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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.**
- 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

1 the emergency functions of this County with all other public agencies, corporations,  
2 organizations and affected private persons.

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4 **Section 21.0102 Definition of Emergency.**

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

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

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

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

24 (1) Developing and coordinating the emergency services planning for  
25 San Bernardino County, which will provide for the utilization of all County governmental  
26 entities, their resources and equipment, all commercial and industrial resources, and all  
27 special groups, bodies, and organizations, including the San Bernardino County  
28

1 Operational Area Coordinating Council, as may be necessary for the support of  
2 emergency services operations.

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

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

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

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

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

14 (7) Overseeing the emergency operations plan and its annexes as they  
15 relate to County groups, departments, and agencies.

16  
17 **Section 21.0104 County Director of Emergency Services; Director of**  
18 **Emergency Management**

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

1 Officer overseeing the Department of Public Works, the Assistant Executive Officer  
2 overseeing the Land Use Services Department shall serve in this capacity. In the  
3 absence of the Chief Executive Officer, the Chief Operating Officer, the Assistant  
4 Executive Officer overseeing the Office of Emergency Services, the Assistant Executive  
5 Officer overseeing the Department of Public Works, and the Assistant Executive Officer  
6 overseeing the Land Use Services Department, the Assistant Executive Officer  
7 overseeing the Risk Management Department shall serve in this capacity. In the  
8 absence of the Chief Executive Officer, the Chief Operating Officer, the Assistant  
9 Executive Officer overseeing the Office of Emergency Services, the Assistant Executive  
10 Officer overseeing the Department of Public Works, the Assistant Executive Officer  
11 overseeing the Land Use Services Department, and the Assistant Executive Officer  
12 overseeing the Risk Management Department, the County Chief Financial Officer shall  
13 serve in this capacity. In the absence of the Chief Executive Officer, the Chief Operating  
14 Officer, the Assistant Executive Officer overseeing the Office of Emergency Services,  
15 the Assistant Executive Officer overseeing the Department of Public Works, the  
16 Assistant Executive Officer overseeing the Land Use Services Department, the  
17 Assistant Executive Officer overseeing the Risk Management Department, and the  
18 County Chief Financial Officer, the Assistant Executive Officer overseeing Human  
19 Services shall serve in this capacity.

20 (b) There shall be appointed a Director of Emergency Management, who shall  
21 be the day-to-day manager of the Office of Emergency Services Department and shall  
22 be responsible for carrying out the responsibilities of the Office of Emergency Services  
23 under the provisions of Section 21.0103. The Director of Emergency Management shall  
24 have such other powers and duties as may be assigned by the County Director of  
25 Emergency Services. During an emergency, the Director of Emergency Management  
26 will operate the Emergency Operations Center and assist the County Director of  
27 Emergency Services in coordinating emergency response efforts.

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

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

3 (1) Request the Board of Supervisors to proclaim the existence of a  
4 “Local Emergency” if the Board of Supervisors is in session, or to issue such  
5 proclamation if the Board of Supervisors is not in session. Whenever a local emergency  
6 is proclaimed when the Board of Supervisors is not in session, the Board of Supervisors  
7 shall take action to ratify the proclamation within seven days thereafter or the  
8 proclamation shall have no further force or effect.

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

12 (3) Control and direct the effort of the emergency organization (as  
13 defined in Section 21.0109 of this Chapter) of this County for the accomplishment of the  
14 purposes of this Chapter.

15 (4) Direct cooperation between and coordination of services and staff  
16 of the emergency organization (as defined in Section 21.0109 of this Chapter) of this  
17 County and resolve questions of authority and responsibility that may arise between  
18 them.

19 (5) Represent this County in all dealings with public or private agencies  
20 on matters pertaining to emergencies as defined herein.

21 (b) In the event of the proclamation of a “Local Emergency” as herein  
22 provided, the proclamation of a “State of Emergency” by the Governor or the Director of  
23 the State Office of Emergency Services, or the existence of a “State of War  
24 Emergency,” the County Director of Emergency Services is hereby empowered to:

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

1 (2) Obtain vital supplies, equipment, and such other properties found  
2 lacking and needed for the protection of life and property, and to bind the County for the  
3 fair value thereof and, if required immediately, to commandeer the same for public use.

4 (3) Require emergency services of any County officer or employee,  
5 and in the event of the proclamation of a "Local Emergency" in the County or the  
6 existence of a proclaimed "State of Emergency" or a "State of War," to command the aid  
7 of as many citizens of this County as he or she deems necessary in the execution of his  
8 or her duties. All such County officers and employees performing disaster work that is  
9 outside the course and scope of their regular employment without pay, and all such  
10 commanded citizens, shall be entitled to all privileges, benefits and immunities as are  
11 provided by State law for registered disaster service workers.

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

14 (5) Execute all of his or her ordinary power as County Director of  
15 Emergency Services, all of the special powers conferred upon him or her by this  
16 Chapter or by resolution or emergency plan adopted by the Board of Supervisors, all  
17 powers conferred upon him or her by any statute, by any agreement approved by the  
18 Board of Supervisors, and by any other lawful authority.

19  
20 **Section 21.0106 Disaster Council Membership.**

21 (a) The San Bernardino County Disaster Council is hereby created and shall  
22 consist of the following 19 voting members and one non-voting member:

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

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

27 (3) The Assistant Executive Officer overseeing the Department of  
28 Public Works, or his or her pre-designated representative in his or her absence;

- 1           (4)    The Assistant Executive Officer overseeing the Department of Risk  
2 Management, or his or her pre-designated representative in his or her absence;
- 3           (5)    The Assistant Executive Officer overseeing the Land Use Services  
4 Department, or his or her pre-designated representative in his or her absence;
- 5           (6)    The Assistant Executive Officer overseeing Human Services, or his  
6 or her pre-designated representative in his or her absence;
- 7           (7)    The County Chief Financial Officer, or his or her pre-designated  
8 representative in his or her absence;
- 9           (8)    The Fire Chief/Fire Warden of the San Bernardino County Fire  
10 Protection District, or his or her pre-designated representative in his or her absence;
- 11          (9)    The County Sheriff/Coroner/Public Administrator, or his or her pre-  
12 designated representative in his or her absence;
- 13          (10)   The Assistant Executive Officer overseeing the Office of  
14 Emergency Services, or his or her pre-designated representative in his or her absence;
- 15          (11)   The Director of the Risk Management Department, or his or her  
16 pre-designated representative in his or her absence;
- 17          (12)   The Director of the Department of Public Health, or his or her pre-  
18 designated representative in his or her absence;
- 19          (13)   The Director of Emergency Management, or his or her pre-  
20 designated representative in his or her absence;
- 21          (14)   The Chief Executive Officer of Arrowhead Regional Medical Center,  
22 or his or her pre-designated representative in his or her absence;
- 23          (15)   The Director of the Innovation and Technology Department, or his  
24 or her pre-designated representative in his or her absence;
- 25          (16)   The Director of the Purchasing Department, or his or her pre-  
26 designated representative in his or her absence;
- 27          (17)   The Director of the Department of Public Works, or his or her pre-  
28 designated representative in his or her absence;

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

3 (19) The County Superintendent of Schools, or his or her pre-  
4 designated representative in his or her absence; and

5 (20) A non-voting at-large Representative of the designated lead agency  
6 of the San Bernardino County Operational Area Coordinating Council.

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8 **Section 21.0107 Disaster Council Chairperson and Staff.**

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

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

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

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

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

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27 **Section 21.0108 Disaster Council Powers and Duties.**

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

10  
11 **Section 21.0109    Organization.**

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

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20 **Section 21.0110    Violations.**

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

25           (a)    Willfully obstruct, hinder, or delay any member of the emergency  
26 organization in the enforcement of any lawful rule or regulation issued pursuant to this  
27 Chapter, or in the performance of duties, to include but not be limited to willful deliberate  
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1 interference with radio communications between persons designated as agents of the  
2 County, paid or volunteer, during a practice drill or an emergency;

3 (b) Do any act forbidden by any lawful rule or regulation issued pursuant to  
4 this Chapter, if it is of such a nature as to give or be likely to give assistance to the  
5 enemy, or to imperil the lives or property of inhabitants of this County, or to prevent,  
6 hinder, or delay the defense or protection thereof; or

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

9  
10 SECTION 2. The Board of Supervisors declares that it would have adopted this  
11 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the  
12 fact that any one or more sections, subsections, clauses, phrases or portions of it be  
13 declared invalid or unconstitutional. If for any reason any portion of this ordinance is  
14 declared invalid or unconstitutional, then all other provisions of it shall remain valid and  
15 enforceable.

16  
17 SECTION 3. This ordinance shall take effect thirty (30) days from the date of  
18 adoption.

19  
20 \_\_\_\_\_  
21 DAWN ROWE, Chair  
22 Board of Supervisors

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

26  
27 LYNNA MONELL, Clerk of the  
28 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  
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