

## ***Chapter 42-2 DISASTER COUNCIL AND EMERGENCY SERVICES***

### **Article 42-2.2. General**

#### **42-2.202 Authority.**

This chapter effectuates, and is authorized by, Government Code Sections 8550 ff, (the California Emergency Services Act) as amended from time to time.

(Ord. 72-83 § 1 (part), 1972).

#### **42-2.204 Purposes.**

The purpose of this chapter is to provide for:

- (1) The preparation and effectuation of plans to protect persons and property in this county in emergencies;
- (2) The creation, direction and operation of the county emergency organization; and
- (3) The coordination of the county's emergency services and functions with those of other public and private entities, organizations and persons.

(Ords. 82-55 § 1, 72-83).

#### **42-2.206 Definitions, emergency.**

- (a) "Emergency" means the actual or threatened existence of conditions 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, storm, epidemic, riot or earthquake or other conditions, including conditions resulting from war or imminent threat of war (but not 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.
- (b) Government Code Section 8558 Prevails. To the extent that this definition may conflict with the provisions of Government Code Section 8558, the latter shall prevail.
- (c) Government Code Definitions. Unless otherwise specifically provided, or required by the context, the terms in this chapter which are also used in Government Code Sections 8550 if, as recodified and/or amended from time to time, have the meanings therein.

(Ords. 82-55 § 2, 72-83).

### **Article 42-2.4. Policy Board/Operational Area Council**

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#### **42-2.402 Emergency services policy board establishment—Membership.**

The Contra Costa County emergency services policy board is established. Its membership consists of the following occupants of county or other public positions and offices.

- (a) County Administrator (chair).
- (b) Sheriff (vice-chair).
- (c) County Counsel.
- (d) Director, Public Works.
- (e) Director, Health Services.
- (f) Fire Chief, Contra Costa County Fire Protection District.
- (g) Risk Manager.
- (h) Director, Department of Conservation and Development.
- (i) Director, Employment and Human Services.
- (j) County Superintendent of Schools or designee.
- (k) Director, Information Technology.
- (l) Representative from the Public Managers' Association.

(Ords. 2023-15 §2, 2001-19 §1, 2000-25 §1, 97-41 §2, 82-55, 72-83.)

#### **42-2.404 Emergency services policy board—Purposes, duties, meetings.**

- (a) Purpose. The emergency services policy board is an advisory body to the county administrator that provides assistance and advice on emergency preparedness planning efforts and the coordination of those planning efforts throughout the county.
- (b) Disaster Council. The emergency services policy board functions as the Contra Costa County disaster council pursuant to Government Code Section 8610.
- (c) Duties. The emergency services policy board shall review and make recommendations on emergency and mutual aid plans and agreements, and on any ordinances, resolutions and regulations that are necessary to implement those plans and agreements.
- (d) Meetings. The emergency services policy board shall meet at least once per year, at a date and time determined by the county administrator, chair of the policy board; or in the county administrator's absence from the County or inability to act, by the sheriff, vice- chair of the policy board. The emergency services policy board may meet more frequently as needed.
- (e) Staff. The director of the office of emergency services serves as staff and secretary to the emergency services policy board.

(Ords. 2023-15 §3, 2001-19 §1, 2000-25 §1, 97-41 §2, 82-55, 72-83.)

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#### **42-2.406 Operational area council— Purposes, duties, meetings.**

- (a) Purpose. The operational area council is created as an advisory council to the emergency services policy board. The operational area council consists of emergency managers from incorporated cities, special districts, key utilities and businesses and staff of the sheriffs office, office of emergency services.
- (b) Duties. The operational area council discusses and considers countywide emergency management areas and issues and makes recommendations thereon to the emergency services policy board through the office of emergency services.
- (c) Meetings. The operational area council meets quarterly when a date and time are fixed by the emergency services director or otherwise as requested by any of the member agencies.

(Ords. 2001-19 § 1, 2000-25, § 1).

#### **Article 42-2.6. County Administrator, Director and Staff**

#### **42-2.602 Administrator of emergency services, alternates.**

- (a) The county administrator is the administrator of emergency services and is in charge of the county's emergency organization. Unless otherwise specifically provided or required by the context, all references in this chapter to the county administrator are in the county administrator's capacity as the administrator of emergency services.
- (b) The county administrator shall, with the board's approval, annually designate from the county administrator's office three alternate administrators of emergency services and their order of succession. These alternate administrators are the county administrator's standby officers in accordance with Government Code section 8638.
- (c) If the county administrator is temporarily or permanently unavailable to carry out the duties of administrator of emergency services, each alternate, in order of succession, shall have the powers and duties of the county administrator specified in this chapter. Upon assuming these powers and duties, an alternate shall immediately confer, if possible, with one or more members of the board of supervisors, including the chair of the board of supervisors if available.

(Ords. 2023-15 §4, 82-55, 72-83.)

#### **42-2.603 Alternates to county administrator.**

Section 42-2.603 of the County Ordinance Code is deleted.

#### **42-2.604 Director and staff.**

- (a) The office of emergency services, which is a part of the County's emergency organization, is a division in the office of the sheriff.
- (b) The sheriff, in conjunction with the county administrator, shall appoint the director of the office of emergency services. The sheriff shall supervise the director of the office of emergency services, subject to the county administrator's emergency powers and duties under this chapter. The director of the office of emergency services shall supervise the daily operations of the office of emergency services.
- (c) The sheriff shall appoint the staff of the office of emergency services, who shall perform those tasks assigned by the sheriff to fulfill the purposes of this chapter, subject to the county administrator's emergency powers and duties under this chapter.

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- (d) The director of the office of emergency services shall, under the supervision of the sheriff, develop emergency plans, manage the emergency programs of the county, and have and perform other powers and duties assigned by the sheriff, subject to the county administrator's emergency powers and duties under this chapter.

(Ords. 2023-15 §6, 97- 42, 82-55 §6, 72-83; see also §33-5.357.)

#### **Article 42-2.8. County Administrator's Powers and Duties**

##### **42-2.802 Proclaims local emergency.**

When the board is not in session, the county administrator may proclaim a local emergency, but only after conferring if possible with one or more members of the board of supervisors, including the chair if available, or declaring in writing that this conference is impossible and filing the written declaration with the clerk of the board of supervisors.

(Ords. 2023-15 §7, 72-83 § 1 (part), 1972.)

##### **42-2.804 Requests state of emergency.**

The county administrator may ask the Governor to proclaim a state of emergency when the county administrator deems locally available resources inadequate to cope with an emergency.

(Ords. 2023-15 §8, 72-83 § 1 (part), 1972.)

##### **42-2.806 Directs and coordinates.**

- (a) The county administrator shall control and direct the effort of the emergency organization of this county to accomplish of the purposes of this chapter.
- (b) The county administrator shall 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.

(Ords. 2023-15 §9, 72-83 § 1 (part), 1972.)

##### **42-2.807 Represents county.**

The county administrator is empowered to represent the county in any negotiation or consultation with public or private agencies on matters pertaining to emergencies.

(Ord. 82-55 § 7).

##### **42-2.808 Emergency powers.**

- (a) Emergencies. The county administrator has the powers and duties specified in this section when an emergency exists under Government Code section 8558(a) or has been duly proclaimed pursuant to this chapter or Government Code sections 8558, 8625, or 8630.
- (b) Regulations. The county administrator may make regulations reasonably related to the protection of life and property as affected by an emergency. The board shall, at the earliest practicable time, wholly or partly, ratify, modify, or repeal these regulations.

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(c) Procurement of Goods and Services. The county administrator may obtain vital supplies, equipment, other goods, and services, found lacking and needed for the protection of life and property; may bind the county for their fair value; and may, if they are required immediately, commandeer them for public use.

(d) Require Services and Materials. The county administrator may require emergency services, personnel, or materials from any county officer, department, agency or employee. If a state of war emergency exists, or if a state of emergency covering this county has been duly proclaimed, the county administrator may command the aid of as many persons of this county as deemed necessary in the execution of the county administrator's duties. These persons have all the privileges, benefits, and immunities provided by state law for registered disaster service workers.

(Ords. 2023-15 §10, 82-55§8, 72-83; see Gov. Code §§ 8610, 8657, etc.)

#### **42-2.810 Emergency expenditures.**

(a) Presumption. All expenditures for emergency activities, including mutual aid activities, shall be conclusively deemed to be for the direct protection and benefit of this county's people and their property.

(b) Authorization. Every county department may expend its regular funds for assigned emergency purposes, to be refunded as the board deems appropriate from any available federal or state disaster relief funds.

(Ord. 72-83 § 1 (part), 1972).

### **Article 42-2.10. Emergency Organization and Plan**

#### **42-2.1002 Emergency organization.**

The county's emergency organization comprises all county officers and employees, all volunteer forces enrolled to aid them during an emergency, and all persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in this county during an emergency, including individuals impressed into service.

(Ord. 72-83 § 1 (part), 1972).

#### **42-2.1004 Emergency plan.**

(a) Development. The county office of emergency services shall develop the county's emergency plan after consulting with local emergency management agencies and keep it up to date.

(b) Contents. The emergency plan shall provide for:

(1) The effective mobilization of the emergency organization of this county to meet any condition(s) constituting, contributing to, or resulting from an emergency; and

(2) The emergency organization's staff, organization, powers, duties, and services.

(c) Adoption. The plan shall take effect as provided in the board resolution adopting it.

(Ords. 2023-15 §11, 72-83 § 1 (part), 1972.)

### **Article 42-2.12. Enforcement**

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#### **42-2.1202 Enforcement—Obstruction.**

No person shall wilfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful regulation issued pursuant to this chapter, or in the performance of any duty or function hereunder.

(Ord. 72-83 § 1 (part), 1972).

#### **42-2.1204 Enforcement—False identification.**

No person shall, without authority therefor, wear, carry or display any means of identification specified by the State Office of Emergency Services.

(Ord. 72-83 § 1 (part), 1972).

#### **42-2.1206 Enforcement—Misdemeanor, punishment.**

Any violation of any provision of this chapter is a misdemeanor and is punishable as provided in Government Code Section 8665 and this code.

(Ord. 82-55 § 9).