

County of Orange

Division 1 - EMERGENCY SERVICES

ARTICLE 1. - EMERGENCY ORGANIZATION^[1]

Footnotes:

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Editor's note— Ord. No. 98-4, §§ 1 and 2, adopted April 14, 1998, amended the Code by repealing former Art. 1, §§ 3-1-1—3-1-9 and adding a new Art. 1, §§ 3-1-1—3-1-9. Former Art. 1 pertained to similar subject matter and derived from Ord. No. 3982, adopted May 13, 1997; and Ord. No. 3915, adopted April 26, 1994.

Sec. 3-1-1. - Purpose.

The declared purposes of this Article are to provide for the direction of the emergency organization; the coordination of the emergency functions of this County with all other public agencies, corporations, organizations, and affected private persons; and the preparation and implementation of plans for the protection of persons and property within this County in the event of an emergency. Any expenditures made in connection with such 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 Orange.

(Ord. No. 98-4, §§ 1, 2, 4-14-98)

Sec. 3-1-2. - Definitions.

The following terms as used in this article shall, unless the content clearly indicates otherwise, have the respective meanings herein set forth:

- (a) "California Emergency Services Act ("the Act") is codified at Chapter 7 of Division 1 of Title 2 of the Government Code commencing with Section 8550.."
- (a)(b) "Day-to-day ~~emergencies~~Emergencies" shall mean situations which may arise in the County on a daily basis, but are not ~~serious enough~~ of sufficient magnitude to be classified as an emergency as defined in ~~section~~Section 3-2-1(c), "Emergency," 1-2(d) of this article. Local assistance for Day-to-day Emergencies may be made available within the County.
- (b)(c) (b) "Director of ~~emergency services~~Emergency Services" shall mean that person designated in a resolution adopted pursuant to Government Code Section 8610 by the Board of Supervisors, to provide direction and control of the Orange County Emergency Organization, during times of emergency or disaster.

- ~~(c) (c) *Emergency* shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons or property within this County caused by such conditions as air pollution, civil disturbance, sudden and severe drought, an earthquake or other conditions, the Governor's warning of an earthquake or volcanic prediction, energy shortage, epidemic, fire, flood, hazardous material release, plant or animal infestation or disease, riot, storm, complications resulting from the year 2000 problem, or war or imminent threat of war, but other than 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.~~
- ~~(d) (d) — "*Emergency*" shall mean a "local emergency," "state of emergency," and/or "state of war emergency" as defined in the Act at Government Code Section 8558~~
- ~~(e) "*Orange County Emergency Organization*" shall mean all officers and employees of the County and of any special district governed by the Board of Supervisors, together with those volunteer forces registered to aid the County during an emergency, and all groups, organizations and persons who may, by agreement or operation of law (including County officers and employees, and citizens of Orange County called to serve under the provisions of Section 3-1-6(b)(4) of this chapter), be charged with duties necessary for the protection of life and property in the County during such emergency. Emergency Organization includes such organizations and groups as may offer their services to, and have their services accepted by, the County prior to, during, or after an emergency.~~
- ~~(f) "*Absence*" shall mean, for the purposes of declaring an emergency, being incapacitated due to illness or disability that renders one incapacitated, refusing to serve, fifty (50) miles out of the geographic boundaries of the County of Orange, or unable to be reached and unable to attend meetings and otherwise perform their duties by telephone or other telecommunications after two (2) attempts.~~
- ~~(g) "*Emergency Plans*" shall include all plans, annexes, standard operating procedures, and other supporting tools and documents developed to respond to emergencies as defined in Section 3-1-2(d) or otherwise required by law.~~

(Ord. No. 98-4, §§ 1, 2, 4-14-98; Ord. No. 98-15, § 24, 12-8-98; Ord. No. 99-24, § 1, 12-14-99)

Sec. 3-1-3. - County of Orange Emergency Management Council establishment and membership.

Pursuant to ~~section 8610 of the~~ Government Code, ~~an Emergency Management Council, which is Section 8610,~~ the County of Orange ~~hereby creates a~~ disaster council, ~~is hereby established for this~~ which shall be entitled Orange County- Emergency Management Council. The number of members of the Emergency Management Council, the terms of the members, and the manner of appointment or selection of the members shall be established by resolution of the Board of Supervisors.

(Ord. No. 98-4, §§ 1, 2, 4-14-98; Ord. No. 05-001, § 1, 1-25-05)

Sec. 3-1-4. - Lines of Succession for Emergency Management Council and Alternatives.

- (a) *Emergency Management Council Chair.* The Chair shall be a member of the Board of Supervisors, appointed by the Board of Supervisors. The Board of Supervisors shall also ~~appoint one (1) of its members as an alternate~~ determine the order in which the other members of the Board of Supervisors will serve as alternates to the Chair of the Emergency Management Council, who shall preside over the Emergency Management Council in absence of the Chair. In the ~~absence~~ Absence of both the Chair and ~~alternate~~ alternates, the members of the Council present shall, by majority vote, select one (1) of the members present to act as Chair Pro Tem.
- (b) *Emergency Management Council.* Each member shall have a minimum of three (3) alternates and an order of succession. All alternates shall have full voting privileges. The powers and duties of the Emergency Management Council ~~shall behave been~~ specified by the Board of Supervisors in a resolution adopted pursuant to this article. The Board may amend, or repeal and replace, a resolution adopted pursuant to this article upon the request and recommendation of Emergency Management Council or the County Executive Officer.
- (c) *Emergency Management Council Bylaws.* As required by the Orange County Board of Supervisors, the Emergency Management Council will maintain bylaws. Bylaws will be reviewed and revised through the Emergency Management Council and approved by the Board of Supervisors.

(Ord. No. 98-4, §§ 1, 2, 4-14-98; Ord. No. 01-006, § 1, 7-17-01)

Sec. 3-1-5. - Operational Area, Operational Area Council and Executive Board.

By resolution adopted pursuant to this Article, the Board of Supervisors ~~may provide~~ for established an Operational Area Council and Executive Board for the purposes of emergency management planning and coordination of all political subdivisions within the Orange County geographic area as required by State law. The County ~~shall~~ serve as Lead Agency as required by State law ~~and define its~~ pursuant to Section 2409 of Title 19 of the California Code of Regulations (CCR). The Orange County Operational Area Agreement, as approved by the Board of Supervisors, defines the

Operational Area membership, powers, duties, divisions staffing, services, and responsibilities as further set out in 19 CCR § 2409. As required by the Orange County Board of Supervisors, the Operational Area Executive Board will maintain bylaws. Bylaws will be reviewed and staff pursuant to 19 California Regulations 2409 revised through the Operational Area Executive Board and approved by the Board of Supervisors.

(Ord. No. 98-4, §§ 1, 2, 4-14-98)

Sec. 3-1-6. - Director of Emergency Services.

By resolution adopted pursuant to this Article, the Board of Supervisors shall designate a Director of Emergency Services. The Director of Emergency Services shall have the following duties and powers:

~~(a) — *Emergency proclamations.*~~

(a) *Emergency proclamations.* Director of Emergency Services shall request a proclamation of local emergency, as defined at Government Code Section 8558 including any necessary language recommended by County Counsel, as follows:

- (1) ~~*Board in session.*~~ - If the Board of Supervisors is in session, the Director of Emergency Services shall request that the Board of Supervisors proclaim ~~the existence or threatened existence of a "local emergency," and recommend that the Board of Supervisors request that the Governor proclaim a "state of emergency" when, in the opinion of the Director of Emergency Services, the locally available resources are inadequate to cope with the~~ local emergency.
- (2) ~~*Board not in session*~~ — *Emergency Management Council Chair present.* In the event the Board of Supervisors is not in session, the Director of Emergency Services shall request the Chair of the Emergency Management Council to issue a proclamation of local emergency. The Chair of the Emergency Management Council is hereby designated to proclaim a local emergency when the Board of Supervisors is not in session.
- (3) ~~*Board not in session*~~ — *Emergency Management Council Chair absent.* In the event that the Board of Supervisors is not in session, and the Emergency Management Council Chair and alternate are absent, the Director of Emergency Services shall request that the Chair of the Board of Supervisors, or successor as set forth in the applicable Board resolution, ~~is hereby designated to proclaim a local emergency when requested by the Director of Emergency Services when the Board is not in session~~ issue a proclamation of local emergency.
- (4) *Director of Emergency Services.* The Director of Emergency Services is hereby designated to proclaim a local emergency when the

~~board~~Board of Supervisors is not in session, and when the Emergency Management Council Chair and alternate, and all members of the Board of Supervisors are absent.

(b) *Emergency ~~powers~~Powers*. In the event of a proclamation of local emergency as herein provided, the proclamation of a state of emergency by the Governor of the State of California or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the Director of Emergency Services is hereby empowered to:

(1) *Rules and ~~regulations~~Regulations*. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

~~(2)~~ *Requisition County Personnel and Material. Requisition necessary personnel and material of any County agency or department.*

~~(2)~~(3) *Obtain ~~supplies~~Supplies and ~~equipment~~Equipment*. Obtain vital supplies, equipment, and any 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.

(a) Purchases. During a proclaimed emergency within the County, the Director of Emergency Services and the County Purchasing Agency are authorized to direct the purchase of emergency-related equipment, supplies, and services on behalf of local public agencies and special districts, in accordance with mutually agreed-upon procedures.

(b) Donations. During a proclaimed emergency within the County, the Director of Emergency Services and County Purchasing Agent are authorized to accept donations to be used for direct emergency purposes on behalf of the citizens of Orange County, and shall report on a quarterly basis to the Board of Supervisors the source and value of donations in excess of ten thousand dollars (\$10,000.00), in accordance with Government Code 25355¹. Policies and processes for accepting and tracking such donations during emergencies will be documented within the County and Operational Area Emergency Plan.

~~(3)~~(4) *Command the ~~aid of citizens~~Aid of Officers, Employees and Citizens*. Require emergency services of any County officer or employee and, in the event of a state of war emergency, state of emergency, or local emergency, command the aid of as many citizens of ~~this~~the County as ~~(s)/he~~the Director of Emergency Services deems necessary in the execution of ~~his/her~~their duties; such persons shall be entitled to all

¹ Resolution 93-1235: Acceptance of gifts and donations

privileges, benefits, and immunities as are provided by ~~state~~State law for disaster services workers.

~~(4) Requisition county personnel and material. Requisition necessary personnel or material of any County agency/ department.~~

~~(a) Volunteers. During a proclaimed emergency, volunteers who perform services on behalf of the County Emergency Organization or for the Operational Area, in accordance with provisions of this article and Government Code 3100, shall so serve without compensation. Volunteers performing duties on behalf of the County shall be registered with the Emergency Management Council as "disaster service worker - volunteers" in order to be eligible for workers' compensation benefits pursuant to Labor Code Section 4350, et seq. Exceptions based on local emergency conditions to any County policies on the use of volunteers shall be documented in writing and submitted to the Board of Supervisors.~~

(c) ~~Initial emergency measures~~Emergency Measures. All emergency measures taken by the Director of Emergency Services prior to the issuance of an official proclamation of emergency, or prior to any decision of the Board not to issue such proclamation, shall be legal and binding upon the County.

(Ord. No. 98-4, §§ 1, 2, 4-14-98; Ord. No. 98-15, § 25, 12-8-98)

Sec. 3-1-7. - ~~Orange County~~ Emergency ~~Plan~~Plans.

Under the direction of the Emergency Management Council, and the ~~Operational Area Executive Board, the County~~ Emergency ~~Management~~ Manager shall be responsible for ensuring the development and maintenance of ~~the Orange County~~ Emergency ~~Plan, which shall provide~~Plans necessary for the effective mobilization of all of the resources of the ~~county~~County, both public and private, to meet any condition constituting ~~a local emergency, state of emergency, or state of war emergency~~an Emergency; and shall provide for the organization, powers and duties, and staff of the ~~emergency organization.~~Emergency Organization. Emergency Plans include, but may not be limited to:

- Hazard Mitigation Plan
- Alert and Warning Plan
- Continuity of Government Plan. Continuity of Operations Plans are the responsibility of individual County agencies
- Emergency Operations Plan
- Recovery Plan

- (a) *Compliance.* ~~The plan~~Emergency Plans shall comply with applicable local, ~~state~~State, and federal planning criteria, analyze the risks faced by the County, assign functional responsibilities to County agencies₁, departments₁, and personnel, and assign lines of succession for the members of the emergency organization.
- (b) *Functional assignments.* ~~The plan~~Assignments. Emergency Plans shall include the functions assigned to ~~these~~County agencies₁ and departments₁, and it shall be the responsibility of ~~the~~County agency directors₁ and department heads to appoint coordinators who shall report to the Emergency Operations Center and carry out the assigned duties as appropriate.
- (c) *Adoption.* ~~The~~Emergency Plan shall notPlans will be effective ~~until~~adopted upon adoption by the Board of Supervisors₁, ~~unless otherwise stated.~~ Supporting annexes will be effective upon approval by the Emergency Management Council and Operational Area Executive Board, unless otherwise stated.

(Ord. No. 98-4, §§ 1, 2, 4-14-98)

Sec. 3-1-8. - Alternate Seat of Government.

In the event of a local emergency, the Board of Supervisors shall meet as soon as possible. The place of the meeting shall be as designated by the Chair of the Board of Supervisors but need not be in the geographic jurisdiction of the County of Orange.

(Ord. No. 98-4, §§ 1, 2, 4-14-98)

Sec. 3-1-9. - Punishment of Violators.

It shall be a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment not to exceed six (6) months, or both, for any person, during a state of war emergency, state of emergency or local emergency, to:

- (a) *Willfully Obstruct.* Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.
- (b) *Engage in Forbidden Acts.* Engaging in any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, 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 of the state.

(Ord. No. 98-4, §§ 1, 2, 4-14-98)

Secs. 3-1-10—3-1-28. - Reserved.