

**COUNTY OF EL DORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 2.21 OF TITLE II OF THE EL DORADO COUNTY ORDINANCE CODE RELATING TO EMERGENCY ORGANIZATION OPERATIONS AND FUNCTIONS<sup>(4)</sup>**

Footnotes:

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The Board of Supervisors of the County of El Dorado does ordain as follows:

**Section 1: AMENDMENT OF CODE.** Chapter 2.21 of Title II of the County Code is hereby amended to read as follows:

**CHAPTER 2.21**

**EMERGENCY ORGANIZATIONS AND FUNCTIONS**

**State Law reference**— ~~Authority of local government regarding local emergency, Government Code § 8630 et seq.; preservation of local government during state of war emergency, For the statutory provisions authorizing disaster councils and establishing requirements for these councils, see Government Code § 8635 et seq.; emergency powers of local agency, 8610 et seq. For the statutory provisions regarding the California Emergency Services Act, see~~ Government Code § ~~53019~~8550 et seq.

**Sec. 2.21.010. - 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 the County in the event of an emergency and to provide for the coordination of the emergency functions of the County with ~~the any incorporated City of within the County (currently the City of~~ Placerville and the City of South Lake Tahoe) and all other affected public agencies, corporations and organizations within the County in compliance with the California Emergency Services Act.

(Prior Code, § 13,101; Code 1997, § 2.42.010; ~~Ord. No. 4989, exh. A(2.42.010), 11-14-2012~~)

Ord. No. 4989, exh. A(2.42.010), 11-14-2012)

**Sec. 2.21.020. ~~Local emergency defined~~ Definitions.**

~~The definitions of "state of war emergency," "state of emergency," and "local emergency" as set forth in Government Code § 8558 (California Emergency Services Act; definitions), as amended, shall be effective as definitions of those words, terms and phrases when used in this chapter. All other words, terms and phrases used herein, other than those specifically, "emergency" is defined elsewhere in this chapter, shall have as the respective meanings ascribed actual or threatened existence of conditions of disaster or of extreme peril to them in Government Code § 8558, as amended, and shall have the same scope and effect that safety of persons or property within the same words, terms and phrases have where used in Government Code § 8558, as amended. county caused by such conditions as fire, flood, storm, earthquake, drought, air pollution, epidemic, riot, sudden or severe energy shortage or other conditions including conditions resulting from war or imminent threat of war, which conditions are or 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 or mitigate.~~

~~(Prior Code, § 13,102; Code 1997, § 2.42.020; Ord. No. 4989, exh. A(2.42.020), 11-14-2012.)~~

~~Ord. No. 4989, exh. A(2.42.020), 11-14-2012~~

~~**Sec. 2.21.030. —Local Disaster Council—Created.**~~

~~There is created the County Local Disaster Council.~~

~~(Prior Code, § 13,103; Code 1997, § 2.42.030; Ord. No. 4989, exh. A(2.42.030), 11-14-2012.)~~

~~**State Law reference—**Local disaster councils, Government Code § 8610.~~

~~**Sec. 2.21.040. —Same—Membership.**~~

~~Membership on the Local Disaster Council shall consist of the following:~~

- ~~A. —One qualified person from each supervisorial district to be appointed by the supervisor representing that district;~~
- ~~B. —One qualified person from each incorporated city within the County to be appointed by the Board of Supervisors upon the recommendation of the mayor of each such city; and~~
- ~~C. —The following shall serve as ex officio members of the Council without a vote:
  - ~~1. —Deputy Director of Emergency Services or his or her assistant;~~
  - ~~2. —County Counsel or deputy;~~
  - ~~3. —Sheriff or deputy;~~
  - ~~4. —Director of Department of Transportation;~~
  - ~~5. —Director of Health Services or deputy.~~~~

~~For the purpose of this section, a person shall be deemed qualified to be an appointed member of the Disaster Council if that person has particular expertise or interest in emergency planning matters.~~

~~(Prior Code, § 13,103.1; Code 1997, § 2.42.040; Ord. No. 3766, § 8, 1987; Ord. No. 4989, exh. A(2.42.040), 11-14-2012; Ord. No. 5051, § 2, 4-18-2017)~~

~~Sec. 2.21.050. Same Powers and duties.~~

~~It shall be the duty of the County Local Disaster Council, and the Council is so empowered, to advise and make recommendations to the Board of Supervisors on all matters pertaining to:~~

- ~~A. Planning for a state of war.~~
- ~~B. Planning for State and local emergencies.~~
- ~~C. Recommending revisions to the County emergency operations plan.~~
- ~~D. Recommending emergency and mutual aid plans and agreements.~~
- ~~E. Recommending ordinances or resolutions which are necessary for the implementation of such plans and agreements.~~

~~(Prior Code, § 13,103.2; Code 1997, § 2.42.050; Ord. No. 4989, exh. A(2.42.050), 11-14-2012)~~

~~Sec. 2.21.060. Same Rules of procedure.~~

~~The Local Disaster Council shall adopt rules of procedures, which shall govern their actions. The rules shall include, but not be limited to:~~

- ~~A. Provisions regarding the election of officers; and~~
- ~~B. Provisions regarding the time, place, and frequency of meetings, such frequency to be no less than once every third month.~~

~~All meetings of the Council shall be public and as such shall be duly noticed.~~

~~(Prior Code, § 13,103.3; Code 1997, § 2.42.060; Ord. No. 4989, exh. A(2.42.060), 11-14-2012)~~

~~Sec. 2.21.070. Director and Deputy Director Offices created.~~

~~A. There is created the **Office of Director Emergency Services, Director of the Office of Emergency Services—Office created.**~~

- ~~A. There is hereby created the County of El Dorado Office of Emergency Services. The Chair of the Board of Supervisors shall be the Director of Emergency Services.~~
- ~~B. B. There is created The Director (hereinafter referred to as "Director") of the Office of Deputy Director of Emergency Services, who shall be appointed by the Board of Supervisors Sheriff.~~

~~(Prior Code, § 13,105; Code 1997, § 2.42.070; Ord. No. 4989, exh. A(2.42.070), 11-14-2012)~~

~~Ord. No. 4989, exh. A(2.42.070), 11-14-2012)~~

~~Sec. 2.21.080. Same **040. —Director**—Powers and duties.~~

- A.— The Director shall coordinate the efforts of the emergency organization of the County, as defined in Section 2.21.100, for the accomplishment of the purposes of this chapter in compliance with the California Emergency Services Act.
- B. The Director is responsible for the coordination of services and staff of the emergency organization of the County; and may resolve questions of authority and responsibility that may arise between them;
- C. The Director shall represent the County in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter.
- D. The Director 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 or her duties during an emergency. The order of succession, and any subsequent changes thereto, shall be stated in the County Emergency Operations Plan and approved by the Board of Supervisors.
- B.— The Director ~~of Emergency Services~~ is authorized to request the Board of Supervisors to proclaim the existence of a local emergency. The Director may proclaim the existence of a local emergency if the Board of Supervisors is not in session. Whenever 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.
- C.— In the event of the proclamation of a state of emergency by the Governor, or the Director of California Office of Emergency Management Agency Services (Cal EMAOES), the existence of a state of war emergency, or when a local emergency as defined in Section 2.21.020 has been proclaimed to exist, the Director is empowered:
- 1.— To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; provided, however, the rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors.
  - 2.— To 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 them for public use.
  - 3.— To require the emergency services of any County officer or employee and, in the event of the proclamation of a state of emergency, to command the aid of as many citizens of the County as he or she deems necessary in 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.— To requisition necessary personnel or material of any County department or agency.
  - 5.— To execute all of his or her ordinary power as ~~Director of Sheriff and~~ all of the special powers conferred upon him or her by ~~any~~ this statute, by any agreement approved by the Board of Supervisors, and by any other lawful authority.

(Prior Code, § 13,106; Code 1997, § 2.42.080; Ord. No. 4989, exh. A(2.42.080), 11-14-2012)

**Sec. 2.21.060. - Disaster Council—Created.**

There is created the County of El Dorado Disaster Council.

(Prior Code, § 13,103; Code 1997, § 2.42.030; Ord. No. 4989, exh. A(2.42.030), 11-14-2012)

**State Law reference— Disaster Councils, Government Code § 8610.**

**Sec. 2.21.070. - Disaster Council — Membership.**

Membership on the Disaster Council shall consist of the following:

- A. The Director of the Office of Emergency Services or designee shall be Chair.
- B. The El Dorado County Operational Area Fire & Rescue Coordinator or designee shall be Vice Chair. This position is appointed by the El Dorado County Fire Chiefs Association.
- C. One representative or designee from each incorporated city within the County, to be appointed by the respective City Managers.
- D. The Chief Administrative Officer of the County, or designee.

(Prior Code, § 13,103.1; Code 1997, § 2.42.040; Ord. No. 3766, § 8, 1987; Ord. No. 4989, exh. A(2.42.040), 11-14-2012)

**Sec. 2.21.080. - Disaster Council — Powers and duties.**

The Disaster Council shall have the duty and the authority, and is so empowered to develop, review and recommend for adoption by the Board of Supervisors, emergency services plans and agreements. The Council shall also be responsible for recommendations of plans that pertain to state and local emergencies; it shall recommend revisions and updates to the County Emergency Operation Plan, Emergency and Mutual Aid Plan and agreements and recommending ordinances or resolutions which are necessary for the implementation of such plans and agreements. The Disaster Council shall also facilitate the exchange of information between emergency first responders and emergency planning personnel.

(Prior Code, § 13,103.2; Code 1997, § 2.42.050; Ord. No. 4989, exh. A(2.42.050), 11-14-2012)

**Sec. 2.21.090. - Disaster Council- Meetings**

The Disaster Council shall adopt rules of procedures, which shall govern their actions. The rules shall include, but not be limited to: provisions regarding the time, place, and frequency of meetings, such frequency to be no less than twice annually.

All meetings of the Council shall be public and as such shall be duly noticed. ~~D.—The Deputy Director is authorized to exercise the powers of the Director in the event of the absence or unavailability of the Director, and in the absence or unavailability of any persons designated in the order of succession established pursuant to Subsection A of this section.~~

~~E.—The Deputy Director and his or her appointed deputies are empowered to:~~

- ~~1.—Under the direction of the Director and with the assistance of Emergency Service Chiefs, develop emergency programs of the County; and shall have such other powers and duties as may be assigned by the Director;~~
- ~~2.—The Deputy Director of Emergency Services is authorized to recommend that the Chair of the Board of Supervisors 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.—Coordinate the effort of the emergency organization of the County for the accomplishment of the purposes of this chapter;~~
- ~~4.—Direct the coordination of services and staff of the emergency organization of the County; and resolve questions of authority and responsibility that may arise between them;~~

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

~~(Prior Code, § 13,106; Code 1997, § 2.42.080; Ord. No. 4989, exh. A(2.42.080), 11-14-2012)~~

~~Nothing shall prevent the Council from meeting in closed session in accordance with CA Govt. Code § 54957 on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.~~

~~(Prior Code, § 13,103.3; Code 1997, § 2.42.060; Ord. No. 4989, exh. A(2.42.060), 11-14-2012)~~

**Sec. 2.21.100.~~Sec. 2.21.090.~~ - Emergency organization designated.**

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 impressed into service under the provisions of Section 2.21.~~080,040~~ **(C)(3)**, charged with duties ~~incidental~~ **incident** to the protection of life and property in the County during emergencies, shall constitute the emergency organization of the County. ~~The Disaster Council also fills the membership role of the Local Emergency Planning Committee (LEPC) for El Dorado County in compliance with the United States Environmental Protection Agency Emergency Planning and Community Right-to-Know Act.~~

~~(Prior Code, § 13,107; Code 1997, § 2.42.090; Ord. No. 4989, exh. A(2.42.090), 11-14-2012)~~

~~Ord. No. 4989, exh. A(2.42.090), 11-14-2012)~~

**Sec. 2.21.100~~110.~~ - Emergency Operations Plan~~development.~~**

The El Dorado County Board of Supervisors, upon the advice and recommendations of the ~~Local~~ **Director of the Office of Emergency Services and the** Disaster Council, shall be responsible for the ~~development~~ **adoption** of the County Emergency Operations Plan. The Emergency **Operations** Plan for the County shall provide for the effective mobilization of all of the resources of the County, both public and private, to meet any conditions 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. The Emergency Operations Plan and amendments thereto shall take effect upon ~~approval~~ **adoption** by **resolution of** the Board of Supervisors.

~~(Prior Code, § 13,108; Code 1997, § 2.42.100; Ord. No. 4989, exh. A(2.42.100), 11-14-2012)~~

~~Ord. No. 4989, exh. A(2.42.100), 11-14-2012)~~

**Sec. 2.21.110~~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.

~~(Prior Code, § 13,109; Code 1997, § 2.42.110; Ord. No. 4989, exh. A(2.42.110), 11-14-2012)~~

; Ord. No. 4989, exh. A(2.42.110), 11-14-2012)

**Sec. 2.21.~~120~~130. - Adoption by municipalities.**

~~The City of South Lake Tahoe and the City of Placerville~~Each incorporated city within the  
county may adopt by reference the provisions of this chapter.

(Prior Code, § 13,111; Code 1997, § 2.42.120; ~~Ord. No. 4989, exh. A(2.42.120), 11-14-2012~~)

Ord. No. 4989, exh. A(2.42.120), 11-14-2012)

**Sec. 2.21.130140. - Penalty for violation.**

It is a misdemeanor, punishable according to the general penalties described in Chapter 1.24, 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 or her by virtue of this chapter;
- B. — 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 or to imperil the lives or property or inhabitants of the 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.

(Prior Code, § 13,110; Code 1997, § 2.42.130; Ord. No. 4989, exh. A(2.42.130), 11-14-2012)

**SECTION 2: EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after its final passage and adoption by resolution.**

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors of the County of El Dorado held on [DATE HERE], by Boardmember \_\_\_\_\_, and the reading of said Ordinance was waived. The Ordinance was read for the second time on \_\_\_\_\_ and Boardmember \_\_\_\_\_ moved its adoption. The motion was seconded by Boardmember \_\_\_\_\_. A poll was taken, which stood as follows:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Board Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel Ord. No. 4989, exh. A(2.42.130), 11-14-2012.)