

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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AN ORDINANCE AMENDING SECTION 2.46.060 OF CHAPTER 2.46
OF THE SAN MATEO COUNTY ORDINANCE CODE
RELATING TO POWERS AND DUTIES OF THE DIRECTOR AND ASSISTANT
DIRECTOR OF EMERGENCY SERVICES

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows

SECTION 1. The Board of Supervisors of the County of San Mateo hereby finds and declares as follows:

WHEREAS, Section 8630 of the California Government Code provides that an official designated by ordinance of a county board of supervisors may proclaim a local emergency; and

WHEREAS, California Government Code Section 8630 also provides that whenever a local emergency has been proclaimed by such designated official, the board of supervisors must ratify the local emergency within seven days and, after ratification, must review the need for continuing the local emergency at least once every thirty days until the board terminates the local emergency; and

WHEREAS, Section 2.46.060 of the San Mateo County Ordinance Code describes the powers and duties of San Mateo County's Director of Emergency Services, which include the power to proclaim a local emergency if this Board is not in session; and

WHEREAS, Subsection (a)(1) of section 2.46.060, describes the Director of Emergency Services' power to proclaim a local emergency and requires this Board's ratification of the local emergency proclamation within seven days but further requires this Board to review the need for continuing the local emergency at least once every fourteen days, notwithstanding that California Government Code Section 8630 would

permit such review every thirty days; and

WHEREAS, this Board seeks to maximize the County's flexibility in reviewing the need for continuing a local emergency and therefore intends to amend Section 2.46.060 of the Ordinance Code to allow for such review at least every thirty days, as permitted under State law; and

WHEREAS, amending the Ordinance Code to change the permissible interval required for reviewing the need for continuing the local emergency from fourteen days to thirty days would be consistent the requirement set forth in Government Code Section 8630 and also would improve the efficiency and flexibility of the County's operations.

SECTION 2. Section 2.46.060 of Chapter 2.46 of the San Mateo County Ordinance Code is hereby amended in its entirety, as follows:

2.46.060 – Powers and Duties of the Director and Assistant Director of Emergency Services.

(a) The Director is hereby empowered and it shall be his duty 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 a local *emergency* is proclaimed by the Director, the local *emergency* shall not remain in effect for a period in excess of seven days thereafter unless the proclamation has been ratified by the Board of Supervisors within said seven-day period. The Board of Supervisors shall review, at least every 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 possible date that conditions warrant.

2. 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*.

3. Control and direct the effort of the *emergency* 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* organization of this County, and resolve questions of authority and responsibility that may arise between them.

5. Represent the County in all dealings with public or private agencies pertaining to emergencies as defined herein.

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 further empowered:

- a. 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 shall be submitted to the Board of Supervisors for confirmation at the earliest practicable time.
- b. 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.
- c. To require *emergency* services of any County officer or employee and, in the event of the proclamation of a "state of *emergency*" by the Governor or the Director of the State Office of Emergency Services in this County or in the mutual aid region within which this County is located, or in the event of a "state of war *emergency*," to command the aid of as many citizens of this County as he deems necessary in the execution of his duties. Such persons shall act as disaster service workers, and shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers.
- d. To requisition necessary personnel or material of any County department or agency.
- e. To execute all of his ordinary powers as County Manager, all of the special powers conferred upon him by this chapter or by resolution or *emergency* plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon him by any statute, by any agreement approved by the Board of Supervisors, and by any other lawful authority.

(b) 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 this County, and shall have such other powers and duties as may be assigned by the Director.

SECTION 3. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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Regularly passed and adopted this DAY of MONTH, YEAR

AYES and in favor of said ordinance:

Supervisors:

NOES and against said ordinance:

Supervisors:

Absent Supervisors:

*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Deputy Clerk of the Board of Supervisors