

ORDINANCE NO. _____
ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
AMENDING CHAPTER 2.99 OF THE MARIN COUNTY MUNICIPAL CODE REGARDING
THE COUNTY'S EMERGENCY ORGANIZATION AND FUNCTIONS

SECTION I:

WHEREAS, California Government Code, California Emergency Services Act, Chapter 7 of Division 1 of Title 2, insures that preparations within the state will be adequate to deal with emergencies and disasters; and

WHEREAS, Chapter 2.99 of the Marin County Municipal Code regarding the County's Emergency Organization and Functions regulates the County's policies and procedures to prepare, mitigate, respond and recover from Marin Operational Area emergencies and disasters; and

WHEREAS, Chapter 2.99 of the Marin County Municipal Code, Sections 2.99.010 through 2.99.065, Marin County Municipal Code need to meet the present requirements of the Marin County Sheriff's emergency services to better perform its mission with upgraded policies and procedures to serve the citizens of Marin County in protecting life, property and the environment.

NOW, THEREFORE, BE IT RESOLVED, THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN HEREBY ORDAINS AS FOLLOWS: Provided, that it is the intent of the board of supervisors in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance.
(Ord. 3276 (part), 1998)

SECTION II: Sections 2.99.010, 2.99.015, 2.99.020, 2.99.025 2.99.030, 2.99.035, 2.99.040, 2.99.045 and 2.99.060 of the Marin County Municipal Code are hereby amended in their entirety to read as follows:

2.99.010 Purpose.

This chapter establishes the county of Marin emergency services organization and provides for the preparation and carrying out of the plans for the protection of persons, property and the environment within this county in the event of an emergency, the direction of the emergency organization and the coordination of the emergency functions of this county with all other public and nonpublic agencies, incorporated and unincorporated areas, private and nonprofit organizations, and affected private persons. (Ord. 3276 (part), 1998: Ord. 1867 § 1 (part), 1971)

2.99.015 Definitions.

As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons, property and the environment within this county caused by such conditions as air pollution, fire, flood, tsunami, storm, explosion, landslide, famine, drought, earthquake, public health emergency, terrorism or other conditions including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, facilities and related resources of this county, requiring the combined forces of other political subdivisions to combat:

- (A) When used in the text of emergency plans prepared pursuant to this chapter, the term "disaster" is synonymous with "emergency";
- (B) Where used in this chapter, and in the emergency plan related thereto, the term "city" or "cities" refers to one or all of the eleven incorporated political subdivisions within Marin County;
- (C) Where used in this chapter, the term "emergency plan" means that portion of the document entitled "County of Marin and Marin Operational Area Emergency Plan" which is applicable to the unincorporated areas of the county of Marin and to all the legal jurisdictions with the county of Marin. (Ord. 3276 (part), 1998: Ord. 1867 § 2 (part), 1971)

2.99.020 Marin operational area disaster and citizen corps council membership.

The Marin County operational area disaster and citizen corps council is appointed by the board of supervisors to serve staggered two-year terms. Appointments are made as deemed necessary to carry out the duties assigned to the Marin operational area disaster and citizen corps council, to include, but not limited to representation by:

- 1. Director of Emergency Services, to permanently serve as chair (1);
- 2. Alternate Director of Emergency Services, to serve as vice chair (1);
- 3. Consumer representative appointed from each supervisory district (5);
- 4. Consumer representative, at large (1);
- 5. County health and human services (1);
- 6. County public works (1);
- 7. Mayor's and city council member's association (1);
- 8. City manager's association (1);
- 9. Fire chief's association (1);
- 10. Police chief's association (1);
- 11. Marin interagency disaster coalition (1);
- 12. Emergency medical care committee or Emergency Medical Services Administrator (1);
- 13. Economic commission (1);
- 14. Marin County Office of Education (1);
- 15. Marin County Office of the American Red Cross Bay Area Chapter (1). (Ord. 3276 (part), 1998: Ord. 3261 § 1, 1997: Ord. 2337 § 1, 1978: Ord. 1867 § 1 (part), 1971)

2.99.025 Marin operational area disaster and citizen corps council duties, powers and scope.

The Marin County operational area disaster and citizen corps council shall:

- (A) Review and evaluate disaster preparedness progress in the public and private sectors;
- (B) Promote disaster preparedness through communication and education;

- (C) Harness the power of every resident through education and outreach, training and volunteer service to make their families, homes and communities safer from natural and/or man-made disasters or emergencies; and
- (D) Report annually to the board of supervisors.
The council shall meet at least quarterly or upon the call of the director or alternate director. (Ord. 3276 (part), 1998: Ord. 1867 § 1 (part), 1971)

2.99.030 Director, alternate director, assistant director and manager of emergency services.

- (A) There are created the positions of director of emergency services and alternate director of emergency services:
 - (1) In January of each year, the board of supervisors shall appoint from its members a director of emergency services and an alternate director of emergency services.
 - (2) In January of each year, the board of supervisors shall designate the order of succession to the position of alternate director of emergency services from the remaining members of the board.
- (B) The alternate director of emergency services automatically succeeds to the position of director of emergency services when the director is unavailable or unable to serve. The alternate director, when acting as the director, will maintain and shall exercise all powers and duties of the director.
- (C) There is created the position of assistant director of emergency services. The county administrator or his or her representative shall be the assistant director of emergency services.
- (D) There is created the position of manager of emergency services. The manager of emergency services shall be appointed by and shall report to the county sheriff, or in the event of an emergency operations center (EOC) activation, to the established chain of command within the EOC staff hierarchy. (Ord. 3276 (part), 1998: Ord. 2808 § 1, 1984: Ord. 2747 § 1, 1982: Ord. 2702 § 1, 1982: Ord. 2391 § 1, 1979: Ord. 2337 § 2, 1978: Ord. 1867 § 1 (part), 1971)

2.99.035 Powers and duties of the director, alternate director, assistant director and manager of emergency services – Duties of county department heads and employees with positions in the Marin County operational area emergency plan.

- (A) The director is empowered to:
 - (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 of supervisors is not in session. Whenever a local emergency is proclaimed by the director, or whenever a county health emergency is proclaimed by the county health officer pursuant to Health and Safety Code Section 270 et seq. or its successor, and Health and Safety Code Section 1158, or its successor, 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;
 - (2) Assemble the board of supervisors at least each fourteen days, in accordance with the provisions of Government Code Section 8630 or its successor for the purpose of reviewing the need for continuing the "local emergency";
 - (3) Request the Governor to proclaim a state of emergency when, in the opinion of the director, locally available resources are inadequate to cope with the emergency;

- (4) Direct and control the effort of the emergency organization of this county for the accomplishment of the purposes of this chapter;
 - (5) 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;
 - (6) Represent this county in all dealings with public or private agencies on matters pertaining to emergencies falling within the purview of this chapter.
- (B) In the event of a proclamation of a local emergency as provided in this chapter, the proclamation of a county health emergency by the county health officer pursuant to Health and Safety Code Section 470 et seq., or its successor, and Health and Safety Code Section 1158, or its successor, 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 empowered to:
- (1) Make and issue rules and regulations on matters reasonably related to the protection of life, property and the environment as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the board of supervisors;
 - (2) 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;
 - (3) 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, to command the aid of as many citizens of this county as he or she 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;
 - (4) Requisition necessary personnel or material of any department or agency in this county;
 - (5) Execute all of his or her ordinary power as member of the Marin County board of supervisors.
- (C) The assistant director is empowered under the authority of the director and the powers vested therein to 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 of supervisors is not in session. Whenever a local emergency is proclaimed by the assistant 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.
- (D) The manager of emergency services shall develop emergency plans and associated documents under the direction of the county sheriff and in consultation with the director of emergency services for consideration and adoption by the board of supervisors. The manager of emergency services shall administer the emergency services organization and emergency plan requirements and activities with the agencies that comprise the emergency services organization, toward the accomplishment of its purposes, and as shall be necessary for development and maintenance of a current, approved emergency plan.
- (E) Department heads and other county employees assigned tasks and responsibilities in the Marin County operational area emergency plan are responsible for attending scheduled training sessions, reporting for emergency duties as required, and

completing tasks and responsibilities in a timely manner. (Ord. 3276 (part), 1998: Ord. 2747 § 2, 1982: Ord. 2622 §§ 1, 2, 1981; Ord. 1867 § 1 (part), 1971)

2.99.040 Emergency organization.

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 2.99.035(B)(3), are charged with duties incident to the protection of life, property and the environment in this county during such emergency, shall constitute the emergency organization of the county of Marin. (Ord. 3276 (part), 1998: Ord. 1867 § 1 (part), 1971)

2.99.045 Marin County operational area emergency plan.

The county of Marin operational area emergency plan and any modifications thereof shall be developed, updated and maintained current by the manager of emergency services, under the direction of the county sheriff and in consultation with the director of emergency services. The plan will describe the principles and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies. The plan will include such elements as the continuity of government, the emergency services of governmental agencies, mobilization of all of the resources, mutual aid and public information. Such plan shall take effect upon adoption by resolution of the board of supervisors. (Ord. 3276 (part), 1998: Ord. 2747 § 3, 1982: Ord. 1867 § 1 (part), 1971)

2.99.050 Succession to elective and appointive offices.

- (A) The continuity of local government during a state of emergency or a local emergency requires minimum precautions in accordance with Government Code Section 8635 et seq., or its successor. In January of each year, each member of the board of supervisors shall appoint and designate by filing with the county clerk the names of at least three persons and their succession order from his or her district who are qualified to fill his or her office as his or her standby officer in the event that such member is unavailable as defined in Government Code Section 8636 et seq., or its successor. Any such appointee may be replaced by the appointing member at any time and for any reason.
 - (1) Each person so appointed as standby officer shall take the oath of office and shall deliver to the county clerk within thirty days after his or her appointment a written declaration under oath that he or she accepts the appointment and will faithfully perform the obligations imposed upon him thereby.
 - (2) The duties of the standby officer are as stated in Government Code Section 8641, or its successor.
- (B) Department heads and other county employees who are assigned positions in the Marin County operational area emergency plan shall provide for at least a three-deep order of succession of appropriate subordinate employees to succeed to the chief position if the department head is unavailable or unable to serve. (Ord. 3276 (part), 1998: Ord. 1867 § 1 (part), 1971)

2.99.055 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 county of Marin, in accordance with Government Code Article 17, Section 8654 et seq., or its successor. (Ord. 3276 (part), 1998: Ord. 1867 § 1 (part), 1971)

2.99.058 Privileges and immunities.

Liability and immunity for political subdivisions, their offices, employees or agents, volunteers duly registered or unregistered but impressed into service, is provided according to Government Code Article 19, Sections 8655 et seq., or its successor. (Ord. 3276 (part), 1998)

2.99.060 Punishment of violations.

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand 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 violate any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter.

- (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 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 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 state. (Ord. 3276 (part), 1998: Ord. 1867 § 1 (part), 1971)

2.99.065 Repeal of conflicting ordinances.

Under the provisions of Section 8668(a) of the California Emergency Services Act, existing civil defense and disaster ordinances will remain in full force and effect until revised, amended or revoked; therefore the existing ordinances should be expressly repealed by number. In subsequent revisions of a county emergency services ordinance, the following proviso should be included in the repealing section in order to preserve existing rights and privileges:

Provided, that it is the intent of the board of supervisors in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, 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 ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance. (Ord. 3276 (part), 1998)

SECTION III: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

SECTION VI: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ____th day of _____ 2005 by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK