

**ORDINANCE NO. 10276 (N.S.)**  
**AN ORDINANCE TO AMEND SECTION 364.1 OF ARTICLE XX OF THE**  
**SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES**  
**RELATING TO FEES AND CHARGES**

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and declares as follows:

The Sheriff expends significant resources on search and rescue operations in a variety of situations. State law has long authorized the recovery of certain emergency response costs and County Administrative Code section 364.1, adopted in 1994, implements the State law provisions. However, State law has changed since 1994, expanding the opportunities for recovering the costs of search and rescue emergency responses. County Administrative Code section 364.1 should be amended accordingly.

Existing Administrative Code section 364.1 incorporates and implements the cost recovery provisions of Government Code sections 53150-53152 (negligent operation of a vehicle, boat or civil aircraft), 53155 (\$1,000 limit on liability), and 53156 (definitions) as they appeared prior to 2004. These provisions allow the recovery of emergency response expenses from a person whose negligent operation of a vehicle, boat, or civil aircraft while under the influence of an alcoholic beverage or drug proximately causes an incident resulting in an appropriate emergency response, or whose intentionally wrongful conduct proximately causes an incident resulting in an appropriate emergency response.

In 2004, the Legislature enacted new cost recovery provisions. Government Code section 53159 was added, allowing recovery of emergency response expenses from persons who enter into areas that are closed to the public or drive onto flooded streets. Additionally, Government Code section 53155 was amended to raise the limit on liability for emergency response expenses to \$12,000 per incident. In 2006, Government Code section 53153.5 was added, allowing recovery of emergency response expenses from adults who are convicted of making a false police report. None of the foregoing changes to the Government Code is reflected in the existing Administrative Code section 364.1.

Additionally, the Sheriff expends considerable resources on emergency responses where people have become lost or injured as a result of violating federal, State or local law. The Government Code provisions discussed above do not address the recovery of emergency response expenses from such persons. For example, those provisions would not include cost recovery from hikers who are rescued by the Sheriff after becoming lost or injured in remote areas of the County as a result of illegal drinking. However, the

County can adopt an ordinance providing for cost recovery in such situations because Government Code section 53158 expressly states that the cost recovery provisions of Government Code section 53150 et seq. are not intended to preempt local regulations or otherwise limit the remedies available to any public agency to recover the expenses of emergency responses that are not covered by the statutes.

Accordingly, in order to clarify the County's existing cost recovery authority and allow the County to recover emergency response expenses from persons who violate federal, State, or local law, County Administrative Code section 364.1 will be amended as set forth in Section 2.

**Section 2.** Section 364.1 of Article XX of the San Diego County Code of Administrative Ordinances is amended to read as follows:

**ARTICLE XX. FEES AND CHARGES.**

**Sec. 364.1. Charges for Emergency Response.**

(a) A person liable for the expenses of an emergency response pursuant to State law, including but not limited to Government Code Title 5, Division 2, Part 1, Chapter 1, Article 8, may be billed for costs incurred by a County agency in reasonably making an appropriate emergency response to an incident proximately caused by that person. Recovery of costs under this subdivision shall be subject to any applicable requirements set forth in State law.

(b) In addition to any liability under subdivision (a), a person is liable, and may be billed for, the costs incurred by a County agency in reasonably making an appropriate emergency response to an incident proximately caused by that person's violation of federal, State, or local law, unless recovery is limited by any other provision of law.

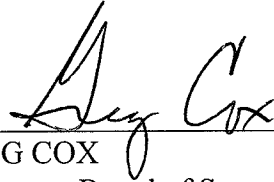
**Section 3.** This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the ordinance in a newspaper of general circulation in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

BY

Mark Day, Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 6<sup>th</sup> day of August, 2013.



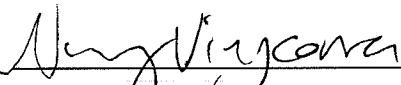
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GREG COX  
Chairman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 6<sup>th</sup> day August, 2013.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors

By   
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Nancy Vizcatra, Deputy

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08-06-2013 (5)

