

Chapter 2.40

EMERGENCY SERVICES

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2.40.010 Purpose. The declared purposes of this Chapter are to provide for the preparation and execution 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 public and nonpublic agencies, private and nonprofit organizations, tribe, incorporated and unincorporated areas, and affected private persons. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2 1996; Ord. 2116 § 2, 1995; Ord. 650 § 1 (part), 1971; prior code § 3-4.0).

2.40.020 Definitions. The following terms as used in this section shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth:

A. "Board" means the Tuolumne County Board of Supervisors.

B. "Disaster" means an actual or potential emergency that exceeds the capacity of either local government or the emergency services system to effectively respond and that requires immediate action in order to protect life and property.

C. "Disaster Response" means a response by organizational units of local government exceeding mutual aid directed toward any emergency in an attempt to mitigate the effects of the emergency upon the public welfare. The effects of the emergency, either

actual or potential, must be of such magnitude that available resources must be directed to the response effort.

D. "Disaster Service Worker " or DSW means either a County staff member who is reassigned during times of declared disaster or a Volunteer DSW who has taken an oath and has registered in writing with the County to be a DSW specifically in times of disaster.

E. "Emergency" means any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering, or financial loss and includes, but is not limited to, blight, contamination, disease, drought, earthquake, explosion, fire, flood, severe weather, spills or releases of oil or hazardous material, riot, sabotage, transportation or utility emergencies, volcanic activity, and war.

F. "Emergency Response" means prompt action directed at safeguarding the public's welfare through procedures designed to minimize danger to life, health, property loss, or related impacts. The level of response is a function of the severity of the emergency, the impact or potential impact upon persons or property, and the ability of government to respond given limitations of budget, personnel, and equipment.

G. "Emergency Service Agency" means an organization within a local government that performs essential services for the public's

benefit prior to, during, or following an emergency. Emergency service agencies include:

1. Primary response organizations which are organizations within local governments that provide fire suppression, law enforcement, public health services, medical treatment and transportation, and responses to spills or releases of oil or hazardous material; and
2. Secondary response organizations which are organizations within local governments that provide for mass care and sheltering, animal control services, public works, and road engineering and repair.

H. "Incident Command System (ICS)" means an all-risk system enabling emergency organizations to function in a multi-agency environment through the use of standardized organization, terminology, procedures, and communications. It provides a generic organizational structure with the five functional areas: command, operations, planning, logistics, and finance.

I. "Local Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to safety of persons and property within the territorial limits of the County, City and County, or City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake or other conditions which are, or likely to be, beyond the control of the services, personnel, equipment, and facilities of a political subdivision and required the combined forces of other political subdivisions to combat.

J. "NIMS" refers to the National Incident Management System, which was patterned after the State's Standardized Emergency Management System (SEMS). It is the foundation for the County's incident command system, emergency management, coordination and support activities as directed by the Homeland Security Presidential Directive-5, and adopted by the Board of Supervisors.

K. "Operational Area" or OA is the umbrella entity that provides support to and coordination of emergency operations within the geographical boundaries of the County. Under SEMS, the OA serves as an intermediate level of the State's emergency services organization, encompassing the County and all political subdivisions located within the County. The

County government shall serve as the lead agency of the OA.

L. "Mutual Aid" is a concept that allows resource sharing between two or more response organizations that are separately funded and whose jurisdictional areas do not overlap. Use of the resources is based upon written operational agreements (Mutual Aid Agreements) between two or more response organizations through which resources are shared and the function of command and control have been agreed upon beforehand.

M. "SEMS" is a system required by Government Code § 8607(a) for managing response to a multi-agency and multi-jurisdiction emergencies in California. SEMS incorporates the use of the Incident Command System, the Master Mutual Aid Agreement, existing mutual aid systems, the Operational Area concept, and multi-agency or inter-agency coordination.

N. "State of Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, 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 conditions, 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, City and County, or City, and require the combined forces of a 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.

O. "State of War Emergency" means the "condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this State or nation is attacked by an enemy of the United States, or upon the receipt by the State of a warning from the federal government indicating that such an enemy attack is probable or imminent."

P. "Unavailable" means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his/her duties. Any questions as to whether a particular officer is unavailable

shall be settled by the governing body of the political subdivision or any remaining available members of said body.

Q. "Unified Command" is a team effort process, allowing all agencies with geographical or functional responsibility for an incident to assign an Incident Commander to a Unified Command organization. The Unified Command then establishes a common set of incident objectives and strategies to which all agencies can subscribe. This is accomplished without losing or giving up agency authority, responsibility or accountability. Unified Command represents an important element in increasing the effectiveness of multi-jurisdictional or multi-agency incidents. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.030 Emergency Services Director, Assistant, and Coordinator -- Office Created.

A. There is created the Office of the Director of Emergency Services. The Chair of the Board of Supervisors shall be the Director of Emergency Services.

B. There is created the Office of Assistant Director of Emergency Services. The County Administrator shall be the Assistant Director of Emergency Services.

C. There is created the Office of Emergency Services Coordinator, who shall be appointed by the Assistant Director of Emergency Services. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.040 Line of Succession. If the Chair of the Board of Supervisors is unavailable to act in the capacity as the Director of Emergency Services, the duties and responsibilities are then transferred to the Vice-Chair of the Board of Supervisors. If the Vice-Chair is unavailable, the duties and responsibilities are then transferred to the Assistant Director of Emergency Services. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.050 Declaration of State of Local Emergency.

A. The authority to declare a 'State of Local Emergency' rests with the Board of Supervisors. If the Chair of the Board finds that circumstances prohibit timely action of the Board, the Chair of the Board is empowered to declare a State of Emergency. In the event the Chair of the Board is unavailable the authority to

declare a local emergency shall be performed by the following individuals in the order listed: the Vice-Chair, the next most senior member of the Board, the next most senior member of the Board, the fifth member of the Board, and the County Administrator.

B. When, in the judgment of the person or persons authorized under subsection (A) hereof, a State of Emergency exists, or when a State of Emergency has been declared by the President of the United States or the Governor of California, the person or persons thus authorized may declare and publicize the existence of such State of Emergency by any means that are deemed appropriate and will achieve notice throughout the county.

C. Any declaration of a local emergency must specify the geographical area covered by the declaration and shall state the factors that necessitate such action. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.060 Authority, Control, and Management of Resources During State of Local Emergency.

When a State of Local Emergency has been declared, the Chair of the Board, or that person under section 2.40.050, is empowered, to the extent otherwise authorized by code, to order and enforce emergency measures, including, but not limited to, the power to:

A. Redirect County funds for emergency use;

B. Suspend standard County procurement procedures;

C. 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 they deem necessary in the execution of their duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered Disaster Service Workers;

D. Extend governmental authority to non-public resources (i.e., personnel and equipment) required to support regular County resources. When property is taken under such power, the owner of the property is entitled to reasonable compensation;

E. Enter into mutual aid agreement and agreement with other public and private agencies for use of resources, including police and law enforcement;

- F. Establish a curfew for the emergency area;
- G. Evacuate persons from emergency area;
- H. Limit the number of persons who may congregate in public within the emergency area;
- I. Restrict and regulate vehicular and pedestrian traffic to, from, and within the emergency area;
- J. Curtail or suspend commercial activity within the emergency area;
- K. Direct all rescue and salvage work, and do all things deemed advisable and necessary to alleviate the immediate condition;
- L. Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work;
- M. Control, restrict, and regulate the distribution and use of food, feed, fuel, clothing, other commodities, materials, goods, and services by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation, or other means;
- N. Direct activities in connection with the use conservation, and salvage of essential materials, services, and facilities. These materials, services, and facilities may include production, transportation, power and/or communication facilities, the training and supply of labor, health, and medical care, housing, rehabilitation, education, child care, recreation, and consumer protection; and
- O. Take any other action that may be necessary for the management of resources following an emergency. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

22.40.070 Scope and Effect of Rules and Orders during State of Emergency.

- A. The authority to issue or promulgate rules and orders under this chapter may be exercised with respect to the entire area over which the Board of Supervisors has jurisdiction or to any specified part thereof.
- B. All rules and orders issued under authority conferred by this chapter shall have the full force and effect of law during a Declared State of Emergency. All previously existing ordinances, rules, and orders inconsistent with

this chapter shall be inoperative during the period of time and to the extent such inconsistencies exist.

C. The County Administrator, on behalf of the County, shall have the authority to enter into mutual aid agreements between the County and City within the County or neighboring counties. These agreements may provide for the support of the activities of these other jurisdictions during a State of Emergency but may not provide for the assumption of control over non-Tuolumne County personnel, equipment or resources. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.080 Responsibility for Emergency Services Program within Tuolumne County. There is hereby formed in Tuolumne County an Emergency Services Program. The County Administrator, as Assistant Director of Emergency Services, has the responsibility for the organization, administration, and operation of the Tuolumne County Emergency Services Program, subject to the direction and control of the Director of Emergency Services.

The County Administrator shall appoint an Emergency Services Coordinator to administer the Emergency Services Program. The appointed Coordinator shall be responsible for the day-to-day operations of Emergency Services. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.090 Operational Area Committee. An Operational Area Committee, also known by the State as a 'Disaster Council', is hereby established which will consist of the following people or their designated representatives:

- County Director of Emergency Services
- Emergency Services Coordinator
- City of Sonora Emergency Services
- California Highway Patrol and Caltrans
- City of Sonora Police Department
- Tuolumne County Sheriff's Department
- CalFire
- United States Forest Service
- CDC Fire Chief
- Yosemite Nat Park Emergency Services
- City of Sonora Fire Department
- County Fire Department
- A representative from each of the Special Districts included in mutual aid agreements
- County Chief Building Official

- EMS Coordinator
- Environmental Health Director
- Human Services Agency Director
- Pre-hospital Medical Services
- Columbia College
- Public Health Officer
- City Public Works Director
- Community Resource Management Agency Director
- Red Cross representative (local)
- Tribal Emergency Services
- A representative from the School Districts
- A representative from Sonora Regional Medical Center
- Utility representatives (water, power, communications)

*Additional members will be added to the committee as necessary.

The Operational Area Committee will be chaired by the County Director of Emergency Services. In his/her absence the Emergency Services Area Coordinator will chair the Committee. It will be the mission of this Committee to: review and establish emergency services policies and procedures; assess and conduct cooperative training courses; and develop effective emergency communications systems.

The Operational Area Committee will meet as often as needed to accomplish the mission and goals of the Committee. Local Disaster Councils as per Government Code Section 8610, et seq. (Ord. 3172 § 1 (part), 2011; Ord. 2314 § 7, 1999; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.100 Emergency Services Organization. All officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all Operational Area groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2.40.060, be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the emergency organization of the County. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.110 Volunteers. Volunteers who perform service in the County Emergency Organization in accordance with the provisions of this division shall so serve without compensation. Volunteers

shall be registered with the County Office of Emergency Services as "Disaster Service Workers", in order to be eligible for State Worker's Compensation benefits, as provided for in Chapter 1 of Part 1, of Division 4, of the State Labor Code, Section 3201, et seq. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.120 Tuolumne County Emergency Operations Plan. The Emergency Service Coordinator shall be responsible for the preparation of an Emergency Operations Plan, hereinafter referred to as "Plan." This Plan shall be a written document detailing mitigation; planning/preparedness; response; and recovery processes for use in dealing with actual or potential disasters, and shall provide a framework within which emergency response agencies may function to safeguard life and property. The Plan is intended to be used only as a guide and does not carry the force of law. All County departments are authorized to take immediate action outside the Plan when human life is threatened. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2 1996; Ord. 2116 § 2, 1995)

2.40.130 Emergency Operations Center.

A. To facilitate emergency response, an Emergency Operations Center (EOC) may be established as needed. The EOC will be staffed and equipped to facilitate communications with field units and on-site command posts, and with the State Emergency Operations Center, and California Emergency Management Agency (CalEMA).

- B. The EOC shall be established in one of the -following locations:
1. Primary – Ambulance and Fire Building, 18440 Striker Court, Sonora
 2. Alternate - County Administration Building, 4th Floor
 3. 2nd Alternate - Sonora City Fire Station
 4. 3rd Alternate - Mobile EOC

C. The EOC shall be operated pursuant to the NIMS and SEMS structure. The EOC Director or his/her designee shall perform the duty of EOC Director and shall make all personnel assignments according to need. Whenever an emergency affects two or more political subdivisions, the concept of Unified Command shall be put into effect.

D. The EOC will be staffed by personnel from County government and other public and private entities as needed. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.140 Termination of State of Local Emergency. The Board shall declare the termination of the existence of a State of Local Emergency. A State of Local Emergency shall be terminated at the earliest date conditions warrant. The Board shall publicize said termination throughout the County. Upon such declaration of termination, all emergency rules and orders and extraordinary authority and controls allowed by this Chapter shall have no further force or effect and shall cease to exist. (Ord. 3172 § 1 (part), 2011; Ord. 2146 § 2, 1996; Ord. 2116 § 2, 1995)

2.40.150 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 Tuolumne, in accordance with Government Code Article 17, Section 8654 et seq., or its successor. (Ord. 3172 § 1 (part), 2011)

2.40.160 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. 3172 § 1 (part), 2011)

2.40.170 Penalties. 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 State of 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. 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 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.

D. Sell, or offer to sell, any consumer food items, repair or reconstruction services, emergency or medical supplies or transportation fuel for an amount which is ten or more percent greater than the price charged by a person, contractor, business or other entity for said goods or services immediately prior to the proclamation of emergency unless said person, business, contractor or other entity can prove that the increase was directly attributable to additional costs imposed on it by the supplier of goods or for labor and materials used to provide the service.

E. Buy, sell, remove, deface, cover, hide, destroy, or tamper with any sign, tag, or placard posted by an official member of the Operational Area on a building or structure damaged by a disaster.

F. Post any sign, tag or placard not authorized by the Operational Area on a building or structure damaged by a disaster. (Ord. 3172 § 1 (part), 2011)