

ORDINANCE NO. 3293

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 3 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO EMERGENCY ORGANIZATION.

WHEREAS, the City Council of the City of Ontario has adopted provisions regarding the City's Emergency Organization, codified at Chapter 3, Title 4 of the City of Ontario Municipal Code; and

WHEREAS, those provisions were most recently updated through Ordinance 2990 in June 2014; and

WHEREAS, since 2014, there have been advancements in emergency planning and amendments to the California Emergency Services Act; and WHEREAS, the City Council now desires to update its provisions relating to the City's Emergency Organization to ensure that they comply with the law, the California Emergency Services Act, Standardized Emergency Management System (SEMS), and National Incident Management System (NIMS) and better account for current circumstances.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario as follows:

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 3 of Title 4 of the Ontario Municipal Code is hereby amended, in its entirety, to read as follows:

CHAPTER 3: EMERGENCY ORGANIZATION

- 4-3.01 Purpose
- 4-3.02 Definition
- 4-3.03 Disaster Council: Membership
- 4-3.04 Disaster Council: Powers, duties, meetings
- 4-3.05 Director and Assistant Director of Emergency Services, Emergency Manager
- 4-3.06 Powers of the Director of Emergency Services, Assistant Director of Emergency Services, and Emergency Manager
- 4-3.07 Emergency Management Working Committee
- 4-3.08 Emergency Organization
- 4-3.09 Emergency Operations Plan
- 4-3.10 Expenditures
- 4-3.11 Violations of provisions: Penalties

Sec. 4-3.01. Purpose.

The declared purpose of this chapter is to provide for the preparation and carrying out of plans for the protection of persons and property within the City of Ontario in the event of an emergency. This chapter shall provide for the direction of the emergency organization and the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons.

Sec. 4-3.02. Definition.

As used in this chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City's jurisdiction caused by such hazards as identified in the most current edition of the Local Hazard Mitigation Plan or other conditions, which are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat.

Sec. 4-3.03. Disaster Council: Membership.

The City of Ontario Disaster Council is hereby created and shall consist of the following:

- (a) The Mayor, who shall be Chair.
- (b) The Mayor pro Tem, who shall be Vice Chair.
- (c) All members of the Ontario City Council.
- (d) Staff, technical advisors, and community representatives as may be appointed by the Disaster Council chair with the concurrence of a majority of the above Disaster Council members.

Sec. 4-3.04. Disaster Council: Powers, duties, meetings.

It shall be the duty of the City of Ontario Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, 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 Disaster Council shall meet upon call of the Disaster Council Chair or upon call of the Disaster Council Vice Chair in the absence of the Chair.

Sec. 4-3.05. Director and Assistant Director of Emergency Services, Emergency Manager.

- (a) There is hereby created the office of Director of Emergency Services. The City Manager of the City of Ontario shall be the Director of Emergency Services.
- (b) There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director of Emergency Services. The Director of Emergency Services may appoint either the Assistant City Manager, Deputy City Manager, Fire Chief, Police Chief, or Emergency Manager as the Assistant Director of Emergency Services.
- (c) There is hereby created the office of Emergency Manager, who shall act at the will of the Director of Emergency Services. The Emergency Manager of the City of Ontario shall manage day-to-day affairs of the emergency management program and have certain other emergency management functions as specified.

Sec. 4-3.06. Emergency Powers of the Director of Emergency Services, Assistant Director of Emergency Services, and Emergency Manager.

- (a) The Director of Emergency Services is hereby empowered to:
 - (1) Request the City Council to proclaim the existence or threatened existence of a “local emergency” if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director of Emergency Services, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect; and
 - (2) Request the City Council to review the need for continuing the local emergency at the interval specified in the California Government Code section 8630(c) until the City Council terminates the local emergency; and
 - (3) Request the Governor to proclaim a “state of emergency” when, in the opinion of the Director of Emergency Services, the locally available resources are inadequate to cope with the emergency; and
 - (4) Control and direct the effort of the Emergency Organization of the City for the accomplishment of the purposes of this chapter; and

- (5) Direct cooperation between and coordination of services and staff of the Emergency Organization of the City and resolve questions of authority and responsibility that may arise between them; and
- (6) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter; and
- (7) In the event of the proclamation of a "local emergency," the proclamation of a "state of emergency" by the California Governor or California Office of Emergency Services Director, or the existence of a "state of war emergency," the Director of Emergency Services is hereby empowered to:
 - (i) Promulgate written orders and regulations necessary to provide for the protection of life and property as affected by such emergency, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety; provided, however, such rules and regulations shall be widely publicized and noticed and shall be confirmed at the earliest practicable time by the City Council; and
 - (ii) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use; and
 - (iii) Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in the County of San Bernardino or the existence of a "state of war emergency," to command the aid of as many citizens of the community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster services workers; and
 - (iv) Requisition necessary personnel or material of any City departments or agencies; and
 - (v) Execute all ordinary powers; all special powers conferred by this chapter, by resolution, and by an adopted Emergency Operations Plan; and all other powers conferred by statute, agreement approved by the City Council, or by any other lawful authority; and
 - (vi) Approve contracts as necessary to support the Emergency Organization and to protect the life and property of the citizens of Ontario.

- (b) In the absence of the Director of Emergency Services, the Assistant Director of Emergency Services is empowered to take on the powers of the Director of Emergency Services under Section 4-3.06(a). In the absence of both the Director of Emergency Services and the Assistant Director of Emergency Services, the Emergency Manager is empowered to take on the powers of the Director of Emergency Services under Section 4-3.06(a). The Director of Emergency Services shall be deemed absent where he or she is unavailable to participate in meetings or otherwise is unable to perform his or her duties during an emergency.
- (c) The Director of Emergency Services may supplement the order of succession to that office identified in Section 4-3.06(b), to take effect in the event the Director is absent. Such order of succession shall be approved by the governing body.
- (d) The Assistant Director of Emergency Services shall, under the supervision of the Director of Emergency Services, supervise the activities of the Emergency Manager and shall have such other powers and duties as may be assigned by the Director of Emergency Services.

Sec. 4-3.07. Emergency Management Working Committee.

- (a) There is also created the Emergency Management Working Committee (EMWC) which shall consist of the following:
 - (1) The Emergency Manager who shall serve as chair and shall schedule meetings and projects as necessary.
 - (2) Two supervisory level or above representatives from each agency or department with a position assigned to the Emergency Operations Center (EOC) under the City of Ontario Emergency Operations Plan.
- (b) The Emergency Management Working Committee shall:
 - (1) Develop plans and procedures for the effective accomplishment of emergency management objectives, including the review and update of the City of Ontario Emergency Operations Plan.
 - (2) Review and keep current emergency management automated systems so that they meet the needs of all organizations that may be represented in the Ontario EOC.
 - (3) Achieve a high level of knowledge about specific emergency management functions assigned to the various City departments.

- (4) Train an adequate number of staff members from each department so as to ensure that personnel are available to respond to and perform in an EOC, Department Operations Center (DOC), or field-environment.
- (5) Design and call emergency management exercises to test various components of the City of Ontario Emergency Operations Plan as necessary; provided, however, that with respect to any such test exercise no one shall have the power to command the assistance of any private citizen, and the failure of a citizen to follow any orders or regulations pertaining to a test exercise shall not constitute a violation of this chapter.
- (6) Serve as a resource for trained exercise simulators and observers so that the learning value of such activities is maximized.
- (7) Serve as a department contact for all emergency management issues such as the gathering of information for disaster assistance claims, circulation of pertinent legislation, notification of events and activities, and liaison with executive level managers.
- (8) Ensure that each of the five mission areas of the National Preparedness Goal (prevention, protection, mitigation, response, and recovery) are addressed in a systematic fashion so as to provide a comprehensive, integrated, and effective emergency management program for the City of Ontario.
- (9) Conduct a preparedness meeting with City and regional partners, including, but not limited to; utilities, special districts, non-profits organizations, faith-based organizations, hospitals, and business partners who have play a critical role within the City of Ontario Emergency Operations Plan.

Sec. 4-3.08. Emergency Organization.

All officers and employees, 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 4-3.06(a)(7)(iii), be charged with duties incident to the protection of life and property during such emergency, shall constitute the Emergency Organization of the City of Ontario.

Sec. 4-3.09. Emergency Operations Plan.

The City of Ontario Disaster Council shall be responsible for the development of the Emergency Operations Plan, which shall provide for the effective mobilization of all of the resources of this jurisdiction, 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 City Council.

Sec. 4-3.10. Expenditures.

Any expenditure 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 City of Ontario. Under certain emergency conditions the Disaster Council, or any City staff member of the Emergency Organization, may enact conditional changes in procurement processes, spending limits, approval authorities, and allocation of City resources in order to support the City's required response activities.

Sec. 4-3.11. Violations of provisions: Penalties.

It shall be a misdemeanor, punishable by fine of not to exceed five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of time not to exceed six (6) months, or both, for any person, during an emergency to:

- (a) Willfully obstruct, hinder, or delay any member of the Emergency Organization in the enforcement of any lawful rule or regulation issued pursuant to the provisions of this chapter or in the performance of any duty imposed upon him by virtue of said provisions; and
- (b) Do any act forbidden by any lawful rule or regulation issued pursuant to the provisions of this chapter if such act is of such a nature as to give, or be likely to give, assistance to the enemy or imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof; or
- (c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

SECTION 3. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 17th day of December 2024.



PAUL S. LEON, MAYOR

ATTEST:



SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:



BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3293 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 3, 2024 and adopted at the regular meeting held December 17, 2024 by the following roll call vote, to wit:

AYES:	MAYOR/COUNCIL MEMBERS:	LEON, PORADA, WAPNER, BOWMAN AND MACIAS
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE


SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3293 duly passed and adopted by the Ontario City Council at their regular meeting held December 3, 2024 and that Summaries of the Ordinance were published on December 10, 2024 and December 24, 2024, in the Inland Valley Daily Bulletin newspaper.


SHEILA MAUTZ, CITY CLERK

(SEAL)