

RESOLUTION NO. - 2010-35

**A RESOLUTION OF THE INYO COUNTY BOARD OF SUPERVISORS
STATE OF CALIFORNIA
AMENDING RESOLUTION No. 99-21
AUTHORIZING THE INYO COUNTY SHERIFF'S DEPARTMENT TO PROVIDE SEARCH AND
RESCUE SERVICES**

WHEREAS, by Resolution No. 99-21 the Inyo County Board of Supervisors and the Inyo County Sheriff reorganized the provision of Search and Rescue Services within Inyo County so that they are under the direct authority, control, and supervision of the Sheriff's Department; and

WHEREAS, the Inyo County Board of Supervisors and the Inyo County Sheriff do desire to continue to use volunteers to provide search and rescue services within Inyo County; and

WHEREAS, the Inyo County Board of Supervisors desires to amend Resolution No. 99-21 to provide that Search and Rescue volunteers are not subject to the Inyo County Volunteer Policy

NOW, THEREFORE, BE IT RESOLVED by the Inyo County Board of Supervisors as follows:

1. Sheriff Authorized to Provide Search and Rescue:

In accordance with the authority provided by Government Code section 26614, the Inyo County Sheriff is hereby authorized to search for and rescue persons who are lost or are in danger of their lives within or in the immediate vicinity of the County. The expense incurred by the Sheriff in the performance of such duties shall be a proper County charge.

2. Status of Individuals Providing Search and Rescue Services:

The Inyo County Sheriff is authorized to use employees of the Inyo County Sheriff's Department and County volunteers to provide search and rescue services. Individuals who are not employees of the Sheriff's Department, when engaged under the authority, control, and supervision of the Inyo County Sheriff's Department, in search and rescue operations, disaster services, authorized training, or any other assignments based upon the needs of the Sheriff's Department or Inyo County, are doing so as individual volunteers of the County of Inyo.

3. Workers' Compensation Coverage:

County volunteers assigned to a search and rescue mission or disaster within Inyo County, assigned to a mission or disaster out of County by request of the State OES for which a mission number has been designated, or participating in an organized and sanctioned training exercise, are covered for injury under the State of California Workers' Compensation Fund as Disaster Service Workers.

4. Liability:

The County of Inyo and the Inyo County Sheriff's Department are responsible, to the extent provided by law, for any liability to third parties arising from search and rescue activities conducted under the direct authority, control, and supervision of the Sheriff's Department. In the event that a County volunteer is sued for acts or omissions performed within the course and scope of providing search and rescue services under the authority, control, and supervision of the Sheriff's Department, the County shall defend, indemnify, and hold the volunteer harmless from any and all liability arising from such acts or omissions to the same extent that the County is obligated by law to defend and indemnify its permanent status employees for acts committed within the course and scope of their employment. The obligation of the County to defend, indemnify, and hold harmless is contingent upon prompt notification by the volunteer to the County of any claim, demand, or liability against the volunteer arising from the volunteer's performance of search and rescue functions, and the volunteer's continued good faith cooperation with the County in providing the volunteer's defense. The County expressly reserves the right to determine whether or not the volunteer's acts or omissions, which give rise to the liability, claim, or judgment, have occurred within the course and scope of the volunteer's performance of duties and functions under the direct authority, control, and supervision of the Sheriff's Department.

5. Authority, Control, and Supervision:

The Sheriff will ensure that, as a minimum, a sworn Deputy Sheriff, preferably the Search and Rescue Coordinator or assistant, is assigned and actively involved as the Incident Commander during any search and rescue activity. The Incident Commander will have direct control of all personnel and resources utilized in the activity, including Sheriff's Department employees and County Volunteers. The Incident Commander will assure through supervision that the activity is conducted in a proper, safe, and timely manner.

6. Fair Labor Standards Acts Compliance:

A County of Inyo employee who is engaged as a County volunteer in search and rescue activities will not be assigned to a function or task which is "closely similar" to their regular employment with the County of Inyo. Questions as to whether a County volunteer is assigned a function or task which is "closely similar" to that of their regular employment with the County, will be determined by the Inyo County Personnel Department.

7. Search and Rescue Building:

The Search and Rescue (SAR) building, or "Posse Hut", is a County building, on County leasehold land. The building and land will be under the direction and control of the Inyo County Sheriff. The primary use of the building and the land shall be for search and rescue activities. Other uses, to the extent that they do not conflict with search and rescue activities, may be permitted. The use of the facility will be scheduled and approved through the Sheriff's Department Search and Rescue Coordinator or his assistant. Use by other County Department's or agencies will be without cost. Use by non-county organizations or agencies will be in accordance with applicable law and County policy. All uses of the SAR facilities will follow applicable County Rules and Regulations for County buildings.

The County of Inyo will provide for the maintenance, improvements, utilities, telephone, pest control, and trash pick-up at the SAR facilities, as well as providing for liability coverage for the building and land.

8. Search and Rescue Equipment:

The Sheriff will assure that equipment donated for search and rescue use by the Inyo County Sheriff's Posse, Inc. is regularly inspected and maintained in an appropriate manner. This equipment will only be used by members of the Inyo County Sheriff's Department, or County volunteers when involved in a search and rescue mission or authorized training under the direct authority, control, and supervision of the Sheriff's Department.

Sheriff's Department employees or County volunteers engaged in search and rescue activities will maintain their own personal gear and equipment. These items will be subject to inspection by the Incident Commander to ensure that the Department employees and County volunteers are adequately prepared for the assignment in the field.

9. Motor Vehicles:

All vehicles that were owned by and registered to the Inyo County Sheriff's Posse, Inc., have been donated to and accepted by the County of Inyo. These vehicles were placed under the control of the Inyo County Motor Pool. The Motor Pool is responsible for the vehicles, their maintenance, and replacement. Such vehicles will be stored at the SAR Building, equipped and ready for dispatch to the field. County volunteers engaged in search and rescue activities under the direct authority, control, and supervision of the Sheriff's Department, are authorized to operate County vehicles and equipment.

10. Inventory:

An inventory of all equipment, vehicles, and gear owned by the County of Inyo and used in search and rescue activities will be maintained by the Inyo County Sheriff's Department SAR Coordinator.

11. Training:

The Inyo County Sheriff's Department's SAR Coordinator will ensure that all Sheriff Department employees and County Volunteers engaged in search and rescue activities under the direct authority, control, and supervision of the Sheriff's Department, have proper and up-to-date health and safety training. Increased and additional training will be promoted by the SAR Coordinator.

12. Records:

The Sheriff Department's SAR Coordinator will maintain personnel files on each County volunteer who is available or engaged in search and rescue activities under the direct authority, control, and supervision of the Sheriff's Department. Such personnel files will include basic identifying information and documentation concerning their physical ability and restrictions, skill proficiency, training records, and workers' compensation status.

13. Amendment of County Resolution No. 99-21:

This Resolution amends County Resolution No. 99-21 in certain respects. It does not affect Paragraph 13 of Resolution No. 99-21 (Acceptance of Donated Vehicles, Equipment, and Quitclaim), which accepted the donation to the County of equipment, vehicles, and a quitclaim for the Search and Rescue building by the Inyo County's Sheriff Posse, Inc.

Passed and Adopted this 27th day of July, 2010 by the following vote:

Ayes: Supervisors Cash, Fortney and Cervantes

Noes: -0-

Abstain: -0-

Absent: Supervisors Arcularius and Brown



Richard Cervantes, Chairperson
Inyo County Board of Supervisors

Attest: Kevin Carunchio,
Clerk to the Board

By: 
Patricia Gunsolley, Deputy