

PART THREE – LEGAL DOCUMENTS

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(Note: The ordinance and resolutions are “templates” for you to edit and input the county / city-specific information for your particular county /city. You will need to refer to your local documents to complete these documents.)

AUTHORITIES

This section includes a reference to federal, state, and local laws.

The following provides emergency authorities for conducting and/or supporting emergency operations:

Federal

- 32 CFR Department of Defense (DOD), national defense, military resources in support of civil authorities.
- 44 CFR Federal Emergency Management Agency (FEMA) federal disaster assistance programs, emergency and major disaster declarations, disaster field offices, State and federal coordinating officers
- Federal Civil Defense Act of 1950 (Public Law 920), as amended.
- Public Law 84-99 (U.S. Army Corps of Engineers-Flood Fighting).
- The Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended

State

- Air Pollution, Health and Safety Code §42320
- Earthquake Education Act, Public Resources Code §2805
- Earthquake Hazards Reduction Act, Government Code §8871
- Employees Safety Act, Labor Code §2801
- Emergency Services Act, Government Code §8550
- Seismic Safety Act, Health and Safety Code §16000
- FIRESCOPE Act, Health and Safety, §13070
- Flood Control Law, Water Code §8000
- Flood Control Law of 1946, Water Code §12800
- Hazardous Substance Highway Spill Containment and Abatement Act, Vehicle Code §2450
- Hazardous Materials Release Response Plans and Inventory, Health and Safety Code §25500
- Katz Act, Education Code §§35295 – 35297 (Requires that schools plan for earthquakes and other emergencies)
- Natural Disaster Assistance Act, Government Code §8680
- Oil Refinery and Chemical Plant Safety Preparedness Act, Government Code §51020
- Seismic Hazards Mapping Act, Public Resources Act §2690
- Seismic Safety Commission Act, Business and professions Code §1014
- CCR, Title 19, Public Safety, Division 2, Chapter 1, Standardized Emergency management System, §2400
- CCR, Title 19, Public Safety, Division 2, Chapter, Emergencies and Major Disaster, §2501
- CCR Title 19, Public Safety, Division 2, Subchapter 2, Hazardous Substances Emergency

- Response Training, §2510
- CCR, Title 19, Public Safety, Division 2, Chapter 6 Natural Disaster Assistance Act, §2900

Local

- County of Santa Barbara Emergency Services Ordinance # 3014, February 21, 1978.
- County of Santa Barbara Resolution Adopting the California Master Mutual Aid Agreement, December 4, 1950

Emergency Plans, State Agency Plans

- California Earthquake Advisory Plan, OES, 1990
- California Emergency Resources Management Plan, OES 1968
- California Short-Term Earthquake Prediction Response Plan
 - Supplement to California Short-Term Earthquake Prediction Response Plan.
- California Utilities Emergency Plan, OES, 1990
- Hazardous Material Incident Contingency Plan, OES, 1991
- Nuclear Power Plan Emergency Response Plan, OES, 1993
- Parkfield California Earthquake Prediction Response Plan, OES, Revised 1993

State Mutual Aid Plans

- California Coroners' Mutual Aid Plan, OES, 1985
- Emergency Manager Mutual Aid Plan, OES, 1997
- Fire and Rescue Mutual Aid Plan, OES, 1988
- Law Enforcement Mutual Aid Plan, OES, 1994
- Law Enforcement Mutual Aid Plan (SAR) Annex, OES, 1995

ORDERS AND REGULATIONS

Extracted from the California Emergency Plan

ORDERS AND REGULATIONS WHICH MAY BE SELECTIVELY PROMULGATED BY THE GOVERNOR DURING A STATE OF EMERGENCY

Order 1 (Employment)

It is hereby ordered that the period of employment for State Personnel Board emergency appointments, as provided in Section 19120 of the Government Code and State Personnel Board Rules 301-303, be waived for positions required for involvement in emergency and/or recovery operations. The requirements and period of employment for such appointments will be determined by the Director, California Office of Emergency Services, but shall not extend beyond the termination date of said State of Emergency.

Order 2 (Medical Supplies)

It is hereby ordered that in the area proclaimed to be in a State of Emergency and/or that specific area(s) designated by the Director, California Office of Emergency Services, outside of the proclaimed area(s) but which is (are) essential to the relief and aid of the lives and property within the proclaimed area, all drugs and medical supply stocks intended for wholesale distribution shall be held subject to the control and coordination of the Department of Health Services, Food and Drug Section. Authority imparted under this Order, and specific to the proclaimed emergency, shall not extend beyond the termination date of said State of Emergency.

Order 3 (Salary Payment)

It is hereby ordered that during the proclaimed State of Emergency appropriate parts of Sections 18020-18026 of the Government Code and State Personnel Board Rules 130-139 be waived to permit cash compensation to personnel whose work is designated by the Director, California Office of Emergency Services, as essential to expedite emergency and recovery operations for all time worked over the employee's regular workweek, at a rate of 1-1/2 times the regular rate of pay. The Director, Office of Emergency Services, will also designate the beginning and ending dates for such overtime for each individual involved. This waiver shall not extend beyond the termination date of said State of Emergency.

Order 4 (Bonding)

It is hereby ordered that, in the area proclaimed to be in a State of Emergency and/or that specific area(s) designated by the Director, California Office of Emergency Services, outside of the proclaimed area(s) but which is (are) essential to the relief and aid of the lives and property within the proclaimed area, the provisions of Sections 3247-3258 of the Civil Code relating to state contracting bonding requirements for the performance of heavy rescue, debris removal, expedient construction, preparation of mobile home sites, and related activities are suspended. This suspension shall not extend beyond the termination date of said State of Emergency.

Order 5 (Temporary Housing)

It is hereby ordered that in the area proclaimed to be in a State of Emergency and/or that specific area(s) designated by the Director, California Office of Emergency Services, outside of the proclaimed area(s) but which is (are) essential to the relief and aid of the lives and property within the proclaimed area, those zoning, public health, safety, or intrastate transportation laws, ordinances, regulations, or codes which the Director, California Office of Emergency Services, determines impair the provision of temporary housing be suspended for a time not to exceed 60 days, after the proclaimed State of Emergency and authorization by the President upon the declaration of a Major Disaster for the Temporary Housing Program as prescribed in Section 404 of Public Law 93-288 and Section 8654(a) of the Government Code.

Order 6 (Petroleum Fuels)

It is hereby ordered that in the area proclaimed to be in a State of Emergency and/or that specific area(s) designated by the Director, California Office of Emergency Services, outside of the proclaimed area(s) but which is (are) essential to the relief and aid of the lives and property within the proclaimed area, distribution of intra-state petroleum stocks including those in refinery storage, major distribution installations and pipeline terminals, shall be held subject to the control and coordination of the Energy Resources Conservation and Development Commission. Petroleum stocks may be prioritized and diverted for use into a disaster area or in support of disaster mitigation operations. Any and all actions taken shall be at the discretion and judgment of the State Fuel Allocator, California Energy Commission, for use in disaster mitigation. Such actions shall be coordinated with and prioritized by the Director, Office of Emergency Services, but shall not extend beyond the termination date of said State of Emergency.

Order 7 (Banking)

It is hereby ordered that in the area proclaimed to be in a State of Emergency and/or that specific area(s) designated by the Director, California Office of Emergency Services, outside of the proclaimed area(s) but which is (are) essential to the relief and aid of the lives and property within the proclaimed area, all banks will take emergency operating actions pursuant to Section 1916 of the Financial Code. Actions taken under this Order, and specific to the proclaimed emergency, shall not extend beyond the termination date of said State of Emergency.

Extracted from the California Emergency Plan

ORDERS AND REGULATIONS PROMULGATED BY THE GOVERNOR TO TAKE EFFECT UPON THE EXISTENCE OF A STATE OF WAR EMERGENCY

Order 1 (Orders and Regulations in Effect)

It is hereby ordered that the following orders and regulations, numbered 2 through 12, having been duly made in advance of a State of War Emergency, approved by the California Emergency Council, and filed with the Secretary of State and the county clerk of each county, shall take full effect upon the existence of a State of War Emergency and shall remain in full force and effect until amended or rescinded or until termination of said State of War Emergency. (See Section 8567(a), (b), and (d), State Emergency Services Act.)

Order 2 (Warning)

It is hereby ordered that, immediately upon the existence of a State of War Emergency, all counties, cities and counties, and cities of the State will immediately sound the indicated warning signal and/or take all other appropriate actions to warn residents. The warning signals necessary to effectuate this action shall be those prescribed by the Federal Government for this purpose.

Order 3 (Authority and Implementation under State of War Emergency)

It is hereby ordered that the Director of the Office of Emergency Services is authorized and directed to act on behalf of the Governor and in the name of the State of California in implementing and operating the California War Emergency Plan; and he is authorized to assume command and control of operations within the state in accordance with such plan, insofar as adherence to such plan is adequate, and to deviate from such plan, as directed by the Governor or to the extent and in such manner as he may deem necessary for the protection of life, property, and resources of or within the state against unforeseen circumstances or hazards which, by reason of their character or magnitude, are beyond the scope of such plan; and

It is further ordered that the Director of the Office of Emergency Services is authorized to delegate such powers as are herein granted, or as authorized under Article 5 of the California Emergency Services Act, to personnel of his office as he may deem necessary, and such personnel may act on behalf of and in the name of the Director of the Office of Emergency Services in carrying out any authority so delegated.

Order 4 (Personnel)

It is hereby ordered that all public employees or persons holding positions of responsibility in the State or in accredited local emergency organizations, and all registered disaster service workers, and all unregistered persons impressed into service during a State of War Emergency by a person having the authority to command the aid of citizens in the execution of his duties, are hereby declared to be members of the Statewide War-Emergency Organization; and

It is further ordered that all officials of local political subdivisions of the State and all registered disaster service workers who perform duties in the State or Regional emergency operations headquarters are hereby declared to be personnel of the State War-Emergency Organization for the period of the State of War Emergency, subject to the direction of the Governor, the Director of the Office of Emergency Services, and/or the Manager of the regional headquarters to which such persons are assigned or attached; and

It is further ordered that all officials and registered disaster service workers heretofore designated as Coordinators or as staff personnel of Operational Area organizations, which have been ratified by the California Emergency Council, are hereby declared to be personnel of the State War Emergency Organization.

Order 5 (War Powers)

It is hereby ordered that the governmental functions for the protection of lives, property, and resources of the State and of every political subdivision thereof shall continue in full force and effect, and all duly constituted officials of the State and of every political subdivision thereof shall continue to discharge their responsibilities and shall comply with, enforce, and assume the responsibility for implementing such regulations and orders not inconsistent with or contradictory to rules, regulations, or orders issued by the President of the United States or the Commanding General, Sixth United States Army, as are now or may hereafter be promulgated by the Governor, in accordance with approved plans and procedures.

Order 6 (Sales Restrictions)

It is hereby ordered that, in accordance with national and state policy, as reflected in the General Freeze Order, Part A, California Emergency Resources Management Plan, all retail sales and transfers of consumer items are prohibited for a period of at least five days following the onset of a State of War Emergency, except for the most essential purposes as determined by federal, state, or local authorities and except for essential health items and perishables in danger of spoilage.

Order 7 (Alcohol Sales)

It is hereby ordered that the sale of alcoholic beverages shall be discontinued immediately.

Order 8 (Petroleum Sales)

It is hereby ordered that all petroleum stocks for California distribution, including those in refinery storage, major distributing installations, and pipe line terminals, shall be held subject to the control of the State Petroleum Director; and

It is further ordered that, following the period of prohibition of sales imposed by Order 6, retail outlets for petroleum products shall operate in accordance with rules and regulations prescribed by the State Petroleum organization as outlined in Part B-VII of the California Emergency Resources Management Plan.

Order 9 (Food Sales)

It is hereby ordered that all wholesale foodstocks, including those under the control of processors, wholesalers, agents and brokers, be held subject to the control of the State Food Director, except that:

- (1) Fresh fluid milk, fresh vegetables, and bread are not subject to this order; and
- (2) Supplies necessary for immediate essential use, on the basis of 2000 calories per person per day, of persons in homes or in mass care centers, restaurants, hotels, hospitals, public institutions, and similar establishments feeding approximately 100 persons or more per day, may be obtained from wholesale and/or retail sources upon approval by local authorities operating in accordance with existing state and federal food supply policies; and

It is further ordered that, following the period of prohibition of sales imposed by Order 6, retail outlets for foodstocks shall operate in accordance with rules and regulations prescribed by the State Food Organization as outlined in Part B-III of the California Emergency Resources Management Plan.

Order 10 (Medical Supplies)

It is hereby ordered that all drugs and medical supply stocks in California, intended for wholesale distribution, shall be held subject to the control of the Chief, State Emergency Medical and Health Organization; and

It is further ordered that, following the period of prohibition of sales imposed by Order 6, retail outlets for drugs and medical supplies shall operate in accordance with rules and regulations prescribed by the State Emergency Medical and Health Organization as outlined in Part B-IV of the California Emergency Resources Management Plan.

Order 11 (Banking)

It is hereby ordered that all banks will take emergency operating actions pursuant to Sections 1915

and 1916 of the Financial Code.

Order 12 (Rent Control/Rationing)

It is hereby ordered that, pursuant to the California Emergency Resources Management Plan, Part B-II, Economic Stabilization, and in conjunction with the lifting of the General Freeze Order as referred to in Order 6, price and rent control and consumer rationing will be invoked and administered by the State Economic Stabilization Organization. Rationed items may include those identified in the list of essential survival items contained in Part A, California Emergency Resources Management Plan, and such other items as may be in short supply.

LOCAL AND STATE EMERGENCY PROCLAMATIONS

Local Emergency Proclamations/Resolutions (Exhibits 1, 2 and 3)

When there is a condition of extreme peril or potential peril to the safety of persons and property, and the condition is beyond the capability of the local forces to control effectively, the local governing body (city council, board of supervisors or a person authorized by ordinance) may proclaim that a local emergency exists. A local emergency may be proclaimed to exist due to a specific situation, such as flood, fire, storm, earthquake, epidemic, drought, sudden and severe energy shortage, or other condition. The type of disaster, date of occurrence and area affected are to be identified.

- **A copy of the resolution must be provided as soon as possible to the Santa Barbara Operational Area for transmission to State OES.**
- To qualify for assistance under the state Natural Disaster Assistance Act (NDAA), such proclamations must be made within 10 days of the event.
- A Local Emergency proclaimed by the Director of Emergency Services (designated by ordinance) must be ratified by the Board of Supervisors within seven days.
- The governing body shall review, at its regularly scheduled meetings until the Local Emergency is terminated, the need for continuing the Local Emergency. However, in no event shall a review take place more than 21 days after the previous review. However, if the governing body meets weekly, it shall review the need for continuing the Local Emergency at least every 14 days, until the Local Emergency is terminated.
- The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant. **(Exhibit 6)**

The proclamation of a local emergency:

- Gives public employees and governing bodies certain legal immunities for emergency actions taken.
- If the conditions described in the California Emergency Services Act warrant a local emergency, it enables local agencies to request state assistance under the State NDAA.
- Allows the chief executive or other authorized official designated by local ordinance to:
 - Establish curfews.
 - Take any measures necessary to protect and preserve public health and safety.
 - Exercise all authority granted by local ordinance.

Cities Covered Under a County Proclamation

When a county proclaims a local emergency pursuant to Section 8630 of the Government Code, based upon conditions, which include both incorporated and unincorporated territory of the county, it is not necessary for the cities to also proclaim the existence of a local emergency independently.

Further, cities within a county are bound by county rules and regulations adopted by the county pursuant to Section 8634 of the Government Code during a county proclaimed local emergency when the local emergency includes both incorporated and unincorporated territory of the county even if the cities do not independently proclaim the existence of a local emergency.

Local Resolution Requesting State Director, Office of Emergency Services, Concurrence in Local Emergencies (Exhibit 5)

Following the proclamation of a local emergency and in the event public property has been damaged or destroyed and assistance is needed in the repair and restoration, the governing body may request the State OES Director to concur in their proclamation of a local emergency and to provide assistance under the California Natural Disaster Assistance Act (NDAA). The resolution must indicate the nature and date of the emergency, and the person designated to receive, process and coordinate all aid. The resolution will be sent to State OES through the Santa Barbara County Operational Area (see **Exhibit 5**).

To assist the State OES Director in evaluating the situation, and in making a decision on whether or not to concur in the local emergency, the following is required to accompany the resolution:

- Certified copy of local emergency proclamation (see **Exhibits 1, 2 or 3**).
- Damage Assessment Summary

Note: The Local Emergency proclamation must be made within 10 days of the occurrence to qualify for assistance under the State Natural Disaster Assistance Act. Financial assistance available under the NDAA is administered by State OES.

State of Emergency/Presidential Declaration (Exhibit 4) Resolution Requesting Governor to Proclaim a State of Emergency

After a proclamation of a local emergency, the governing body of the city or county, having determined that local forces are unable to mitigate the situation, may request by letter or resolution that the Governor proclaim a state of emergency in the area to fully commit state and mutual aid assistance and provide resources to assist local government (see **Exhibit 4**).

To support its request for a gubernatorial proclamation, it is essential that the local jurisdiction forward an estimate of damage and financial loss to State OES through the Operational Area as rapidly as possible. Estimates of loss are an important part of the criteria that State OES considers when making a determination to proclaim a state of emergency and request a Presidential Declaration of Emergency or Disaster. A copy of the request for a Governor's proclamation, with the following supporting data, must be forwarded, and may be faxed, to the Santa Barbara County Operational Area Office of Emergency Management for transmission to the State OES Director:

- Copy of the local emergency proclamation (see **Exhibits 1, 2 and 3**).
- Damage assessment summary and estimate of financial loss (while this information may not be

readily available at the point the proclamation is sent, it must be provided as rapidly as possible following the local proclamation).

The Office of Emergency Services prepares a recommendation as to the action that should be taken by the Governor. If the action recommends a Governor's proclamation, OES prepares the proclamation.

Presidential Declaration

Following the proclamation of a state of emergency, the State OES Director may recommend that the Governor request a Presidential declaration of a major disaster under the authority of Public Law 93-288. The Governor's request to the president is submitted through the Federal Emergency Management Agency (FEMA). Supplementary justification data may be required to accompany the state and local proclamations and Initial Damage Estimate, which can be accessed through the States Response Information Management System (RIMS).

Renewal of Local Emergency Proclamations Background

There has been some discussion if cities or counties need to renew their local emergency proclamations following a state of emergency to receive state or federal assistance.

Emergency Services Act

The Emergency Services Act, Article 14, Section 8630 (Proclamation by local governing body; Duration; Review) states:

- (a) "A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) (1) The governing body shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for continuing the local emergency. However, in no event shall a review take place more than 21 days after the previous review.

(2) Notwithstanding paragraph (1), if the governing body meets weekly, it shall review the need for continuing the local emergency at least every 14 days, until the Local Emergency is terminated.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant."

Natural Disaster Assistance Act (NDAA)

In order to receive NDAA funds, the local emergency has to be proclaimed within 10 days of the incident period. NDAA does not make reference to reviewing the proclamation every 14 days;

although, locals are required to do this under the Emergency Services Act. In addition, locals have to certify that they are in compliance with the Standardized Emergency Management System (SEMS) as a condition of receiving cost reimbursement for their emergency work labor costs under NDAA. (Disaster Assistance Funding Guidance)

Federal Emergency Management Agency (FEMA)

FEMA does not require local governing bodies to renew their local emergency proclamations every 14 days in order to receive federal funding.

Conclusion

Based on review of the Emergency Services Act, Natural Disaster Assistance Act and the Federal Emergency Management Agency's local emergency renewal policy, it is not necessary for local governing bodies to continue to renew their local emergency proclamations in order to be eligible for state and federal disaster assistance.

Sample Emergency Proclamation Forms (Resolutions)

The following suggested resolutions were developed by State OES to carry out the authority granted in Chapter 12 of the Santa Barbara County Code, Ordinance No. 3014 Relating to Emergency Organization and Functions. As the provisions of the emergency ordinance in effect in any particular city or county may differ, it is suggested that these resolutions be reviewed prior to the occurrence of any emergency by the city attorney concerned, and such changes made as may be necessary to bring them into conformance with the emergency ordinance of the particular city.

- **Exhibit 1** -Resolution Proclaiming Existence of a Local Emergency (by Board of Supervisors).
- **Exhibit 2** - Resolution Proclaiming Existence of a Local Emergency (by Director of Emergency Services or other person designated in ordinance). **Must be ratified by governing body within 7 days.**
- **Exhibit 3** - Resolution Confirming Existence of a Local Emergency (used by a Board of Supervisors within 7 days to ratify the proclamation of local emergency issued by the Director of Emergency Services).
- **Exhibit 4** - Resolution Requesting Governor to Proclaim a State of Emergency.
- **Exhibit 5** - Local Resolution Requesting State Director, Office of Emergency Services' Concurrence in Local Emergencies.
- **Exhibit 6** - Resolution Proclaiming Termination of a Local Emergency.

**Exhibits are used as suggested resolutions from the State OES Plan/Emergency Services Act*

**RESOLUTION PROCLAIMING EXISTENCE OF A
LOCAL EMERGENCY
(by Board of Supervisors)**

WHEREAS, Government Code, Section 8558 and 8630, et seq., and Chapter 12 of the Santa Barbara County empowers the Board of Supervisors to proclaim the existence or threatened existence of a local emergency when said county is affected or likely to be affected by a public calamity; and

WHEREAS, said Board of Supervisors has been requested by the Director of Emergency Services* of said county to proclaim the existence of a local emergency therein; and

WHEREAS, said Board of Supervisors does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within said county, caused by _____;
(fire, flood, storm, epidemic, riot, earthquake, drought, energy shortage, or other causes)
commencing on or about _____.m. on the _____ day of _____, 20____); and

That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said county; and

IT IS HEREBY FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services* and the emergency organization of this county shall be those prescribed by state law, by ordinances, and resolutions of this county and approved by the Board of Supervisors on _____, 20____.

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors of the County of Santa Barbara, State of California. *

AYES: _____

NOES: _____

ABSTAIN: _____

Chair Board of Supervisor
County of Santa Barbara

ABSENT: _____

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNCIL

By _____
Deputy

-
- * Section 8630 of the Government Code provides: "...(c) (1) The governing body shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for continuing the local emergency. However, in no event shall a review take place more than 21 days after the previous review. (2) Notwithstanding paragraph (1), if the governing body meets weekly, it shall review the need for continuing the local emergency at least every 14 days, until the local emergency is terminated. (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant."

**RESOLUTION PROCLAIMING EXISTENCE OF A
LOCAL EMERGENCY
(by Director of Emergency Services)**

WHEREAS, Government Code, Section 8558 and 8630, et seq., and Chapter 12 of the Santa Barbara empowers the Director of Emergency Services** to proclaim the existence or threatened existence of a local emergency when said county is affected or likely to be affected by a public calamity and the Board of Supervisors is not in session; and

WHEREAS, the Director of Emergency Services** of Santa Barbara County does hereby find;

That conditions of extreme peril to the safety of persons and property have arisen within said county, caused by _____; and _____;
(fire, flood, storm, epidemic, riot, earthquake, drought, energy shortage, or other causes)

That the Board of Supervisors of the County of Santa Barbara is not in session (and cannot immediately be called into session);

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said County; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this County shall be those prescribed by state law, by ordinances, and resolutions of this county, and by the County of Santa Barbara SEMS Multi-Hazard Functional Plan, as approved by the Board of Supervisors on _____, 20____.

Dated: _____ By: _____
Director of Emergency Services
County of Santa Barbara

* Section 8630 of the Government Code provides: "...Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body..."

RESOLUTION CONFIRMING EXISTENCE OF A LOCAL EMERGENCY*

WHEREAS, Government Code, Section 8558 and 8630, et seq., and Chapter 12 of the Santa Barbara County empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said county is affected or likely to be affected by a public calamity and the County Board of Supervisors is not in session, subject to ratification by the Board of Supervisors within seven days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within this county, caused by _____
(fire, flood, storm, epidemic, riot, earthquake, drought, energy shortage, or other causes)
commencing on or about _____m. on the _____ day of _____, 20____, at which time the Board of Supervisors of Santa Barbara County was not in session; and

WHEREAS, said Board of Supervisors does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency; and

WHEREAS, the Director of Emergency Services** of Santa Barbara County did proclaim the existence of a local emergency within said county on the _____ day of _____, 20____;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors of the County of Santa Barbara, State of California.**

AYES: _____

Chair Board of Supervisor
County of Santa Barbara

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNCIL

By _____
Deputy

-
- * This form may be used by a Board of Supervisors to ratify the proclamation of existence of a local emergency, issued by the Director of Emergency Services.
 - ** Section 8630 of the Government Code provides: "...(c) (1) The governing body shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for continuing the local emergency. However, in no event shall a review take place more than 21 days after the previous review. (2) Notwithstanding paragraph (1), if the governing body meets weekly, it shall review the need for continuing the local emergency at least every 14 days, until the local emergency is terminated. (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant."

RESOLUTION REQUESTING GOVERNOR TO PROCLAIM A STATE OF EMERGENCY

WHEREAS, Government Code, Section 8558 and 8630, et seq., and Chapter 12 of the Santa Barbara County found that due to _____;
(fire, flood, storm, epidemic, riot, earthquake, drought, energy shortage, or other causes)
a condition of extreme peril to life and property did exist within said county; and

WHEREAS, in accordance with state law the Board of Supervisors proclaimed an emergency did exist throughout said County; and

WHEREAS, it has now been found that local resources are unable to cope with the effects of said emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that a copy of this resolution be forwarded to the Governor of California with the request that he proclaim Santa Barbara County to be in a state of emergency; and

IT IS FURTHER ORDERED that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services; and

IT IS FURTHER RESOLVED that _____, (Title) _____,
is thereby designated as the authorized representative for public assistance and
_____, (Title) _____, is hereby designated as the authorized
representative for individual assistance of Santa Barbara County for the purpose of receipt,
processing, and coordination of all inquiries and requirements necessary to obtain available state and
federal assistance.

AYES: _____

Chair Board of Supervisor
County of Santa Barbara

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNCIL

By _____
Deputy

**LOCAL RESOLUTION REQUESTING STATE
DIRECTOR, OFFICE OF
EMERGENCY SERVICES' CONCURRENCE IN LOCAL
EMERGENCIES***

WHEREAS, on _____, 20____, the Board of Supervisors of Santa Barbara County found that due to _____;
(fire, flood, storm, epidemic, riot, earthquake, drought, energy shortage, or other causes)
a condition of extreme peril to life and property did exist within said county; and

WHEREAS, in accordance with state law the Board of Supervisors now proclaims an emergency does exist throughout said County;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services with a request that he find it acceptable in accordance with provisions of the Natural Disaster Assistance Act; and

IT IS FURTHER RESOLVED that _____, (Title) _____, is hereby designated as the authorized representative of Santa Barbara County for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state assistance.

AYES: _____

Chair Board of Supervisor
County of Santa Barbara

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNCIL

By _____
Deputy

* Proclamation of local emergency must be made within 10 days of the disaster occurrence in order to qualify for assistance under the Natural Disaster Assistance Act.

Note: Attach list of damaged Public Facilities showing location and estimated cost of repairs.

RESOLUTION PROCLAIMING TERMINATION OF LOCAL EMERGENCY

WHEREAS, a local emergency existed in Santa Barbara County in accordance with the resolution thereof by the Board of Supervisors on the _____ day of _____, 20____,

or

Director of Emergency Services* on the _____ day of _____, 20____, and its ratification by the Board of Supervisors on the _____ day of _____, 20____, as a result of conditions of extreme peril to the safety of persons and property caused by

_____; and
(fire, flood, storm, epidemic, riot, earthquake, drought, energy shortage, or other causes)

WHEREAS, the situation resulting from said conditions of extreme peril is now deemed to be within the control of the normal protective services, personnel, equipment, and facilities of and within said County of Santa Barbara;

NOW, THEREFORE, the Board of Supervisors of Santa Barbara County, State of California, does hereby proclaim the termination of said local emergency.

AYES: _____

Chair Board of Supervisor
County of Santa Barbara

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNCIL

By _____
Deputy

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GOOD SAMARITAN LIABILITY

CALIFORNIA HEALTH & SAFETY CODE, CHAPTER 9, SECTION 1799.102

No person, who in **good faith** and not for compensation, renders emergency care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission. The scene of an emergency shall not include emergency departments and other places where medical care is usually offered.

CALIFORNIA GOVERNMENT CODE, SECTION 8659

Any physician or surgeon (whether licensed in this state or any other state), hospital, pharmacist, nurse or dentist who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of such services, regardless of how or under what circumstances or by what cause such injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.

CALIFORNIA GOVERNMENT CODE, SECTION 13970

Direct action on the part of private citizens in preventing the commission of crimes against the person or property of others, or in apprehending criminals, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, benefits the entire public. In recognition of the public purpose served, the state may indemnify such citizens, their surviving spouses, their surviving children, and any persons dependent upon such citizens for their principal support in appropriate cases for any injury, death, or damage sustained by such citizens, their surviving spouses, their surviving children, and any persons dependent upon such citizens for their principal support as a direct consequence of such meritorious action to the extent that they are not compensated for the injury, death or damage from any other source. A claim shall be denied if an award has been made under Article I (commencing with Section 13960) of this chapter for the same incident.

CALIFORNIA GOVERNMENT CODE, SECTION 50086

No person who is summoned by the county sheriff, city police department, fire department, park range, or other local agency to voluntarily assist in a search or rescue operation, who possesses first aid training equivalent to the Red Cross advanced first aid and emergency care training standards, and who in good faith renders emergency services to a victim prior to or during the evacuation or extrication of the victim, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering such emergency services.

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Extracted from the California Emergency Plan

CALIFORNIA DISASTER AND CIVIL DEFENSE MASTER MUTUAL AID AGREEMENT

This agreement made and entered into by and between the STATE OF CALIFORNIA, its various departments and agencies, and the various political subdivisions, municipal corporations, and other public agencies of the State of California;

WITNESSETH:

WHEREAS, It is necessary that all of the resources and facilities of the State, its various departments and agencies, and all its political subdivisions, municipal corporations, and other public agencies be made available to prevent and combat the effect of disasters which may result from such calamities as flood, fire, earthquake, pestilence, war, sabotage, and riot; and

WHEREAS, It is desirable that each of the parties hereto should voluntarily aid and assist each other in the event that a disaster should occur, by the interchange of services and facilities, including, but not limited to, fire, police, medical and health, communication, and transportation services and facilities, to cope with the problems of rescue, relief, evacuation, rehabilitation, and reconstruction which would arise in the event of a disaster; and

WHEREAS, It is necessary and desirable that a cooperative agreement be executed for the interchange of such mutual aid on a local, county-wide, regional, state-wide, and interstate basis;

NOW, THEREFORE, IT IS HEREBY AGREED by and between each and all of the parties hereto as follows:

- (1) Each party shall develop a plan providing for the effective mobilization of all its resources and facilities, both public and private, to cope with any type of disaster.
- (2) Each party agrees to furnish resources and facilities and to render services to each and every other party to this agreement to prevent and combat any type of disaster in accordance with duly adopted mutual aid operational plans, whether heretofore or hereafter adopted, detailing the method and manner by which such resources, facilities, and services are to be made available and furnished, which operational plans may include provisions for training and testing to make such mutual aid effective; provided, however, that no party shall be required to deplete unreasonably its own resources, facilities, and services in furnishing such mutual aid.
- (3) It is expressly understood that this agreement and the operational plans adopted pursuant

thereto shall not supplant existing agreements between some of the parties hereto providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis, but that the mutual aid extended under this agreement and the operational plans adopted pursuant thereto, shall be without reimbursement unless otherwise expressly provided for by the parties to this agreement or as provided in Sections 1541, 1586, and 1587, Military and Veterans Code; and that such mutual aid is intended to be available in the event of a disaster of such magnitude that it is, or is likely to be, beyond the control of a single party and requires the combined forces of several or all of the parties to this agreement to combat.

- (4) It is expressly understood that the mutual aid extended under this agreement and the operational plans adopted pursuant thereto shall be available and furnished in all cases of local peril or emergency and in all cases in which a STATE OF EXTREME EMERGENCY has been proclaimed.
- (5) It is expressly understood that any mutual aid extended under this agreement and the operational plans adopted pursuant thereto, is furnished in accordance with the "California Disaster Act" and other applicable provisions of law, and except as otherwise provided by law that: "The responsible local official in whose jurisdiction an incident requiring mutual aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him through the operation of such mutual aid plans." (Sec. 1564, Military and Veterans Code.)
- (6) It is expressly understood that when and as the State of California enters into mutual aid agreements with other states and the Federal Government that the parties to this agreement shall abide by such mutual aid agreements in accordance with law.
- (7) Upon approval or execution of this agreement by the parties hereto all mutual aid operational plans heretofore approved by the State Disaster Council, or its predecessors, and in effect as to some of the parties hereto, shall remain in full force and effect as to them until the same may be amended, revised, or modified. Additional mutual aid operational plans and amendments, revisions, or modifications of existing or hereafter adopted mutual aid operational plans, shall be adopted as follows:
 - (a) County-wide and local mutual aid operational plans shall be developed by the parties thereto and are operative as between the parties in accordance with the provisions of such operational plans. Such operational plans shall be submitted to the State Disaster Council for approval. The State Disaster Council shall notify each party to such operational plans of its approval, and shall also send copies of such operational plans to other parties to this agreement who did not participate in such operational plans and who are in the same area and affected by such operational plans. Such operational plans shall be operative as to such other parties 20 days after receipt thereof unless within that time the party by resolution or notice given to the State Disaster Council, in the same manner as notice of termination of participation in this agreement, declines to participate in the particular operational plan.

- (b) State-wide and regional mutual aid operational plans shall be approved by the State Disaster Council and copies thereof shall forthwith be sent to each and every party affected by such operational plans. Such operational plans shall be operative as to the parties affected thereby 20 days after receipt thereof unless within that time the party by resolution or notice given to the State Disaster Council, in the same manner as notice of termination of participation in this agreement, declines to participate in the particular operational plan.
 - (c) The declination of one or more of the parties to participate in a particular operational plan or any amendment, revision, or modification thereof, shall not affect the operation of this agreement and the other operational plans adopted pursuant thereto.
 - (d) Any party may at any time by resolution or notice given to the State Disaster Council, in the same manner as notice of termination of participation in this agreement, decline to participate in any particular operational plan, which declination shall become effective 20 days after filing with the State Disaster Council.
 - (e) The State Disaster Council shall send copies of all operational plans to those state departments and agencies designated by the Governor. The Governor may, upon behalf of any department or agency, give notice that such department or agency declines to participate in a particular operational plan.
 - (f) The State Disaster Council, in sending copies of operational plans and other notices and information to the parties to this agreement, shall send copies to the Governor and any department or agency head designated by him; the chairman of the board of supervisors, the clerk of the board of supervisors, and County Disaster Council, and any other officer designated by a county; the mayor, the clerk of the city council, the City Disaster Council, and any other officer designated by a city; the executive head, the clerk of the governing body, or other officer of other political subdivisions and public agencies as designated by such parties.
- (8) This agreement shall become effective as to each party when approved or executed by the party, and shall remain operative and effective as between each and every party that has heretofore or hereafter approved or executed this agreement, until participation in this agreement is terminated by the party. The termination by one or more of the parties of its participation in this agreement shall not affect the operation of this agreement as between the other parties thereto. Upon approval or execution of this agreement the State Disaster Council shall send copies of all approved and existing mutual aid operational plans affecting such party which shall become operative as to such party 20 days after receipt thereof unless within that time the party by resolution or notice given to the State Disaster Council, in the same manner as notice of termination of participation in this agreement, declines to participate in any particular operational plan. The State Disaster Council shall keep every party currently advised of whom the other parties to this agreement are and whether any of them has declined to participate in any particular operational plan.
- (9) Approval or execution of this agreement shall be as follows:

- (a) The Governor shall execute a copy of this agreement on behalf of the State of California and the various departments and agencies thereof. Upon execution by the Governor a signed copy shall forthwith be filed with the State Disaster Council.
 - (b) Counties, cities, and other political subdivisions and public agencies having a legislative or governing body shall by resolution approve and agree to abide by this agreement, which may be designated as "CALIFORNIA DISASTER AND CIVIL DEFENSE MASTER MUTUAL AID AGREEMENT." Upon adoption of such a resolution, a certified copy thereof shall forthwith be filed with the State Disaster Council.
 - (c) The executive head of those political subdivisions and public agencies having no legislative or governing body shall execute a copy of this agreement and forthwith file a signed copy with the State Disaster Council.
- (10) Termination of participation in this agreement may be affected by any party as follows:
- (a) The Governor, upon behalf of the State and its various departments and agencies, and the executive head of those political subdivisions and public agencies having no legislative or governing body, shall file a written notice of termination of participation in this agreement with the State Disaster Council and this agreement is terminated as to such party 20 days after the filing of such notice.
 - (b) Counties, cities, and other political subdivisions and public agencies having a legislative or governing body shall by resolution give notice of termination of participation in this agreement and file a certified copy of such resolution with the State Disaster Council, and this agreement is terminated as to such party 20 days after the filing of such resolution.

IN WITNESS WHEREOF this agreement has been executed and approved and is effective and operative as to each of the parties as herein provided.

/signed/ EARL WARREN
GOVERNOR
On behalf of the State of
California and all its
Departments and Agencies

ATTEST: /signed/ FRANK M. JORDAN
Secretary of State

November 15, 1950
(GREAT SEAL)

Note:

There are references in the foregoing agreement to the California Disaster Act, State Disaster Council, and various sections of the Military and Veterans Code. Effective November 23, 1970, by enactment of Chapter 1454, Statutes 1970, the California Disaster Act (Sections 1500 ff., Military and Veterans Code) was superseded by the California Emergency Services Act (Sections 8550 ff., Government Code), and the State Disaster Council was superseded by the California Emergency Council.

Section 8668 of the California Emergency Services Act provides:

- (a) Any disaster council previously accredited, the State Civil Defense and Disaster Plan, the State Emergency Resources Management Plan, the State Fire Disaster Plan, the State Law Enforcement Mutual Aid Plan, all previously approved civil defense and disaster plans, all mutual aid agreements, and all documents and agreements existing as of the effective date of this chapter, shall remain in full force and effect until revised, amended, or revoked in accordance with the provisions of this chapter.

In addition, Section 8561 of the new act specifically provides:

"Master Mutual Aid Agreement" means the California Disaster and Civil Defense Master Mutual Aid Agreement, made and entered into by and between the State of California, its various departments and agencies, and the various political subdivisions of the state, to facilitate implementation of the purposes of this chapter.

Substantially the same provisions as previously contained in Section 1541, 1564, 1586 and 1587 of the Military and Veterans Code, referred to in the foregoing agreement, are now contained in Sections 8633, 8618, 8652 and 8643, respectively, of the Government Code.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE
COUNTY OF SANTA BARBARA**

WHEREAS, EARL WARREN, Governor of the state of California on the 15th day of November, 1950, executed the California Disaster and Civil Defense Master Mutual Aid Agreement on behalf of the State of California and all its Departments and Agencies;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Barbara does, by resolution, hereby approve and agree to abide by said California Disaster and Civil Defense Master Mutual Aid Agreement; and the Clerk of this Council is hereby authorized and directed to send a certified copy of this resolution to the California Emergency Council for filing with said Board.

Adopted and approved this 19 day of May , 1998.

signed _____
County Administrator

signed _____
COUNTY CLERK

MEDIA ACCESS REGULATIONS

The following are extracts from Government Codes and Regulations relating to the granting of access to the media to closed or restricted areas during incidents and disasters:

California Penal Code

Section 409.5 Power of peace officers to close areas during emergencies; Entering or remaining within area as misdemeanor; Exception as to newspaper representatives, etc.

- (a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the California Highway Patrol, California State Police, police departments or sheriff's office, any officer or employee of the Department of Forestry designated a peace officer by subdivision (f) of Section 830.3, and any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (I) of Section 830.3, may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area. If such a calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions, which are set forth above in this section.
- (b) Officers of the California Highway Patrol, California State Police, police departments, or sheriff's office or officers of the Department of Forestry designated as peace officers by subdivision (f) of Section 830.3 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions which are set forth in this section whether or not such field command post or other command post is located near to the actual calamity or riot or other civil disturbance.
- (c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within such area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.
- (d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.**

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FEDERAL AVIATION REGULATIONS

Subpart B - Flight Rules Section 91.91 Temporary Flight Restrictions

- (a) Whenever the Administrator determines it to be necessary in order to prevent an unsafe congestion of sight-seeing aircraft above an incident or event which may generate a high degree of public interest, or to provide a safe environment for the operation of disaster relief aircraft, a Notice to Airmen will be issued designating an area within which temporary flight restrictions apply.
- (b) When a Notice to Airmen has been issued under this section, no person may operate an aircraft within the designated area unless—
 - (1) That aircraft is participating in disaster relief activities and is being operated under the direction of the agency responsible for relief activities;
 - (2) That aircraft is being operated to or from an airport within the area and is operated so as not to hamper or endanger relief activities;
 - (3) That operation is specifically authorized under an IFR ATC clearance;
 - (4) VFR flight around or above the area is impracticable due to weather, terrain, or other considerations, prior notice is given to the Air Traffic Service facility specified in the Notice to Airmen, and enroute operation through the area is conducted so as not to hamper or endanger relief activities; or,
 - (5) **That aircraft is carrying properly accredited news representatives, or persons on official business concerning the incident or event which generated the issuance of the Notice to Airmen; the operation is conducted in accordance with 91.79 of this chapter; the operation is conducted above the altitudes being used by relief aircraft unless otherwise authorized by the agency responsible for relief activities; and further, in connection with this type of operation, prior to entering the area the operator has filed with the Air Traffic Service facility specified in the Notice to Airmen a flight plan that includes the following information:**
 - (i) **Aircraft identification, type and color.**
 - (ii) **Radio communications frequencies to be used.**
 - (iii) **Proposed types of entry and exit of the designated area.**
 - (iv) **Name of news media or purpose of flight.**
 - (v) **Any other information deemed necessary by ATC.**

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USE OF SCHOOL BUILDINGS AS SHELTERS

Assembly Bill No. 2786 (Katz Bill)

CHAPTER 1659

An act to amend Sections 40041 and 40042 of, to add Section 40041.5 to, and to add Article 10.5 (commencing with Section 35295) to Chapter 2 of Part 21 of the Education Code, relating to emergency procedures.

(Approved by Governor September 30, 1984. Filed with Secretary of State September 30, 1984.)

LEGISLATIVE COUNSEL'S DIGEST

AB. 2786, Katz. Emergency procedures: earthquakes and disasters.

- (1) Under existing law, the governing board of each school district is required to maintain schools and classes as provided by law.

This bill would impose a state-mandated local program by requiring the governing board of each school district and the county superintendent of schools of each county to establish an earthquake emergency procedure system, as specified, in every public school building under its jurisdiction having an occupant capacity of 50 or more students or more than one classroom.

This bill would also require the governing board of each private school to establish emergency earthquake procedure systems in every school building having an occupied capacity of 50 or more students or more than one classroom.

- (2) Under current provisions of the so-called "Civic Center Act", the governing board of a school district may grant the use of school facilities or grounds to public agencies, including the American Red Cross, for mass care and shelters during disasters or other emergencies affecting the public health and welfare. In addition, the governing board of a school district is authorized to provide any services deemed necessary by the governing board to meet the needs of the community.

This bill would impose a state-mandated local program by requiring the governing board of a school district to grant the use of school buildings, grounds, and equipment to public agencies including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The governing board of a school district would also be required to cooperate with these public agencies in furnishing and maintaining such services as the governing board may deem necessary to

meet the needs of the community.

- (3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the conditional mandate of Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

- (4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

The people of the State of California do enact as follows:

Section 1. Article 10.5 (commencing with Section 35295) is added to Chapter 2 of Part 21 of the Education Code, to read:

Article 10.5. Earthquake Emergency Procedures

35295. The Legislature finds and declares the following:

- (a) Because of the generally acknowledged fact that California will experience moderate to severe earthquakes in the foreseeable future, increased efforts to reduce earthquake hazards should be encouraged and supported.
- (b) In order to minimize loss of life and disruption, it is necessary for all public or private elementary and high schools to develop school disaster plans and specifically an earthquake emergency procedure system so that students and staff will act instinctively and correctly when an earthquake disaster strikes.
- (c) It is therefore the intent of the Legislature in enacting this article to authorize the establishment of earthquake emergency procedure systems in kindergarten and grades 1 through 12 in all the public or private schools in California.

35296. The governing board of each private school and school district and the county superintendent of schools of each county shall establish an earthquake emergency procedure system in every public or private school building under its jurisdiction having an occupant capacity of 50 or more students or more than one classroom. Governing boards and county

superintendents may work with the Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedure systems.

35297. The earthquake emergency procedure system shall include, but not be limited to, all of the following:

- (a) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staffs.
- (b) A drop procedure. As used in this article, “drop procedure” means an activity whereby each student and staff member take cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.
- (c) Protective measures to be taken before, during, and following an earthquake.
- (d) A program to ensure that the students and staff are aware of, and properly trained in, the earthquake emergency procedure system.

SEC. 2. Section 40041 of the Education Code is amended to read:

40041. (a) There is a civic center at each and every public school facility and grounds within the state where the citizens, parent-teachers’ associations, camp fire girls, boy scout troops, farmer’s organizations, school community advisory councils, senior citizens’ organizations, clubs and associations formed for recreational, political, economic, artistic or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgement pertain to the educational, political, economical, artistic, and moral interests of the citizens of the communities in which they reside.

- (1) The governing board of any school district may grant the use of school facilities or grounds as a civic center upon the terms and conditions the board deems proper, subject to the limitation requirements, and restrictions set forth in this article, for any of the following purposes:
 - (2) Public literary, scientific, recreational, educational, or public agency meetings.
 - (3) The discussion of matter of general or public interest.
 - (4) The conduct of religious services for temporary periods by any church or religious organization which has no suitable meeting place for the conduct of the services, provided the governing board charges the church or religious organization using the school facilities or grounds a fee as specified in subdivision (c) of Section 40043.
 - (5) Child care or day care programs to provide supervision and activities for children of preschool and elementary age.
 - (6) The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
 - (7) Supervised recreational activities.
 - (8) Other purposes deemed appropriate by the governing board.

SEC. 3. Section 40041.5 is added to the Education Code, to read:

40041.5. Notwithstanding Section 40043, the governing board of any school district shall grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The governing board shall cooperate with these agencies in furnishing and maintaining such services as the governing board may deem necessary to meet the needs of the community.

SEC. 4. Section 40042 of the Education code is amended to read:

40042. The management, direction, and control of school facilities under this article is vested in the governing board of the school district which shall promulgate all rules and regulations necessary to provide, at a minimum, for the following:

- (1) Aid, assistance, and encouragement to any of the activities authorized in Sections 40041 and 40041.5.
- (2) Preservation of order in school facilities and on school grounds, and protection of school facilities and school grounds, including, if the governing board deems necessary, appointment of a person who shall have charge of the school facilities and grounds for purposes of their preservation and protection.
- (3) That the use of school facilities or grounds is not inconsistent with the use of the school facilities or grounds for school purposes or interferes with the regular conduct of schoolwork.

SEC. 5. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

SEC. 6. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

NATIONAL WEATHER SERVICE ISSUANCES

TYPES OF ISSUANCES

OUTLOOK—For events possible to develop in the extended period (extended definition depends on the type of event)

ADVISORY—For events that are occurring or are forecast to develop in the short term (generally within the next 6 hours)

WATCH—For the **possibility** of an event happening within the short term (generally refers to the next 6 to 12 hours)

WARNING—The most serious issuance! For life-threatening events occurring or forecast to develop within the short term (generally within the next 6 hours)

STATEMENTS (OR UPDATES)—Issued as updates to the above products

SPECIFIC TYPES OF ISSUANCES

FLASH FLOODING:

Flash Flood Warning: Flash Flooding is occurring or imminent.

Urban and Small Stream Flood Advisory: Flooding is occurring or imminent, but is not life threatening. (Nuisance flooding.) This may be upgraded to a Flash Flood Warning if conditions worsen.

Flash Flood Watch: There is a good possibility of Flash Flooding, but it is neither occurring nor imminent (generally means the possibility exists within the next 24 hours).

Flash Flood Statement: Updates any of the above three issuances.

Tornado and Severe Thunderstorm Warnings: Issued on the observation of a tornado, funnel cloud, or severe thunderstorm (a thunderstorm is defined as severe when it is accompanied by 58 mph winds or 3/4" hail), or the indication of any of the above based on radar data.

Tornado and Severe Thunderstorm Watches: Issued (by the National Severe Storms Forecast Center in Kansas City, MO) when there is a likelihood of development of either tornadoes or severe thunderstorms.

OTHER TYPES OF ISSUANCES

Dense Fog Advisory: Issued when dense fog (visibility below ½ mile) is expected to last for three hours or longer)

Dense Fog Warning: Issued when widespread zero or near-zero visibilities are forecast to last three hours or longer

Example:

Today is Monday, February 13. Weather models indicate a strong Pacific storm will affect the Southern California forecast area on Wednesday. The forecast models have been very consistent, and the likelihood of this storm is fairly certain.

The NWS (National Weather Service) would issue a Special Weather Statement discussing a developing storm expected. Other Statements would generally be issued every six to eight hours between Monday and Wednesday. In the meantime, the NWS would continue watching the date to better pinpoint the storm track, severity, timing and rainfall totals.

For this example, by early Tuesday morning we have determined the storm will begin Wednesday morning, then intensify Wednesday afternoon.

Tuesday evening, or early Wednesday morning, the NWS will issue a Flash Flood Watch.

The event begins, and based on satellite and radar pictures, more is on the way. It looks as though the heavy rains may cause flash flooding in certain areas, but most areas will only have street flooding and other “nuisance” problems. The NWS issues a Flash Flood Warning for the first area, and Urban and Small Stream Flood Advisories for the others. Follow-up statements are then issued as frequently as new information is available.

Note: This is one of the most critical times when feedback information from cities, counties and agencies is most helpful.

The following numbers are your link to the NWS, including severe weather emergencies. Please use the numbers for their intended purpose and keep the restricted numbers confidential.

National Weather Service
520 No. Elevar St.
Oxnard, CA 93030

All telephone numbers are 805/988-

| Number | Line | Use |
|---------------|-------------------------------------|---------------------------------|
| 6618/6619 | Weather Warnings | 24 hour/restricted |
| 6613 | Fax | 24 hour/restricted |
| 6610 | Public number | Business hours/unrestricted |
| 6611 | Recorded weather | 24 hours/unrestricted |
| 6615 | Administration | Business hours/restricted |
| 6623 | Administration—Warning Coordination | Business hours/information only |

The NWS may also contact your jurisdiction for more information on potentially hazardous weather situations. You are encouraged to report any unusual (funnel cloud, etc.) Or other potentially hazardous weather situation to the NWS as quickly as possible. These numbers should be made available to your Police and Fire dispatchers.

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ARTICLE 9.5 — DISASTER PREPAREDNESS (CALIFORNIA GOVERNMENT CODE 8607—SEMS LAW)

8607. Standardized Emergency Management System

- (a) By December 1, 1993, the Office of Emergency Services, in coordination with all interested state agencies with designated response roles in the state emergency plan and interested local emergency management agencies shall jointly establish by regulation a standardized emergency management system for use by all emergency response agencies. The public water systems identified in Section 8607.2 may review and comment on these regulations prior to adoption. This system shall be applicable, but not limited to, those emergencies or disasters referenced in the state emergency plan. The standardized emergency management system shall include all of the following systems as a framework for responding to and managing emergencies and disasters involving multiple jurisdictions or multiple agency responses:
- (1) The Incident Command Systems adapted from the systems originally developed by the FIRESCOPE Program, including those currently in use by state agencies.
 - (2) The multi-agency coordination system as developed by the FIRESCOPE Program.
 - (3) The mutual aid agreement, as defined in Section 8561, and related mutual aid systems such as those used in law enforcement, fire service and coroners operations.
 - (4) The operational area concept, as defined in Section 8559.
- (b) Individual agencies' roles and responsibilities agreed upon and contained in existing laws or the state emergency plan are not superseded by this article.
- (c) By December 1, 1994, the Office of Emergency Services, in coordination with the State Fire Marshal's Office, the Department of the California Highway Patrol, the Commission on Peace Officer Standards and Training, the Emergency Medical Services Authority, and all other interested state agencies with designated response roles in the state emergency plan, shall jointly develop an approved course of instruction for use in training all emergency response personnel, consisting of the concepts and procedures associated with the standardized emergency management system described in subdivision (a).
- (d) By December 1, 1996, all state agencies shall use the Standardized Emergency Management System as adopted pursuant to subdivision (a), to coordinate multiple jurisdictions or multiple agency emergency and disaster operations.
- (e) (1) By December 1, 1996, each local agency, in order to be eligible for funding of response-

related costs under disaster assistance programs, shall use the standardized emergency management system as adopted pursuant to subdivision (a) to coordinate multiple jurisdiction or multiple agency operations.

(2) Notwithstanding paragraph (1), local agencies shall be eligible for repair, renovation, or any other nonpersonnel costs resulting from an emergency.

(f) The office shall, in cooperation with involved state and local agencies, complete an after-action report within 120 days after each declared disaster. This report shall review public safety response and disaster recovery activities and shall be made available to all interested public safety and emergency management organizations.

8607.1. Legislative intent

(a) It is the intent of the Legislature that a statewide system for fire hydrants be adopted so that all firefighters can respond to emergencies calling for the use of water at any location in the State of California. Without this statewide standardized system, the lives of firefighters and those they serve would be put in serious jeopardy in a mutual aid fire response effort stretching across city and county boundaries.

(b) By January 1, 1994, the State Fire Marshal shall establish a statewide uniform color coding of fire hydrants. In determining the color coding of fire hydrants, the State Fire Marshal shall consider the national system of coding developed by the National Fire Protection Association as Standard 291 in Chapter 2 on Fire Flow Testing and Marking of Hydrants. The uniform color-coding shall not preempt local agencies from adding additional markings.

(c) Compliance with the uniform color coding requirements of subdivision (b) shall be undertaken by each agency that currently maintains fire hydrants throughout the state as part of its ongoing maintenance program for its fire hydrants.

(d) By July 1, 1994, the State Fire Marshal shall develop and adopt regulations establishing statewide uniform fire hydrant coupling sizes. The regulations adopted pursuant to this section shall include provisions that permit the use of an adapter mounted on the hydrant as a means of achieving uniformity. In determining uniform fire hydrant coupling sizes, the State Fire Marshal shall consider any system developed by the National Fire Protection Association, the National Fire Academy, or the Federal Emergency Management Agency.

(e) By December 1, 1996, each local agency, city, county, city and county, or special district in order to be eligible for any funding of mutual aid fire response related costs under disaster assistance programs, shall comply with regulations adopted pursuant to this section. Compliance may be met if at least one coupling on the hydrant is of the uniform size.

(f) Subdivision (d) shall not be applicable to the City and County of San Francisco due to the existing water system.

8607.2 Plans

- (a) All public water systems, as defined in subdivision (f) of Section 4010.1 of the Health and Safety Code, with 10,000 or more service connections shall review and revise their disaster preparedness plans in conjunction with related agencies, including, but not limited to, local fire departments and the office to ensure that the plans are sufficient to address possible disaster scenarios. These plans should examine and review pumping station and distribution facility operations during an emergency, water pressure at both pumping stations and hydrants, and whether there is sufficient water reserve levels and alternative emergency power such as onsite backup generators and portable generators.
- (b) All public water systems, as defined in subdivision (f) of Section 4010.1 of the Health and Safety Code, with 10,000 or more service connections following a declared state of emergency shall furnish an assessment of their emergency response and recommendations to the Legislature within six months after each disaster, as well as implementing the recommendations in a timely manner.
- (c) By December 1, 1996, the Office of Emergency Services shall establish appropriate and insofar as practical, emergency response and recovery plans, including mutual aid plans, in coordination with public water systems, as defined in subdivision (f) of Section 4010.1 of the Health and Safety Code, with 10,000 or more service connections.

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**CALIFORNIA CODE OF REGULATIONS
TITLE 19
DIVISION 2
OFFICE OF EMERGENCY SERVICES**

ADOPTED REGULATIONS

**CHAPTER 1
Article 1. Short Title**

§2400. Short Title.

This Chapter shall be known and may be cited as the Standardized Emergency Management System (SEMS) Regulations.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE:GOVERNMENT CODE §8607

Article 2. Purpose and Scope

§2401. Purpose and Scope.

These regulations establish the Standardized Emergency Management System (SEMS) based upon the Incident Command System (ICS) adapted from the system originally developed by the Firefighting Resources of California Organized for Potential Emergencies (FIRESCOPE) program including those currently in use by state agencies, the Multi-Agency Coordination System (MACS) as developed by FIRESCOPE program, the operational area concept, and the Master Mutual Aid Agreement and related mutual aid systems.

SEMS is intended to standardize response to emergencies involving multiple jurisdictions or multiple agencies. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California. SEMS requires emergency response agencies use basic principles and components of emergency management including ICS, multi-agency or inter-agency coordination, the operational area concept, and established mutual aid systems. State agencies must use SEMS. Local government must use SEMS by December 1, 1996 in order to be eligible for state funding of response-related personnel costs pursuant to activities identified in California Code of Regulations, Title 19, §2920, §2925, and §2930. Individual agencies' roles and responsibilities contained in existing laws or the state emergency plan are not superseded by these regulations.

Note: AUTHORITY: GOVERNMENT CODE §8607(a), §8607(b)
REFERENCE:GOVERNMENT CODE §8607

HEALTH AND SAFETY CODE §13071, §13072

Article 3. Definitions

§2402. Definitions.

- (a) "Action Plan" means the plan prepared in the EOC containing the emergency response objectives of that SEMS level reflecting overall priorities and supporting activities for a designated period. The plan is shared with supporting agencies.
- (b) "Activate" means at a minimum, a designated official of the emergency response agency implements SEMS as appropriate to the scope of the emergency and the agency's role in response to the emergency.
- (c) "Department Operations Center" means an EOC used by a distinct discipline, such as fire, medical, hazardous material, or a unit such as Department of Public Works, Department of Health, or local water district. Department operations centers may be used at all SEMS levels above the field response level depending upon the impacts of the emergency.
- (d) "Disaster Assistance Program" is a program that provides state funding or reimbursement for local government response-related personnel costs incurred in response to an incident as defined in §2402(I).
- (e) "Emergency" means a condition of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, hazardous material incident, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestations or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy.
- (f) "Emergency Operations Center" means a location from which centralized emergency management can be performed.
- (g) "Emergency Response Agency" means any organization responding to an emergency, whether in the field, at the scene of an incident, or to an EOC, in response to an emergency, or providing mutual aid support to such an organization.
- (h) "Emergency Response Personnel" means personnel involved with an agency's response to an emergency.
- (i) "Incident" means an occurrence or event, either human-caused or by natural phenomena, that requires action by emergency response personnel to prevent or minimize loss of life or damage to property and/or natural resources.
- (j) "Incident Action Plan" means the plan developed at the field response level which contains objectives reflecting the overall incident strategy and specific tactical actions and supporting

information for the next operational period. The plan may be oral or written.

- (k) "Incident Commander" means the individual responsible for the command of all functions at the field response level.
- (l) "Incident Command System (ICS)" means the nationally used standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident.
- (m) "Local Government" means local agencies as defined in Government Code §8680.2 and special districts as defined in California Code of Regulations, Title 19, Division 2, Chapter 5, NDAA, §2900(y).
- (n) "Multi-agency or inter-agency coordination" means the participation of agencies and disciplines involved at any level of the SEMS organization working together in a coordinated effort to facilitate decisions for overall emergency response activities, including the sharing of critical resources and the prioritization of incidents.
- (o) "Office of Emergency Services" means the Governor's Office of Emergency Services.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607, §8680.2, §8558(c)

Article 4. Standardized Emergency Management System

§2403. SEMS Organizational Levels and Functions.

- (a) All emergency response agencies shall use the Standardized Emergency Management System in responding to, managing, and coordinating multiple agency or multiple jurisdiction incidents, whether single or multiple discipline.
- (b) There are five designated levels in the SEMS organization: field response, local government, operational area, regional, and state. Each level is activated as needed.
 - (1) "Field response level" commands emergency response personnel and resources to carry out tactical decisions and activities in direct response to and incident or threat.
 - (2) "Local government level" manages and coordinates the overall emergency response and recovery activities within their jurisdiction.

- (3) "Operational area level" manages and/or coordinates information, resources, and priorities among local governments within the operational area and serves as the coordination and communication link between the local government level and the regional level.
 - (4) "Regional level" manages and coordinates information and resources among operational areas within the mutual aid region designated pursuant to Government Code §8600 and between the operational areas and the state level. This level along with the state level coordinates overall state agency support for emergency response activities.
 - (5) "State level" manages state resources in response to the emergency needs of the other levels, manages and coordinates mutual aid among the mutual aid regions and between the regional level and state level, and serves as the coordination and communication link with the federal disaster response system.
- (c) Local government, operational area, regional and state levels shall provide for all of the following functions within SEMS: management, operations, planning/intelligence, logistics, and finance/administration.
- (1) Management is responsible for overall emergency policy and coordination through the joint efforts of governmental agencies and private organizations.
 - (2) Operations is responsible for coordinating all jurisdictional operations in support of the response to the emergency through implementation of the organizational level's action plan.
 - (3) Planning/Intelligence is responsible for collecting, evaluating, and disseminating information; developing the organizational level's action plan in coordination with the other functions; and maintaining documentation.
 - (4) Logistics is responsible for providing facilities, services, personnel, equipment, and materials.
 - (5) Finance/Administration is responsible for financial activities and administrative aspects not assigned to the other functions.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)

REFERENCE: GOVERNMENT CODE §8607, §8559, §8605, §8600

§2405. Field Response Level.

- (a) Emergency response agencies operating at the field response level of an incident shall utilize the Incident Command System, incorporating the functions, principles, and components of ICS.
 - (1) The functions of ICS are command, operations, planning, logistics, and finance.

- (A) Command is the directing, ordering, and/or controlling of resources by virtue of explicit legal, agency, or delegated authority.
 - (B) Operations is responsible for the coordinated tactical response of all field operations directly applicable to or in support of mission(s) in accordance with the Incident Action Plan.
 - (C) Planning (may be referred to as planning/intelligence) is responsible for the collection, evaluation, documentation, and use of information about the development of the incident and the status of resources.
 - (D) Logistics is responsible for providing facilities, services, personnel, equipment, and materials in support of the incident.
 - (E) Finance (may be referred to as finance/administration) is responsible for all financial and cost analysis aspects of the incident, and for any administrative aspects not handled by the other functions.
- (2) The principles of ICS are that:
- (A) The system provides for the following kinds of operation: single jurisdictional responsibility/single agency involvement, single jurisdictional responsibility with multiple-agency involvement, and multiple-jurisdictional responsibility with multiple-agency involvement.
 - (B) The system's organizational structure adapts to any emergency or incident to which emergency response agencies would be expected to respond.
 - (C) The system shall be applicable and acceptable to all user agencies.
 - (D) The system is readily adaptable to new technology.
 - (E) The system expands in a rapid and logical manner from an initial response to a major incident and contracts just as rapidly as organizational needs of the situation decrease.
 - (F) The system has basic common elements in organization, terminology and procedures.
- (3) The components of ICS are common terminology, modular organization, unified command structure, consolidated action plans, manageable span-of-control, predesignated incident facilities, comprehensive resource management, and integrated communications.
- (A) Common terminology is the established common titles for organizational functions, resources, and facilities within ICS.

- (B) Modular organization is the method by which the ICS organizational structure develops, based upon the kind and size of an incident. The organization's staff builds from the top down with responsibility and performance placed initially with the Incident Commander. As the need exists, operations, planning, logistics, and finance may be organized as separate sections, each with several units.
 - (C) Unified command structure is a unified team effort which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. This is accomplished without losing or abdicating agency authority, autonomy, responsibility or accountability.
 - (D) Consolidated action plans identify objectives and strategy determinations made by the Incident Commander for the incident based upon the requirements of the jurisdiction. In the case of a unified command, the incident objectives must adequately reflect the policy and needs of all the jurisdictional agencies. The action plan for the incident covers the tactical and support activities required for the operational period.
 - (E) Manageable span-of-control within ICS is a limitation on the number of emergency response personnel who can effectively be supervised or directed by an individual supervisor. The kind of incident, the nature of the response or task, distance, and safety will influence the span-of-control range. The ordinary span-of-control range is between three and seven personnel.
 - (F) Predesignated incident facilities are identified within ICS. The determination of the kinds and locations of facilities to be used will be based upon the requirements of the incident.
 - (G) Comprehensive resource management is the identification, grouping, assignment, and tracking of resources.
 - (H) Integrated communications are managed through the use of a common communications plan and an incident-based communications center established for the use of tactical and support resources assigned to the incident.
- (b) Where an agency has jurisdiction over multiple-agency incidents, it shall organize the field response using ICS to provide for coordinated decision-making with emergency response agencies.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)

REFERENCE: GOVERNMENT CODE §8607(a)(1), §8607(e), HEALTH AND SAFETY CODE §13071, §13072

§2407. Local Government Level.

- (a) The Standardized Emergency Management System as described under SEMS Organizational Levels and Functions (§2403) shall be utilized:
 - (1) when the local government emergency operations center is activated.
 - (2) when a local emergency, as defined in Government Code §8558(c), is declared or proclaimed.
- (b) When a local government EOC is activated, communications and coordination shall be established between the Incident Commander(s) and the department operations center(s) to the EOC or between the Incident Commander(s) and the EOC. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
- (c) Communications and coordination shall be established between a local government EOC, when activated, and any state or local emergency response agency having jurisdiction at an incident occurring within that local government's boundaries.
- (d) Local government shall use multi-agency or inter-agency coordination to facilitate decisions for overall local government level emergency response activities.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)

REFERENCE: GOVERNMENT CODE §8558(c), §8607(a), §8607(e)

§2409. Operational Area Level.

- (a) "Operational Area Level" means an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area. Each county geographic area is designated as an operational area. An operational area is used by the county and political subdivisions comprising the operational area for the coordination of emergency activities and to serve as a link in the system of communications and coordination between the state's emergency operation centers and the operation centers of the political subdivisions comprising the operational area, as defined in Government Code §8559(b) and §8605. This definition does not change the definition of operational area as used in the existing fire and rescue mutual aid system.
- (b) All local governments within a county geographic area shall be organized into a single operational area by December 1, 1995, and the county board of supervisors shall be responsible for its establishment.
- (c) The operational area authority and responsibility under SEMS shall not be affected by non-participation of any local government(s) within the operational area.

- (d) The county government shall serve as the lead agency of the operational area unless another member agency of the operational area assumes that responsibility by written agreement with county government.
- (e) The lead agency of the operational area shall:
 - (1) Coordinate information, resources and priorities among the local governments within the operational area.
 - (2) Coordinate information, resources, and priorities between the regional level and the local government level. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
 - (3) Use multi-agency or inter-agency coordination to facilitate decisions for overall operational area level emergency response activities.
- (f) The operational area EOC shall be activated and SEMS used as described in the SEMS Organizational Levels and Functions (§2403) when any of the following conditions exists:
 - (1) A local government within the operational area has activated its EOC and requested activation of the operational area EOC to support their emergency operations.
 - (2) Two or more cities within the operational area have declared or proclaimed a local emergency.
 - (3) The county and one or more cities have declared or proclaimed a local emergency.
 - (4) A city, city and county, or county has requested a governor's proclamation of a state of emergency, as defined in Government Code §8558(b).
 - (5) A state of emergency is proclaimed by the governor for the county or two or more cities within the operational area.
 - (6) The operational area is requesting resources from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis as provided for under the Master Mutual Aid Agreement.
 - (7) The operational area has received resource requests from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis as provided for under the Master Mutual Aid Agreement.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)

REFERENCE: GOVERNMENT CODE §8607(a), §8558(c), §8559(b), §8605, §8561, §8616, §8617, §8618

§2411. Regional Level.

- (a) The regional level EOC shall be activated and SEMS used as described in SEMS Organizational Levels and Functions (§2403) when any operational area EOC within the mutual aid region is activated.
- (b) The lead agency for establishment of the regional level EOC shall be OES.
- (c) The location of the regional level EOC shall be identified by OES to accommodate the needs of the operational area(s) served.
- (d) When the regional level EOC is activated, communications and coordination shall be established with the operational area(s), the state level EOC, and regional level department operations centers. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
- (e) The regional level shall use multi-agency or inter-agency coordination to facilitate decisions for overall regional level emergency response activities.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)

REFERENCE: GOVERNMENT CODE §8607(a), §8600, §8559(a)

§2413. State Level.

- (a) The state level EOC shall be activated and SEMS used as described in SEMS Organizational Levels and Functions (§2403) when any of the following conditions exists:
 - (1) A regional level EOC is activated.
 - (2) Upon the governor's proclamation of a state of emergency.
 - (3) Upon the governor's proclamation of an earthquake or volcanic prediction.
- (b) The lead agency for establishment of the state level EOC shall be OES.
- (c) When the state level EOC is activated, communications and coordination shall be established with the regional level EOC(s), state level department operations centers, and federal emergency response agencies. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607(a), §8558(b)

§2415. Mutual Aid.

- (a) "Mutual Aid" means voluntary aid and assistance by the provision of services and facilities, including but not limited to: fire, police, medical and health, communication, transportation, and utilities. Mutual aid is intended to provide adequate resources, facilities, and other support to jurisdictions whenever their own resources prove to be inadequate to cope with a given situation.
- (b) "Mutual Aid System" means the system which allows for the progressive mobilization of resources to/from emergency response agencies, local governments, operational areas, regions, and the state with the intent of providing adequate resources to requesting agencies. The California mutual aid system includes several discipline-specific mutual aid systems (e.g., fire and rescue, law enforcement, medical and public works) which are consistent with the Master Mutual aid Agreement.
- (c) All mutual aid systems and agreements shall be consistent with SEMS and the Master Mutual aid Agreement.
- (d) Unless otherwise provided by agreement, the responsible local official in whose jurisdiction(s) an incident requiring mutual aid has occurred remains in charge and retains overall direction of personnel and equipment provided through mutual aid (as provided for in Government Code §8618).

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607(a)(3), §8561, §8616, §8617, §8618

Article 5. Standardized Emergency Management System Advisory Board

§2425. Establishment and Purpose.

The Director, OES, shall establish the SEMS Advisory Board consisting of representatives from emergency response agencies to provide advice on all aspects of this Chapter.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607(a), §8587

Article 6. Training

§2428. Minimum Performance Objectives.

- (a) Emergency response agencies shall determine the appropriate level(s) of SEMS instruction for each member of their staff, based upon staff member's potential assignment during an emergency

response.

- (b) Emergency response agencies shall ensure that their emergency response personnel can demonstrate and maintain, to the level deemed appropriate, the minimum SEMS performance objectives required by their agencies' training programs. Agencies shall use the Minimum Performance Objectives contained in the Approved Course of Instruction (ACI) Syllabus dated March 1, 1995, which are hereby incorporated by reference, as the basis for their training programs. Minimum Performance Objectives are contained in Paragraph D of each Course Module description.
- (c) SEMS minimum performance objectives shall be met through completion of materials from the ACI, completion of equivalent courses of instruction, or through incorporation of the objectives into exercises.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)

REFERENCE: GOVERNMENT CODE §8607(a) and §8607(e)

Article 7. Compliance

§2443. General Provisions

- (a) Local government must use SEMS in order to be eligible for state funding of response-related personnel costs occurring in response to an incident as defined in §2402(i). All state agencies shall use SEMS to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.
- (b) Compliance with SEMS shall be documented in the areas of planning, training, exercise, and performance.
- (c) All applicants for reimbursement or response-related personnel costs shall self-certify compliance with §2445, §2446, §2447, and §2448. This self-certification shall be submitted in writing with the application.
- (d) Evidence of compliance with SEMS as set forth in §2445, §2446, §2447, and §2448 shall be available for review.
- (e) When the OES Director determines sufficient evidence exists to warrant a SEMS Compliance review, a Review Team shall be established to evaluate the compliance with SEMS of any local government which has requested funding of its response-related personnel costs under disaster assistance programs, or any operational area or state agency. The OES Director shall notify the local government, operational area, or state agency being evaluated, the SEMS Advisory Board, and the fund(s) administrator of any disaster assistance program of the establishment of the Review Team. At a minimum, participants on the Review Team shall include peers of the entity being evaluated, OES staff, and others knowledgeable in emergency operations and SEMS. The

Review Team shall meet with the local government, operational area, or state agency being evaluated and solicit all pertinent information. The team may also review records and interview persons knowledgeable on the SEMS compliance activities of the entity being evaluated. The Review Team shall report its findings to the local government, operational area, or state agency that was evaluated, the SEMS Advisory Board, and the OES Director. This report must be issued within ninety (90) days of the establishment of the Review Team.

- (f) The SEMS Advisory Board shall examine the Review Team's report within sixty (60) days of submittal of the report. The SEMS Advisory Board shall also consider additional information pertinent to the evaluation. The local government, operational area, or state agency being evaluated may submit additional information to the Board, either verbally or in writing. After consideration, the SEMS Advisory Board shall submit a recommendation to the OES Director. A copy of the recommendation shall be forwarded to the local government, operational area, or state agency being evaluated.
- (g) The OES Director shall make a determination on whether or not the local government, operational area, or state agency being evaluated was in compliance with SEMS. This determination shall be forwarded to the local government, operational area, or state agency being evaluated by certified letter within thirty (30) days of the SEMS Advisory Board's recommendation. A copy of the determination shall be provided to the fund(s) administrator of any disaster assistance program.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)

REFERENCE: GOVERNMENT CODE §8607(e), §8682.9, 8558(c)

§2444. Appeal Process.

- (a) In the event the local government, operational area, or state agency being evaluated disagrees with the determination of the OES Director, the local government, operational area, or state agency may request a reconsideration of the determination. The request must be submitted within thirty (30) days of receipt of the letter of determination.
- (b) The request for reconsideration shall be in writing and indicate why the local government, operational area, or state agency disagrees with the decision, any new or additional pertinent information, and any legal authority or other basis for the disagreement with the determination.
- (c) The OES Director shall review the request for reconsideration and make a determination. The local government, operational area, or state agency that submitted the request for reconsideration shall be notified of the OES Director's decision by certified letter within thirty (30) days of receipt of the request for reconsideration. A copy of the determination shall be provided to the fund(s) administrator or any disaster assistance program.
- (d) The OES Director's decision shall be considered final for the purposes of the appeal process.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607(e)

§2445. Planning.

Local governments, operational areas, and state agencies shall include the use of SEMS in emergency plans and procedures pursuant to §2403, §2405, §2407, §2409, §2411, §2413, and §2415.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607(a), §8607(b), §8607(c), 8607.2(c)

§2446. Training.

Local governments, operational areas, and state agencies shall document SEMS training provided to its emergency response personnel pursuant to §2428.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607(c)

§2447. Exercises.

Local governments, operational areas, and state agencies shall incorporate the use of SEMS pursuant to §2403, §2405, §2407, §2409, §2411, §2413, and §2415 at all levels of operation when exercises are performed.

Note: AUTHORITY: GOVERNMENT CODE §8607(a), §8607.2(c)
REFERENCE: GOVERNMENT CODE §8607(c), §8607.2(c)

§2448. Performance.

Local governments, operational areas, and state agencies shall document the use of SEMS. Documentation shall include activities performed pursuant to §2403, §2405, §2407, §2409, §2411, §2413, and §2415 during the emergency.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607(d)

Article 8. After Action Reports

§2450. Reporting Requirements.

- (a) Any city, city and county, or county declaring a local emergency for which the governor proclaims a state of emergency, and any state agency responding to that emergency shall complete and transmit an after action report to OES within ninety (90) days of the close of the

incident period as specified in California Code of Regulations, Title 19, §2900(j).

- (b) The after action report shall, at a minimum, be a review of response actions taken, application of SEMS, suggested modifications to SEMS, necessary modifications to plans and procedures, identified training needs, and recovery activities to date.

Note: AUTHORITY: GOVERNMENT CODE §8607(a)
REFERENCE: GOVERNMENT CODE §8607(f)

SEMS TRAINING DOCUMENTATION FIELD ICS LEVEL AND EOC LEVEL

All local government staff who may participate in emergency activities in the EOC, in department operations centers (DOCS) or at the field level must maintain minimum training competencies pursuant to the approved course of instruction. A training plan and schedule should be developed to provide SEMS training to all staff with emergency roles and all existing field personnel. Provisions should be made for an on-going training program to accommodate personnel changes.

Approved SEMS Introductory, EOC and ICS Field Level Courses are available for personnel who will perform a SEMS function in an EOC, DOC or in the field. Minimum training competencies are identified in the approved SEMS courses as performance objectives. Agencies using an alternate training course should be able to demonstrate that the required competencies are being maintained.

Emergency response agencies shall determine the appropriate level(s) of SEMS instruction for each member of their staff, based upon the staff member's potential assignment during an emergency response. Emergency response agencies shall ensure that their emergency response personnel can demonstrate and maintain, to the level deemed appropriate, the minimum SEMS performance objectives required by their agencies' training programs.

Local governments and emergency response agencies should document the training provided to emergency response personnel. SEMS training documentation may be integrated with agencies' normal training documentation systems. Agencies that do not currently have a training documentation system should establish a record-keeping system for SEMS training.

It is recommended that a SEMS training record-keeping system include:

- An individual training record for each person, kept either in their personnel file or in a separate training record file. The name of the course, instructor, location and date of the course should be included in the training record.
- Maintenance of the individual training record for as long as the person is employed in a position that involves an emergency response role. Records of personnel involved in an actual emergency should be kept at least until any training compliance issues have been resolved.
- Documentation of the agency's SEMS training program including copies of the training materials used, such as instructor syllabus, lesson plans, student notebook, exercises and tests.

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LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|-----------------|--|
| A&E | Architecture and Engineering |
| AC | Area Command |
| ADA | Americans with Disabilities Act |
| APCD | Air Pollution Control District |
| ARC | American Red Cross |
| ASCS | U.S. Agricultural Stabilization and Conservation Services |
| ARES | Amateur Radio Emergency Services |
| | |
| BLM | Bureau of Land Management |
| BOR | Bureau of Reclamation |
| | |
| CAA | Clean Air Act |
| CALDAP | California Disaster Assistance Program |
| CalTrans | California Department of Transportation |
| CALWAS | California Warning System |
| CAN | Community Alert Network |
| CAO | Chief Administrative Office(r) |
| CAT | Crisis Action Team |
| CAV | Community Assistance Visit |
| CCA | Comprehensive Cooperative Agreement |
| CCC | California Conservation Corps |
| CCP | Casualty Collection Points |
| CD | Civil Defense |
| CDBG | Community Development Block Grant |
| CDC | Centers for Disease Control, U.S. Public Health Service |
| CDF | California Department of Forestry |
| CEM | Comprehensive Emergency Management |
| CEO | Chief Executive Officer |
| CEP | Comprehensive Emergency Planning |
| CEQA | California Environmental Quality Act |
| CERCLA | Comprehensive Environmental Response Compensation and Liability Act |
| CESA | California Emergency Services Association |
| CESFRS | California Emergency Service Fire Radio System |
| CESRS | California Emergency Services Radio System |
| CFR | Code of Federal Regulations |
| CHP | California Highway Patrol |
| CLEMARS | California Law Enforcement Mutual Aid Radio System |
| CLERS | California Law Enforcement Radio System |
| CLETS | California Law Enforcement Telecommunications System |
| COE | Corps of Engineers (US Army) |

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|-------------|---|
| COG | Continuity of Government |
| CPG | Civil Preparedness Guide |
| CPI | Consumer Price Index |
| CWA | Clean Water Act |
| | |
| DA | Damage Assessment |
| DAC | Disaster Application Center |
| DAE | Disaster Assistance Employee |
| DAP | Disaster Assistance Programs |
| DCS | Disaster Communications Service |
| DFCO | Deputy Federal Coordinating Officer |
| DFO | Disaster Field Office |
| DHA | Disaster Housing Assistance |
| DHHS | Department of Health and Human Services |
| DLS | Disaster Legal Services |
| DOB | Duplication of Benefits |
| DOC | Department Operations Center |
| DOD | Department of Defense |
| DOE | Department of Energy |
| DOL | Department of Labor |
| DOJ | Department of Justice |
| DOT | Department of Transportation |
| DP | Disaster Preparedness |
| DSA | Division of the State Architect (California) |
| DSR | Damage Survey Report |
| DUA | Disaster Unemployment Assistance |
| DWI | Disaster Welfare Inquiry |
| DWR | California Department of Water Resources |
| | |
| EAS | Emergency Alert System |
| ED | United States Department of Education |
| EDD | Employment Development Department |
| EEO | Equal Employment Opportunity |
| EIR | Environmental Impact Review |
| EMA | Emergency Management Assistance |
| EMI | Emergency Management Institute |
| EMMA | Emergency Managers Mutual Aid |
| EMP | Electromagnetic Pulse |
| EMSA | Emergency Medical Services Authority |
| EMS | Emergency Medical Services |
| EMT | Emergency Medical Technician |
| EOC | Emergency Operations Center |
| EOP | Emergency Operating Procedures |
| EOP | Emergency Operations Plan |

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|--------------------|---|
| EPA | Environmental Protection Agency |
| EPI | Emergency Public Information |
| ER | Emergency Relief Program |
| ESA | California Emergency Services Act |
| ESA | Endangered Species Act |
| ESC | Emergency Services Coordinator |
| | |
| FA | Fire Administration (office symbol) |
| FAA | Federal Aviation Administration |
| FAS | Federal Aid System Road |
| FAST | Federal Agency Support Team |
| FAX | Facsimile |
| FBI | Federal Bureau of Investigation |
| FCC | Federal Communications Commission |
| FCO | Federal Coordinating Officer |
| FEMA | Federal Emergency Management Agency |
| FFY | Federal Fiscal Year |
| FHWA | Federal Highway Administration |
| FIA | Federal Insurance Administration |
| FIPS Number | Same as Project Application Number |
| FIRESCOPE | Firefighting Resources of Calif. Organized for Potential Emergencies |
| FmHA | Farmers Home Administration |
| FPM | Flood Plain Management |
| FRERP | Federal Radiological Emergency Response Plan |
| FTB | Franchise Tax board (State of California) |
| | |
| GAR | Governor's Authorized Representative |
| GIS | Geographic Information System |
| GSA | General Services Administration |
| | |
| HAZMAT | Hazardous Materials |
| HEW | U.S. Department of Health, Education and Welfare |
| HM | Hazard Mitigation |
| HMGP | Hazard Mitigation Grant Program |
| HMO | Hazard Mitigation Officer |
| HMT | Hazard Mitigation Team |
| HUD | Housing and Urban Development Program |
| | |
| IA | Individual Assistance |
| IA/O | Individual Assistance/Officer |
| IC | Incident Commander |
| ICC | Interstate Commerce Commission |
| ICP | Incident Command Post |
| ICS | Incident Command System |

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|--------------|---|
| IFG | Individual and Family Grant Program (State of California program) |
| IFGP | Individual and Family Grant Program |
| IG | Inspector General |
| IRS | U.S. Internal Revenue Service |
| IRMS | Information Resources Management Service |
| | |
| JIC | Joint Information Center |
| JDIC | Justice Data Interface Controller |
| JPA | Joint Powers Agreement |
| JPIC | Joint Public Information Center |
| JIS | Joint Information System |
| | |
| LGAC | Local Government Advisory Committee |
| | |
| MACS | Multi-Agency Coordination System |
| MARAC | Mutual Aid Regional Advisory Committee |
| MC | Mobilization Center |
| MCR | Military Communications Representative |
| MHFP | Multi-Hazard Functional Plan |
| MOA | Memorandum of Agreement |
| MOU | Memorandum of Understanding |
| MRA | Mortgage and Rental Assistance Program |
| MRE | Meals Ready to Eat |
| MSA | Multi-Purpose Staging Area |
| MTA | Metropolitan Transit Authority |
| | |
| NAWAS | National Warning System |
| NCCEM | National Coordinating Council on Emergency Management |
| NCS | National Communications System |
| NCSP | National Communications Support System |
| NCSRM | National Communications System Regional Manager |
| NDAA | California Natural Disaster Assistance Act |
| NDEA | National Defense Education Act |
| NDMS | National Disaster Medical System |
| NECC | National Emergency Coordination Center (FEMA) |
| NEIS | National Earthquake Information Service |
| NEST | Nuclear Emergency Search Team |
| NETC | National Emergency Training Center |
| NFA | National Fire Academy |
| NFDA | National Funeral Directors Association |
| NFIP | National Flood Insurance Program |
| NHC | National Hurricane Center |
| NHPA | National Historic Preservation Act |
| NIFCC | National Interagency Fire Coordination Center, U.S. Forest Service |

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|--------------|---|
| NOAA | National Oceanic and Atmospheric Administration |
| NOI | Notice of Interest |
| NRC | Nuclear Regulatory Commission |
| NRT | National Response Team |
| NWS | National Weather Service |
| | |
| OA | Operational Area |
| OASIS | Operational Area Satellite Information System |
| OES | Office of Emergency Services |
| OFA | Other Federal Agencies |
| OMB | Office of Management and Budget (Federal) |
| OPA | Oil Pollution Act |
| OPM | Office of Personnel Management |
| OSA | California Office of the State Architect |
| OSHA | Occupational Safety and Health Administration |
| | |
| PA | Public Affairs |
| PAO | Public Affairs Officer |
| PA | Public Assistance |
| PA/O | Public Assistance Officer |
| PDA | Preliminary Damage Assessment |
| PDH | Packaged Disaster Hospital |
| PDS | Professional Development Series |
| PFT | Permanent Full-Time Employee |
| PIO | Public Information Officer |
| PL | Public Law - U.S. Public Law 93-288, Federal Disaster Relief Act of 1974 |
| PNP | Private Nonprofit Organization |
| PSI | Pounds per Square Inch |
| PSR | Personal Service Radio |
| PUC | California Public Utilities Commission |
| | |
| RACES | Radio Amateur Civil Emergency Services |
| RADEF | Radiological Defense |
| RCP | Regional Oil and Hazardous Substances Pollution Contingency Plan |
| RD | Regional Director (FEMA) |
| REACT | Radio Emergency Associated Communication Team |
| REC | Regional Emergency Coordinator |
| REOC | Regional Emergency Operations Center |
| RM | Radiological Monitor |
| RO | Radiological Officer |
| RRT | Regional Response Team |
| | |
| SA | Salvation Army |
| SAP | State Assistance Program |

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|-------------------|--|
| SAR | Search and Rescue |
| SARA | Superfund Amendment and Reauthorization Act (Title III) |
| SAST | California State Agency Support Team |
| SBA | Small Business Administration |
| SCAQMD | South Coast Air Quality Management District |
| SCESA | Southern California Emergency Services Association |
| SCO | State Coordinating Officer |
| SEMO | State Emergency Management Office |
| SEMS | Standardized Emergency Management System |
| SF | Standard Form |
| SHMO | State Hazard Mitigation Officer |
| SHPO | State Historic Preservation Officer |
| SITREP | Situation Report |
| SLPS | State and Local Programs and Support Directorate (FEMA) |
| SOC | State Operations Center |
| SOP | Standard Operating Procedure |
| STO | State Training Officer |
| Subgrantee | An eligible applicant in Federally declared disasters |
| | |
| TH | Temporary Housing |
| TSCA | Toxic Substances Control Act |
| | |
| USACE | United States Army Corps of Engineers |
| USAR | Urban Search and Rescue |
| USDA | U.S. Department of Agriculture |
| USFA | United States Fire Administration |
| USGS | United States Geological Survey |
| | |
| VA | Veterans Administration |
| VSAT | Very Small Aperture Terminal |