

AUTHORITIES AND REFERENCES

General

The California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code), hereafter referred to as the Act, provides the basic authorities for conducting emergency operations following a proclamation of Local Emergency, State of Emergency or State of War Emergency by the Governor and/or appropriate local authorities, consistent with the provisions of the Act.

The Standardized Emergency Management System (SEMS) Regulations (Chapter 1 of Division 2 of Title 19 of the California Code of Regulations), hereafter referred to as SEMS, establishes SEMS which incorporates the use of the Incident Command System (ICS), the Master Mutual Aid Agreement and existing mutual aid systems, the Operational Area concept and multi-agency or inter-agency coordination.

The California Emergency Plan, which is promulgated by the Governor, is published in accordance with the Act, provides overall statewide authorities and responsibilities and describes the functions and operations of government at all levels during emergencies or disasters. Section 8568 of the Act states, in part, that "the State Emergency Plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof". Therefore, local emergency/disaster plans are considered to be extensions of the California Emergency Plan. The current State plan was reviewed and found to be in compliance with NIMS.

The National Incident Management Section, hereafter referred to as NIMS, was mandated by Homeland Security Presidential Directive No. 5 and is also based on the Incident Command System and the multi-agency coordination system.

The National Response Framework is a guide as to how the nation conducts all-hazards incident response. It is built upon flexible, scalable and adaptable coordinating structures to align key roles and responsibilities across the nation, linking all levels of government and private sector businesses and nongovernmental organizations. Response includes:

- Immediate actions to save lives protect property and meet basic human needs.
- Implementation of emergency operations plans.
- Actions to support short-term recovery and some short-term mitigation activities.

The federal government does not assume command for local emergency management but rather provides support to local agencies. This Framework is based on the premise that incidents are typically managed at the lowest possible geographic, organizational, and jurisdictional level.

State of Emergency

A State of Emergency may be proclaimed by the Governor when:

- Conditions of disaster or extreme peril exist which threaten the safety of persons and property within the state caused by natural or man-made incidents.
- He is requested to do so by local authorities.
- He finds that local authority is inadequate to cope with the emergency.

Whenever the Governor proclaims a State of Emergency:

- Mutual aid shall be rendered in accordance with approved emergency plans when the need arises in any county, city and county, or city for outside assistance.
- The Governor shall, to the extent he deems necessary, have the right to exercise all police power vested in the state by the Constitution and the laws of the State of California within the designated area.
- Jurisdictions may command the aid of citizens as deemed necessary to cope with an emergency.
- The Governor may suspend the provisions of orders, rules or regulations of any state agency; and any regulatory statute or statute prescribing the procedure for conducting state business.
- The Governor may commandeer or make use of any private property or personnel (other than the media) in carrying out the responsibilities of his office.
- The Governor may promulgate issue and enforce orders and regulations deemed necessary.

State of War Emergency

Whenever the Governor proclaims a State of War Emergency, or if a State of War Emergency exists, all provisions associated with a State of Emergency apply, plus:

- All state agencies and political subdivisions are required to comply with the lawful orders and regulations of the Governor which are made or given within the limits of his authority as provided for in the Emergency Services Act.

The California Civil and Government Codes contain several references to liability release (Good Samaritan Act) for those providing emergency services

Authorities

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

Federal

- Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288, as amended)
- Federal Civil Defense Act of 1950 (Public Law 920), as amended
- Public Law 84-99 (U.S. Army Corps of Engineers-Flood Fighting)
- NRT-1, Hazardous Materials Emergency Planning Guide and NRT-1A Plan Review Guide (Environmental Protection Agency's National Response Team)
- National Incident Management System, U.S. Department of Homeland Security, March 1, 2004.
- Homeland Security Presidential Directive – 5, Feb. 3, 2003
- Homeland Security Presidential Directive – 8, Dec. 17, 2003

State

- Standardized Emergency Management System (SEMS) Regulations (Chapter 1 of Division 2 of Title 19 of the California Code of Regulations) and (Government Code Section 8607(a))
- Standardized Emergency Management System (SEMS) Guidelines
- California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code)
- California Government Code 8607 (a)
- California Natural Disaster Assistance Act (Chapter 7.5 of Division 1 of Title 2 of the Government Code)
- California Hazardous Materials Incident Contingency Plan
- California Health and Safety Code, Division 20, Chapter 6.5, Sections 25115 and 25117, Chapter 6.95, Sections 2550 et seq., Chapter 7, Sections 25600 through 25610, dealing with hazardous materials
- Orders and Regulations which may be Selectively Promulgated by the Governor during a State of Emergency
- Orders and Regulations Promulgated by the Governor to Take Effect upon the Existence of a State of War Emergency
- California Master Mutual Aid Agreement
- Chapter 8, Division 4 of Title 1, Section 3100 of the California Government Code, “all public employees are hereby declared to be disaster service workers subject to such disaster activities as may be assigned to them by their superior or by law.
- Governor of the State of California, Executive Order S-2-05 – To develop and administer the National Incident Management System (NIMS) in the State of California, February 8, 2005
- Emergency Management Assistance Compact, September 13, 2005

Local

- Resolution No. 530 Accepting County Wide Mutual Aid Plan by City of Santa Monica

- Santa Monica Municipal Code Article II, Section 2.16.020, of the, authorizes the City Manager to serve as the Director of Emergency Services and is responsible to the City Council and Disaster Council;
- Santa Monica Municipal Code, Chapter 3, Section 2305.F4 in the event of a local emergency, the City Manager (Director of Emergency Services) may require the emergency services of any City officer or employee and may requisition necessary personnel or materials of any City department or agency.
- City of Santa Monica Resolutions approving an agreement for inter-agency cooperation in major, natural, and man-made disasters (Resolutions Nos. 530, 594, and 1156, dated September 12, 1950, December 12, 1950, and October 6, 1953, respectively);
- Disaster Ordinance No. 990, adopted March 4, 1975 by the City Council, found in Article II, Chapter 3, Sections 2300 through 2309 of the Municipal Code Pertaining to Emergency Conditions;
- Resolution No. 594 adopting the Master Mutual Aid Agreement, adopted December 12, 1950;
- Resolution No. 3321 adopting Workmen's Compensation Benefits for Disaster Service Workers, adopted August 10, 1965;
- Resolution No. 1156 Authorizing the City Manager to Enter into a Supplementary Agreement to Agreement Dated May 1, 1952 pertaining to Voluntary Cooperation as Provided in the California Disaster Act dated May 1, 1952;
- Resolution No. 3321 Favoring Los Angeles County Ordinance No. 5582 which establishes an Operational Area Under the Direction of the Los Angeles Sheriff in the Event of a War-Caused State of Extreme Emergency dated August 10, 1965;
- Resolution No. 9269 Designating the City's Authorized Representatives with the California Office of Emergency Services and the Federal Emergency Management Agency dated May 12, 1998;
- County of Los Angeles Uniform Mutual Assistance Agreement Fire Protection Districts of Los Angeles County, Section 13050, 13052.5, and 14406 of the Health and Safety Code; the California Disaster Act, Sections 1500-1601, Military and Veterans Code; Joint Powers Act, Sections 6500-6578, Govern Code; Sections 53019-53024, Sections 55600-55605, and Sections 55631-55634 of the Government Code; and Sections 24-1/3, 56-1/4, 56-3/4 of the Los Angeles County Charter November 10, 1964;
- Santa Monica City Council adopted the SEMS Multi-hazard Functional Plan on November 9, 1999 by Minute Order.
- Santa Monica City Council adopted the Local Hazard Mitigation Plan on September 28th, 2004 by Consent.
- Santa Monica City Council adopted the National Incident Management System and incorporating its principles and policies into the City's emergency plan by Consent on March 28th, 2005

References

- National Response Plan (Office of Homeland Security), November 2004

- Debris Removal Guidelines for State and Local Officials (FEMA DAP-15)
- A Guide to Federal Aid and Disasters (DAP-19)
- Digest of Federal Disaster Assistance (DAP-21)
- Disaster Assistance Procedure Manual (State OES)
- California Emergency Resources Management Plan
- California Master Mutual Aid Agreement
- California Law Enforcement Mutual Aid Plan
- California Fire and Rescue Operations Plan
- Emergency Managers Mutual Aid Plan (dated November 1997)
- Santa Monica Local Hazard Mitigation Plan (dated September 2004)
- California State Emergency Plan, 2005
- California Oil Spill Contingency Plan
- Recovery Manual, California Office of Emergency Services, July 2004
- Special Needs Assessment for Katrina Evacuees (SNAKE) Project, The National Organization on Disability (NOD), October 5, 2005