

**SUMMARY OF ORDINANCE AMENDING CHAPTER 15 OF PART I OF THE
TULARE COUNTY ORDINANCE CODE, PERTAINING TO CIVIL DEFENSE AND
DISASTER**

On **AUGUST 16**, 2022, at 9:30 a.m., in the Human Resources and Development Building, located at 2500 West Burrell Avenue, in Visalia, California, the Tulare County Board of Supervisors ("Board") adopted an ordinance amending the Civil Defense and Disaster Response Ordinance, contained in Chapter 15 of Part I of the Tulare County Ordinance Code (the "Ordinance").

The Ordinance updates statutory references contained within Tulare County's Civil Defense and Disaster Response Ordinance and update existing definitions to better match the State's definitions of local disasters. The Ordinance also explicitly authorizes the Director of Emergency Services to issue orders in the case of a proclaimed emergency and request a proclamation of emergency from the Governor. The Ordinance also updates language in order to allow for more timely and efficient response when legally allowed.

This ordinance shall take effect thirty (30) days from the date of approval. The Board approved the ordinance by the following roll call vote:

AYES:	SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

COUNTY OF TULARE

By: _____

Chair, Board of Supervisors
EDUARDO VALERO

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of
Supervisors

By: _____
Deputy Clerk



ORDINANCE NO. 3613

AN ORDINANCE AMENDING CHAPTER 15 OF PART I OF THE
ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO CIVIL DEFENSE
AND DISASTER.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE
ORDAINS AS FOLLOWS:

Section 1. Chapter 15 is hereby amended to Part I of the Ordinance
Code, to read:

CHAPTER 15. CIVIL DEFENSE AND DISASTER

1-15-1000 GENERAL PROVISIONS:

The purposes of this Chapter are to provide for the preparation and carrying out of plans for disaster and emergency services, 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 emergency functions of the County with all other affected persons and agencies, both public and private. Any expenditure made in connection with such disaster or emergency services, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property in the County. This Chapter also implements the California Emergency Services Act for the County of Tulare.

1-15-1005 DEFINITIONS:

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

(a) "Emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this County caused by conditions which include, but are not limited to, air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions provided in Government Code Section 8558(c)(1).

(b) "Health Emergency" means the actual or threatened existence of health-related conditions that impacts public health by such conditions as a release, spill, escape, or entry of waste and the director or the local health officer reasonably determines that the waste is a hazardous waste or medical waste, or that it may become hazardous waste or medical waste because of a combination or reaction with other substances or materials, and the director or local health officer reasonably determines that the release or escape is an immediate threat to the public health, or whenever there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent.

(c) "Emergency Services" means the preparation for carrying out disaster control functions, other than functions for which military forces are primarily responsible, and to prevent, minimize and

repair injury and damage resulting from disasters. It shall not include, nor does any provision of this Chapter apply to, any condition relating to a labor controversy.

(d) "Disaster" means but is not limited to the definition provided in Cal. Code Regs. Tit. 19 § 2900 subsection (g) and also includes any other occurrence in the County caused by human or natural events, threatening or causing danger to public health and safety of the residents of the County or to property therein.

(e)

(f) "Tulare Operational Area" means the unincorporated area of the County; the incorporated areas of the Cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake; and all entities classified as special districts.

(g) "Office of Emergency Services" means those physical facilities of Tulare County constituting the Tulare Operational Area's Office of Emergency Services, Emergency Operations Centers, and the necessary staff and personnel to operate such facilities on a day to day or disaster and emergency basis.

(h) "Tulare Operational Area Emergency Council" shall be the local disaster council as defined in the California Emergency Services Act, Government Code section 8610.

(i) The "Director of Emergency Services," also referred to as the "Emergency Services Director," shall be the County Administrative Officer, as defined in Tulare County Code section 1-03-1000 of this Ordinance Code.

(j) The "Coordinator of Emergency Services," also referred to as the "Emergency Services Coordinator," shall be the Assistant County Administrative Officer.

1-15-1010 EMERGENCY COUNCIL: MEMBERSHIP:

(a) The Emergency Council of the Tulare Operational Area is hereby created and shall consist of the following members or their respective designees:

- (1) The Director of Emergency Services shall serve as Chair, and is a voting member
- (2) The Coordinator of Emergency Services shall serve as Vice Chair, and shall have no vote except in the circumstances described in subparagraphs (b) and (c)
- (3) The Emergency Services Manager, who shall have no vote except in the circumstances described in subparagraphs (b) and (c)
- (4) County Public Health Officer, or his/her designee, as a non-voting member
- (5) Tulare County Fire Chief, or his/her designee, as a non-voting member
- (6) Tulare County Sheriff, or his/her designee, as a non-voting member
- (7) One voting representative appointed by each incorporated city within the County
- (8) One voting representative appointed by the Tule River Indian Tribe
- (9) Other non-voting members may be appointed by a simple majority vote

(b) Each incorporated city within the County, the Tule River Indian Tribe, and the County shall each have one vote on the Emergency Council. Voting shall be conducted as outlined in section

1-15-1015(c) of this Ordinance Code. The Chair shall cast the County's vote, and the Vice Chair shall only vote in the event of a tie. In the event that the Chair is unavailable or incapacitated, the Vice Chair shall cast the County's vote, and the Emergency Services Manager shall only vote in the event of a tie.

(c) To ensure continuity of Emergency Services management, should the Director of Emergency Services be out of County or incapacitated and unable to perform his/her duties, the Coordinator of Emergency Services shall automatically assume the Chair pursuant to Section 1-15-1031 of this Ordinance Code. If both the Director and Coordinator of Emergency Services are unavailable, the line of succession as defined in Section 1-15-1030(g) of this Ordinance Code shall apply.

1-15-1015 EMERGENCY COUNCIL: MEETINGS:

(a) The Emergency Council shall meet upon call of the Chair or, in his/her absence from the County or inability to call such meeting, upon call of the Vice Chair at a time and place established by the Council. Meetings of the Council shall be called in accordance with section 54950 et seq. of the Government Code of the State of California. Special meetings may be called by the Chair or the Vice Chair.

(b) The Council shall meet at least once each year. The Council shall have the power to adopt by resolution, rules and regulations governing the conduct of its meetings. Minutes shall be taken at each meeting.

(c) A quorum shall be defined as a majority of the voting members, as set forth in Section 1-15-1010 of this Ordinance Code. Meetings may be held without a quorum, however no formal action may be taken without a quorum.

1-15-1020 [Intentionally left blank]

1-15-1025 EMERGENCY COUNCIL: POWERS AND DUTIES:

(a) The Tulare Operational Area Emergency Council shall develop and recommend for adoption by the Board of Supervisors basic emergency and mutual aid plans and agreements and such ordinances and resolutions, rules and regulations as are necessary to implement such plans within the County of Tulare. The Director of Emergency Services shall be empowered to update existing plans and agreements, and approve the addition of annexes and contingency plans to the basic plan.

(b) The Emergency Council shall on a continuing basis provide for registration of disaster service workers. The Emergency Council shall review the preparation and progress of the cities and County in carrying out disaster and emergency services plans and functions.

1-15-1030 DIRECTOR OF EMERGENCY SERVICES: POWERS AND DUTIES:

The Director of Emergency Services shall command the emergency organization of the Tulare Operational Area. The Director of Emergency Services is empowered to:

(a) Request the Board of Supervisors proclaim the existence or threatened existence of a "local emergency" 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, the Board of Supervisors shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect. Such proclamation shall be reviewed by the Board of Supervisors at least every sixty (60) days and terminated at the earliest practicable time, except where different timelines for these actions are otherwise lawfully prescribed or allowed.

(b) Request the Governor proclaim a "State of Emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

(c) Control and direct the effort of the emergency management organization of the County for the accomplishment of the purposes of this Chapter including the appointment of an Emergency Services Manager.

(d) Direct cooperation between and coordination of services and staff of the emergency management organization of the County; and resolve questions of authority and responsibility that may arise between them.

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

(f) In the event of the proclamation of a local emergency or a proclamation of a "State of Emergency" by the Governor or the Secretary of the California Emergency Services Agency, or the existence of a "State of War Emergency", the Director of Emergency Services is hereby empowered to perform the following acts:

(1) To make and issue orders, 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 of Supervisors.

(2) To obtain vital supplies, equipment, and such other properties 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.

(3) To require emergency services of any County officer by any statute, by any agreement approved by the Board of Supervisors, or the Purchasing Agent, and by any other lawful authority. The Director of Emergency Services may commandeer the aid of as many citizens as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities which are provided by State law for registered disaster service workers.

(g) The Director shall designate the order of succession to that office, to take effect in the event the Director is incapacitated, unavailable, and/or otherwise unable to perform his duties. Such order of succession shall be as follows:

(1) Coordinator of Emergency Services

(2) Emergency Services Manager

(3) Appointment of a successor by the Board of Supervisors

(h) That person identified in this order of succession shall have all the power and authority of the Director of Emergency Services. This role shall be relinquished upon the return of the Director or the next higher person in the order of succession.

1-15-1031 COORDINATOR OF EMERGENCY SERVICES: POWERS AND DUTIES:

The Coordinator of Emergency Services shall, in the event that the Director is incapacitated, unavailable, and/or otherwise unable to perform his/her duties:

(a) Serve as the Director of Emergency Services, with all of the Powers and Duties of the Director, as defined in section 1-15-1030 of this Ordinance Code.

(a) Serve as the Chair of the Emergency Council.

1-15-1032 EMERGENCY SERVICES MANAGER: POWERS AND DUTIES:

The Emergency Services Manager shall, under the supervision of the Director and Coordinator of Emergency Services, and with the assistance of department heads or their designees, oversee the Office of Emergency Services; develop emergency plans and manage the emergency programs and operations of this County; and shall have such other powers and duties as may be assigned by the Director or Coordinator of Emergency Services and shall administer the day to day functions of the emergency services program in accordance with this Chapter.

1-15-1033 COUNTY HEALTH OFFICER: POWERS AND DUTIES:

(a) The County Health Officer is hereby empowered to proclaim a "local health emergency", as defined in section 1-15-1005(b) of this Ordinance Code, and may recommend that the Chairman of the Board of Supervisors request that the Governor proclaim a State of Emergency when in the opinion of the County Health Officer local resources of the area are inadequate to cope with the disaster. Whenever a local health emergency is declared by a local health officer pursuant to this section, the local health emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the Board of Supervisors. The Board of Supervisors shall review, at least every thirty (30) days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination, except where different timelines for these actions are otherwise lawfully prescribed or allowed.

(b) The County Health Officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during a "health emergency", "local emergency," "State of Emergency," or "State of War Emergency," within his or her jurisdiction. "Preventive measure means abatement, correction, removal, or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health, or threatens injury or disability.

(c) The County Health Officer shall enforce and observe all of the following:

- (1) Orders and ordinances of the Board of Supervisors pertaining to public health and sanitary matters
- (2) Orders including quarantine and other regulations prescribed by the department
- (3) Statutes related to public health

(d) Whether or not an emergency has been proclaimed, the Tulare County Health Officer may require: (1) isolation (strict or modified) of an individual considered an affected person, by the least restrictive means necessary, for any case or suspect case of contagious, infectious, or communicable disease when he has reason to believe that such action is necessary for the protection of the public health; (2) quarantine of any individual considered a health contact, by the least restrictive means necessary, for any case or suspect case of contagious, infectious, or communicable disease when he has reason to believe that such action is necessary for the protection of the public health.

(e) An order for isolation or quarantine shall be personally served on the subject(s) of such isolation or quarantine, if practicable; otherwise, the orders shall be posted in a public place determined to be likely to provide notice to such subjects(s). The order shall advise the subject(s) of the following (1) the purpose of the isolation or quarantine; (2) the right to request release from the isolation or quarantine by contacting a person designated in the order at the telephone number stated on the order, and that the isolation or quarantine shall not continue for more than five business days after the request for release in the absence of a court order authorizing the isolation or quarantine; (3) that, whether or not the subject requests release from isolation or quarantine, the County Health Officer is required to obtain a court order authorizing isolation or quarantine within sixty (60) days following the commencement of isolation or quarantine and thereafter seek court review of the isolation or quarantine within ninety days of the court order and within ninety days of each subsequent court review; (4) the right to arrange to be represented by counsel or to have counsel provided; and, (5) that the subject may supply the addresses or telephone numbers of not more than two individuals to receive notification of the subject's isolation or quarantine, and that the County Health Officer shall, at the subject's request, provide notice within the limits of reasonable diligence to those individuals that the subject is being isolated or quarantined.

(f) The County Health Officer shall designate the order of succession to that office, to take effect in the event the County Health Officer is incapacitated, unavailable, and/or otherwise unable to perform his/her duties. Any successor to the position of County Health Officers must be a graduate of a medical college of good standing and repute, as required of the County Health Officer by California Health & Safety Code Section 101005. Such order of succession shall be as follows:

- (1) Deputy County Health Officer
- (2) Medical Director, Primary Care
- (3) Other physician employed by the County, as designated by the County Health Officer
- (4) Appointment of a successor by the Board of Supervisors

(g) That person assuming the duties of the County Health Officer pursuant to this section shall have all the power and authority of the County Health Officer while acting in this capacity. This role shall be relinquished upon the return of the County Health Officer or the next higher person in the order of succession.

1-15-1035 EMERGENCY SERVICE ORGANIZATION:

All officers and employees of the 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 1-15-1030(f)(3) of this Ordinance, be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the Emergency Service Organization of the County of Tulare.

1-15-1036 OPERATIONAL AREA:

The California Emergency Services Act and the Standardized Emergency Management System Regulations, define an "operational area" as an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area, and designates counties as operational areas. The County of Tulare, acting through the Emergency Service Organization and Emergency Council, shall serve as lead agency of the Tulare Operational Area. In an emergency, the Tulare Operational Area shall serve as a link in

the system of communications and coordination between the state's emergency operation centers and any centers established by the county, cities and special districts within Tulare County. The Tulare Operational Area shall coordinate emergency activities between the county, incorporated cities and special districts which have been impacted. Mutual aid requests which cannot be fulfilled at the operational area level will be forwarded to the California Emergency Management Agency regional level for action

1-15-1040 VIOLATIONS:

It shall be unlawful for any person to perform any of the following acts during a disaster:

(a) Willfully obstruct, hinder or delay any member of the Emergency Service 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.

(b) To do any act forbidden by any lawful rules or regulations issued pursuant to this Chapter, if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of the County, or to prevent or delay the defense or protection thereof.

(c) To wear, carry or display, without authority, any means of identification specified by the Federal Government, the State of California or the County in the Tulare Operational Area.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punishable as provided in section 125 of this Ordinance Code.

Aug 16, 22
meeting
#20

Section 2. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary] shall be published once in the Sun Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

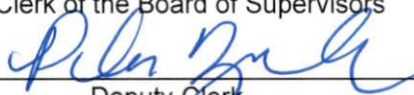
THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 16th day of August 2022, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:	SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

COUNTY OF TULARE

By: 
Chairman, Board of Supervisors
EDUARDO VALERO

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By: 
Deputy Clerk



Approved as to Form
COUNTY COUNSEL

By: 
Deputy

Matter # OES- General