of the Mendocino County Office of Education.
- (J) The County Board of Supervisors may appoint such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility.

Section 7.04.080 - Disaster Council Powers and Duties.

It shall be the duty of the Mendocino County Disaster Council, and it is hereby empowered, to recommend for adoption by the County Board of Supervisors, emergency and mutual aid plans and agreements, and such ordinances,

resolutions, rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet at least once per year.

Section 7.04.090 - Local Proclamation of Emergency.

- (A) Whenever an official designated by this Chapter proclaims a local emergency, the local emergency shall not remain in effect for a period in excess of seven (7) days unless the Board of Supervisors has ratified it.
- (B) The Board of Supervisors shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for continuing the local emergency. However in no event shall a review take place more than thirty (30) days after the previous review.
- (C) The Board of Supervisors shall proclaim the termination of the local emergency at the earliest possible date the conditions warrant.

Sec. 7.04.100 - Legality of Initial Emergency Measures.

All emergency measures taken by the Director of Emergency Services prior to the issuance of an official proclamation of emergency, or prior to any decision of the Board of Supervisors not to issue such proclamation, shall be legal and binding upon the County.

Section 7.04.110 - Emergency Operations Plan.

The Director of Emergency Services shall be responsible for the development of the County of Mendocino emergency operation plan.

- (A) All emergency plans and procedures shall utilize the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS).
- (B) The goal of the emergency operations plan is to provide a framework for the effective coordination and mobilization of County resources, both public and private, to meet any condition constituting a local emergency, state of emergency, state of war emergency, or national emergency.
- (C) The emergency operations plan shall address the following:
 - (1) Continuity of government;
 - (2) Mobilization of resources;
 - (3) Mutual aid;

(4) Public information;

(5) The principles and methods to be applied in carrying out emergency operations for rendering mutual aid during emergencies;

(6) The organization, powers and duties, services, and staff of the emergency organization.

(D) Said plan shall take effect upon adoption by the Board of Supervisors.

(E) Said plan may be revised from time to time as deemed necessary by the Director.

Section 7.04.120 - Continuity of Government.

(A) In the event of a proclamation of local emergency, state of emergency, state of war emergency, or national emergency, when fewer than a quorum of the County Board of Supervisors is available, the Board of Supervisors shall proceed to reconstitute itself by filling vacancies until there are sufficient members to form a quorum as required by law, pursuant to Government Code Section 8635 et seq.

(B) In the event a Board member becomes available after a period of being unavailable, that Board member shall resume his/her office.

(C) Emergency appointments to the Mendocino County Board of Supervisors as authorized herein shall be temporary, and shall last only until such time as either an elected Board member becomes available, or a special election may be held.

(D) In the event the Chief Executive Officer is or becomes unavailable, or if the office is vacant, the ordinary duties of Chief Executive Officer shall be temporarily discharged by the Assistant Chief Executive Officer or by a designated Deputy Chief Executive Officer.

(1) This shall not affect the succession to the office of Director of Emergency Services, as specified in Section 7.04.050 of this Chapter;

(2) If the Chief Executive Officer becomes available, he/she shall resume the office of Chief Executive Officer and Director of Emergency Services.

(E) In the event the Sheriff is or becomes unavailable, the duties of the office shall be discharged by the Undersheriff, or if that position is vacant or the incumbent is unavailable, by the senior ranking officer next in line of authority.

Section 7.04.130- 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 of Mendocino.

Section.04.140- Emergency Services Joint Powers Agreement Participation.

The Mendocino County Board of Supervisors may participate in an emergency services joint powers agreement with any other jurisdiction(s) in Mendocino County, to include cities, special districts, or other public agencies.

Section 7.04.150- Punishment of Violations/Acts Prohibited During Emergencies.

(A) Any person who violates any of the provisions of this Chapter or who refuses or wilfully neglects to obey any lawful order or regulation promulgated or issued as provided in this Chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed One Thousand Dollars (\$1,000) or by imprisonment not to exceed six (6) months or by such fine and imprisonment.

(B) This Section is not intended to conflict with any State or Federal laws or penalties governing the same or similar conduct. To the extent such a conflict does occur, the State or Federal provisions shall prevail.

(C) Beginning on the date the existence of a major emergency or disaster is declared by the Director of Emergency Services, and/or the Board of Supervisors, and ending one hundred eighty (180) days after that date, and within the area to which the declaration applies, no person, contractor, business or other entity during an emergency shall:

(1) Wilfully 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;

(2) Do any act forbidden by any lawful rule or regulation issued pursuant to this Chapter, if the act is of such a nature as to give or be likely to give assistance to the enemy, during a state of war emergency, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof;

(3) Wear, carry, or display, without authority, any means of identification specified by any emergency service agency of the State of California, the

County of Mendocino, any special district, or any city in the County of Mendocino;

(4) Sell or offer to sell, any consumer food items, repair or reconstruction service, emergency or medical supplies or gasoline for an amount which is ten (10) or more percent greater than the price charged by a person, contractor, business or other entity for said goods or services immediately prior to the proclamation of emergency, unless said person, business, contractor or other entity can prove that the increase was directly attributable to additional costs imposed on it by the supplier of the goods or for labor and materials used to provide the service;

(5) Buy, sell, remove, deface, cover, hide, destroy, or tamper with any sign, tag or placard posted by a member of the County emergency organization on a building or structure damaged by a disaster;

(6) Post any sign, tag or placard not authorized by the County organization on a building or structure damaged by a disaster;

(7) For purposes of this subsection, the following definitions shall apply:

(a) A consumer food item is any article, which is used or intended for use for food, drink, confection or condiment by humans or animals except for alcoholic beverages,

(b) Repair or reconstruction services are those contractor services for repairs to residential and commercial property of any type, which are damaged as a result of the disaster. This includes the removal of debris (including a damaged tree) and garbage,

(c) Emergency supplies shall include, but are not limited to, water, flashlights, radios, batteries, blankets, soaps and diapers,

(d) Medical supplies shall include, but are not limited to, prescription and nonprescription drugs, bandages, gauzes and disinfectants.

Section 7.04.160- Effective Date.

The effective date of the ordinance codified in this Chapter shall be July 1, 2006.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:

KATHERINE L. ELLIOTT,
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy