

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING SECTION 2.08.040 (DUTIES
AND RESPONSIBILITIES), SECTION 2.80.050 DIRECTOR AND
ASSISTANT DIRECTOR-OFFICES CREATED) AND SECTION 2.80.060
(DIRECTOR AND ASSISTANT DIRECTOR- POWERS AND DUTIES) OF
CHAPTER 2.80 (EMERGENCY SERVICES) OF THE NAPA COUNTY
CODE, RELATING TO THE DESIGNATION OF THE NAPA COUNTY
SHERIFF AS THE DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, Chapter 7 of Division 1 of Title 2 of the California Government Code, the California Emergency Services Act, is intended to ensure that preparations within the State will be adequate to deal with emergencies and disasters; and

WHEREAS, Chapter 2.80 of Title 2 of the Napa County Code regarding the County's emergency organization and functions is intended to ensure the County is able to prepare for, mitigate, respond to, and recover from emergencies and disasters within the Napa operational area; and

WHEREAS, the County Code currently designates the County Executive Officer as the Director of Emergency Services; and

WHEREAS, the County's current Risk and Emergency Services Manager, is part of the County Executive Office and reports to the Director of Emergency Services (the County Executive Officer); and

WHEREAS, with the expected retirement of the Risk and Emergency Services Manager, the County would like to restructure emergency operations so that it is housed within the Sheriff's Office, with the Sheriff serving as the Director of Emergency Services; and

WHEREAS, Government Code Section 26622 provides that the Sheriff is ex officio director of emergency services and may carry out the duties of director upon unanimous vote of

the Board of Supervisors as passed by resolution, and further that such action may be repealed by the Board at any time by a three-fifths vote.

NOW, THEREFORE, the Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. Section 2.08.040 (Duties and Responsibilities) of Chapter 2.08 (County Executive Officers) of Title 2 (Administration and Personnel) of the Napa County Code is amended to read in full as follows:

2.08.040 - Duties and Responsibilities.

A. The CEO is accountable for the effective administration and management of all governmental affairs of the County which may legally be placed in its charge and control.

B. The primary duties and responsibilities of the CEO shall be to plan, organize, control and direct the overall operation of the county; prepare, present and monitor the county budget; promote county activities and affairs with government and private entities, community organizations, industry and the general public; and serve on various committees and agencies. The CEO shall have the authority to require and receive any and all information from any county department the CEO may deem necessary to fulfill the above-enumerated duties and responsibilities.

C. Further duties and responsibilities of the CEO shall include, but are not limited to, the following:

1. Policy Formation. The CEO shall develop and recommend policy and policy alternatives to the board of supervisors for consideration. It shall be the role of the CEO to advise the board of supervisors in the development of policy matters through the analysis, development and presentation of policy alternatives, including the anticipated consequences of such alternatives and the cost-benefit analysis of such alternatives. Furthermore, the CEO shall attend board meetings and advise on matters of policy and administration.

2. Policy Implementation. The CEO shall implement the policies adopted by the board of supervisors and shall ensure they are properly distributed and explained to all affected personnel.

3. Departmental Duties and Responsibilities. To the extent permitted by law, the CEO shall:

a. Receive projects that the board of supervisors has directed to the CEO for action, and refer those projects to the appropriate department.

b. Monitor, and report to the board regarding, the performance of county departments.

c. Evaluate all proposed departmental programs and recommend those to the board of supervisors the CEO feels should be approved or modified; periodically evaluate existing departmental programs and recommend changes to the board where they are indicated.

d. Evaluate departmental organization on a continuous basis, subject to the limitations of state law or the directives of the board of supervisors; initiate changes in directives of the board of supervisors, initiate changes in interdepartmental organization, structure, duties or responsibilities when warranted, including authorizing the transfer of equipment between departments; assign space to county departments in county facilities, and authorize budgeted out-of-county travel and in-county business expense in accordance with rules and regulations-based upon policies established by the board; recommend to the board of supervisors the transfer of positions between departments and the consolidation or combining of county offices, departments, positions, or units.

e. Annually review the performance of the duties of all appointed department heads, except County Counsel and the Agricultural Commissioner, based upon mutually agreed to goals and objectives and recommend increases or decreases in compensation in accordance with demonstrated performance; confer with department heads as necessary to discuss performance in meeting goals and objectives.

f. Appoint, transfer, discipline, suspend or dismiss, as appropriate, any non-elective department head who is not required to be appointed by the board of supervisors or who does not serve a fixed term of office; such department head shall serve at the pleasure of and be appointed by the CEO. In those cases where the board of supervisors is the appointing authority under this subparagraph, the CEO shall:

i. Recommend to the board of supervisors, for its consideration and appointment, qualified candidate(s) to fill any vacancies; and

ii. Recommend to the board of supervisors, for its consideration and determination, any legally permitted course of action relating to such department head, as appropriate.

g. When necessary, or upon a department head's request, assist department heads in solving problems which inhibit efficient operation within a department or creates friction between departments.

h. Provide management training and develop leadership qualities among department heads to build a county management team that can plan for and meet future challenges.

4. Authority to Approve Emergency Transactions. The board of supervisors does hereby delegate to the CEO the power to enter into and execute contracts as authorized by Public Contracts Code Section 20132 during "emergencies." "Emergencies" shall mean situations requiring immediate action by the county where delaying action until the board of supervisors meets would endanger public peace, health, or safety. The CEO shall also have the authority to approve "emergency" purchases and "emergency" travel requests, and shall immediately report all such approvals to the board of supervisors in writing.

5. Management of the County's Executive Office. The CEO, through its Executive Office, shall coordinate the activities of all county departments, preparing recommendations to the board and executing board directives as they relate to departmental operations. The Executive Office personnel, under direction of the CEO, shall also provide support, advice and assistance to all county departments. The CEO shall serve as a problem-solver, coordinator, mediator or other role(s) as determined appropriate by the board of supervisors in serving the needs of each county department and county government overall.

6. Staff to the board of supervisors. The CEO and Executive Office personnel shall provide staff support to the board of supervisors.

a. The CEO, under the direction of the board of supervisors, shall represent the board of supervisors and the county generally in public relations, at the local level, regionally, and in County-State matters.

b. As staff to the board, the CEO is authorized to coordinate and facilitate the public meeting agenda process of the board of supervisors. The CEO shall ensure that all board agenda requests are complete and that all relevant information is available for effective decision making. The CEO furthermore has the authority to request and receive justification of an item from a department head as the CEO deems appropriate to effectively and efficiently conduct county business. The CEO is authorized to set the agenda for each regular and special meeting of the board of supervisors.

7. County Budget.

a. As county budget officer, the CEO shall supervise and direct the preparation of the annual county budget. In the performance of this duty the CEO shall review and evaluate all departmental requests and all items in the proposed budget including expenditures, revenues and reserves. The CEO shall submit the proposed budget to the board of supervisors together with a written report and recommendations which shall be based on board of supervisors policy direction, revenue projections, budget targets, and proposed goals, objectives, work programs and projects developed by the various departments;

b. The CEO shall evaluate the budget adopted by the board of supervisors on an ongoing basis to assure that throughout the fiscal year such revenues and expenditures are consistent with the annual budget and necessary and proper.

c. The CEO shall report to the board of supervisors, not less than semi-annually, the status of the budget expenditures and revenues and recommend adjustments as necessary.

d. All requests for changes in the annual budget shall first be submitted to the CEO who shall transmit them to the board of supervisors together with recommendations; provided, however, pursuant to Section 29125 of the Government Code, the CEO is hereby granted the authority to approve transfers and revisions within an appropriation.

8. Legislative Activity. The CEO shall monitor legislative matters as they relate to county and local government, economic development, and other county issues. It is expected that individual board members should have ready access to legislative matters, including current, pending and proposed matters, through and with the assistance of the CEO and Executive Office personnel. Furthermore, the CEO shall perform legislative analysis and coordinate the development of recommendations to the board concerning legislative activities.

9. Employee Bargaining. The CEO shall participate as necessary with the designated board employer-employee representative in the meet-and-confer process with employee representatives.

10. Contractual Matters. To the extent authorized by the board of supervisors, the CEO shall participate in negotiation, implementation and oversight of county contracts.

[Reserved]12. Purchasing Agent. The CEO shall serve as the purchasing agent for the county.

13. Local Enforcement Agency (LEA). The CEO shall serve as the LEA director for the county.

14. Risk Management/Insurance. The CEO shall oversee all county insurance programs and be responsible for risk management and safety operations.

15. Policy Manual. The CEO shall supervise and direct the preparation and maintenance of a county administrative code which sets forth the policies and procedures of the board of supervisors regarding the administrative affairs of the county, including the procedure for review of departmental matters by the CEO prior to the submission of such matters to the board of supervisors. The CEO shall utilize executive orders as appropriate to provide administrative direction to departments.

16. Duties Performed For Ex Officio Governing Bodies. The duties herein provided and the services to be rendered by the CEO shall be performed for the board of supervisors in connection with any entities for which the board of supervisors may be ex officio the governing body.

SECTION 2. Section 2.80.050 (Director and assistant director-Offices created) of Chapter 2.80 (Emergency Services) of Title 2 (Administration and Personnel) of the Napa County Code is amended to read in full as follows:

2.80.050 - Director and assistant director - Offices created.

A. There is created the office of director of emergency services. The county sheriff shall be the director of emergency services.

B. There is created the office of assistant director of emergency services, who shall be appointed by the director.

SECTION 3. Section 2.80.060 (Director and assistant director- Powers and duties) of Chapter 2.80 (Emergency Services) of Title 2 (Administration and Personnel) of the Napa County Code is amended to read in full as follows:

2.80.060 - Director and assistant director—Powers and duties.

A. The director 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 then in session;

2. If the board of supervisors is not then in session, to proclaim that a "local emergency" then exists. Whenever a local emergency is so proclaimed by the director, the board of supervisors shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;

3. Recommend that the chairman of the board of supervisors request or, when the board and the chairman are unavailable, request that the Governor proclaim a "state of

emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;

4. Control and direct the effort of the emergency organization of the county for the accomplishment of the purposes of this chapter;

5. Direct cooperation between, and coordination of, services and staff of the emergency organization of the county, and resolve questions of authority and responsibility that may arise between them;

6. Represent the county in all dealings with public and private agencies on matters pertaining to emergencies as defined in this chapter;

7. In the event of the proclamation of a "local emergency," as herein provided, or 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 empowered to:

a. 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 practicable time by the board of supervisors,

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 in the county or the existence of a state of war emergency, to command the aid of as many citizens of the county as he deems necessary in the execution of his duties; such persons so commanded shall be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency service workers,

d. To requisition necessary personnel or material of any county department or agency, and

e. To execute all of his ordinary power as county sheriff, 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.

f. The sheriff serves as the director of emergency services and exercises control of county government in extreme emergencies when there is not sufficient opportunity for the board of supervisors to act, hire necessary extra personnel and purchase necessary supplies and equipment to meet such emergencies.

B. 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 and otherwise perform his duties during an emergency. Such order of succession shall be approved by the board of supervisors.

C. 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 the county, and shall have such other powers and duties as may be assigned by the director.

SECTION 4. Consideration and adoption of the proposed ordinance is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. Additionally, it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 6. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 7. A summary of this Ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 2nd day of May, 2023, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of May, 2023, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSTAIN: SUPERVISORS

ABSENT: SUPERVISORS

NAPA COUNTY, a political subdivision of the
State of California

BELIA RAMOS, Chair of the
Board of Supervisors

APPROVED AS TO FORM Office of County Counsel	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors
By: _____ Deputy	Date: _____ Processed By: _____	By: _____
By: <u>/s/ Meredith Trueblood</u> Code Services	_____ Deputy Clerk of the Board	
Date: _____		

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE
OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD
STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
NEHA HOSKINS, CLERK OF THE BOARD