

ORDINANCE NO. 4410

ORDINANCE REPEALING AND REENACTING DIVISION 5, CHAPTER 3, ARTICLES 1 AND 2 OF THE VENTURA COUNTY ORDINANCE CODE, REGARDING RENAMING OF VENTURA COUNTY DISASTER COUNCIL TO VENTURA COUNTY EMERGENCY PLANNING COUNCIL AND RELATED CHANGES

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1. Repeal of Existing Ventura County Disaster Council Provisions

Division 5, Chapter 3, Articles 1 and 2 of the Ventura County Ordinance Code are hereby repealed.

Section 2. Enactment of New Ventura County Emergency Planning Council Provisions

Division 5, Chapter 3, Articles 1 and 2 of the Ventura County Ordinance Code are hereby reenacted to read as follows:

ARTICLE 1 – GENERAL

Section 5311 – PURPOSES. The declared purposes of this Ordinance 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.

Section 5311-1 – Expenditures. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Ventura.

Section 5312 - DEFINITIONS.

Section 5312-1 Local Emergency. As used in this Chapter, "local emergency" means the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of this County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or diseases, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy, which are likely to be beyond the control of the services, personnel, equipment and facilities of the County and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

Section 5312-2 Operational Area. As used in this Chapter, "operational area" means the area including the County and all political subdivisions within the County area.

ARTICLE 2 - EMERGENCY PLANNING COUNCIL

Section 5321 - CREATION AND MEMBERSHIP. The Ventura County Emergency Planning Council is hereby created to perform the functions of a local disaster council pursuant to title 2, division 1, chapter 7, article 10 of the Government Code. The Emergency Planning Council shall consist of the persons set forth in the following subsections.

Section 5321-1 A member of the Board of Supervisors, appointed by the Board, who shall be chairman of the Council.

Section 5321-2 The Director of Emergency Services, who shall be vice-chairman.

Section 5321-3 The Assistant Director of Emergency Services.

Section 5321-4 Such chiefs of Emergency Services as are provided for in the current emergency plan for the Ventura County Operational Area adopted pursuant to this Chapter.

Section 5321-5 Such representatives of non-governmental, business/industry, government (local, state, federal and military), utilities, communications, special districts, universities, colleges, schools, fire, health services, law enforcement, emergency management, and other organizations having an official emergency responsibility, as may be appointed by the Board.

Section 5322 - POWERS AND DUTIES. It shall be the duty of the Ventura County Emergency Planning Council to develop and recommend for adoption by the Ventura County Board of Supervisors emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Emergency Planning Council may also review emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements prior to approval by local city councils and other governing boards. Such plans and agreements shall be multi-jurisdictional and multi-disciplinary plans and agreements drawing resources from various levels of government and the private sector. The Emergency Planning Council shall meet upon call of the chairman or, in his absence from the County or inability to call such meeting, upon call of the vice-chairman.

Section 5323 - DIRECTOR AND ASSISTANT DIRECTOR. The offices of Director and Assistant Director of Emergency Services are hereby created. The Sheriff of Ventura County shall be the Director of Emergency Services. The Assistant Director shall be appointed by the Director.

Section 5323-1 Director's Powers and Duties. The Director is hereby granted the powers set forth in the following subsections.

Section 5323-1.1 To request the Board to proclaim the existence of a "local emergency" if the Board is in session, or to issue such proclamation if the Board is not in session, subject to ratification by the board within seven (7) days thereafter, or the proclamation shall have no further force or effect.

Section 5323-1.2 To recommend that the Chairman of the Board or the County Executive request the Governor to proclaim a "state of emergency" as defined in

Government Code section 8558(b) when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

Section 5323-1.3 To control and direct the effort of the emergency organization of this County for the accomplishment of the purposes of this Chapter.

Section 5323-1.4 To 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.

Section 5323-1.5 To represent this County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

Section 5323-2 Emergency Powers. In the event of the proclamation of a "local emergency" by the Board or the Director, the declaration of a state of emergency by the Governor or the Secretary of the California Emergency Management Agency, or the existence of a "state of war emergency" as defined in Government Code section 8558 (a), the Director is hereby granted the powers set forth in the following subsections.

Section 5323-2.1 To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Board.

Section 5323-2.2 To obtain vital supplies, equipment, and such other property 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.

Section 5323-2.3 To require emergency services of any County officer or employee and, in the event of the proclamation of a "state of emergency" in the County or "state of war emergency", 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; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers.

Section 5323-2.4 To requisition necessary personnel or material of any County department or agency.

Section 5323-2.5 To execute all of his or her ordinary power as Sheriff; all of the special powers conferred upon him or her by this Chapter or by resolution or emergency plan adopted by the Board; all powers conferred upon him or her by any statute or agreement approved by the Board, and any other lawful authority.

Section 5323-3 Succession. The Director shall designate the order of succession to his or her office subject to approval by the Board, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his or her duties during an emergency.

Section 5323-4 Assistant Director's Duties. The Assistant Director shall, under the supervision of the Director and with the assistance of the Emergency Planning Council, develop emergency plans and manage the emergency programs for the Ventura County Operational Area; and shall have such other powers and duties as may be assigned by the Director.

Section 5324 - EMERGENCY ORGANIZATION. All officers and employees of this County, volunteer forces enrolled to aid them during an emergency, persons commandeered into service under the provisions of Section 5323-2.3, and all groups, organizations, and persons who may by agreement or operation of law, be 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 Ventura.

Section 5325 - EMERGENCY PLAN. The Emergency Planning Council shall be responsible for the development of the Ventura County Operational Area Emergency Plan, which shall provide for the effective mobilization of resources within 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. Such plan shall take effect upon adoption by resolution of the Board.

Section 5326 - PUNISHMENT OF VIOLATIONS. It shall be unlawful for any person, during a state of war emergency; to commit any of the acts specified in the following subsections.

Section 5326-1 To willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation or the performance of any duty imposed upon him by virtue of this chapter.

Section 5326-2 To 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 likely to give, assistance to the enemy, or imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof.


Section 5326-3 To wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

PASSED AND ADOPTED this 9th day of February, 2010 by the following vote:

AYES: Supervisors Bennett, Parks, Foy, Zaragoza and Long.

NOES: None

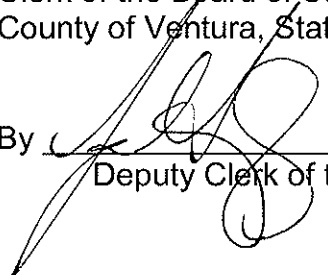
ABSENT: None



CHAIRPERSON, Board of Supervisors

ATTEST:

MARTY ROBINSON
Clerk of the Board of Supervisors
County of Ventura, State of California

By 

Deputy Clerk of the Board

