

ORDINANCE NO. 2023-15

AMENDMENTS TO DISASTER COUNCIL AND EMERGENCY SERVICES ORDINANCE

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance amends the Disaster Council and Emergency Services Ordinance, Chapter 42-2 of the County Ordinance Code, to revise the membership of the County Emergency Services Policy Board and update continuity of County government provisions.

SECTION 2. Section 42-2.402 of the County Ordinance Code is amended to read:

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.)

SECTION 3. Section 42-2.404 of the County Ordinance Code is amended to read:

42-2.402 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.)

SECTION 4. Section 42-2.602 of the County Ordinance Code is amended to read:

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.)

SECTION 5. Section 42-2.603 of the County Ordinance Code is deleted.

SECTION 6. Section 42-2.604 of the County Ordinance Code is amended to read:

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.
- (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.)

SECTION 7. Section 42-2.802 of the County Ordinance Code is amended to read:

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.)

SECTION 8. Section 42-2.804 of the County Ordinance Code is amended to read:

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.)

SECTION 9. Section 42-2.806 of the County Ordinance Code is amended to read:

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.)

SECTION 10. Section 42-2.808 of the County Ordinance Code is amended to read:

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.
- (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.)

SECTION 11. Section 42-2.1004 of the County Ordinance Code is amended to read:

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.)

SECTION 12. Chapter 42-4 of the County Ordinance Code is amended to read:

**Chapter 42-4
CONTINUITY OF GOVERNMENT**

42-4.002 Definition.

"Unavailable" has the meaning set forth in Government Code section 8636. (Ords. 2023-15 §12; 1880; 1685: prior code § 3110.)

42-4.004 Appointments for succession.

- (a) The board of supervisors shall appoint three standby officers (designated No. 1, No. 2, and No. 3) for each of the five members of the board of supervisors. These appointments shall be updated annually.
- (b) If the chair of the board of supervisors becomes unavailable, the duties of the chair do not pass to the standby officer for that supervisor, but pass to the vice-chair of the board. If the chair and vice-chair both become unavailable, the duties of the chair pass to the remaining elected board member with the longest seniority on the board. If no elected board member is available, the duties of the chair pass to the standby officer

who is chosen as chair by the standby board of supervisors. (Ords. 2023-15 §12; 1880; 1685: prior code § 3111.)

42-4.006 Procedures and duties.

- (a) The board of supervisors shall examine, investigate, remove, and replace standby officers in accordance with Government Code Sections 8638, 8639, and 8640. The board chair, or the vice-chair in the chair's absence, shall administer the oath required by Government Code Section 8640.
- (b) The board shall file with the Secretary of State a copy of its action appointing, removing, or replacing any standby officers.
- (c) Standby officers shall have the duties prescribed in Government Code Section 8641.
- (d) The county clerk shall provide each standby officer with a copy of Government Code Title 2, Division 1, Chapter 7, Article 15, Sections 8635 through 8644, inclusive, and of Sections 42-4.002 through 42-4.010, inclusive, of this code. (Ords. 2023-15 §12; 1880; 1685: prior code § 3112.)

42-4.008 Temporary appointments.

If all members of the board of supervisors, including all standby members, become unavailable, temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member. Temporary officers shall be appointed pursuant to Government Code section 8644 as follows:

- (a) By the chair of the board of supervisors of any other county within 150 miles of this county, beginning with the nearest and most populated county and going to the farthest and least populated; and if that person is unavailable,
- (b) By the mayor of any city within 150 miles of this county, beginning with the nearest and most populated city and going to the farthest and least populated. (Ords. 2023-15 §12; 1880; 1685: prior code § 3113.)

42-4.010 Filling and review of appointments.

- (a) At its second regular meeting in March of each year, or as soon thereafter as practicable, the board of supervisors shall review the status of all standby appointments. The board shall inquire whether three standbys for each member of the board of supervisors are available. Vacancies for standbys shall be filled in accordance with Government Code Sections 8638, 8639, and 8640.

- (b) At the same meeting the board shall review its designation by resolution of an alternative temporary county seat pursuant to Government Code Section 23600. (Ords. 2023-15 §12; 1880; 1685: prior code § 3114.)

SECTION 13. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on August 8 2023, by the following vote:

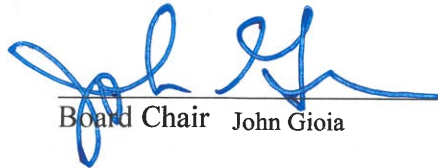
AYES: John Gioia, Candace Andersen, Diane Burgis, Ken Carlson, Federal D. Glover

NOES: None

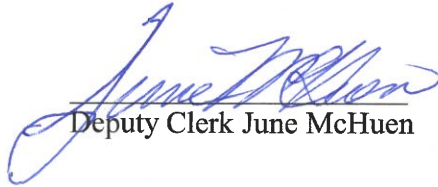
ABSENT: None

ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator


Board Chair John Gioia

By:


Deputy Clerk June McHuen

