

ORDINANCE NO. 1623

AN ORDINANCE AMENDING CHAPTER 2.64 OF THE AMADOR COUNTY CODE

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

SECTION I. Section 2.64 of the Amador County Code is hereby repealed.

SECTION II. Section 2.64 is hereby added to said Code to read as follows:

Chapter 2.64

DISASTER COUNCIL

Sections:

2.64.010	Purposes.
2.64.020	Definitions
2.64.030	Disaster Council Membership.
2.64.040	Disaster Council Powers and Duties.
2.64.050	Operational Area.
2.64.060	Director of Emergency Services and Emergency Services Coordinator.
2.64.070	Powers and Duties of the Director of Emergency Services and Emergency Services Coordinator.
2.64.080	Emergency Management Plan.
2.64.090	Expenditures.
2.64.100	Punishment of Violations.
2.64.110	Effect of Repeal of Conflicting Ordinances.

2.64.010 Purposes. The declared purposes of this chapter are to provide for the preparation and carrying out of the plans for the protection of persons and property within this county in the event of an emergency; to guarantee the direction of the emergency management organization; and to coordinate the emergency functions of this county with all other public agencies, corporations and affected private persons.

2.64.020 Definitions.

A. "Emergency" means a condition of disaster or of extreme peril to the safety of persons and property within this county caused by such conditions as air pollution, fire, flood, hazardous materials incident, storm, epidemic, riot, drought, sudden and severe energy shortage,

plant or animal infestations 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.

B. "Emergency Organization" means 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 Section 2.64.060(A)(6)(c), be charged with duties incident to the protection of life and property in this county during such emergency.

C. "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 the county caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake or other conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of a political subdivision and require the combined forces of other political subdivisions to combat.

D. "Operational Area" is defined by the California Emergency Services Act as an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area.

2.64.030 Disaster Council Membership. The Amador County Disaster Council is created and shall consist of the following:

- A. The Sheriff/Director of Emergency Services or their designee who shall be Chairman.
- B. The Chairman of the Board of Supervisors or their designee who shall be Vice-Chairman.
- C. One representative from each of the cities appointed by the City Councils.
- D. One Fire representative appointed by the Fire Chief's Association.
- E. One Law representative appointed by the Chief's of Police.

- F. One representative from the School District.
 - G. One representative of each of the Special Districts.
 - H. Director/Agency heads of county departments having disaster responsibility or their designee.
 - I. Such representatives of other organizations, either civic, business, labor, veterans professionals or other organizations having an official group or organization having disaster responsibility.
- G. The Emergency Services Coordinator.

2.64.040 Disaster Council Powers and Duties. The Disaster Council serves in an advisory capacity to recommend for adoption by the Board of Supervisors any emergency operations plans or practices and such policies, ordinances or resolutions necessary to implement such plans or practices. The Disaster Council shall meet upon call of the chairman, or, in their absence from the county or inability to call such meeting, upon call of the vice-chairman.

2.64.050 Operational Area. The California Emergency Services Act provides for the establishment of an operational area on a county wide basis to coordinate effectively the utilization of available resources during a state of emergency or a local emergency. The Disaster Council shall serve as the Operational Area Council. The county's Emergency Services Coordinator will be the Operational Area Coordinator.

2.64.060 Director of Emergency Services and Emergency Services Coordinator.

A. The Director of Emergency Services is the Sheriff, or the Undersheriff in the absence of the Sheriff.

B. There is created the Sheriff's Office of Emergency Services and the Emergency Services Coordinator who shall be appointed by the Director with the approval of the Board of Supervisors.

2.64.070 Powers and Duties of the Director of Emergency Services and Emergency

Services Coordinator.

A. The Director is empowered to:

(1) Request the Board of Supervisors to proclaim the 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. When a local emergency is proclaimed by the Director, the Board of Supervisors shall take action to ratify the proclamation within seven days thereafter, or the proclamation shall have no further force or effect. The Board of Supervisors shall review the need for continuing the local emergency at least every 14 days until the local emergency is terminated.

(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 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 in this section.

(6) In the event of the proclamation of a "local emergency" as provided in this section, 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 require emergency services of any county officer or employee and to command the aid of as many citizens of the county as he deems necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;

(c) To requisition necessary personnel or material of any county department or agency, and;

(d) To execute all of the special powers conferred upon him/her by this chapter or by resolution or emergency plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon him/her by any statute, by any agreement approved by the Board of Supervisors, and 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 Emergency Services Coordinator shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this county and shall have such other powers and duties as may be assigned by the Director.

2.64.080 Emergency Management Plan. The Emergency Services Coordinator shall be responsible for the development of the Emergency Operations Plans for the county. These plans 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 pursuant to Government Code Section 8607 and 8610. Such plans, or parts thereof, shall take effect upon adoption by resolution of the Board of Supervisors.

2.64.090 Expenditures. Any expenditure made in connection with emergency activities, including mutual aid activities, shall be for the direct protection and benefit of the inhabitants and property of the County of Amador.

2.64.100 Punishment of Violations. It is 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 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. Act in a manner 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 county or state.

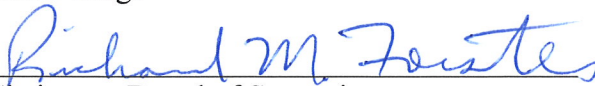
2.64.110 Effect of Repeal of Conflicting Ordinances. It is the incident of the Board of Supervisors in enacting this chapter that it shall be considered a revision and continuation of the chapter repealed by this chapter, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed chapter be affected by such repeal until amended, modified or superseded as provided in this chapter.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof held on the 30th day of August, 2005, by the following vote:

AYES: Richard M. Forster, Rich F. Escamilla, Richard P. Vinson and
Louis D. Boitano

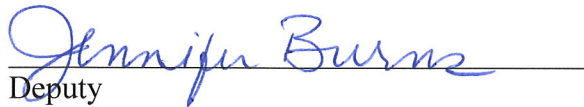
NOES: None

ABSENT: Mario Biagi


Chairman, Board of Supervisors

ATTEST

MARDELL ANDERSON, Clerk of the
Board of Supervisors, Amador County
California


Deputy