

EXHIBIT “B”

- 1) The following includes proposed modifications to Title 2, Chapter 2.20 in the Hesperia Municipal Code.**

2.20.010 Purpose.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency, the direction of the emergency organization and the coordination of the emergency functions of this city with all other public agencies, corporations and affected private persons.

2.20.030 Disaster council membership.

The Hesperia Disaster Council is created and shall consist of the following:

- A. The mayor, who shall be chairman, with the mayor pro tem assigned as an alternate;
- B. The city manager, who is the director of emergency services;
- C. The assistant city manager, who is the assistant director of emergency services;
- D. Such chiefs of emergency services as are provided for in a current emergency plan;
- E. Superintendent of the Hesperia School District;
- F. Such representatives of civic, business, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the City Council.

2.20.040 Disaster council powers and duties.

It shall be the duty of the city disaster council, and it is 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 chairman, or in his absence from the city or inability to call such meeting, upon call of the director of emergency services.

2.20.050 Director of emergency services.

- A. There is created the office of director of emergency services. The city manager shall be the director of emergency services.
- B. There is created the office of assistant director of emergency services. The assistant city manager shall be designated as the assistant director of emergency services.
- C. There is further created the office of emergency services coordinator, who shall be appointed by the assistant director of emergency services.

2.20.060 Powers and duties of the director and assistant director of emergency services.

- A. The director is 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, the city council shall take action to ratify the proclamation within seven days thereafter, or the proclamation shall have no further effect.
 2. Request the Governor to proclaim a "state of emergency," when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.
 3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter.
 4. Direct cooperation between and coordination of services and staff of the emergency organization of this city, and resolve questions of authority and responsibility that may arise between them.
 5. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
 6. In the event of the proclamation of a "local emergency" as provided in this chapter, the proclamation of a "state of emergency" by the Governor or the director of the State Office of Emergency Services, or the existence of a "state of war emergency," the director is empowered:
 - a. 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, that such rules and regulations be confirmed at the earliest practicable time by the city council;
 - b. To 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;
 - c. To require emergency services of any city officer or employee and, in the event of the proclamation of a local emergency, a "state of emergency," in the county in which this city is located or the existence of a "state of war emergency" to command the aid of as many citizens of this community as he deems necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers, (Gov. Code § 8657);
 - d. To requisition necessary personnel or material of any city department or agency, and;
 - e. To execute all of his ordinary power as city manager, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him by any statute, by any agreement approved by the city council, and by any other lawful authority.
- B. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be designated as follows:
1. Assistant City Manager;
 2. Director of Government Services/City Clerk;
 3. Director of Administrative Services;
 4. Director of Public Works.
- C. The assistant director of emergency services shall, under supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the city; and shall have such other powers and duties as may be assigned by the director.
- D. The emergency services coordinator under the direct supervision of the director and the assistant director of emergency services shall assist in the development of emergency plans and emergency programs for the city;

and shall have such other powers and duties as may be assigned or delegated by the director or assistant director of emergency services.

2.20.070 Emergency organization.

All officers and employees of this city, 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 2.20.080, shall be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city.

2.20.080 Emergency plan.

The director of emergency services is responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both private and public, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization's powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council.

2.20.090 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 city.

2.20.100 Punishment of violations.

It is a misdemeanor 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 this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
- B. 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 be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof;
- C. Wear carry or display without authority any means of identification specified by the emergency agency of the state or local agency.

2.20.110 Safety assessment program.

- A. Safety Assessment Program Coordinator. The city building official shall be named as safety assessment program (SAP) coordinator and shall be assigned to work under the operations section chief.
- B. The safety assessment program coordinator shall utilize the office of the building official for SAP activities. Should facilities at city hall not be habitable after the event, the Mojave Corporation Yard at 17282 Mojave Street may serve as an alternate site.
- C. Placards.
 - 1. The attached "Inspected" (green-Attachment 1), "Restricted Use" (yellow-Attachment 2), and "Unsafe" (red-Attachment 3) placards are hereby adopted for use in the City of Hesperia.
 - 2. Placards may be placed by City of Hesperia Building Inspectors (including plans examiners and contract staff) and deputized building inspectors. Non-deputized building inspectors shall use generic placards not bearing the city logo.

3. Placards may be changed with approval of the SAP coordinator when an engineering evaluation of the building determines that the original posting was either too restrictive or not restrictive enough, when temporary measures were applied and the building posting could be changed to something less restrictive, or when evaluation by a deputized building inspector indicates that the posting should be changed.
4. Buildings posted as "Unsafe" (red) shall not be entered by residents. When, in the opinion of the building official or operations section chief, staffing resources are such that city or district staff may be free to escort residents into buildings posted as unsafe, residents may be allowed to recover personal items. In each case, the city/district representative has the authority to deny access if conditions appear imminently dangerous.
5. Placards shall not be removed unless the following:
 - a. "Inspected" placards shall not be removed until the SAP coordinator makes a public announcement to that effect.
 - b. "Restricted Use" placards shall not be removed until an engineering evaluation determines that the posting may be changed to "Inspected" and the SAP coordinator has publically announced (as in 5.a.) or that permitted repairs have been made and the city building inspector has approved the repairs.
 - c. "Unsafe" placards shall not be removed unless permitted demolition or repairs have been made and the city building inspector has approved the repairs.

D. Inspection Priorities.

1. In general, the inspection of city facilities after a city-wide event, such as a major earthquake, shall follow the priorities below. Smaller, more localized events, may be limited by the operations section chief or SAP coordinator to a quadrant or sub-region of the city.
2. Priority one would include essential services facilities (fire and police) and major city facilities (city hall, animal control, Mojave Yard, etc).
3. Priority two would include parks, schools, hotels, motels, and church facilities that might be necessary for shelters.
4. Priority three would include commercial, industrial, and office buildings in order to restore the city's economy.
5. Priority four would include large residential apartments.
6. Other residential would be inspected in priority five.
7. Other structures not intended for human occupancy, but potentially hazardous, such as walls, signs, barns, stables, etc., would be priority six.
8. Full safety evaluations would be performed initially in the priority one and two buildings while windshield surveys would be first performed in the other priorities to determine the resources