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**ORDINANCE NO.**

**An ordinance of San Bernardino County, State of California,  
to amend Chapter 1 of Division 1 of Title 2 of the San  
Bernardino County Code, relating to emergency services  
organization.**

The Board of Supervisors of the County of San Bernardino, State of California,  
ordains as follows:

SECTION 1. Chapter 1 of Division 1 of Title 2 of the San Bernardino County Code  
is amended to read as follows:

**CHAPTER 1: EMERGENCY SERVICES ORGANIZATION**

**Sections:**

**21.0101 Purposes.**

**21.0102 Definition of Emergency.**

**21.0103 Office of Emergency Services.**

**21.0104 County Director of Emergency Services; Director of  
Emergency Management~~Manager of the Office of Emergency~~  
~~Services~~.**

**21.0105 Powers of the County Director of Emergency Services.**

**21.0106 Disaster Council Membership.**

**21.0107 Disaster Council Chairperson and Staff.**

**21.0108 Disaster Council Powers and Duties.**

**21.0109 Organization.**

**21.0110 Violations.**

**§Section 21.0101 Purposes.**

The declared purposes of this Chapter are to provide for the preparation and  
execution of plans for the protection of life 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.

**§Section 21.0102 Definition of Emergency.**

As used in this Chapter, EMERGENCY shall mean an actual disaster or threat of disaster or of an extreme peril to the safety of life and property within this County as described in Government Code §Section 8558 or its successor, or caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, de-energization event, electromagnetic pulse attack, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, including situations resulting from war, terrorist attack or imminent threat of war or terrorist attack, but other than ~~conditionscircumstances~~ resulting from a labor controversy, ~~whichwhere such conditions~~ are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County ~~acting independently of each other~~, thus requiring coordinated action within the County and possibly the assistance of other private and public agencies within and without the County.

**§Section 21.0103 Office of Emergency Services.**

(a) There is hereby created the Office of Emergency Services. The Office of Emergency Services shall develop emergency plans and manage the emergency programs of this County.

(b) The Office of Emergency Services shall, prior to an emergency, be responsible for:

(1) Developing and coordinating the emergency services planning for San Bernardino County, which will provide for the utilization of all County governmental entities, their resources and equipment, all commercial and industrial resources, and all

1 special groups, bodies, and organizations, including the San Bernardino County  
2 Operational Area Coordinating Council, as may be necessary for the support of  
3 emergency services operations.

4 (2) Developing and coordinating such training programs and exercises  
5 as may be necessary for operational requirements.

6 (3) Developing and coordinating programs designed to inform the  
7 public of measures for self-protection and emergency services activities.

8 (4) Coordinating and serving as liaison with Federal, State, other  
9 County, City, and Town emergency services agencies, and with representatives of the  
10 United States Armed Forces.

11 (5) Recommending to the San Bernardino County Disaster Council for  
12 consideration all matters within the purview of the Council's responsibilities.

13 (6) Recommending to the Board of Supervisors for consideration  
14 matters of policy insofar as they relate to emergency services.

15 (7) Overseeing the emergency operations plans and its annexes as  
16 they relate to ~~of~~ County groups, departments, and agencies.

17  
18 **§Section 21.0104 County Director of Emergency Services; ~~Manager of the Office~~**  
19 **~~of Emergency Services~~ Director of Emergency Management.**

20 (a) The Chief Executive Officer of ~~the County of~~ San Bernardino County shall  
21 be the County Director of Emergency Services. In the absence of the Chief Executive  
22 Officer, the Chief Operating Officer shall serve in this capacity. In the absence of the  
23 Chief Executive Officer and the Chief Operating Officer, the Assistant Executive Officer  
24 overseeing the Office of Emergency Services ~~for Development and Support Services~~  
25 shall serve in this capacity. In the absence of the Chief Executive Officer, the Chief  
26 Operating Officer, and the Assistant Executive Officer overseeing the Office of  
27 Emergency Services ~~for Development and Support Services~~, the Assistant Executive  
28 Officer overseeing the Department of Public Works shall serve in this capacity. ~~In the~~

1 absence of the Chief Executive Officer, the Chief Operating Officer, the Assistant  
2 Executive Officer overseeing the Office of Emergency Services, and the Assistant  
3 Executive Officer overseeing the Department of Public Works, -the Assistant Executive  
4 Officer overseeing for Human Services the Land Use Services Department shall serve in  
5 this capacity. In the absence of the Chief Executive Officer, the Chief Operating Officer,  
6 the Assistant Executive Officer overseeing the Office of Emergency Services, the  
7 Assistant Executive Officer overseeing the Department of Public Works, and the  
8 Assistant Executive Officer overseeing the Land Use Services Department, -the  
9 Assistant Executive Officer overseeing for the Human Services Risk Management  
10 Department shall serve in this capacity. In the absence of the Chief Executive Officer,-  
11 the Chief Operating Officer, the Assistant Executive Officer for Development and  
12 Support Services, and the Assistant Executive Officer for Human Services, In the  
13 absence of the Chief Executive Officer, the Chief Operating Officer, the Assistant  
14 Executive Officer overseeing the Office of Emergency Services, the Assistant Executive  
15 Officer overseeing the Department of Public Works, the Assistant Executive Officer  
16 overseeing the Land Use Services Department, -and the Assistant Executive Officer  
17 overseeing the Risk Management Department, the County Chief Financial Officer shall  
18 serve in this capacity. In the absence of the Chief Executive Officer, the Chief Operating  
19 Officer, the Assistant Executive Officer overseeing the Office of Emergency Services,  
20 the Assistant Executive Officer overseeing the Department of Public Works, the  
21 Assistant Executive Officer overseeing the Land Use Services Department, the  
22 Assistant Executive Officer overseeing the Risk Management Department, and the  
23 County Chief Financial Officer. In the absence of the Chief Executive Officer, the Chief-  
24 Operating Officer, the Assistant Executive Officer for Development and Support-  
25 Services, the Assistant Executive Officer for Human Services, and the Chief Financial-  
26 Officer, the Deputy Assistant Executive Officer for Community Services overseeing  
27 Human Services shall serve in this capacity.

(b) There shall be appointed a ~~Manager of the Office of Emergency Services~~  
Director of Emergency Management, who shall be the day-to-day manager of the Office  
of Emergency Services Department ~~Office of Emergency Services~~ and shall be  
responsible for carrying out the responsibilities of the ~~Office of Emergency~~  
~~Services~~ Office of Emergency Services under the provisions of §Section 21.0103. The  
~~Manager~~ Director of Emergency Management shall have such other powers and duties  
as may be assigned by the County Director of Emergency Services. During an  
emergency, the Director of Emergency Management ~~Manager of the Office of~~  
~~Emergency Services~~ will operate the Emergency Operations Center and assist the  
County Director of Emergency Services in implementing coordinating emergency  
response plansefforts.

**§Section 21.0105 Powers of the County Director of Emergency Services.**

(a) The County Director of Emergency Services is hereby empowered to:

(1) Request the Board of Supervisors to proclaim the 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 when the Board of Supervisors is not in session, 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.

(2) Recommend that the Board of Supervisors request the Governor to  
proclaim a “State of Emergency” when, in his or her opinion, the locally available  
resources are inadequate to cope with the emergency.

(3) Control and direct the effort of the emergency organization (as  
defined in §Section 21.0109 of this Chapter) 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 (as defined in §Section 21.0109 of this Chapter) 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.

(b) 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 County Director of Emergency Services is hereby empowered to:

(1) Make and issue rules, regulations and orders on matters reasonably related to the protection of life and property as affected by such emergency, provided, however, that such rules, regulations and orders are confirmed at the earliest practicable time by the Board of Supervisors.

(2) 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.

(3) 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 proclaimed "State of Emergency" or a "State of War," to command the aid of as many citizens of this County as he or she deems necessary in the execution of his or her duties. All such County officers and employees performing disaster work that is outside the course and scope of their regular employment without pay, and all such commanded citizens, shall be entitled to all privileges, benefits and immunities as are provided by State law for registered disaster service workers.

(4) Requisition necessary personnel or material of any County department or agency.

(5) Execute all of his or her ordinary power as County Director of Emergency Services, all of the special powers conferred upon him or her by this Chapter or by resolution or emergency plan adopted by the Board of Supervisors, all

1 powers conferred upon him or her by any statute, by any agreement approved by the  
2 Board of Supervisors, and by any other lawful authority.

3  
4 **§Section 21.0106 Disaster Council Membership.**

5 (a) The San Bernardino County Disaster Council is hereby created and shall  
6 consist of the following ~~20-198~~ voting members and one non-voting member:

7 (1) The Chief Executive Officer, or his or her pre-designated  
8 representative in his or her absence;

9 (2) The Chief Operating Officer, or his or her pre-designated  
10 representative in his or her absence;

11 (23) The Assistant Executive Officer overseeing the Department of  
12 Public Works for Development and Support Services, or his or her pre-designated  
13 representative in his or her absence;

14 (4) The Assistant Executive Officer overseeing the Department of Risk  
15 Management, or his or her pre-designated representative in his or her absence;

16 (5) The Assistant Executive Officer overseeing the Department of Land  
17 Use Services Department, or his or her pre-designated representative in his or her  
18 absence;

19 (63) The Assistant Executive Officer overseeing for Human Services, or  
20 his or her pre-designated representative in his or her absence;

21 (74) The County Chief Financial Officer, or his or her pre-designated  
22 representative in his or her absence; ~~The Fire Chief/Fire Warden of the San Bernardino-~~  
23 ~~County Fire Protection District, or his or her pre-designated representative in his or her~~  
24 ~~absence;~~

25 (85) The Auditor-Controller/Treasurer/Tax Collector, or his or her pre-  
26 designated representative in his or her absence; The Fire Chief/Fire Warden of the San  
27 Bernardino County Fire Protection District, or his or her pre-designated representative in  
28 his or her absence;

1                   ~~(6) The Assessor-Recorder-County Clerk or his or her pre-designated~~  
2 ~~representative in his or her absence;~~

3                   (97) The County Sheriff/Coroner/Public Administrator, or his or her pre-  
4 designated representative in his or her absence;

5                   (108) The Deputy Assistant Executive Officer ~~for Community~~  
6 ~~Services~~overseeing the Office of Emergency Services, or his or her pre-designated  
7 representative in his or her absence;

8                   ~~(9) The Director of the Human Resources Department, or his or her~~  
9 ~~pre-designated representative in his or her absence;~~

10                  (1140) The Director of the Risk Management Department, or his or her  
11 pre-designated representative in his or her absence;

12                  (1244) The Director of the Department of Public Health ~~Director~~, or his or  
13 her pre-designated representative in his or her absence;

14                  ~~(102) The County Health Officer, or his or her pre-designated~~  
15 ~~representative in his or her absence;~~

16                  (13) The Director of Emergency Management ~~Behavioral Health~~, or his  
17 or her pre-designated representative in his or her absence;

18                  (14) The ~~Director~~ Chief Executive Officer of Arrowhead Regional  
19 Medical Center, or his or her pre-designated representative in his or her absence;

20                  (15) The Director of the Innovation and Technology ~~Information Services~~  
21 Department, or his or her pre-designated representative in his or her absence;

22                  (16) The Director of the Purchasing Department, or his or her pre-  
23 designated representative in his or her absence;

24                  ~~(17) The Director of the Special Districts Department, or his or her pre-~~  
25 ~~designated representative in his or her absence;~~

26                  (178) The Director of the Department of Public Works, or his or her pre-  
27 designated representative in his or her absence;

28



1                   ~~(19) The Director of Land Use Services, or his or her pre-designated~~  
2 ~~representative in his or her absence;~~

3                   (18) The Auditor-Controller/Treasurer/Tax Collector, or his or her pre-  
4 designated representative in his or her absence;

5                   ~~(19820)~~ The County Superintendent of Schools, or his or her pre-  
6 designated representative in his or her absence; and

7                   ~~(212019)~~ A non-voting at-large Representative of the designated lead  
8 agency of the San Bernardino County Operational Area Coordinating Council.

9  
10 **§Section 21.0107 Disaster Council Chairperson and Staff.**

11           (a) The Chief Executive Officer shall serve as the Disaster Council  
12 Chairperson. In the absence of the Chief Executive Officer, the Fire Chief/Fire Warden  
13 of the San Bernardino County Fire Protection District shall serve as the Disaster Council  
14 Chairperson. In the absence of the Fire Chief/Fire Warden of the San Bernardino  
15 County Fire Protection District, the County Sheriff/Coroner/Public Administrator shall  
16 serve as the Disaster Council Chairperson. The individual serving as Chairperson shall  
17 not be the pre-designated representative of any of the individuals identified in this  
18 Subsection.

19           (b) The staff assigned to assist the San Bernardino County Disaster Council  
20 in carrying out its powers and duties shall consist of the following:

21                   (1) The ~~Manager of the Office of Emergency Services~~Director of  
22 Emergency Management who shall serve as the Executive Director of the Disaster  
23 Council to facilitate its operations, or an Office of Emergency Services staff member  
24 assigned to assist the Disaster Council in his or her absence;

25                   (2) The County Counsel, or a Deputy County Counsel assigned to  
26 advise the County's Office of Emergency Services, in his or her absence; and

27                   (3) Such other persons as are required by the Disaster Council.  
28

1 **§Section 21.0108 Disaster Council Powers and Duties.**

2 It shall be the duty of the San Bernardino County Disaster Council, and it is  
3 hereby empowered, to advise and recommend for adoption by the Board of  
4 Supervisors, ~~emergency plans~~, mutual aid agreements, and such ordinances,  
5 resolutions, rules and regulations as are necessary to implement such plans and  
6 agreements, and to serve as the San Bernardino County Citizen Corps Council. The  
7 Disaster Council shall meet at least annually or upon the call of the Disaster Council  
8 Chairperson, or the ~~Manager of the Office of Emergency Services, Director of~~  
9 Emergency Management as often as is deemed necessary by such persons. The  
10 Disaster Council shall comply with the California Emergency Services Act (Title 2,  
11 Division 1, Chapter 7 of the Government Code).  
12

13 **§Section 21.0109 Organization.**

14 Emergency Organization. All officers and employees of this County, together with  
15 those volunteer forces enrolled to aid them during an emergency, and all groups,  
16 organizations, and persons who may by agreement or operation of law, including  
17 persons impressed into service under the provisions of §Section 21.0105(b)(3) of this  
18 Chapter to be charged with duties incident to the protection of life and property in this  
19 County during such emergency, shall constitute the emergency organization of ~~the~~  
20 ~~County of San Bernardino~~ County.  
21

22 **§Section 21.0110 Violations.**

23 It shall be a misdemeanor, punishable by a fine not to exceed \$~~500~~1,000.00 or  
24 by imprisonment for a period not to exceed six months, or both, for any person, during a  
25 State of War Emergency, State of Emergency, or Local Emergency, or a drill or exercise  
26 in preparation for any such emergency to:

27 (a) Willfully obstruct, hinder, or delay any member of the emergency  
28 organization in the enforcement of any lawful rule or regulation issued pursuant to this

Chapter, or in the performance of duties, to include but not be limited to willful deliberate interference with radio communications between persons designated as agents of the County, paid or volunteer, during a practice drill or an emergency;

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this Chapter, if it 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; or

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State of California or San Bernardino County.

SECTION 2. The Board of Supervisors declares that it would have adopted this ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions of it be declared invalid or unconstitutional. If for any reason any portion of this ordinance is declared invalid or unconstitutional, then all other provisions of it shall remain valid and enforceable.

SECTION 3. This ordinance shall take effect thirty (30) days from the date of adoption.

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DAWN ROWE, Chair  
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY  
OF THIS DOCUMENT HAS BEEN DELIVERED  
TO THE CHAIR OF THE BOARD

LYNNA MONELL, Clerk of the  
Board of Supervisors

1 STATE OF CALIFORNIA )  
2 ) ss.  
3 SAN BERNARDINO COUNTY )

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,  
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of  
6 said County and State, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at which meeting  
7 were present Supervisors: \_\_\_\_\_

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to  
9 wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal  
14 of the Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

15 LYNNA MONELL, Clerk of the  
16 Board of Supervisors of ~~the~~  
17 San Bernardino County,  
18 State of California

19 \_\_\_\_\_  
20 Deputy

21 Approved as to Form:

22 TOM BUNTON  
23 County Counsel

24 By: \_\_\_\_\_  
25 JOLENA E. GRIDER  
26 Deputy County Counsel

27 Date: \_\_\_\_\_  
28