

1 BEFORE THE BOARD OF SUPERVISORS
2 OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA
3 ORDINANCE NO. _____
4

5 AN ORDINANCE, AMENDING THE ORDINANCE CODE OF THE COUNTY OF
6 FRESNO BY AMENDING TITLE 2 – ADMINISTRATION, SECTION 02.44.060 –
7 DIRECTOR OF EMERGENCY SERVICES – POWERS AND DUTIES, OF CHAPTER
8 02.44 - EMERGENCY ORGANIZATION.

9 The Board of Supervisors of the County of Fresno does hereby ordain as follows:

10 **Section 1:** The Ordinance Code of the County of Fresno is hereby amended by
11 amending Section 2.44.060 - Director of emergency services—Powers and duties, to
12 read in its entirety as follows:

13 The director of emergency services, or in the director's absence or unavailability
14 the director's designee, is empowered to:

15 A. Request the board of supervisors to proclaim the existence, or threatened
16 existence, of a local emergency if the board of supervisors is in session, or issue such
17 proclamation if board members cannot be contacted in a timely manner. Whenever a
18 local emergency is proclaimed by the director, it shall be subject to confirmation by the
19 board of supervisors as soon as it can be summoned into an emergency session. Every
20 effort will be made to convene a meeting of the board of supervisors within twenty-four
21 hours of the director's proclamation, but in no case will confirmation be delayed beyond
22 seven days. Such proclamation shall be reviewed by the board of supervisors at its
23 regularly scheduled meetings until the local emergency is terminated, but in no case will
24 a review be delayed beyond sixty days after the previous review. The proclamation
25 shall be terminated at the earliest possible date that conditions warrant;

26 B. Recommend that the chairman of the board of supervisors request the
27 Governor to proclaim a state of emergency when, in the opinion of the director, locally
28

1 available resources are inadequate to cope with the emergency, and to initiate such a
2 request when the chairman is unavailable;

3 C. Control and direct the effort of the emergency organization of this county
4 for the accomplishment of the purposes of this chapter;

5 D. Resolve questions of authority and responsibility that may arise within the
6 emergency organization;

7 E. Represent this county in all dealings with public or private agencies on
8 matters pertaining to emergencies as defined herein including but not limited to, timely
9 updating and implementing of the master emergency services plan to comply with state
10 laws and regulations pertaining to emergency organization and operations and
11 providing such updates to the board of supervisors for ratification on the board's agenda
12 for its first scheduled meeting during the month of December, beginning December,
13 1999, and at least once each year thereafter;

14 F. In the event of the proclamation of a local emergency as herein provided,
15 the proclamation of a state of emergency by the Governor or the Director of the State
16 Office of Emergency Services, or the existence of a state of war emergency, the director
17 is empowered:

18 1. To make and issue rules and regulations on matters reasonably
19 related to the protection of life and property as affected by such emergency; provided,
20 however, such rules and regulations must be confirmed at the earliest practicable time
21 by the board of supervisors. Once the board of supervisors has convened, no further
22 rules or regulations shall be issued by the director without prior approval by the board;

23
24 2. To obtain vital supplies, equipment and such other properties found
25 lacking and needed for the protection of life and property and to bind the county for the
26 fair value thereof, and, if required immediately, to commandeer the same for public use;

27 3. To require emergency services of any county officer or employee
28 and, to command the aid of as many citizens of this county as he deems necessary in

1 the execution of his duties. Such persons shall be entitled to all privileges, benefits and
2 immunities as are provided by state law for registered disaster service workers;

3 4. To requisition necessary personnel or material of any county
4 department or agency; and

5 5. To execute all of his ordinary powers, all of the special powers
6 conferred upon him by this chapter or by resolution or by activation of an emergency
7 plan adopted by the board of supervisors, and by any other lawful authority.

8 **Section 2:** This Ordinance shall take effect thirty (30) days after final passage.

9 THE FOREGOING was PASSED and ADOPTED by the following vote of the Board
10 of Supervisors of the County of Fresno this _____ day of _____, 2021, to wit:

11 AYES:

12 NOES:

13 ABSENT:

14 ABSTAINED:

15 _____
16 Steve Brandau, Chairman of the
17 Board of Supervisors of the County of Fresno

18 **ATTEST:**

19 Bernice E. Seidel
20 Clerk of the Board of Supervisors
21 County of Fresno, State of California

22 By: _____
23 Deputy

24 FILE # _____

25 AGENDA # _____

26 ORDINANCE # _____