

ORDINANCE NO. 3523

**AN ORDINANCE AMENDING CHAPTER 2.80 OF THE COUNTY CODE –
EMERGENCY ORGANIZATION AND FUNCTIONS**

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

SECTION 1. Sections 2.80.010 and 2.80.020 of Chapter 2.80 (“Emergency Organization and Function”) of Title 2, of the County Code are amended as follows:

2.80.010 – Purposes.

The declared purposes of the provisions contained in this chapter are to provide for the preparation and implementation of plans for the protection of persons and property within the 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 *affected* public agencies, corporations, organizations and *affected* private persons.

2.80.020 – Definition.

As used in this chapter, "local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of *the* county, ~~city and county, or city,~~ caused by such conditions as air pollution, fire, flood, storm, epidemic, ~~riot~~ *civil unrest*, drought, *terrorism (including cyber terrorism)*, sudden and severe energy shortage/*outage, de-energization, electromagnetic pulse attack*, plant or animal infestation or disease, the Governor's warning of an earthquake, or volcanic prediction, ~~or an~~ earthquake, *war*, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control *or capabilities* of the services, personnel, equipment, and facilities of ~~the county that political subdivision~~ and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage/*outage that* requires extraordinary measures beyond the authority *vested* in the California Public Utilities Commission.

SECTION 2. Sections 2.80.030 through 2.80.140 are amended and renumbered, adding additional sections 2.80.150 through 2.80.170 as follows:

2.80.030 – Emergency services director.

The County Administrative Officer (CAO) shall be the San Luis Obispo County Emergency Services Director (ESD). The ESD may appoint such designees or assistants as are necessary to discharge the duties of the ESD.

2.80.040 – General powers and duties of the emergency services director; required action of the board of supervisors.

- (a) The ESD is empowered to do the following or any portion thereof:
- (1) Whenever in the ESD's judgment a local emergency exists, as defined in Section 2.80.020 of this code, request the board of supervisors to proclaim the existence of a local emergency, and the termination thereof, if the board of supervisors is in session, or issue such proclamation if the board of supervisors is not in session.
 - (2) Control and direct the effort of the emergency organization of this county for the accomplishment of the purposes of this chapter and in accordance with the County of San Luis Obispo EOP.
 - (3) Direct cooperation between and coordination of services and staff of the emergency organization of the county and resolve questions of authority and responsibility that may arise between them.
- (b) Whenever a local emergency is proclaimed by the ESD, the board of supervisors shall:
- (1) Take action to ratify the proclamation within seven days thereafter or the proclamation will have no further force and effect.
 - (2) Review the need for continuing the local emergency at least once every sixty (60) days or as required by state law until the board terminates the local emergency.
 - (3) Through the chairperson of the board of supervisors, request the Governor of the State of California to proclaim a state of emergency when, in the opinion of the ESD, locally available resources are inadequate to cope with the emergency.

2.80.050 – Office of emergency services.

There is created the Office of Emergency Services (OES). It is established to ensure coordinated operational area level activities and administer the emergency management program on behalf of the County of San Luis Obispo, operational area (OA) and the ESD. The responsibilities of OES shall include, but not limited to:

- (1) Serve as the lead offsite response organization for an emergency at Diablo Canyon;
- (2) Ensure that the County is prepared to respond to and recover from emergencies;
- (3) Represent the County in dealings with public and private agencies pertaining to emergency planning;
- (4) Prepare and maintain the basic emergency plans for the county and submit such plans to the ESD;
- (5) Maintain and staff the Emergency Operations Center (EOC) and or the Joint Information Center as needed;

- (6) Maintain 24-hour a day availability of an on-call "duty officer":
- (7) Provide emergency management personnel for immediate response if called upon by the county;
- (8) Exercise the County Emergency Operations Plan (EOP) and the EOC in whole or part, at least biannually;
- (9) Ensure the timely receipt and dissemination of warning information along with the alert and warning to local agencies and the public within the operational area;
- (10) Provide business and incident support to the San Luis Obispo Regional Hazardous Material Team;
- (11) Coordinate recovery efforts from natural and or manmade disasters; and
- (12) Lead and coordinate mitigation efforts for natural and or manmade disaster with county departments, cities, and special districts.

2.80.060 – Director of the office of emergency services.

Under the direction of the CAO, the Director of the OES shall be the day-to-day manager of the OES and shall be responsible for carrying out the responsibilities of the office including but not limited to:

- (1) The operations of the EOC and emergency plans;
- (2) Represent the county on local, regional, and statewide councils/committees focusing on emergency management, public safety, or other emergency service functions;
- (3) Organize, develop and coordinate the county's participation within the OA by working with county departments, governmental entities, supporting agencies, and volunteer groups;
- (4) Establish and maintain communications and liaison with the Governor's Office of Emergency Services; and
- (5) Coordinate mutual aid for the county and the OA.

2.80.060.— Director of emergency services.

~~There is created the office of emergency services. The county administrative officer shall be the director of emergency services.~~

2.80.070— General powers and duties of director of emergency services.

~~The director of emergency services is empowered to do the following or any portion thereof:~~

- ~~(1) Whenever in his judgment a local emergency exists, as defined in Section 2.80.020 of~~

~~this code, to request the board of supervisors to proclaim the existence of a local emergency, and the termination thereof, 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 by the director of emergency services, the board of supervisors shall take action to ratify the proclamation within seven days thereafter or the proclamation will have no further force and effect.~~

- ~~(2) The board of supervisors shall review the need for continuing the local emergency at least once every thirty days until the governing body terminates the local emergency.~~
- ~~(3) The chairman of the board of supervisors, or in the event the chairman is absent from the county or otherwise unavailable, the director shall request the Governor to proclaim a state of emergency when, in the opinion of the chairman or the director, locally available resources are inadequate to cope with the emergency.~~
- ~~(4) Control and direct the effort of the emergency organization of this county for the accomplishment of the purposes of this chapter and in accordance with the County of San Luis Obispo Emergency Plan.~~
- ~~(5) 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.~~
- ~~(6) Represent this county in all meetings with private and public agencies on matters pertaining to emergencies as defined herein.~~

~~2.80.030~~ 2.80.070 – Disaster planning advisory committee—Membership.

The San Luis Obispo County Disaster Planning Advisory Committee is created with membership to be designated by the ~~director of emergency services~~ ESD, which may include, but is not limited to, the following:

- (1) The ~~director of emergency services~~ ESD or his or her designee, who shall be chairman ~~chairperson~~;
- (2) Members of the staff of the county ~~office of emergency services~~ (OES);
- (3) Representatives from county departments with responsibilities for emergency response as provided for in the county's emergency plans; and
- (4) Representatives of the cities, state agencies, volunteer agencies, utilities, special districts, and other organizations having responsibilities for emergency response as provided for in the county's emergency plans.

~~2.80.040~~ 2.80.080 – Disaster Planning Advisory Committee – Powers and duties.

It shall be the duty of the San Luis Obispo County Disaster Planning Advisory Committee

to advise the county ~~OES office of emergency services~~ in developing emergency and mutual aid plans and agreements and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements. The disaster planning advisory committee shall meet upon call of the ~~chairman~~ chairperson, as necessary, to recommend changes or additions to county emergency response plans, review new concepts, develop and monitor disaster exercises, and identify training needs.

2.80.050 ~~2.80.090~~ – Emergency plan.

The ~~San Luis Obispo County Director of Emergency Services ESD~~ and ~~OES Office of Emergency Services~~ shall be responsible for the development of the county emergency plans. Those emergency plans shall provide for the effective mobilization of all of the resources of ~~this~~ the county, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency, as defined in Government Code Section 8558, and shall provide for the organization, powers and duties, services and staff of the county's emergency organization. Such plans shall take effect upon adoption by resolution of the board of supervisors or the ESD.

2.80.080 ~~2.80.100~~ – Powers in event of emergency.

In the event of a proclamation of local emergency as provided in this chapter, the ~~chairman~~ chairperson of the board of supervisors, or in the event the ~~chairman~~ chairperson is absent from the county or otherwise unavailable, then the ~~ESD director of emergency services~~ is empowered to do the following or any portion thereof:

- (1) To make and issue orders and regulations on matters necessary to provide for the protection of life and property; however, such orders and regulations must be confirmed at the earliest practicable time by the board of supervisors. Such orders and regulations, and amendments and revisions thereto, shall be given widespread publicity and notice and may include, but not be limited to the following:
 - a. Curfew. Order a general curfew within designated boundaries as is deemed necessary to preserve the public order and safety. "Curfew" means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any public alley, street or highway, any public property or any vacant premises, except persons officially designated to duty with reference to the civil emergency and representatives of the news media, physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, ~~firemen~~ firefighter and law enforcement officers and personnel, OES staff, and those specifically authorized by the San Luis Obispo County Sheriff or his duly authorized agent;
 - b. Business Closing. Order the closing of any business establishment within the curfew area or within any other specified portion of the County of San Luis Obispo, for the

period of emergency; such businesses to include, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline, or firearms;

- c. Alcoholic Beverages. Order that no person within the curfew areas or within any other specified portion of the county shall consume any alcoholic beverage in any public street or place which is publicly owned or in any motor vehicle driven or parked there on;
 - d. Weapons. Order that no person within the curfew area, or within any other specified portion of the county, shall carry or possess on his or her person any ~~gun~~firearm, bomb, firebomb, knife, rock, bottle, club, brick, explosive, or weapon; provided, however, that notwithstanding the above, duly authorized law enforcement officers and members of the National Guard may carry and possess therein during such period, guns, weapons, ammunition, explosives, flammable materials or liquids, or other dangerous weapons;
 - e. Traffic Control. Designate any public street, thoroughfare or vehicle parking areas within the curfew area or within any other specified portion of the county closed to motor vehicles and pedestrian traffic; and
 - f. General Authority. Issue such other orders and regulations as are necessary for the protection of life and property; and
 - g. Restrict agricultural products. Limit and or restrict the movement of agricultural products during a locally declared health emergency.
- (2) To obtain vital supplies, equipment, vehicles and such other property and services which, in the ~~chairperson~~chairman or ~~director's~~ ESD's judgment are lacking and needed for the protection of the life and property of San Luis Obispo County and the people therein, and to bind the county for the fair value thereof, and if required immediately, to commandeer the same for public use;
 - (3) To require emergency services of any county officer or employee; such persons shall be entitled to all privileges, benefits and immunities as are provided by law;
 - (4) To requisition necessary personnel or material of any county department or agency;
 - (5) To execute all of the ordinary powers of his or her regular office, all of the special powers conferred upon ~~him~~ the ESD by this chapter or by resolution or emergency plan, ~~pursuant thereto adopted by the board of supervisors~~, all powers conferred upon ~~him~~ the ESD by any statute or, by any other lawful authority, and to exercise complete authority over the county, and ~~exercise~~ all police powers s vested in the county by the constitution and general laws; and
 - (6) To order other protective actions, including closure of areas for the purposes defined in Penal Code, Section 409.5.

~~2.80-090~~ 2.80.110 – Appointment, powers and duties of assistant and deputies.

The ~~director of emergency services~~ESD shall appoint such assistants and/or deputies as

are necessary to aid ~~him~~the ESD in carrying out his/her powers and duties, and except as is specified in Section 2.80.~~100~~120 hereof, such assistants and/or deputies shall have such powers and duties as are specified in writing by~~such director~~ the ESD.

2.80-100 ~~2.80.120~~ – Order of succession after director.

The ~~director of emergency services~~ESD shall designate within the EOP in writing the order of succession to that office, to take effect in the event the ~~director~~ESD is not available to attend meetings or otherwise perform his or her duties during an emergency. ~~Such order of succession shall be approved by the board of supervisors.~~ In the event the ~~director~~ ESD is absent from the county, or is otherwise unavailable during a local emergency, a state of emergency or a state of war emergency, or threat of the same, any and all of the powers granted by this chapter to ~~such director~~ the ESD may be exercised by the person or persons so designated and approved, in the order of succession so designated and approved.

2.80-110 ~~2.80.130~~ – Emergency organization.

All officers and employees of this county, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law (including persons impressed into service under the provisions of Section 2.80.~~080~~100(3) of this chapter) be charged with duties incident to the protection of life and property in this county during such emergency, shall constitute the emergency organization of this county.

2.80.140 – Authorized emergency vehicles for hazardous materials emergencies.

Privately or publicly owned vehicles, while operated in the line of duty by Office of Emergency Services personnel responding to hazardous materials emergencies, but not returning from, emergency calls, are designated as authorized emergency vehicles pursuant to Vehicle Code Section 2416, Subdivision (10).

2.80-120 ~~2.80.150~~ – Expenditures.

Any expenditures made in connection with the emergency activities, including mutual aid activities, ~~shall be deemed are~~ conclusively deemed to be for the direct protection and benefit of the inhabitants and property of this county.

2.80-130 ~~2.80.160~~ – Punishment for violations.

It is a misdemeanor, punishable upon conviction by a fine not to exceed five hundred dollars or by imprisonment for not to exceed six months or by both such fine and imprisonment, for any person during a state of war emergency, state of emergency or local emergency to do any of the following:

- (1) Wilfully 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;

- (2) Violate any of the provisions of this chapter, or ~~to~~ refuse or willfully neglect to obey any lawful order or regulation promulgated or issued as provided in this chapter;
- (3) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state.

2.80.140 ~~2.80.170~~ – Appointment of stand-by officers.

- (a) As used in this section, the terms “unavailable” and “stand-by officers” shall have the meanings set forth in Government Code Sections 8635 through 8644, inclusive, and in future amendments thereto.
- (b) The board of supervisors may examine, investigate, appoint, remove and replace standby officers in accordance with Government Code Sections 8635 through 8644, inclusive, and ~~with any~~ future amendments thereto.
- (c) Stand-by officers shall have the duties and authority set forth in Government Code Section 8641 and in future amendments thereto.
- (d) Should all members of the board of supervisors , including all stand-by officers, be unavailable, temporary members of said board shall be appointed pursuant to Government Code Section 8644, and to future amendments thereto; provided however, that in the event such appointments are made by the board of supervisors’ ~~chairman~~ chairperson of other counties within one hundred fifty miles of this county, then the following shall be the order in which such other counties shall appoint:
 - (1) Kern County;
 - (2) Santa Barbara County;
 - (3) Monterey County;
 - (4) Kings County.
- (e) ~~At its second regular meeting in each January, Annually,~~ the board of supervisors shall review the status of all stand-by appointments, and, if necessary, fill vacancies as set forth hereinabove. Stand-by officers shall be listed and maintained in the San Luis Obispo County Continuity of Operations Plan.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. In accordance with Government Code Section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

SECTION 5. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 14th day of January, 2025, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 4th day of February, 2025, by the following roll call vote, to wit:

AYES: Supervisors Heather Moreno, Bruce S. Gibson, John Peschong, Jimmy Paulding and Chairperson Dawn Ortiz-Legg
NOES: None
ABSENT: None

/s/ Dawn Ortiz-Legg
Dawn Ortiz-Legg
Chairperson of the Board of Supervisors

ATTEST:
Matthew Pontes
Ex-Officio Clerk of the Board of Supervisors
By: Niki Martin
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel
By: /s/ Ann Duggan
Deputy County Counsel
Dated: January 9, 2025