

## EXHIBIT C

### ARTICLE 1 IN GENERAL

#### Sections:

- Sec. A-III 1.1      Definitions**
- Sec. A-III 1.2      Purposes of Chapter**
- Sec. A-III 1.3      Expenditures Deemed for Protection of Inhabitants and Property**
- Sec. A-III 1.4      Succession of Members of the Board of Supervisors in a Declared  
Emergency**
- Sec. A-III 1.5      Succession as Emergency Services Director**
- Sec. A-III 1.6      Conformance to Federal and State Emergency Services Policies**

#### **Sec. A-III 1.1      Definitions**

For the purposes of this Chapter, the following words and phrases shall, when used in this Chapter the meanings respectively ascribed to them by this Section:

- A. 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. 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, or earthquake or other conditions, other than conditions resulting from a labor controversy or conditions causing a "State of War Emergency," which conditions, 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.
- C. 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 or earthquake or other conditions, 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 that political subdivision

and require the combined forces of other political subdivisions to combat. (Ord. 1958. (01/20/1998))

### **Sec. A-III 1.2 Purposes of Chapter**

The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the Emergency Services required for persons and property within the County in the event of an emergency or disaster and to provide for the coordination of the emergency functions of the County with all other public agencies and affected private persons, corporations and organizations. (Ord. 1958. (01/20/1998))

### **Sec. A-III 1.3 Expenditures Deemed for Protection of Inhabitants and Property**

Any expenditures 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. (Ord. 1958. (01/20/1998))

### **Sec. A-III 1.4 Succession of Members of the Board of Supervisors in a Declared Emergency**

If a declared emergency, is of a catastrophic event of such magnitude and the emergency results in a Board member being killed, missing, or so seriously injured as to be unable to perform their duties, each member of the Board may designate, pursuant to Cal. Gov't Code § 8635, in advance, such standby Officers to serve when that Board member is unable to serve. Such standby Officers shall serve with compensation. (Ord. 1958. (01/20/1998))

### **Sec. A-III 1.5 Succession as Director of Emergency Services**

In the event of the death, serious injury, incapacity, or unavailability of the Emergency Services Director, during an emergency, the following officers shall assume the duties, powers, and responsibilities of the Emergency Services Director in the following order:

- A. Assistant Emergency Services Director or designee.
- B. County Executive Officer or designee.
- C. Community Development Agency Director or designee. (Ord. 1958. (01/20/1998))

### **Sec. A-III 1.6 Conformance to Federal and State Emergency Services Policies**

The Emergency Services organization of Nevada County shall conform to the policies and procedures of the Federal Emergency Management Agency and Governor's Office of Emergency Services, and their successors, as those policies and procedures mandate the organizational use of the Standardized Emergency Management System (SEMS) and/or National Incident Management System (NIMS), Operational Area, Multi-Agency

Command System (MACS), and Incident Command System (ICS). (Ord. 1958. (01/20/1998))

## EXHIBIT C

### ARTICLE 2

#### EMERGENCY SERVICES COUNCIL; DIRECTOR; ASSISTANT DIRECTOR

##### Sections:

- Sec. A-III 2.1 Nevada County - Operational Area Emergency Services Council - Created**
- Sec. A-III 2.2 Composition; Appointment of Members; Officers**
- Sec. A-III 2.3 Meetings**
- Sec. A-III 2.4 Powers and Duties of Emergency Services Council**
- Sec. A-III 2.5 Emergency Services Director—Office Created; Designated**
- Sec. A-III 2.6 Powers and Duties of Emergency Services Directors Generally**
- Sec. A-III 2.7 Powers in Event of Proclamation of Disaster**
- Sec. A-III 2.8 Duties of Emergency Services Assistant Director**

##### **Sec. A-III 2.1 Nevada County – Operational Area Emergency Services Council – Created**

Nevada County – Operational Area Emergency Services Council is hereby created. (Ord. 1958. (01/20/1998))

##### **Sec. A-III 2.2 Composition; Appointment of Members; Officers**

The local Emergency Services Council, created under the provisions of the preceding Section, shall consist of the following:

- A. The Chair of the Board of Supervisors, who shall be Chair of the Operational Area Emergency Services Council.
- B. The Emergency Services Director, who shall be Vice-Chair, of the Operational Area Emergency Services Council.
- C. The Office of Emergency Services Program Manager.
- D. Such service chiefs of operating Emergency Services and disaster departments, services or divisions as are provided for by Resolution pursuant to this Chapter.
- E. Representatives of civic, business, labor, veteran, professional or other organizations having an official group or organized emergency services and disaster responsibility, as may be appointed by the Board of Supervisors. (Ord. 175. (03/01/1951))

### **Sec. A-III 2.3 Meetings**

The Emergency Services Council shall meet upon the call of the Chair of the Board of Supervisors, or upon the call of the Vice-Chair. (Ord. 1958. (01/20/1998))

### **Sec. A-III 2.4 Powers and Duties of Emergency Services Council**

It shall be the duty of the Emergency Services Council, and it is hereby empowered, to review and recommend for adoption by the Board of Supervisors, emergency services plans and agreements, and such Ordinances and Resolutions, rules, and regulations as are necessary to implement such plans and agreements; conduct critiques of emergency response actions and recommend improvements as required.

### **Sec. A-III 2.5 Emergency Services Director —Office Created; Designated**

There is hereby created the office of Emergency Services Director. Said Director shall be appointed by the Information and General Services Agency Director. The Emergency Services Director shall serve without additional compensation for the performance of additional duties as assigned. (Ord. 1958.(01/20/1998); Ord. 2233.(04/10/2007))

### **Sec. A-III 2.6 Powers and Duties of Emergency Services Director Generally**

The Emergency Services Director is hereby empowered:

- A. To request that the Board of Supervisors proclaim the existence or threatened existence of a local emergency or disaster and the termination thereof, if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session, subject to confirmation by the Board of Supervisors within seven (7) calendar days;
- B. To request that the Chair of the Board of Supervisors task the Governor to proclaim a state of emergency when, in the opinion of the Director, the resources of the areas or region are inadequate to cope with the disaster;
- C. Through the Emergency Operations Center and/or Multi-Agency Command structure to control and direct the effort of the Emergency Services organization of the County for the accomplishment of the purposes of this Chapter;
- D. To direct coordination and cooperation between divisions, services, and staff of the Emergency Services organization of the County and to resolve questions of authority and responsibility that may arise between them;
- E. To appoint liaison(s) to such other jurisdictions as may be necessary;
- F. To represent the Emergency Services organization of the County in all dealings with public or private agencies pertaining to Emergency Services. (Ord. 1958. (01/20/1998))

### **Sec. A-III 2.7 Powers in Event of Proclamation of Disaster**

In the event of the proclamation of a local emergency, or the proclamation of a state of emergency by the Governor or the State Director of the Office of Emergency Services, the Director is hereby 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 or disaster; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors within seven (7) calendar days;
- B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people 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 or war emergency by the Governor in the region in which the County is located, to command the aid of as many citizens of the County as they think necessary in the execution of their duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered disaster service workers as per Cal. Gov't Code §§3100-3109. All County of Nevada employees are designated as Disaster Service Workers as per Cal. Gov't Code §§ 3100–3109. Disaster Service Workers are issued the oath of office and may be called upon to support unmet needs in the community during a declared disaster
- D. To requisition necessary personnel or material of any County department or agency;
- E. To execute all of their ordinary powers, all of the special powers conferred upon them by this Chapter or by Resolution adopted pursuant hereto, all powers conferred upon them by any statute, regulation or agreement approved by the Board of Supervisors, or by any other lawful authority, and in conformity with Chapter 7, of Division 1, Title 2 of the Government Code, (commencing with Section 8550), to exercise complete authority over the County and to exercise all police power vested in the County by the Constitution and general laws. (Ord. 1958. (01/20/1998))

### **Sec. A-III 2.8 Duties of Emergency Services Assistant Director**

The Emergency Services Assistant Director shall, under the supervision of the Director, develop Emergency Service plans and organize the Emergency Service program of the County and shall have such other duties as may be assigned by the Director. (Ord. 1958. (01/20/1998))

## EXHIBIT C

### ARTICLE 3 ORGANIZATION

#### Sections:

- Sec. A-III 3.1      Emergency Services Organization - Composition**
- Sec. A-III 3.2      Resolution Establishing Organization and Prescribing Duties**
- Sec. A-III 3.3      Reserved**
- Sec. A-III 3.4      Punishments of Violations – Acts Prohibited During Emergencies**
- Sec. A-III 3.5      Emergency Operations Center**

#### **Sec. A-III 3.1      Emergency Services Organization - Composition**

All officers and employees of the County, together with those volunteer forces enrolled to aid them during an emergency or disaster, and all groups, organizations and persons who may, by agreement or operation of the law, including persons pressed into service under the provisions of this Code, shall constitute the Emergency Services organization of the County, and shall be charged with duties incident to the protection of life and property in the County during such emergency or disaster. (Ord. 1958. (01/20/1998))

#### **Sec. A-III 3.2      Resolution Establishing Organization and Prescribing Duties**

The functions and duties of the County Emergency Services organization shall be distributed among such divisions, services, and special staff as the Board of Supervisors shall prescribe by Resolution.

The Board of Supervisors shall, concurrently with the adoption of this Chapter, set forth the form of organization, establishment, and designation of divisions and services, the assignment of functions, duties, and powers, and the designation of officers and employees. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the federal government. (Ord. 1958. (01/20/1998))

#### **Sec. A-III 3.3      Reserved**

#### **Sec. A-III 3.4      Punishment of Violations - Acts Prohibited During Emergencies**

- A. Any person who violates any of the provisions of this Section or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this Section, shall be guilty of a misdemeanor and, upon conviction

thereof, shall be punishable by a fine or by imprisonment to the extent authorized by state or local law.

- B. Beginning on the date the existence of a State of War Emergency, State of Emergency, or Local Emergency is declared or proclaimed by the President of the United States, Governor of the State of California, the County of Nevada Emergency Services Director or successor, as described in this Chapter, and/or the Board of Supervisors, and within the area to which the declaration applies, no person, contractor, corporation, business, or other entity during an emergency shall:
1. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Section or in the performance of any duty imposed upon them by virtue of this Section;
  2. Do any act forbidden by any lawful rule or regulation issued pursuant to this Section, if the act is of such a nature as to give or be likely to give assistance to the enemy, during a State of War Emergency, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof;
  3. Wear, carry, or display, without authority, any means of identification specified by any Emergency Service agency of the State of California, the County of Nevada, any special district, or any city or town in the County of Nevada;
  4. Sell or offer to sell, any consumer food items; repair, construction, or reconstruction services; emergency or medical supplies; housing; transportation; freight; storage services; or gasoline for an amount which is 10 or more percent greater than the price charged by a person, contractor, corporation, business, or other entity for said goods or services immediately prior to the proclamation of emergency, unless said person, contractor, corporation, business, or other entity can prove that the increase was directly attributable to additional costs imposed on it by the supplier of the goods or for labor and materials used to provide the service;
    - a. A business offering an item for sale at a reduced price immediately prior to the proclamation or declaration of the emergency may use the price at which it usually sells the item to calculate the price pursuant to this subsection.
    - b. Notwithstanding the time period set forth herein, for a period of 30 days following a proclamation or declaration referred to in this Section, it is unlawful for an owner or operator of a hotel or motel to increase the hotel's or motel's regular rates, as advertised immediately prior to the proclamation or declaration of emergency, by more than 10 percent, unless an owner or operator of a hotel or motel can prove that the increase in price is due to seasonal adjustments in rates that are regularly scheduled, or to previously contracted rates.
    - c. A violation of this subsection is a violation of Cal. Penal Code § 396 and shall constitute an unlawful business practice and an act of unfair competition within the meaning of Cal. Bus. & Prof. Code § 17200. The remedies and penalties provided by this Section are cumulative with the remedies and



- penalties under Cal. Penal Code § 396, Cal. Bus. & Prof. Code § 17200, and the remedies and penalties available under all other laws of this State.
- d. The District Attorney, or the County Counsel with agreement of the District Attorney, may bring a civil action pursuant to Cal. Bus. & Prof. Code § 17206 to enforce this subsection.
  - e. Subsection 4 is to end no more than 180 days after the initial declaration of emergency.
5. Buy, sell, remove, deface, cover, hide, destroy, or tamper with any sign, tag or placard posted by a member of the County Emergency Services Organization on a building or structure damaged in an emergency;
  6. Post any sign, tag or placard not authorized by the County Emergency Services Organization on a building or structure damaged in an emergency;
  7. For purposes of this subsection, the following definitions shall apply:
    - a. A consumer food item is any article, which is used or intended for use for food, drink, confection, or condiment by humans or animals except for alcoholic beverages,
    - b. Repair, construction, or reconstruction services are those contractor services for repairs to residential and commercial property of any type, which are damaged as a result of the disaster. This includes, but is not limited to, the removal of debris (including a damaged tree), towing services, and waste disposal,
    - c. Emergency supplies shall mean those goods and services required to sustain the health, safety, and welfare of a person or animal, including, but not limited to, water, heating oil, propane, firewood, flashlights, radios, batteries, blankets, soaps, and diapers,
    - d. Medical supplies shall mean those medical goods and services required to sustain the health, safety, and welfare of a person or animal, including, but not limited to, prescription and nonprescription drugs, bandages, gauzes, and disinfectants. (Ord. 2503. (01/25/2022))

### **Sec. A-III 3.5      Emergency Operations Center**

The primary Nevada County Emergency Operations Center shall be such appropriate space as designated by the Emergency Services Director. The Emergency Services Director, or designee, is authorized to activate the Emergency Operations Center as circumstances require. Backup Emergency Operations Center(s) shall be designated in the Departments Continuity of Operations Plans (COOP). The Director may designate such other facility or facilities as may be appropriate to the emergency. The Director of Emergency Services is authorized to expend such funds as appropriated by the Board of Supervisors to maintain and provision the Emergency Operations Center including, but not limited to, providing such meals as may be necessary for the health and welfare of the Emergency Operations Center staff, and may require assignment of staff resources from County departments as may be necessary if verified and approved by the County Executive Officer, or their

designee. Such employees shall be on temporary emergency assignment and their personnel costs shall remain the cost of the parent department. Such employees shall be entitled to compensation as required by State and Federal law and the Nevada County Personnel Code. The Emergency Services Director shall endeavor to recover associated costs on behalf of the County and its departments and to apportion such recovered costs as appropriate. (Ord. 1958, (01/20/1998))