

ATTACHMENT A

**PROPOSED ORDINANCE CHAPTER 12 10-21-2014
ORDINANCE NO. ____**

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1: Ordinance Amendment

CHAPTER 12 EMERGENCY MANAGEMENT

Sec. 12-1. Title of Chapter

This chapter is entitled "Emergency Management".

Sec. 12-2. Purpose

The purpose of this chapter is to establish in accordance with state laws and regulations, the authorities and systems that provide for the preparation and execution of plans for the protection of persons, property, and the environment within this County in the event of an emergency; provides the direction for the emergency organization; the coordination of emergency and recovery functions of this County with all other public agencies, corporations, organizations and affected private persons; and the continuity of the local government.

Sec. 12-3. Definitions

The following definitions shall apply to this Chapter:

(a) Emergencies:

- (1) "Local Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, 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, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions 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;
- (2) "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, 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;

Ordinance amending Chapter 12 of the County Code

- (3) "Presidential Declaration of a Federal Major Disaster or Emergency". For the purposes of a Presidential Declaration of a Federal Major Disaster or Emergency, the following definitions apply:
- (A) A major disaster is defined as any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the U.S. which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Federal Stafford Disaster Relief and Emergency Assistance Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardships, or suffering caused thereby;
 - (B) An emergency is defined as any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the U.S.;
- (4) "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 receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent;
- (b) Emergency Organization consists of all personnel of the members of the Operational Area, including enrolled volunteers, and all groups, organizations and persons who may by agreement or operation of law, are charged with duties incident to the protection of life, property, or environment in this Operational Area during an emergency, shall constitute the Emergency Organization of the Operational Area;
 - (c) "Incident Command System" (ICS) is a management system used for on scene field operations for small to complex incidents. The essential concepts of ICS are, unity of command, common terminology, management by objective, flexible and modular organization, and span of control using incident action plans. The ICS functions are Command, Operations, Planning, Logistics and Finance;
 - (d) "National Incident Management System" (NIMS), is a federal incident management system. The components of NIMS are; preparedness, management of communications, information, resources, command, and ongoing maintenance of an emergency management program;
 - (e) Santa Barbara County Operational Area ("Operational Area") is an intermediate level of the state emergency services organization, consisting of this County and all political subdivisions within the County area. The County government shall serve as the lead agency of the Operational Area unless another member of the Operational Area assumes that responsibility by written agreement with County government;
 - (f) "Standardized Emergency Management System" (SEMS):
 - (1) SEMS is used for managing emergencies involving multiple jurisdictions and agencies. SEMS consists of five organizational levels, which are activated as necessary;
 - (A) field response;
 - (B) local government;
 - (C) operational area;
 - (D) region (of the state); and
 - (E) state.
 - (2) SEMS incorporates the functions and principles of the Incident Command System (ICS), the California Master Mutual Aid Agreement, existing mutual aid agreements or

Ordinance amending Chapter 12 of the County Code

systems, the operational area concept, and multi-agency or inter-agency coordination;

- (g) "Unavailable" means that during a local, state, or federal emergency, an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform their duties. Any question as to whether a particular officer is unavailable shall be settled by the governing body of the political subdivision or the remaining available members of said body (including standby officers who are serving on such governing body);

Sec. 12-4. Director Emergency Services

- (a) The County Executive Officer of the County of Santa Barbara shall be the "Director of Emergency Services" for the Operational Area;
- (b) The Director of Emergency Services shall designate an Assistant County Executive Officer to assume the role of Director of Emergency Services when the County Executive Officer is absent;

Sec. 12-5. Director of Emergency Services - Powers and Duties

- (a) The Director of Emergency Services is empowered 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 a proclamation of a Local Emergency if the Board of Supervisors is not in session. Whenever a Local Emergency is proclaimed by the Director of Emergency Services, the Board of Supervisors shall ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
 - (2) Recommend that the Board of Supervisors request the Governor to proclaim a State of Emergency when the locally available resources are inadequate to address the emergency, when the Board is in session;
 - (3) Request the Governor to proclaim a State of Emergency when the locally available resources are inadequate to address the emergency, when the Board is not in session;
 - (4) Control and direct the effort of the appropriate county staff for the accomplishment of the purpose of this chapter;
 - (5) Coordinate services and staff of the emergency organization of this County; and resolve questions of authority and responsibility that may arise;
 - (6) Represent this county in all dealings with public or private agencies on matters pertaining to emergencies;
- (b) In the event of a proclamation of a Local Emergency, a proclamation of a State of Emergency, a Presidential Declaration of a Federal Major Disaster or Emergency, or the existence of a State of War Emergency, the Director of Emergency Services, is empowered:
 - (1) To make and issue rules and regulations on matters reasonably related to the protection of life, property, or environment 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 resources needed for the protection of life, property, or the environment, 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 request the aid of citizens to serve as registered disaster service workers;
 - (4) To requisition necessary personnel or material of any County department or agency for response and recovery;

Ordinance amending Chapter 12 of the County Code

- (5) To execute all of their ordinary powers as County Executive Officer, and special powers conferred upon him/her by this chapter or resolution or emergency plan adopted by the Board of Supervisors, all powers conferred upon him/her by any statute, by any agreement approved by the Board of Supervisors, or other lawful authority.
- (6) Once life/safety operations have concluded and emergency conditions have stabilized, emergency operations will transition from response to recovery. As needed, the Director of Emergency Services will establish and maintain a Recovery Advisory Council, in accordance with this Chapter.

Sec. 12-6. Director of Emergency Management

The Director of Emergency Services shall appoint the "Director of Emergency Management", formerly known as the Coordinator of Emergency Services. This position shall be responsible for the management of the Office of Emergency Management ("OEM") and shall coordinate the Operational Area in its readiness, response and recovery activities.

Sec. 12-7. Director of Emergency Management – Responsibilities and Duties

The Director of Emergency Management shall have the following responsibilities and duties:

- (a) Coordinate and conduct all day to day emergency management and homeland security functions and activities as deemed appropriate by the Director of Emergency Services, and with the assistance of Operational Area jurisdictions, districts, and county departments, develop emergency policies, programs, plans, procedures and training in accordance with SEMS;
- (b) Establish and maintain the designated County/Operational Area Emergency Operations Center (EOC) in an acceptable state of readiness;
- (c) Establish and maintain liaison with all County departments and agencies; all cities located within the county; the State; appropriate Federal agencies; and to coordinate effective communications between all agencies regarding emergency management and homeland security matters;
- (d) Develop a comprehensive County Emergency Management Plan and supporting emergency plans or annexes;
- (e) Review emergency management plans of the cities located within the County of Santa Barbara, in accordance with the state emergency plan guidance. City emergency management plans that meet the criteria of the state guidance shall be approved by the Office of Emergency Management;
- (f) Coordinate and develop a viable emergency public information and warning system;
- (g) Coordinate and conduct employee preparedness and emergency training activities for all personnel of the members of the Operational Area, as needed, in accordance with SEMS;
- (h) Coordinate and conduct ongoing public emergency preparedness and education campaigns and programs throughout the Operational Area;
- (i) Document all Operational Area actions and responses during an emergency and prepare supporting documents detailing such actions; and
- (j) Provide appropriate advice and support to the Director of Emergency Services during any local, state or federal declared emergency impacting the Operational Area.

Sec. 12-8. Office of Emergency Management

- (a) The Office of Emergency Management (OEM) [previously referred to as the Office of Emergency Services (OES)] shall coordinate all emergency preparedness, response and recovery functions and responsibilities as necessary to carry out the intent of this chapter;
- (b) Should the Director of Emergency Management become unavailable, the most qualified or senior OEM staff shall assume the duties of the Director of Emergency Management until the position is appointed by the Director of Emergency Services;

Ordinance amending Chapter 12 of the County Code

- (c) The Office of Emergency Management shall provide emergency management training in accordance with ICS, SEMS, and NIMS.

Sec. 12-9. Disaster Council

- (a) The Santa Barbara County Disaster Council (“Disaster Council”) shall make recommendations to the Director of Emergency Services and the Director of Emergency Management regarding, the County Emergency Management Plan and agreements, the Operational Area’s disaster service worker program and related ordinances and resolutions. The Disaster Council shall meet routinely or upon call of the Disaster Council Chair or, the Vice Chair.
- (b) The Disaster Council Membership shall consist of the following:
 - (1) The Chair of the Board of Supervisors;
 - (2) The Director of Emergency Services;
 - (3) The Director of Emergency Management;
 - (4) The County Counsel or his/her designee;
 - (5) The County Sheriff or his/her designee;
 - (6) The County Fire Chief or his/her designee;
 - (7) The County Health Officer or his/her designee;
 - (8) The Public Works Director or his/her designee;
 - (9) The General Services Director or his/her designee; and
 - (10) Additional County department directors whose advice the Disaster Council Chair believes beneficial.
- (c) The Chair of the Board of Supervisors shall serve as the Chair of the Disaster Council;
- (d) During a proclaimed emergency, the Director of Emergency Management shall serve as the acting Disaster Council Chair, pending the arrival of the Chair or Vice Chair of the Board of Supervisors;
- (e) During a proclaimed emergency, the Disaster Council shall act as an advisory body to the Director of Emergency Services in order to minimize the effects of the emergency by recommending or prioritizing response actions;
- (f) Disaster Council members may transition to members of the Recovery Advisory Council when emergency conditions have sufficiently stabilized, and recovery operations begin.
- (g) When a proclaimed emergency is not in effect, the Chair of the Board of Supervisors may delegate the Chair of the Disaster Council to the Director of Emergency Management;
- (h) The Disaster Council Chair shall also call upon the directors, or designees, of affected or potentially affected jurisdictions within the Operational Area, state or federal governments, local cooperators such as the American Red Cross, utilities or other technical experts for their advice and input, as needed.

Sec. 12-10. Recovery Advisory Council

A Recovery Advisory Council may be created at the discretion of the Director of Emergency Services, during the transition from disaster to recovery, when life/safety operations have concluded, and emergency conditions have stabilized. A Recovery Advisory Council would serve as an advisory body to the Director of Emergency Services.

- (a) The purpose of the Recovery Advisory Council is to provide policy and set priorities for post disaster short term and long term activities and the restoration of community services and infrastructure to pre disaster conditions;
- (b) The Recovery Advisory Council members will be selected by the Director of Emergency Services to address the scope and scale of the prevailing situation;
- (c) The Recovery Advisory Council may consist of the following:
 - (1) Director of Emergency Services or designee;
 - (2) Director of the Office of Emergency Management;

Ordinance amending Chapter 12 of the County Code

- (3) The Auditor-Controller;
 - (4) Director of Public Health Department;
 - (5) Director of Department of Social Services;
 - (6) Director of Planning and Development Department;
 - (7) Sheriff; and
 - (8) Other Departments or agencies as required.
- (d) The Recovery Advisory Council will coordinate initial recovery operations of County departments;
 - (e) The Recovery Advisory Council will provide information, coordinate recovery efforts between state and federal agencies, the Operational Area and its jurisdictions, and other entities that are part of Santa Barbara County's Emergency Organization;
 - (f) Based on the nature and scope of the disaster, the Recovery Advisory Council will direct safety assessments of the County's buildings in accordance with established priorities;
 - (g) The Recovery Advisory Council will disseminate recovery information and instructions to the public, when appropriate; and
 - (h) The Recovery Advisory Council will coordinate the county's disaster claims process.

Sec. 12-11. Emergency Operations Center

- (a) Within the Operational Area there shall be designated an Emergency Operations Center (EOC) which, during times of emergency, shall serve as a coordination, management and continuity of government center for the local government response. The County facility located at 4408 Cathedral Oaks Road, Santa Barbara, CA 93110, is the designated EOC;
- (b) The OEM may designate a secondary location as an "alternate" or "back-up" EOC;
- (c) The management and operation of the EOC shall be under the purview of the OEM;
- (d) The Director of Emergency Management shall develop, and maintain policies and procedures that ensure the readiness of the EOC.

Sec. 12-12. Emergency Management – Incident Command System (ICS), Standardized Emergency Management System (SEMS), National Incident Management System (NIMS)

As appropriate, all emergencies within the operational area shall be managed in accordance with the Incident Command System (ICS), the Standardized Emergency Management System (SEMS), and the National Incident Management System (NIMS).

Sec. 12-13. Continuity of Governance

(a) In accordance with section 8638 of the Government Code of the State of California and to provide for the continuance of governmental functions of the County of Santa Barbara during a Presidential Declaration of a Federal Major Disaster or Emergency, a state of war emergency, a state of emergency or a local emergency the following standby officers are designated should the primary officer be unavailable:

- (1) Supervisor, District One:
 - (A) Director, Planning and Development, Standby No. 1;
 - (B) Director, Community Services, Standby No. 2;
 - (C) Assistant County Executive Officer, Standby No. 3.
- (2) Supervisor, District Two:
 - (A) Treasurer-Tax Collector, Standby No. 1;
 - (B) Chief Probation Officer, Standby No. 2;
 - (C) Director, Alcohol, Drug and Mental Health Services, Standby No. 3.
- (3) Supervisor, District Three:
 - (A) County Clerk/ Recorder/Assessor, Standby No. 1;
 - (B) County Counsel, Standby No. 2;

Ordinance amending Chapter 12 of the County Code

- (C) Director, Public Works, Standby No. 3.
- (4) Supervisor, District Four:
 - (A) District Attorney, Standby No. 1;
 - (B) Agricultural Commissioner, Standby No. 2;
 - (C) Director, Social Services, Standby No. 3.
- (5) Supervisor, District Five:
 - (A) Auditor-Controller, Standby No. 1;
 - (B) Director, Public Health Department, Standby No. 2;
 - (C) Director, General Services, Standby No. 3.
- (6) Other Offices.
 - (A) Each elected official and department head shall designate in writing, standby personnel so as to maintain continuity of government services within their office or department. A copy of such written designation shall be filed with both the Clerk of the Board of Supervisors and the Director of Emergency Services and shall be updated as appropriate;
 - (B) Should the Chair of the Board of Supervisors be unavailable, the duties of the Chair shall not pass to the standby officer for the supervisor, but shall pass to the Vice-Chair of the Board of Supervisors. Should the Chair and Vice-Chair of the Board of Supervisors both be unavailable, the duties of Chair shall pass to the remaining elected supervisor with the longest seniority on the board, if any elected supervisor is available; if not, to such standby supervisor as is chosen by the standby Board of Supervisors;
 - (C) Service as a standby officer shall be in an ex officio capacity as a part of the primary duties of the officers and employees so designated. As such, no change in compensation or employment status shall be engendered by service as a standby officer hereunder;
 - (D) As required by Section 8640 of the Government Code of the State of California, each person holding a position designated as a standby officer, shall take the oath of office required for the office for which the individual is the standby officer. The Clerk of the Board of Supervisors shall administer the oath at the time the standby officer list is filed. Persons acting in interim, acting or temporary capacities in the positions designated as standby officers shall not take the oath of office and shall not assume the standby officer duties designated; in this case the next designated standby officer shall assume the standby office;
 - (E) Provision of section 8635 through 8644 of the Government Code of the State of California shall apply to standby officers designated herein.

Sec. 12-14. Disaster Service Workers, Volunteers and Volunteer Organizations

- (a) Disaster Services Workers – County Employees.

During a proclaimed local, state, or federal emergency, all County employees shall be considered Disaster Service Workers (DSW) and shall be at the disposal of the Director of Emergency Services in order to respond to the emergency.
- (b) Disaster Service Workers – Volunteers.

During a proclaimed local, state, or federal emergency, volunteers that are enrolled in the County's Disaster Service Worker (DSW) program may provide emergency services as directed by the Director of Emergency Services. The volunteers will be assigned specific tasks according to approval or recognition of mission by the appropriate County department.
- (c) Volunteers and Volunteer Organizations.

The Director of Emergency Management shall maintain communications with volunteer organizations in order to provide an organized approach and method of providing emergency and disaster services. Volunteers providing services to a volunteer organization are deemed to be DSW's, only if; the Director of Emergency Management has provided such designation in writing.

Sec. 12-15. Emergency Management Plan

The County Emergency Management Plan shall be approved by the Disaster Council, reviewed and approved by the state, and then forwarded to the Board of Supervisors for adoption. An Emergency Management Plan describes the principles and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies.

Sec. 12-16. 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 inhabitants and property of the County of Santa Barbara.

Sec. 12-17. Punishment of Violations

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person, during a State of War Emergency, Presidential Declaration of a Federal Major Disaster or Emergency, State of Emergency, or Local Emergency to:

- (a) Willfully obstruct, hinder or delay any members 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 or 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.

Sec. 12-18. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this chapter are declared to be severable.

SECTION 2: Publication and Effective Date

This ordinance, within fifteen (15) days after its passage and adoption, shall be published once in the Santa Barbara News-Press and shall be in full force and effect thirty (30) days after its passage and adoption.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIR, BOARD OF SUPERVISORS

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

By _____
Deputy

(DO NOT PUBLISH APPROVAL)

APPROVED AS TO FORM
MICHAEL C. GHIZZONI,
COUNTY COUNSEL

APPROVED AS TO FORM
MONA MIYASATO
COUNTY EXECUTIVE OFFICER

By _____
Deputy

By _____

APPROVED AS TO FORM
RYAN ROCKABRAND
DIRECTOR EMERGENCY MANAGEMENT

APPROVED AS TO FORM
RAY AROMATORIO
RISK MANAGEMENT

By _____
Director

By _____
Risk Program Administrator