

June 25, 2024

ORDINANCE NO. 1568

BY Paul Higji
DEPUTY CLERK OF THE BOARD

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF YOLO AMENDING TITLE 4, CHAPTER 1
OF THE YOLO COUNTY CODE, RELATING TO EMERGENCY SERVICES**

The Board of Supervisors of the County of Yolo hereby ordains as follows:

SECTION 1. Purpose. The Board of Supervisors adopted a comprehensive emergency services ordinance in March 2007, codified at Title 4, Chapter 1, of the Yolo County Code. The Board later adopted a significant update to the 2007 ordinance on March 7, 2023. The purpose of this Ordinance is to amend Title 4, Chapter 1, to refine the 2023 ordinance, mostly in minor respects, to reflect the interests and expectations of key partners in local emergency operations.

SECTION 2. Amendments to Title 4, Chapter 1 of the Yolo County Code.

Title 4, Chapter 1 of the Yolo County Code shall be replaced in its entirety with the text included as Attachment 1 to this Ordinance, incorporated herein by this reference.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. Conflicting Enactments. To the extent that there is any conflict between the provisions of this Ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

Introduced at a Board of Supervisors regular meeting held on June 4, 2024, and subsequently approved following a second reading on June 25, 2024, by the following vote:

AYES: Vixie Sandy, Provenza, Barajas, Villegas, Frerichs.

NOES: None.

ABSENT: None.

ABSTENTION: None.

Lucas Frerichs
Lucas Frerichs, Chair
Yolo County Board of Supervisors

Attest: Julie Daentler, Senior Deputy Clerk
Yolo County Board of Supervisors

Approved as to Form:

By: Paul Higji
Deputy (Seal)

By: Philip J. Pogledich
Philip J. Pogledich, County Counsel



ATTACHMENT 1

Sec. 4-1.01. Purposes.

The declared purposes of this Chapter are to provide for the preparation, unification and implementation of plans for the protection of persons and property within this County in the event of an emergency, and to provide for the direction of the emergency management organization and the coordination of County emergency functions with all political subdivisions, emergency services agencies, corporations, organizations, and affected private persons.

This Chapter shall be interpreted in a manner that provides the maximum authority allowed under state and federal law to the County and other agencies and their officers, employees, and disaster service workers during an emergency within the operational area.

Sec. 4-1.02. Definitions.

Director

During a declared Emergency, as defined below, shall mean the Director of Emergency Services, as described further in Section 4-1.04, below.

Disaster Council

The Yolo County Disaster Council, established and described further in Section 4-1.03, below.

Disaster Service Worker

Shall refer to individuals covered by California Labor Code section 3211.92, as may be amended from time to time.

Emergency

Includes a state of war emergency, state of emergency, or a local emergency, all as defined in Government Code section 8558 as may be amended from time to time. It shall also include a local health emergency, as defined herein, but nothing in this Chapter shall conflict with or reduce the roles or responsibilities of the County Public Health Officer as set forth in California law.

Emergency Management Organization

Refers to the Yolo County Emergency Management Organization, established and described further in Section 4-1.06, below.

Emergency Operation Center (EOC)

A location from which centralized emergency management can be performed.

Local Emergency

Shall have the meaning set forth in Government Code section 8558(c)(1), as may be amended from time to time.

Local Government

Shall have the meaning set forth in Government Code section 8680.2, as may be amended from time to time.

Local Health Emergency

Shall have the meaning set forth in California Health & Safety Code section 101080, as may be amended from time to time.

Operational Area

Shall have the meaning set forth in Government Code section 8559(b), and for purposes of this Chapter shall consist of the County of Yolo and all local government entities within its geographical limits.

Standardized Emergency Management System (SEMS)

A standardized response to emergencies involving multiple jurisdictions or multiple agencies. It is based upon and uses the principles and components of emergency management including ICS, multi-agency coordination, operational area concept, and established mutual aid systems.

Other terms used herein shall have meanings as used in the California Emergency Services Act and the County's Emergency Operations Plan, hereinafter referred to as the County's Emergency Plan.

Sec. 4-1.03. Disaster Services Council.

(a) Disaster Council powers and duties. It shall be the duty of the Yolo County Disaster Council, and it is hereby empowered, to advise the Office of Emergency Services on disaster preparedness activities and emergency and disaster plans, policies, and procedures. The Disaster Council will also review and recommend ordinances, resolutions, plans and policies for adoption by the Board of Supervisors, emergency and mutual aid agreements, and rules and regulations necessary or helpful to implementing any of the foregoing.

Additional duties of the Disaster Council include:

- (1) Assess and coordinate disaster related training relating specifically to the unincorporated areas of the County of Yolo.
- (2) Develop plans for meeting any condition constituting an Emergency
- (3) Evaluate potential hazards within the County and assist in developing response plans relating to those hazards.

- (4) Review and approve the County Emergency Operations Plan.
- (5) Develop and approve plans to effectively mobilize resources within the operational area, including private resources.
- (6) By ordinance or other appropriate means, ensure the organization, powers and duties, divisions, services, and staff of the County's emergency services office
- (7) Act as an advisory board to the Office of Emergency Services
- (8) Certify Disaster Service Workers through the Office of Emergency Services under authority of Section 3211.9 of the California Labor Code.

(b) Membership. The Yolo County Disaster Council consists of the following persons or their designees. The County Administrator shall appoint all County representatives listed below, and other non-County representatives shall be appointed as indicated. All representatives shall serve in an advisory capacity (except as otherwise expressly set forth in this Chapter) and without any term limits.

- (1) Director of Emergency Services, who shall serve as the Chair
- (2) Assistant or Deputy County Administrator or other designee of the County Administrator, who shall serve as Vice-Chair
- (3) County Counsel
- (4) County Health Officer
- (5) County Mental Health Director or designee
- (6) County Director of Community Services or designee
- (7) County Sheriff or designee
- (8) A representative from each city (at city discretion to appoint, and participation by each city is optional)
- (9) Yolo County Fire Chiefs Association (one appointee)
- (10) Yocha Dehe Wintun Nation (one appointee) (The Yocha Dehe Wintun Nation's participation on the Yolo County Disaster Council shall in no way effectuate, or be interpreted to effectuate, a waiver of the Tribe's sovereign immunity.)
- (11) American Red Cross (one appointee)
- (12) Two Access and Functional Needs representatives (appointed by the County Administrator)
- (13) Special District Representative (appointed by the County administrator)
- (14) Aging Commission (one appointee)
- (15) Up to two additional at-large representatives, appointed by the Board of Supervisors

The Chief of the Office of Emergency Services (also referred to as the Deputy Director) or designee shall be the Secretary and provide technical guidance.

A majority of Council members shall constitute a quorum of the Council for purposes of the Brown Act, excluding seats held by city representatives and any vacant seats. Members that are unable to be physically present may participate remotely in accordance with the Brown Act.

(c) **Meetings.** The Disaster Council shall meet bi-annually or upon the call of the Chair, or in their absence or inability to call such a meeting, upon the call of the Vice-Chair.

Sec. 4-1.04. Director of Emergency Services.

(a) **Director of Emergency Services.** There is hereby created the office of Director of Emergency Services. The County Administrator shall be the Director of Emergency Services. In the event the CAO is unavailable to serve as Director, the person(s) designated as the CAO's successor as Director of Emergency Services are, in order of succession, the Assistant County Administrative Officer, the Deputy County Administrative Officer, and the Chief of the Office of Emergency Services.

(b) **Powers and Duties of the Director of Emergency Services.** The Director is hereby empowered to direct the operational response to an Emergency, and is specifically empowered and authorized 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 such proclamation if the Board of Supervisors is not in session. Whenever the Director proclaims a local emergency, the Board of Supervisors shall take action to ratify the proclamation within seven days thereafter (or within any other timeframe provided by state law or executive order) or the proclamation shall have no further force or effect;
- (2) Request the Governor or recommend that the Chair 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. Whenever the Director makes such a request directly, it shall be confirmed by the Board of Supervisors at the earliest practicable time;
- (3) Control and direct the effort of the Emergency Management 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 Management Organization of this County and resolve questions of authority; and responsibility that may arise between them;
- (5) Represent this County in all dealings with public or private entities on matters pertaining to emergencies as defined herein. Such day to day dealings may be delegated as appropriate.
- (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 Office of Emergency Services, or the existence of a "State of War Emergency," the Director is hereby empowered:
 - (i) 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 possible practicable time by the Board of Supervisors;
 - (ii) To obtain vital supplies, equipment, and 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.

- (iii) To require emergency services of any County officer or employee and, in the event of the proclamation of a "Local Emergency" or "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 deemed necessary in the execution of emergency duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered Disaster Service Workers;
- (iv) To appoint additional emergency management staff as needed, in addition to those established by the County Emergency Operations Plan, and to delegate to those members of the emergency management organization such duties and responsibilities as the Director may deem necessary;
- (v) To requisition necessary personnel, facilities, or assets of any County department or agency; and
- (vi) To execute all ordinary powers as Administrative Officer; all the special powers conferred upon that position 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.

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 or otherwise perform the duties of that office during an emergency.

Sec. 4-1.05. Deputy Director of Emergency Services.

There is hereby created the position of Deputy Director of Emergency Services, who shall serve as (and at times is referred to herein as) the Chief of the Office of Emergency Services. The Director shall appoint a Deputy Director/Chief of Emergency Services within the County Administration Office to manage the day-to-day administration and operations of emergency services for the accomplishment of the purposes of this Chapter. This position shall report to the County Administrator or designee.

Sec. 4-1.06. Emergency Management Organization.

The Emergency Management Organization shall consist of all officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons commandeered under the provisions of the California Emergency Services Act and this Chapter, with all equipment and material publicly owned, volunteered, commandeered or in any way under the control of the aforementioned personnel, for the support of the aforementioned personnel in the conduct of emergency operations. The Emergency Operations Plan may further define the organization and functions of the Emergency Management Organization.

The Emergency Management Organization shall be activated and function only during a declared Emergency, including an Emergency declared or proclaimed by two or more cities within the Operational Area, or in the following circumstances:

(a) The Operational Area is requesting resources from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis as provided for under the Master Mutual Aid Agreement.

(b) The Operational Area has received resource requests from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis as provided for under the Master Mutual Aid Agreement.

Sec. 4-1.07. Emergency Operations Plan.

The emergency plan shall provide for the effective mobilization of all County resources, both public and private, as necessary to carry out the purposes of this chapter. It shall comply with the State of California and national emergency planning guidance. Assignment of emergency duties and functions shall be outlined in the plan for all County agencies. Major revisions to the emergency plan shall be presented to the Board of Supervisors and shall become effective upon Board approval. In assigning emergency duties and functions to County agencies and personnel, the Director shall strive to take advantage of inherent competencies already existing among County personnel. All County departments, employees, and disaster service worker shall adhere to the requirements of the plan, and shall diligently work to develop and support the most effective emergency program within their means.

Sec. 4-1.08. Office of Emergency Services.

An Office of Emergency Services is hereby established to coordinate all emergency preparedness, response and recovery functions and responsibilities to carry out the intent of this Chapter. The Office of Emergency Services shall be headed by the Chief of Emergency Services, which position is designated as the Deputy Director of Emergency Services. The Deputy Director shall 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 of Emergency Services. In the absence of the Director, the Deputy Director shall act as the Director.

Responsibilities and duties of the Deputy Director shall include, but not be limited to, the following:

(a) Coordinate the activities of all emergency services both in pre-emergency planning, during an emergency, and in post emergency recovery activities.

(b) Represent the County in all dealings with public or private agencies pertaining to emergency planning.

(c) Organize and develop the County emergency program and operational area emergency programs, working with County departments, other political subdivisions, supporting agencies, volunteer groups and individuals.

- (d) Administer the Office of Emergency Services;
- (e) Develop and maintain the emergency operations plan for the County and supporting emergency plans;
- (f) Assist County departments and other political subdivisions in the preparation of emergency plans and operating procedures, reviews, modifications as necessary, and approve agency/department emergency plans and operating procedures;
- (g) Develop and coordinate such training programs and exercises as may be necessary to ensure readiness of the emergency organization;
- (h) Develop and coordinate programs designed to inform the public of measures for self-protection and emergency services activities;
- (i) Submit the County emergency operations reports as necessary to the Board of Supervisors and the Disaster Council;
- (j) Provide an annual report to the Board of Supervisors either verbally or in writing;
- (k) Prepare and submit all reports required of the Office of Emergency Services by the emergency agencies of the Federal government and the State of California;
- (l) Serve as Secretary to the Disaster Council;
- (m) Administer the loyalty oath to disaster service workers or delegate the authority to administer the loyalty oath to such service chiefs as deemed necessary to meet the purposes of this chapter and maintain a disaster service worker registration program in the County;
- (n) Maintain twenty-four (24) hour-a-day availability of on-call emergency management personnel for immediate response if called upon by the County;
- (o) Designate and maintain an Emergency Operations Center in an acceptable state of readiness;
- (p) Develop and maintain such programs as may be necessary to ensure adequate staffing for the emergency operations center and other emergency response or recovery activities;
- (q) Serve as the Emergency Operations Center Coordinator when the emergency operations center is activated;
- (r) Provide advice and support to the Director of Emergency Services during an emergency; and

Section 4-1.09. Yolo Operational Area

Consistent with Government Code section 8605 and the definitions set forth above, the Yolo County Operational Area is an intermediate level of the state emergency services organization consisting of the County of Yolo, all political subdivisions, and those special districts that have signed an agreement and become part of the Operational Area within the geographic boundaries of Yolo County. The Yolo County Operational Area is used for the coordination of emergency activities and to serve as the link in the system of communications and coordination between the

state's emergency operation centers and the emergency operation centers of the County and the other entities comprising the Yolo County Operational Area.

The County government shall serve as the lead agency of the "Yolo County Operational Area" unless another member agency of the Operational Area assumes that responsibility by written agreement approved by the Board of Supervisors or its delegee.

The operational area authority and responsibility under the Standardized Emergency Management System shall not be affected by the non-participation of any local government(s) within the area.

As the lead agency, the County shall:

- (a) Coordinate information, resources, and priorities among local governments within the operational area.
- (b) Coordinate information, resources and priorities between the regional and local government levels. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
- (c) Use multi-agency coordination to facilitate decisions for overall operational-level emergency response activities.
- (d) Provide for an Operational Area EOC, which may be co-located within the County EOC.
- (e) Coordinate resources within the County not covered by normal law enforcement or fire mutual aid.

Sec. 4-1.10. Expenditures

Any expenditure of County funds 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, property, and/or environment of or within the County of Yolo.

Sec. 4-1.11. Punishment of Violations.

Consistent with Government Code section 8665, it shall be a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or both, for any person during an emergency:

- (a) Willfully to obstruct, hinder or delay any member of the Yolo County Emergency Management Organization in the enforcement of any lawful rule, regulation or order issued pursuant to this ordinance, or in the performance of any duty imposed upon by virtue of this ordinance;
- (b) To do any act forbidden by any lawful rule, regulation or order issued pursuant to this Chapter;

Attachment 1

- (c) To wear, carry or display, without authority and for the purpose of obstructing, hindering, or delaying emergency response efforts or for other improper or illegal purposes, any means of identification used by the County of Yolo and/or disaster agencies of the Federal or State Governments.