

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO. 4520

AMENDMENTS TO TITLE 4, DIVISION 3, CHAPTER 1 – GENERAL REGULATIONS

The Board of Supervisors of the County of San Joaquin ordains as follows:

TITLE 4, DIVISION 3, CHAPTER 1, is amended to read as follows:

DIVISION 3. - CIVIL DEFENSE AND DISASTER

CHAPTER 1 - GENERAL REGULATIONS

Sections:

4-3000 - PURPOSES.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this County in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this County with all other public agencies, corporations, organizations, and affected private persons.

4-3001 - DEFINITION.

As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, acts of terrorism, or other conditions, including conditions resulting from war or imminent threat of war 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. It shall not include nor does any provision of this ordinance apply to any condition relating to a labor controversy.

4-3002 - EMERGENCY SERVICES COUNCIL MEMBERSHIP.

The San Joaquin County Emergency Services Council is hereby created and shall consist of the following:

- A. The Director of General Services who shall be the Chair of the Council and the Director of Emergency Services.
- B. The County Administrator.
- C. The Director of Emergency Operations who shall be Vice Chair of the Emergency Services Council.

- D. All Chiefs of Emergency Services as are provided for in a current Emergency Services Operations Plan of this County, adopted pursuant to this chapter.
- E. Such representatives of municipalities, civic, professional and industry organizations having an official responsibility as may be appointed by the Board of Supervisors.

4-3003 - EMERGENCY SERVICES COUNCIL POWERS AND DUTIES.

It shall be the duty of the San Joaquin County Emergency Services Council, and it is hereby empowered, to review and approve emergency and mutual aid plans developed by the Director of Emergency Operations in cooperation with the Chiefs of Emergency Services at least every three (3) years. The Emergency Services Council shall meet upon call of the Director of Emergency Services.

4-3004 - DIRECTOR OF EMERGENCY SERVICES AND DIRECTOR OF EMERGENCY OPERATIONS.

- A. There is hereby created the office of Director of Emergency Services. The Director of General Services shall be the Director of Emergency Services.
- B. There is hereby created the office of Director of Emergency Operations. The Deputy Director of General Services-Emergency Operations shall be the Director of Emergency Operations and shall be appointed by the Director of General Services.

4-3005 - POWER AND DUTIES OF THE DIRECTOR OF EMERGENCY SERVICES AND DIRECTOR OF EMERGENCY OPERATIONS.

- A. The Director of Emergency Services is hereby 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 in session, or to issue such proclamation if the Board of Supervisors is not in session. Whenever the Director of Emergency Services proclaims a local emergency, the local emergency shall not remain in effect for a period in excess of seven (7) days unless the Board of Supervisors has ratified it.
 - (a) The Board of Supervisors shall review the need for continuing a local emergency at least once every thirty (30) days until the Board terminates the local emergency.
 - (b) The Board of Supervisors shall proclaim the termination of a 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 of Emergency Services, the locally available resources are considered to be 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 this County in all dealings with public or private agencies on matters 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 of Emergency Services is hereby empowered:
 - (a) To make and promulgate such orders, rules and regulations as are necessary to provide for the protection of life and property affected by such emergency, including regulations in regard to managing energy shortages as allowed by law; 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 "local emergency" in the County or the existence 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 be entitled to all privileges, benefits, and immunities as are provided by state law for registered emergency services workers;
 - (d) To requisition necessary personnel or material of any County department or agency; and
 - (e) All of the special powers conferred upon him by this ordinance 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. In the event that the Director of Emergency Services is unavailable or unable to perform his/her duties during an emergency, he/she will be succeeded by the Assistant Director – General Services, the County Administrator, the Assistant County Administrator, the Sheriff or the County Health Officer, in that order. In such order of succession, the succeeding officer shall assume all powers and duties as conferred heretofore upon the Director.
- C. The Director of Emergency Operations shall, with the assistance of the Emergency Services Chiefs, develop emergency plans and programs, approve necessary revisions of such plans and programs previously approved by the Emergency Services Council, recommend for adoption by the Board of Supervisors such ordinances and resolutions and rules and agreements as are necessary to implement such plans, mobilize the County Emergency Organization and County equipment, coordinate emergency response activities including responses to energy shortages, perform such duties within an operational area organization as may be assigned through agreement with the cities and special districts, establish and conduct educational programs related to emergency plans and programs, and shall have such

other powers and duties as may be assigned by the Director of Emergency Services or the County Administrator. Public education programs shall be open to the public in general and a charge for attendance at the educational programs shall be levied on participants to cover the cost of providing the program including, but not limited to, the cost of the facility, staff time and materials, but in no event shall the charge exceed the cost of providing the program.

4-3006 - EMERGENCY ORGANIZATION.

All officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organization, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Subsection (A)(6)(c) of Section 4-3005 are charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the emergency organization of the County of San Joaquin.

4-3007 - EMERGENCY PLAN.

The San Joaquin County Emergency Services Council shall be responsible for reviewing and approving at least every two (2) years the County of San Joaquin Emergency Operations Plan developed by the Director of Emergency Operations with the assistance of the Emergency Services Chiefs. The Director of Emergency Operations shall approve necessary revisions and updates to the plan pending the next review by the Emergency Services Council. The San Joaquin County Emergency Operations Plan shall provide for the effective mobilization of all of the resources of this County, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization.

4-3008 - EXPENDITURES.

- (a) Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively for the direct protection and benefit of the inhabitants and property of the County of San Joaquin.
- (b) Upon the proclamation of a local emergency, or the declaration of a local health emergency, the Purchasing Agent of the county is authorized to make emergency purchases on behalf of local public agencies and special districts, not to include locally based state and federal agencies, in accordance with mutually agreed upon procedures.
- (c) Upon the proclamation of a local emergency, or the declaration of a local health emergency, the Director of Emergency Services or the Purchasing Agent of the County are authorized to accept donations to be used for direct emergency purposes on behalf of the citizens of San Joaquin County, and shall report on a quarterly basis the source and value of gifts valued in excess of ten thousand dollars (\$10,000.00).

4-3009 - PUNISHMENT OF VIOLATIONS.

It shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00), or by 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, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, 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 thereof.
- C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

4-3010 - DECLARATION OF LOCAL HEALTH EMERGENCY BY COUNTY HEALTH OFFICER.

Pursuant to Division 101, Part 3, Chapter 2, Article 2 of the California Health & Safety Code (Sections 101075 et seq.), the County Health Officer may declare a local health emergency in the County or any area thereof affected by the threat to the public health. Whenever a local health emergency is declared by the County Health Officer pursuant to this section, the local health emergency shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the Board of Supervisors. The Board of Supervisors shall review, at least every fourteen (14) days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination.

4-3011 - PRESERVATION OF LOCAL GOVERNMENT IN EVENT OF EMERGENCY.

Pursuant to Title 2, Division 1, Chapter 7, Article 15 of the California Government Code (Sections 8635 et seq.):

- A. Whenever a state of war emergency, a state of emergency or a local emergency exists, the Board of Supervisors shall meet as soon as possible. The place of meeting need not be within the political subdivision. The meeting may be called by the Chair of the Board of Supervisors or by a majority of the members of the governing body. Should there be only one (1) member of the Board of Supervisors, he or she may call and hold said meeting and perform acts necessary to reconstitute the Board of Supervisors.
- B. During a state of war emergency, a state of emergency or a local emergency, the Board of Supervisors shall:
 - (1) Ascertain the damage to the political subdivision and its personnel and property. For this purpose it shall have the power to issue subpoenas to compel the attendance of witnesses and the production of records.

- (2) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that political subdivision. Should only one (1) member of the Board of Supervisors or only one (1) standby officer be available, that one (1) shall have power to reconstitute the Board of Supervisors.
 - (3) Proceed to reconstitute the political subdivision by appointment of qualified persons to fill vacancies.
 - (4) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.
- C. Should all members of the Board of Supervisors, including any standby members appointed by the Board of Supervisors pursuant to Section 8638 of the California Government Code, be unavailable (as that term is defined in Section 8636 of the California Government Code), temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member. Temporary officers shall be appointed as follows:
- (1) By the Chair of the Board of Supervisors, and if he or she is unavailable;
 - (2) By the Chair of the Board of Supervisors of any other County within one hundred fifty (150) miles of the political subdivision, beginning with the nearest and most populated County and going to the farthest and least populated, and if he or she is unavailable;
 - (3) By the Mayor of any city within one hundred fifty (150) miles of the political subdivision, beginning with the nearest and most populated city and going to the farthest and least populated.

4-3012 - ALTERNATIVE COUNTY SEAT.

Pursuant to Title 3, Division 1, Chapter 4, Article 1 of the California Government Code (Sections 23600 et seq.), the Sheriff's Office Administration Building, located at 7000 Michael Canlis Boulevard, French Camp, California 95231, is hereby designated as the alternative temporary County seat in the event of war or enemy-caused disaster, or the imminence thereof.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 11th day of December, 2018 to wit:

AYES: Villapudua, Miller, Patti, Winn, Elliott

NOES: None

ABSENT: None

ABSTAIN: None

Robert V. Elliott

Robert V. Elliott
Chairman, Board of Supervisors
County of San Joaquin
State of California

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin
State of California

BY: **Mimi Duzenski**