

**PLACER COUNTY
OFFICE OF EMERGENCY SERVICES**

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: David Boesch, County Executive Officer
by John McEldowney, Program Manager, Office of Emergency Services

DATE: August 26, 2014

SUBJECT: Amendment to Placer County Code Section 2.88.060 Director and Assistant Director of Emergency Services – Powers and Duties

ACTION REQUESTED

Adopt an ordinance amending Placer County Code section 2.88.060 regarding the powers and duties for the Director and Assistant Director of Emergency Services to change the frequency of review by the Board of Supervisors from 14 days to 30 days during locally proclaimed emergencies to align with the revised state review timeframe.

BACKGROUND

When there is a condition of extreme peril or potential peril to the safety of persons and property, and the condition is beyond the capability of the local forces to control effectively, the local governing body (city council, board of supervisors or a person authorized by ordinance) may proclaim that a local emergency exists. A local emergency may be proclaimed to exist due to a specific situation, such as flood, fire, storm, earthquake, epidemic, drought, sudden and severe energy shortage, or other condition.

The current California Law for Government Code, Title 2, Government of the State of California, Division 1 General, Chapter 7, Section 8630, Article 14 for Local Emergencies was changed to reflect the following statement;

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.*
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.*
- (c) The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.*
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.*

This action will align the County Board of Supervisors reviewing requirements with the current State Government Code.

FISCAL IMPACT

There is no fiscal impact as a result of this action.

Attachment
Ordinance

BEFORE THE BOARD OF SUPERVISORS COUNTY OF PLACER, STATE OF CALIFORNIA

In the matter of:

Ord. No. _____
First Reading _____

**An Ordinance amending Section
2.88.060 of the Placer County Code
regarding the Director and Assistant Director
of Emergency Services Powers and Duties**

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held, _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest: _____
Clerk of the Board
Ann Holman

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN THAT:

Section 2.88.060 Director and assistant director of emergency services—Powers and duties, is hereby amended as follows. Additions to the current ordinance are shown in underline, deletions are shown in strikethrough.

The director is empowered to:

A. 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 such 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. The board of supervisors shall review at least every ~~fourteen (14)~~ thirty (30) days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest date the conditions warrant.

B. 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.

C. Control and direct the effort of the emergency organization of the county for the accomplishment of the purposes of this article.

D. Direct cooperation between and coordination of services and staff of the emergency organization of the county; and resolve questions of authority and responsibility that may arise between them.

E. Represent the county in all dealings with public or private agencies on matters pertaining to emergencies as defined in this article.

F. 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 Office of Emergency Services, or the existence of a "state of war emergency," 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 such emergency; provided, however, such 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 the same for public use;

3. To require emergency services of any county officer or employee and, to command the aid of as many citizens of the county as he or she deems necessary in the 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; and

5. To execute all of his or her ordinary power as county executive officer, all of the special powers conferred upon him or her by this article 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.

G. 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. Such order of succession shall be approved by the board of supervisors.

H. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the county; and shall have such other powers and duties as may be assigned by the director. (Prior code § 6.40)

