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Michael E. Alpert, Chairman
Little Hoover Commission
925 L Street
Sacramento, CA 95814

Dear Chairman Alpert:

This is in response to your letter dated December 12, 2005, requesting my participation on behalf of the Governor's Office of Emergency Services (OES) at the Commission's January 26, 2006 hearing. Your letter also provides a series of issues upon which OES' comments should focus.

Vulnerability Assessment

The Commission raises the issue of a vulnerability assessment, specifically one which identifies potential catastrophic events in the State. In California, our actual experiences over history have in large part dictated our vulnerabilities. Where there is variance in terms of vulnerability is in the impact of known threats. The influences of population, development/land use, and the identification of "new" risks, such as terrorist targets, are in a constant state of change. Therefore, vulnerability assessment is an ongoing process as emergency plans are developed and updated. The California Emergency Plan and Emergency Planning Guidance for Local Government produced by OES, provide instruction and templates for local government to use in this process.

At the State level we have approached the issue of overall vulnerability assessment through several means. The California Multi-Hazard Mitigation Plan, dated September 2004, includes a statewide vulnerability assessment as well as a mitigation strategy. Major vulnerabilities identified include floods, wildfires, and earthquakes. The Plan addresses other threats as well, and was created in a collaborative effort that included contribution from multiple levels of government.

In addition to this document, local government produced vulnerability assessments as part of the Federal Office of Domestic Preparedness (ODP) program. The Federal preparedness grantees were required to conduct vulnerability assessments in order to obtain funding. These assessments were oriented toward potential terrorist scenarios/Weapons of Mass Destruction, and were treated as "law enforcement confidential/sensitive" information. While the assessments are a useful tool to the individual jurisdictions that submitted them, broad distribution and information sharing was restricted.

Going back to the late 1980s, all jurisdictions, as a condition for receiving Federal Emergency Management Assistance Grants, were required to complete a Hazard Identification Capability Assessment/Multi-Year Development Plan (HICA/MDP). This effort assessed vulnerability to all hazards, the likelihood of occurrence, and the efforts to mitigate and prepare to respond to them.

These efforts, while occurring at different periods in time, have given local government and the State the necessary expertise to apply toward the ongoing assessment process.

Role of the State

Local governments experience emergencies on a daily basis, and the State has systems in place to augment local resources when they are overwhelmed. Government Codes Sections 8568 and 8569 require that the State Emergency Plan be in effect in each political subdivision of the State. The law further states that the Governor shall coordinate the State Emergency Plan and programs needed to mitigate the effects of an emergency. Further, the California Disaster and Civil Defense Master Mutual Aid Agreement allows for the political subdivisions of the State to provide their resources, facilities and other assistance to one another in times of emergency.

State Control

While not probable, State control of an emergency is certainly possible as Hurricane Katrina has brought to light. However, there are many differences in the construct of California's systems compared to those of other States. This makes drawing a comparison very difficult. In California, the systems in place clearly put local government in control of a disaster situation. Surrounding local, State, Federal and even private resources help to augment the capabilities that the affected locality either lacks or has lost. Such a "tiered" system of support did not exist in the hardest hit areas of the Gulf Coast.

In California, the Governor has very broad powers under a State of Emergency, if necessary, to commandeer resources necessary to address the emergency. That is, legal authority does exist for very strong State support of, and if necessary, control of an emergency. Such a decision would involve the affected entity, surrounding government entities, the Operational Area, surrounding regions, and the State. Each of these levels of government employs the identical system of emergency management, and to envision such a scenario of State control presumes that all of the capabilities offered by lower levels of government would be exhausted. The State would also consider that, due to their parallel expertise, neighboring local government entities could provide a more effective "control" if a disaster were to partially or fully disable a particular local jurisdiction.

More probable scenarios that might trigger *strong State support* of local government include:

- If local government elected officials were not available to operate local government.
- If the local emergency management system collapsed for some reason and was not functioning.

State law (Government Code Sections 8635-8644) provides for succession and preservation of local government, including appointment of standby officers and the shifting of government functions to neighboring cities and counties. Further, the California Emergency Plan describes the necessary components to incorporate a continuity of government strategy in emergency plans. The Plan states:

A major disaster could include death or injury of key government officials, partial or complete destruction of established seats of government, and the destruction of public and private records essential to continued operations of government and industry. Law and order must be preserved and government services maintained. The California Government Code and the Constitution of the State of California provide authority for the continuity and preservation of State and local government. Continuity of leadership and the government authority is particularly important with respect to emergency services, direction of emergency response operations, and management of recovery activities. Under California's concept of mutual aid, local officials remain in control of their jurisdiction's emergency operations while additional resources may be provided by others upon request. A key aspect of this control is to be able to communicate official requests, situation reports, and other emergency information throughout any disaster condition.

To ensure continuity of government (COG), seven elements must be addressed by government at all levels:

- (1) succession to essential positions required in emergency management;
- (2) pre-delegation of emergency authorities to key officials;
- (3) emergency action steps provided in emergency plans and emergency action plans;
- (4) emergency operations centers;
- (5) alternate emergency operations centers;
- (6) safeguarding vital records; and
- (7) protection of government/industrial resources, facilities, and personnel.

Again, there is little question that the Governor has substantial authority to take broad action during disasters within political subdivisions.

California has developed some models and practices to address potential weaknesses in local government capability during truly catastrophic disasters. Notable is the concept of incident management teams. These teams are comprised of management experts that understand the Standardized Emergency Management System (SEMS) and the Incident Command System, and can be inserted into local management structures to provide technical and coordination assistance, without taking over. They in essence "prop-up" the existing local management team so that they can make better decisions. California currently has several of these teams at the Department of Forestry and has successfully used them for earthquakes, fires, floods, etc. There is also an Emergency Managers Mutual Aid (EMMA) system that allows emergency managers in impacted jurisdictions to request support from other emergency managers.

Planning and Exercises

As stated in the above discussion, State control of a catastrophic emergency is not considered a probable scenario in California. The emergency management community of California has repeatedly brought elected (and appointed) officials into the emergency management process at all levels of government. At the local level, elected officials routinely participate in disaster exercises and are considered part of the planning team at the “policy level”. They are part of the “management” function under SEMS and will be part of any exercise or planning involving a catastrophic event. Even in the planning and exercises associated with nuclear war scenarios in the period of the Cold War, local governments maintained their authority.

Most local governments have also created Local Disaster Councils by ordinance as allowed for under the Emergency Services Act (Government Code Chapter 7, Division 1, Title 2, Section 8610). This allows for policy makers at the local level to take necessary actions related to disasters: such as developing and approving emergency plans, designing the emergency management organization, and providing for enactment of emergency authorities, rules and regulations.

Exercises at the State level will involve State policy-makers to discuss authorities and actions needed to provide the appropriate level of local support in an event. The 2005 Golden Guardian exercise, for example, included a Governor’s Cabinet-level tabletop component.

The Emergency Services Act (Government Code Chapter 7, Division 1, Title 2) provides the authority for, and the California Emergency Plan the overall structure for, emergency plans at all levels of government in the State. The Plan identifies State agencies that possess particular capabilities and jurisdiction to play a lead or support role in a multitude of possible disaster scenarios, of any scale. As supplements to the Plan, Mutual Aid plans for Fire and Rescue, Law Enforcement and Emergency Management identify the resource types, resource capability and organization structure to mobilize aid within those disciplines. The Emergency Services Act provides broad authority under a State of Emergency to influence existing law as needed to address the event (similar authority lies with local government under a proclamation of local emergency). OES works with the legal offices of the appropriate State agencies to pre-identify necessary statutory suspensions for specific scenarios.

Supplies

The strategy and best practice for the pre-positioning of supplies has evolved over time since the War Era. Stockpiling of supplies was at one point a common concept, but has posed many practical challenges, such as maintenance of the stock. In current times, due to availability of numerous modes of transport and existing capacity of the private sector to store and quickly obtain commercial products and supplies, the state is working towards integrating the private sector into our planning processing to utilize these resources in times of emergency. Water and food, for example, can be provided by the private sector. OES has initiated meetings with private entities to discuss model agreements and discuss how the private sector role during disasters. By identifying such availability and establishing agreements in advance, a more practical and

effective solution to meeting public needs can be realized. SB 546 was passed by the legislature late last year to allow OES full flexibility in making such agreements and coordinating with the private sector. The state is undertaking efforts to increase its capability to store and quick transport necessary supplies, integrate the private sector into our plans and procedures, and fully identify the federal capability. In sheltering, the American Red Cross works regularly with OES and Department of Social Services to ensure shelter locations are identified. The Department of Health Services and Emergency Medical Services Authority have identified medical care capabilities and systems to augment them in times of emergency. The Strategic National Stockpile, Disaster Medical Assistance Teams and other national systems make available the resources of other States and the Federal government.

The California Emergency Council

The California Emergency Council is the official advisory body to the Governor during times of emergency and on matters pertaining to emergency preparedness. It advises the Governor in policy determinations regarding the State's plans and programs for responding to and mitigating the effects of natural, human-caused and war-caused emergencies. Topics generally presented to the Emergency Council include emergency plans, regulations, disaster councils, mutual aid boundaries and agreements and State agency emergency responsibilities. Membership includes five Governor's appointments and five statutory members:

Governor's appointments –

- One city and one county representative
- One representative of the American Red Cross
- One city or county fire service representative and one city or county law enforcement representative

Statutory members –

- The Governor (may appoint an alternate)
- The Lieutenant Governor (may appoint an alternate)
- The Attorney General (may appoint an alternate)
- The President pro Tempore of the Senate (Sen. Rules Committee may appoint a Senate member)
- The Speaker of the Assembly (may appoint a member of the Assembly)

The Emergency Council, as its membership reflects, provides a cross-discipline advisory function that compliments policy-making at the local and State levels of government.

State Authority

The California Emergency Plan defines the emergency management system used for all emergencies in California. In particular it defines the California Emergency Organization which provides the Governor access to public and private resources within the State in times of emergency. This Plan is supported by other contingency plans and detailed operating procedures. The California Emergency Plan further establishes the policies, concepts, and general protocols

for the implementation of the Standardized Emergency Management System, or SEMS, which provides for continuity of resource application, establishes a clear chain of command and coordination, and identifies responsibilities for critical task performance.

As discussed above, the Emergency Services Act (Government Code Chapter 7, Division 1, Title 2) provides for Governor's authority in times of emergency.

Recovery Strategy

Planning for recovery and reconstruction begins during the disaster response. During each event, OES uses the "advance planning" process defined under SEMS in the State Operations Center (SOC) and Regional Operations Centers (REOCs) to identify recovery and reconstruction needs and potential issues. The REOCs will gather information from the impacted Operational Areas (the geographic boundary of the county and jurisdictions within) on their recovery and reconstruction needs and issues for their advance plan. The SOC will use the information from the REOC advance plans as well as information gathered from other State agencies relative to their areas of authority and expertise (e.g., Department of Transportation for highways, bridges and other transportation infrastructure). Organizations such the California Utilities Emergency Association (CUEA) and Business Executives for National Security (BENS) also provide critical information relative to the private sector. The State also coordinates with the Federal government, through the National Response Plan, to initiate the process of obtaining Federal support for recovery and reconstruction, through a Joint Field Office (JFO). As response activities wind down and recovery and reconstruction become the focus, State coordination activities will shift from the SOC to the JFO. It is critical to remember that much of the responsibility and resources available for long-term recovery are vested in the private sector (e.g., insurance or individual business resumption decisions) or with local government (e.g., zoning code implementation). The State can best support this with a flexible organization that brings together the most appropriate representation in an organized fashion to facilitate private sector and local government recovery, decision-making and activities.

Recovery Planning

The key document outlining the overall structure for recovery as well as response activities is the California Emergency Plan. OES has developed additional documents (Recovery Manual and Disaster Recovery and Mitigation Handbook) which provide specific information on how recovery programs are implemented. All of these documents were written before Hurricane Katrina and before the new National Response Plan, and subsequent iterations will benefit from the lessons learned and incorporate the new terminology from the National Response Plan. OES, through the California Emergency Plan, will coordinate the activities of State agencies in recovery planning and implementation.

Reducing Consequences

As stated above, California's Multi-Hazard Mitigation Plan, dated September 2004, includes a statewide vulnerability assessment as well as a mitigation strategy. Mitigation is defined as any action taken to reduce or eliminate the long-term risk to human life and property

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from natural or human-caused hazards. California's Plan documents statewide hazard mitigation planning, describes strategies and priorities for future mitigation activities, facilitates the integration of local and tribal hazard mitigation planning activities into statewide efforts. The Plan is further an evaluation of the hazards California faces and the strategies, goals, and activities the State will pursue to address these hazards. OES implemented the State hazard mitigation planning process by incorporating the input of State agencies with key hazard mitigation roles, as well as providing outreach, technical assistance, and education at the local, regional, and tribal levels regarding both the State Plan and the development and adoption of local plans. OES further provided the opportunity for public review and comment.

A number of other State plans and documents were incorporated into the Multi-Hazard Mitigation Plan, including the California Earthquake Loss Reduction Plan (prepared by the Seismic Safety Commission), California Fire Plan (prepared by the California Department of Forestry and Fire Protection) and the State of California Flood Hazard Mitigation Plan (prepared by the California Department of Water Resources).

A copy of the plan is available on the OES website ([California Multi-Hazard Mitigation Plan](#)) and is provided as an enclosure.

Thank you for the opportunity to provide this testimony, and I look forward to discussing these issues further with the Commission.

Sincerely,

/ Original signed by /

HENRY R. RENTERIA
Director

Enclosures