

CHAPTER 11.01: EMERGENCY SERVICES

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Editor's note:

Ord. 340, as amended by Ord. 483, was formerly set out as Chapter 6, Civil Emergencies. Ord. 340, § 11, repealed county's Civil Defense Ord. 171, set out as the original Chapter 6, Civil Defense and Disaster. Ord. 495 repealed Ords. 340 and 483. Ord. 711 repealed Ord. 495. Ord. 898 repealed Ord. 711.

§ 11.01.001 PURPOSES.

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, the direction of the emergency organization, and the coordination of the emergency functions of this county with all other jurisdictions, special districts, public agencies, corporations, organizations and affected private persons.

(1966 Code, § 6-1) (Ord. 898, § 1, 2012)

§ 11.01.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY. The actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within this county caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of this county, requiring the combined forces of other political subdivisions to combat.

STANDARDIZED EMERGENCY MANAGEMENT SYSTEM (SEMS). As defined in Cal. Gov't Code § 8607, **SEMS** will be used to coordinate multiple jurisdictions or multiple agencies in a single operational area.

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS). San Benito County recognizes and has adopted **NIMS** as its standardized flexible framework for incident management. **NIMS** is applicable for incident management at all jurisdictional levels and across the full spectrum of potential incidents, regardless of cause, size, location, or complexity.

(1966 Code, § 6-2) (Ord. 898, § 2, 2012; Ord. 933, § 2, 2015)

§ 11.01.003 DISASTER COUNCIL MEMBERSHIP.

Cal. Gov't Code § 8610 authorizes counties, cities and counties, and cities to create disaster councils by ordinance. Therefore, the County of San Benito Disaster Council is hereby created and shall consist of the following members:

(A) The following individuals or designee:

- (1) The County Director of Emergency Services;
- (2) The County Deputy Director of Emergency Services, who shall be Chairperson;
- (3) The County Emergency Services Specialist, who shall be Vice- Chairperson;
- (4) The County Sheriff;
- (5) The County Health Officer;
- (6) The County Emergency Medical Services Manager;

- (7) The County Director of Public Works;
- (8) The County Director of Health and Human Services;
- (9) The County Fire Chief;

(10) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the governing body.

(1966 Code, § 6-3) (Ord. 898, § 3, 2012; Ord. 933, § 3, 2015)

§ 11.01.004 DISASTER COUNCIL POWERS AND DUTIES.

It shall be the duty of the County of San Benito Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the Board of Supervisors emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement the plans and agreements. The Disaster Council shall meet upon call of the Chairperson or, in his or her absence from the county or inability to call the meeting, upon call of the Vice-Chairperson or as otherwise directed by the County of San Benito Disaster Council bylaws.

(1966 Code, § 6-4) (Ord. 898, § 4, 2012)

§ 11.01.005 DIRECTOR AND DEPUTY DIRECTOR OF EMERGENCY SERVICES.

(A) There is hereby created the office of Director of Emergency Services. The County Administrative Officer shall be the Director of Emergency Services.

(B) There is hereby created the office of Deputy Director of Emergency Services. The Deputy Director, under the authority of the Director, shall have the responsibility of managing the day to day administrative and operational activities associated with the management of the County Emergency Management Program as defined within this chapter or as stipulated by the Director. This position is filled by the Emergency Services Manager of the San Benito County Office of Emergency Services.

(Ord. 914, § 1, 2013; Ord. 933, § 4, 2015)

§ 11.01.006 POWERS AND DUTIES OF THE DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES.

(A) The Director is hereby 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 the proclamation 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;

(2) Recommend that the Chairperson 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) 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 to include the operational area 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; and

(6) In the event of the proclamation of a "local emergency," as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the state's Office of Emergency Services, 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 the emergency; provided, however, the rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors;

(b) 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 the same for public use;

(c) To 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. The person shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;

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

(e) To execute all of the special powers conferred upon him or her by this chapter or by resolution or emergency plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon him or 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 or her duties during an emergency. The order of succession shall be approved by the Board of Supervisors.

(C) The Assistant Director shall, under the supervision of the Director, 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.

(1966 Code, § 6-6) (Ord. 898, § 5, 2012; Ord. 914, § 2, 2013)

§ 11.01.007 OPERATIONAL AREA.

(A) The county operational area will consist of county government, cities, special districts and private agencies having emergency management or public safety related response functions.

(B) All entities will operate as an operational area for emergency response purposes as prescribed by Cal. Gov't Code § 8559.

(1966 Code, § 6-7) (Ord. 898, § 6, 2012)

§ 11.01.008 OPERATIONAL AREA EMERGENCY MANAGEMENT PLAN.

The County of San Benito Disaster Council shall be responsible for the development of the County of San Benito Operational Area Emergency Management Plan. The Emergency Management Plan shall provide for the effective mobilization and management 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. The plan shall take effect upon adoption by resolution of the Board of Supervisors.

(1966 Code, § 6-8) (Ord. 898, § 7, 2012)

§ 11.01.009 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 San Benito.

(1966 Code, § 6-9) (Ord. 898, § 8, 2012)

§ 11.01.010 PUNISHMENT OF VIOLATIONS.

It shall be a misdemeanor, punishable by a fine not to exceed \$1,000, or by imprisonment in the county jail 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 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, to imperil the lives or property of inhabitants of this county or to prevent, hinder or delay the defense or protection thereof; and/or

(C) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state.

(1966 Code, § 6-10) (Ord. 898, § 9, 2012)