



# MARIPOSA COUNTY

Sheriff's Office · (209) 966-3615



## ORDINANCE 2018-1131

MEETING: February 6, 2018  
TO: The Board of Supervisors  
FROM: Doug Binnewies, Sheriff-Coroner-Public Administrator  
RE: Waive Second Reading and Adopt an Ordinance Amending Chapter 2.80

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### **RECOMMENDATION AND JUSTIFICATION:**

Waive the Second Reading and Adopt an Ordinance Amending Chapter 2.80, the Emergency Organization and Functions.

Chapter 2.80 has been revised to correspond to the latest requirements for a County to qualify as an Accredited Disaster Council. This accreditation allows the County to meet the provisions of the Emergency Services Act and proclaim a local emergency. This revision also follows the recommended 2016 Disaster Service Worker Program Guidelines. The proposed revision also changes the Chair of the Disaster Council from the Chair of the Board of Supervisors to the Sheriff. This is the current best practice and is recommended by California Office of Emergency Services (CalOES). This change will better define the roles of the Sheriff, as the Director of Emergency Services and the person who would proclaim a local emergency, the Role of the Chair of the Board of Supervisors and the Board of Supervisors as the final authority to ratify the decision to proclaim a local emergency.

This ordinance was introduced on January 16, 2018. At that time, the language in Chapter 2.80.050 was amended and it is that amended ordinance which is now before the Board.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board has in the past approved the current Chapter 2.80.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Approving the revision of Chapter 2.80 the County would meet the latest requirements for the County to qualify as an Accredited Disaster Council.

Negative Action: Not processing the ordinance would cause the County to not follow the recommended guidelines set by the California Office of Emergency Services.

### **ATTACHMENTS:**

**Emergency Org Functions 2.80 -amended, 2nd reading (DOCX)**

## Ordinance 2018-1131

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Marshall Long, District III Supervisor

**SECONDER:** Miles Menetrey, District V Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey

**MARIPOSA COUNTY ORDINANCE NO. 1131**

**AN ORDINANCE AMENDING CHAPTER 2.80 OF THE MARIPOSA COUNTY CODE**

**WHEREAS**, the Board of Supervisors desire to amend Chapter 2.80 of the Mariposa County Code; and

**WHEREAS**, this amendment will replace the title of this chapter from “Emergency Services, Emergency Advisory Council and Emergency Services Council” with the title “Emergency Organization and Functions”; and

**WHEREAS**, this amendment will identify the redefined purpose, membership and operations that will take place during any type of emergency affecting Mariposa County,

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY**, a political subdivision of the State of California, does ordain as follows:

**SECTION I:** Chapter 2.80 of the Mariposa County Code is hereby amended to read as follows:

Chapter 2.80

EMERGENCY ORGANIZATION AND FUNCTIONS

Sections:

- 2.80.010 Purpose of chapter.
- 2.80.020 Definitions.
- 2.80.030 Disaster council - Membership.
- 2.80.040 Disaster Council - Powers and duties.
- 2.80.050 Chair of the Disaster Council – Line of succession.
- 2.80.060 Director and Assistant Director of Emergency Services.
- 2.80.070 Director and Assistant Director of Emergency Services – Powers and duties.
- 2.80.080 Director of Emergency Services - Line of succession.
- 2.80.090 Emergency organization.
- 2.80.100 Compliance with the Emergency Services Act.
- 2.80.110 Emergency operations plan.
- 2.80.120 Expenditures.
- 2.80.130 Reconstruction permits.
- 2.80.140 Status of volunteers.
- 2.80.150 Preparedness training and exercises.
- 2.80.160 Violation – Penalty.
- 2.80.170 Repeal of conflicting provisions.
- 2.80.180 Severability.

2.80.010 Purpose of this chapter.

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 and to provide for the coordination of the emergency functions of this county with all other public agencies, corporations, organizations and affected private persons.

2.80.020      Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

1      "Office of Emergency Services (OES)": The agency primarily charged with planning and preparing for emergencies, generally staffed by one (1) 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": The term emergency shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the county caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or the threat of war, but other than conditions resulting from a labor controversy, which conditions are likely to be beyond the control of the services, personnel, equipment and facilities of the county, requiring the combined forces of other political subdivisions to combat.

3      "Local Emergency": A local emergency shall mean 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, sudden or severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction of eruption, 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 the county's emergency response agencies, 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.

A local emergency may be proclaimed by the Director of Emergency Services or by a successor as described in section 2.80.080. 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 must be proclaimed within 10 days of the occurrence of a disaster if assistance will be requested through the California Disaster Assistance Act (CDAA). 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.

4      "State of Emergency": The term state of emergency shall mean 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, 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 or conditions causing a "State of War Emergency", which, 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, 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.

5 "State of War Emergency": The term state of war emergency shall mean 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 Disaster Council - Membership

The Mariposa County Disaster Council is created, and shall consist of:

A. The Chair of the Disaster Council, who shall be the Director of Emergency Services;

B. The Director of Emergency Services, who shall be Sheriff/ Coroner;

C. The Assistant Director of Emergency Services, who shall be the County Administrative Officer with the advice and consent of the County Board of Supervisors, who shall act as Director in the absence or disability of the Director;

D. The Emergency Services Coordinator, shall be appointed by the Director of Emergency Services with the advice and consent of the County Board of Supervisors, who, under the supervision of the Director of Emergency Services and Assistant Director of Emergency Services, shall develop emergency plans, organize the emergency preparedness program of the county, act as the Emergency Operations Center Director, and have such other duties as may be assigned by the Director of Emergency Services;

E. Such Deputy Emergency Operations Center Directors and Section Chiefs of the county emergency services are organized according to the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) as provided for in the current emergency operations plan of the County and as confirmed by the Director of Emergency Services; and

F. Such representatives of civic, business, labor, veterans, professional, or other governmental or non-governmental organizations having an official emergency service responsibility as may be appointed by the Director of Emergency Services with the advice and consent of the County Board of Supervisors.

2.80.040 Disaster Council - Powers and duties.

It shall be the duty of the Disaster Council and it is empowered, to review and recommend for adoption by the County Board of Supervisors emergency preparedness 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 annually upon the call of the chair or, in his absence from the County or inability to call such meeting, upon the call of the vice-chair.

2.80.050 Chair of the Disaster Council - Line of succession.

A. The Chair of the Disaster Council, who shall be Sheriff/Coroner;

B. If for any reason the Chair of the Disaster Council is absent or is unable to execute the duties and powers of Chair of the Disaster Council, the Assistant Director of Emergency Services shall exercise all the powers of the Chair of the Disaster Council.

C. If for any reason the Assistant Director of Emergency Services is absent or is unable to execute the duties and powers of Chair of the Disaster Council, the Chair of the Board of Supervisors shall exercise all the powers of the Chair of the Disaster Council.

2.80.060 Director and Assistant Director of Emergency Services.

A. There is created the office of Director of Emergency Services. The Sheriff/Coroner shall be the Director of Emergency Services.

B. There is created the office of Assistant Director of Emergency Services. The County Administrative Officer shall be the Assistant Director of Emergency Services. If for any reason the Assistant Director of Emergency Services is absent or is unable to execute the duties and powers a replacement will be appointed by the Director.

2.80.070 Director and Assistant Director of Emergency Services – Powers and duties.

A. 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:

1. Request the County Board of Supervisors to proclaim the existence or threatened existence of a local emergency, if the County Board of Supervisors is in session, or to issue such proclamation if the County Board of Supervisors is not in session. Whenever a local emergency is proclaimed by the Director, the County Board of Supervisors shall take action to ratify the proclamation within seven 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 circumstances are beyond the capacity to adequately respond to or recover from the emergency;

3. Control and direct the effort of the emergency organization of the County for the accomplishment of the purposes of this chapter;

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

5. Represent the County in all dealings with public and private agencies on matters pertaining to emergencies as defined in this chapter; and

6. In the event of the proclamation of a local emergency as provided in this section, the proclamation of a state of emergency by the Governor, or the existence of a state of war emergency, the Director is hereby 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 shall be confirmed at the earliest practicable time by the County Board of Supervisors,

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

c. To require the 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, to command the aid of as many citizens of the community as he deems necessary in the execution of his duties. Such persons shall be entitled to all the privileges, benefits and immunities as are provided by state laws for registered disaster service worker volunteers,

d. To requisition the necessary personnel or materials of any county department or agency, and

e. To execute all of his ordinary powers as County Manager of the County, all of the

special powers conferred upon him by this chapter or by resolution or emergency plan adopted pursuant thereto by the County Board of Supervisors and all powers conferred upon him by any statute, agreement approved by the County Board of Supervisors, or by any other lawful authority.

B. The Director of Emergency Services shall designate the order of succession to that office which shall take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency period. Such order of succession shall be approved by the county board of supervisors.

C. The Assistant Director of Emergency Services, under the supervision of the Director and with the assistance of the emergency services chiefs, shall develop emergency plans and manage the emergency programs of the county and shall have such other powers and duties as may be assigned by the Director.

2.80.080 Director of Emergency Services - Line of succession.

A. The Sheriff/ Coroner shall be the Director of Emergency Services.

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

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

2.80.090 Emergency organization.

A. 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 pressed into service under the provisions of subsection A6c of Section 2.80.070, be charged with duties incident to the protection of life and property in the county during such disaster, shall constitute the emergency organization of the county. The Mariposa County Emergency Services will organize according to the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) as provided for in the current Emergency Operations Plan of the County and as directed by the Director of Emergency Services.

B. The Emergency Services Committee is established for emergency preparedness organization. The Chair of the Emergency Services Committee, who shall be the Emergency Services Coordinator, shall develop emergency plans, organize the emergency preparedness program of the county, act as the Emergency Operations Center Director, and have such other duties as may be assigned by the Director of Emergency Services;

2.80.100 Compliance with the California Emergency Services Act

The County Disaster Council shall comply with the California Emergency Services Act.

2.80.110 Emergency operations plan.

The county Disaster Council shall be responsible for the development of the county emergency operations plan, which plan shall provide for the effective mobilization of all of the resources of the 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 county board of supervisors.

2.80.120 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.

2.80.130 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.

2.80.140 Status of volunteers.

All persons other than officers and employees of the County, volunteering services pursuant to the provisions of this chapter, must be registered as a Disaster Service Worker with Mariposa County and shall serve without compensation from the County. While engaged in such services, registered Disaster Service Volunteers shall have the privileges, protections, and immunities provided under the California Disaster Service Worker Volunteer Program. Volunteers may be registered through affiliated Mariposa County volunteer programs or as unaffiliated spontaneous volunteers during an emergency by Mariposa County Disaster Service Worker Program officials.

2.80.150 Preparedness training and exercises.

It will be one of the duties of the coordinator to conduct periodic preparedness training and exercises for the purpose of training personnel and exercising the provisions of the Mariposa County emergency plan. With respect to any such preparedness training or 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.

2.80.160 Violation - Penalty.

It shall be a misdemeanor for any person, during an 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 said person 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 identification specified by the emergency agency of the state; or

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

2.80.170 Repeal of conflicting provisions.

It is the intent of the county board of supervisors in enacting this chapter that it shall be considered a revision and continuation of the provisions repealed by this chapter 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 provisions be affected by such repeal until amended, modified, or superseded as provided in this chapter.



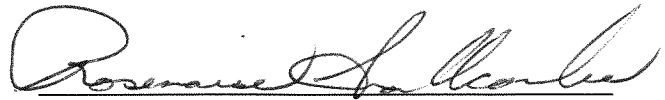
2.80.180 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the other chapter provisions or clauses or applications thereof which can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this chapter are declared to be severable.

**SECTION II:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 6th day of February, 2018 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE



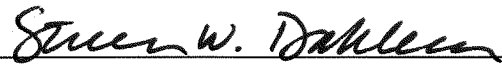
**Rosemarie Smallcombe, Chair**  
Mariposa County Board of Supervisors

**ATTEST:**

**APPROVED AS TO FORM:**



**RENÉ LAROCHE**  
Clerk of the Board



**STEVEN W. DAHLEM**  
County Counsel