

06/26/2012 (5)

Ordinance No. 10214 (N.S.)

AN ORDINANCE AMENDING  
CHAPTER 1 “EMERGENCY SERVICES ORGANIZATION”  
OF DIVISION 1, TITLE 3,  
COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES

The Board of Supervisors of the County of San Diego ordain as follows:

Section 1.

The California Emergency Services Act (“Act”) provides the framework for the coordination and provision of emergency services at the state and local level. The Act authorizes local governing bodies such as the Board of Supervisors to establish emergency services organizations and response protocols. Because emergencies can arise at any time, the Act authorizes the proclamation of emergencies by local officials as may be designated by ordinance.

The County’s Emergency Services Ordinance (Chapter 1, Division 1, Title 3, County of San Diego Code of Regulatory Ordinances) authorizes the County’s participation in the Unified San Diego County Emergency Services Organization and designates County officials pursuant to the Act. The Board of Supervisors finds that this Chapter should be amended as set forth in this ordinance to further clarify these authorities, establish orders of succession and make certain technical revisions.

Section 2.

Chapter 1, Emergency Services Organization of Division 1 of Title 3 of the County of San Diego Code of Regulatory Ordinances is amended to read as follows:

**SEC. 31.101. PURPOSE.**

The purpose of this chapter is to provide for the preparation, execution and coordination of plans to protect persons and property in the County of San Diego during a state of war emergency, state of emergency or local emergency. All County of San Diego expenditures made in connection with emergency services activities, including mutual aid activities, within the County of San Diego Operational Area are deemed to be for the direct protection and benefit of all persons and property in the County of San Diego Operational Area. All County of San Diego expenditures made in connection with emergency services activities, including mutual aid activities, outside the County of San Diego Operational Area are deemed to be for the direct protection and benefit of all persons and property in the jurisdiction where such expenditures occur.

## **SEC. 31.102. DEFINITIONS.**

As used in this chapter:

(a) "State of war emergency", "state of emergency" and "local emergency" have the same definitions as provided in Government Code section 8558.

(b) "Operational Area" has the same definition as provided in Government Code sections 8559 and 8605.

(c) "San Diego County Operational Area Emergency Plan" means the comprehensive plan prepared and agreed to by the County of San Diego and the political subdivisions in the County of San Diego that participate in a joint powers agreement to deliver emergency services to the entire County of San Diego Operational Area in the event of a multi-jurisdictional emergency.

(d) "Disaster service worker" has the same definition as provided in Title 19 CCR section 2570.2.

(e) "Unavailable" has the same definition as provided in Government Code section 8636.

## **SEC. 31.103. EMERGENCY SERVICES IN THE COUNTY.**

### **(a) Director of Emergency Services; Succession; Statutory Designations**

(1) The County Chief Administrative Officer (CAO) shall be the County of San Diego Director of Emergency Services ("Director") and shall be responsible for the operational response to an emergency. In the event the CAO is unavailable to serve as Director, the person(s) designated as the CAO's successor as Director of Emergency Services are, in order of succession, the Assistant Chief Administrative Officer (ACAO), the Deputy Chief Administrative Officer of the Public Safety Group (DCAO-PSG), and the Director of the Office of Emergency Services.

(2) The Board of Supervisors for the County of San Diego hereby designates the County of San Diego Director of Emergency Services, and in the event the Director is unavailable, the Director's successors as set forth above, as the County of San Diego officials who may proclaim local emergencies and promulgate orders and regulations in the County of San Diego Operational Area pursuant to the California Emergency Services Act, including but not limited to Government Code sections 8630 and 8634.

### **(b) Emergency Services in the Operational Area**

Pursuant to the Joint Exercise of Powers Law (Government Code sections 6500 et seq.), and the Emergency Services Act, including but not limited to Article 10, Government Code sections 8610 et seq., unified emergency services among and between the political subdivisions in the County of San Diego Operational Area are coordinated

through a joint powers agreement that establishes the Unified San Diego County Emergency Services Organization (USDCESO) and the Unified Disaster Council (UDC). The purpose of USDCESO is to coordinate and facilitate regional plans and programs for the preservation and safety of life and property, and to make provisions for the execution of plans, programs, and mutual aid assistance in the event of multi-jurisdictional emergencies or disasters without limiting statutory jurisdictional authority.

(c) Emergency Services In The Unincorporated Areas Only of the Operational Area.

(1) The Director of Emergency Services is authorized to:

(A) Control and direct the efforts of the emergency services organization of the unincorporated area and to implement the County of San Diego Operational Area Emergency Plan.

(B) Request the Board proclaim the existence or threatened existence of a countywide local emergency if the Board is in session or proclaim a local emergency if the Board is not in session, subject to ratification by the Board within seven days.

(C) Direct the coordination and cooperation between public and private agencies located in the unincorporated area and staff of the emergency services organization and resolve questions of authority and responsibility that may arise among them.

(2) Whenever a state of war emergency exists, the Governor or the Director of the State Office of Emergency Services proclaims a state of emergency or a local emergency is proclaimed in the unincorporated area, the Director of Emergency Services is empowered to:

(A) Make and issue rules and regulations on matters within the County of San Diego's police power, provided the rules and regulations are confirmed by the Board of Supervisors at the earliest possible time.

(B) Obtain vital resources for the protection of life and property and bind the County of San Diego for the fair market value of the resources and if necessary, commandeer the resources for public use.

(C) Require emergency services of any County officer or employee and to command the aid of as many citizens as may be necessary. Any person required to serve under this paragraph shall be entitled to all privileges, benefits and immunities as are provided by State law for registered disaster service workers.

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

(E) Execute all of the special powers conferred by this chapter or by resolution adopted pursuant to this chapter, all powers conferred by any statute or agreement approved by the Board of Supervisors or any other lawful authority and to

exercise all police powers vested in the County of San Diego by the State Constitution and general laws. Nothing in this section is intended to limit any of the powers or authority conferred by federal or state law and the Director of Emergency Services.

**SEC. 31.104. DIRECTOR OF THE COUNTY OFFICE OF EMERGENCY SERVICES.**

(a) The Director of the Office of Emergency Services shall manage and operate the County Emergency Operations Center. When a local or state of emergency has been proclaimed or a state of war emergency exists, the Director of the Office of Emergency Services shall report to the County Director of Emergency Services.

(b) The duties and responsibilities of the Director of County Office of Emergency Services also include, but are not limited to the following: (1) Set operational goals and objectives for Emergency Operations Center staff during activations of the Operational Area Emergency Operations Center; ensures the timely receipt and dissemination of warning information; (2) be responsible for the Joint Information Center, to include public and internal County communications; (3) establish and maintain communications with the California Emergency Management Agency; and (4) serve as liaison between the California Emergency Management Agency and the Cities, County, and Special Districts.

**SEC. 31.105. VIOLATIONS.**

It shall be unlawful for any person, during a state of war emergency, state of emergency or local emergency, to:

(a) Willfully obstruct, hinder or delay the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed by this chapter.

(b) Wear, carry, or display-any insignia or other means of identification that falsely identifies the person as someone authorized to perform emergency services pursuant to the California Emergency Services Act, this Chapter, or orders or regulations issued thereunder.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 26<sup>th</sup> day of June, 2012.

APPROVED AS TO FORM AND LEGALITY

COUNTY COUNSEL

BY

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