

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: September 10, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations
Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No: 18-0002-S107
Assignment No: 18-08-0790

SUBJECT: Emergency alert system

CLA RECOMMENDATION: Adopt Resolution (Ryu-Englander) to include in the City's 2017-2018 State Legislative Program SUPPORT for SB 833 (McGuire), which would require that the Governor's Office of Emergency Services (OES) develop voluntary guidelines for alerting and warning the public in case of emergencies and require additional training for local emergency office personnel.

SUMMARY

On August 10, 2018, the Resolution (Ryu-Englander) was introduced in support of SB 833 (McGuire) that would require the California Governor's Office of Emergency Services (OES), to work with specified stakeholders to develop guidelines around emergency alerts and require additional training for local emergency office personnel. The resolution states that the size and scope of wildfires in California are increasing, making it clear that there is a significant need for improvements in the State's emergency alert system. Recent disasters such as the Mendocino Complex fire have shown how the State's emergency alert system needs to be improved both for the residents and first responders who require timely notifications and up-to-date information.

The Resolution recommends support for SB 833 (McGuire) which would require OES to develop guidelines for alerting and warning the public of an emergency.

BACKGROUND

From January 1, 2017, through December 31, 2017, over 9,000 fires burned more than 1.2 million acres, an increase from the previous year, which brought 6,986 fires burning around 564,000 acres. The total acreage in 2017 included nearly 300,000 acres burned solely by the Thomas Fire which lasted over 40 days. This year, the Mendocino Complex fire has become the largest wildfire in California with more than 400,000 acres already burned. In the aftermath of these wildfires, local and state governments have looked for ways to improve response, communication and prevention for future disasters.

The California Emergency Services Act establishes the Office of Emergency Services (OES) in the Office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. SB 833 would require OES in consultation with telecommunications carriers, the California cable and broadband industry, radio and television broadcasters, the California State Association of Counties (CSAC), the League of California Cities, the disability community, appropriate federal agencies, and the Standardized Emergency Management System Alert and Warning Specialist Committee, to develop guidelines for alerting and

warning the public of an emergency on or before July 1, 2019. Afterwards, OES would be required to provide each city and county with a copy of these guidelines. This bill would also authorize OES to require a city or county to operate its alert and warning activities in a specified manner as a condition on a voluntary grant application for funds with a nexus to emergency management performance.

Furthermore, this bill would require OES through its California Specialized Training Institute (CSTI) to develop an alert and warning training for the personnel of each emergency management office within a county with training on the guidelines and the federal Wireless Emergency Act (WEA). This training would be provided within 6 months of when the guidelines are made available and at least once a year thereafter.

The Emergency Management Department has expressed concerns with the provision of the bill that would “authorize OES to require a city or county to operate its alert and warning activities in a specified manner as a condition on a voluntary grant application for funds with a nexus to emergency management performance.” Their concerns were regarding potential penalties from this provision on future grant applications. The department often hires new staff that needs to be trained. In case of an emergency, the department is concerned that their new staff would not adopt the appropriate procedures, which could jeopardize their eligibility to future grants.


The League of California Cities has expressed support for SB 833.

DEPARTMENTS NOTIFIED

Emergency Management Department

BILL STATUS

01/04/18	Introduced
01/16/18	Referred to Governmental Organization Committee
04/10/18	Re-referred to Appropriations Committee
06/04/18	Referred to Governmental Organization Committee
06/21/18	Read a second time and amended
07/05/18	Re-referred to Appropriations Committee
08/20/18	Read a third time and amended
08/27/18	Passed in Senate. Ordered to Assembly
09/05/18	Enrolled and presented to the Governor


Kochitl Ramirez
Analyst

SMT:xr

Attachment: 1. Resolution

2. SB 833 (McGuire)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles, with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the size and scope of wildfires in California are increasing, making it clear that there is a significant need for improvements in the State's emergency alert system; and

WHEREAS, last year saw some of the largest wildfires in the State's history, with the Thomas Fire in Southern California and mudslides that followed, tragically killing 21 residents; and

WHEREAS, this year the Mendocino Complex fire has become the largest wildfire in California with more than 290,000 acres already burned; and

WHEREAS, these disasters have shown that the State's emergency alert system needs to be improved both for the residents and first responders who require timely notifications and up-to-date information; and

WHEREAS, there are several different emergency warning systems available to counties that alert residents through phone calls, text messages, or landline recordings; and

WHEREAS, Wireless Emergency Alert (WEA) is a public safety system that allows customers who own certain wireless phones and other enabled mobile devices to receive geographically-targeted, text-like messages alerting them of imminent threats to safety in their area; and

WHEREAS, annually, thousands of residents in the path of fires do not receive notifications or emergency alerts and the State should do more to ensure that there are standard notification protocols;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program SUPPORT for SB 833 (McGuire) which would require that the Governor's Office of Emergency Services (Cal OES) develop voluntary guidelines for alerting and warning the public in case of emergencies and require additional training for local emergency office personnel.

PRESENTED BY: 
 DAVID E. RYU
 Councilmember, 4th District

SECONDED BY: 

AMENDED IN ASSEMBLY AUGUST 20, 2018

AMENDED IN ASSEMBLY AUGUST 6, 2018

AMENDED IN ASSEMBLY JULY 5, 2018

AMENDED IN ASSEMBLY JUNE 21, 2018

SENATE BILL

No. 833

Introduced by Senators McGuire, Dodd, and Hill

(Principal coauthors: Assembly Members Aguiar-Curry, Levine, and
Wood)

(Coauthor: Senator Chang)

January 4, 2018

An act to add Section 8593.7 to the Government Code, relating to emergencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as amended, McGuire. Emergencies: Office of Emergency Services: guidelines: alert and warning systems.

The California Emergency Services Act establishes the Office of Emergency Services (OES) in the office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. The act also provides for systems for the public dissemination of alerts regarding missing children, attacks upon law enforcement officers, and missing persons who are 65 years of age or older, among others, and requires the Department of the California Highway Patrol to activate these systems and issue alerts upon the request of a law enforcement agency if certain conditions are met.

This bill, on or before July 1, 2019, would require OES, in consultation with specified entities, to develop voluntary guidelines for

alerting and warning the public of an emergency. The bill would require OES to provide each city, county, and city and county with a copy of the guidelines.

This bill would authorize OES to impose conditions upon ~~voluntary~~ application for *voluntary* grant funding that it administers requiring operation of alert and warning activities consistent with the guidelines. The bill would also require OES, within 6 months of making the statewide guidelines available and at least annually thereafter and through its California Specialized Training Institute, to ~~provide the personnel of each emergency management office within a county with training on the guidelines and the federal Wireless Emergency Act (WEA);~~ *develop an alert and warning training, as specified.*

This bill would authorize OES to adopt emergency regulations for these purposes, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares as follows:
- 2 (a) The size and scope of wildland fires in California have grown
- 3 significantly over the past decade. These disasters have put the
- 4 lives of millions at risk and the need to alert residents of danger
- 5 from these unprecedented disasters has never been greater.
- 6 (b) The northern California firestorm of 2017 is the most
- 7 destructive and deadly wildland fire disaster in American history.
- 8 (c) The death toll from blazes in northern California remains at
- 9 44 people, including 24 people in the County of Sonoma, 9 people
- 10 in the County of Mendocino, 7 people in the County of Napa, and
- 11 4 people in the County of Yuba.
- 12 (d) Nearly 245,000 acres were burned in the northern California
- 13 fires.
- 14 (e) The southern California wildfires of December 2017,
- 15 including the Thomas Fire, burned over 307,000 acres.
- 16 (f) The Thomas Fire is the largest wildland fire in California’s
- 17 modern history, which burned 281,893 acres.
- 18 (g) The January 2018 mudslides in the County of Santa Barbara
- 19 caused by the Thomas Fire killed at least 21 people.
- 20 (h) While opt-in emergency alert systems are critical to the
- 21 preservation of human life, it has become clear that multiple

1 communication mediums and not just opt-in systems may be
2 necessary to protect lives and save property.

3 (i) The federal Wireless Emergency Alerts (WEA) system is a
4 component of the federal Integrated Public Alert and Warning
5 System (IPAWS) that allows customers who own certain wireless
6 telephones and other enabled mobile devices to receive
7 geographically targeted, text-like messages alerting them of
8 imminent threats to safety in their area. The WEA system was
9 established in 2008 pursuant to the federal Warning, Alert, and
10 Response Network (WARN) Act and became operational in 2012.
11 Since then, over 33,000 WEA alerts have been issued.

12 (j) Authorized national, state, or local government authorities
13 may send alerts regarding public safety emergencies—such as
14 evacuation orders or shelter-in-place orders due to severe weather,
15 a terrorist threat, chemical spill, or other hazards—using the WEA
16 system.

17 (k) The alerts from authenticated public safety officials are sent
18 through the Federal Emergency Management Agency’s (FEMA’s)
19 IPAWS system to participating wireless carriers, which then push
20 the alerts to mobile devices in the affected area.

21 (l) The Emergency Alert System (EAS) is a national public
22 warning system that requires broadcasters, cable television systems,
23 wireless cable systems, satellite digital audio radio service
24 providers, and direct broadcast satellite providers to provide the
25 communications capability to the President of the United States
26 to address the American public during a national emergency. When
27 in conformance with federal rules and regulations, the system also
28 may be used by state and local authorities to deliver important
29 emergency information targeted to specific areas.

30 (m) It is the intent of the Legislature that, in the event of another
31 catastrophe like the 2017 firestorms, every tool be used to alert
32 and warn all members of the public in the affected area.

33 (n) The Legislature finds and declares that the safety of local
34 communities requires designated alerting authorities to ensure they
35 have multiple operators, adequate testing and training, and
36 functional equipment and software. It is therefore the intent of the
37 Legislature that, to the extent designated alerting authorities have
38 difficulty acquiring or maintaining adequate alert and warning
39 resources, those designated alerting authorities may consult with

1 the Office of Emergency Services on best practices to achieve
2 those goals.

3 SEC. 2. Section 8593.7 is added to the Government Code, to
4 read:

5 8593.7. (a) On or before July 1, 2019, the Office of Emergency
6 Services, in consultation—~~with~~ *with, at minimum,*
7 telecommunications carriers, the California cable and broadband
8 industry, *radio and television broadcasters*, the California State
9 Association of Counties, *the League of California Cities*, the
10 disability community, appropriate federal agencies, and the
11 Standardized Emergency Management System Alert and Warning
12 Specialist Committee, shall develop guidelines for alerting and
13 warning the public of an emergency. Those guidelines shall
14 include, at minimum, the following:

- 15 (1) Timelines for sending alerts during an emergency.
- 16 (2) Practices for sending advance warnings of an impending
17 threat.
- 18 (3) Practices for testing, training on, and exercising a city's,
19 county's, or city and county's alert and warning system.
- 20 (4) Consideration for coordinating alerts with neighboring
21 jurisdictions.
- 22 (5) Guidelines and protocols for redundancy and utilizing
23 multiple forms of alerts.
- 24 (6) Guidelines and protocols for chain of command
25 communications and accounting for staffing patterns to ensure a
26 trained operator is always on call.
- 27 (7) Practices for effective notifications to the access and
28 functional needs population as defined in subdivision (b) of Section
29 8593.3.
- 30 (8) Message templates.
- 31 (9) Common terminology.

32 (b) (1) The Office of Emergency Services shall provide each
33 city, county, and city and county with a copy of the guidelines
34 developed according to subdivision (a).

35 (2) Six months after the Office of Emergency Services provides
36 the guidelines to each city, county, and city and county, the office
37 may impose conditions upon a city's, county's, or city and county's
38 ~~voluntary~~ application for any *voluntary* grant funds that have a
39 nexus to emergency management performance that the office
40 administers, requiring that city, county, or city and county to

1 operate its alert and warning activities in a manner that is consistent
2 with the guidelines developed pursuant to subdivision (a).

3 (c) Within six months of making the guidelines available
4 pursuant to subdivision (b) and at least annually, the Office of
5 Emergency Services, through its California Specialized Training
6 Institute, shall ~~provide the personnel of each emergency~~
7 ~~management office within a county with training on the federal~~
8 ~~Wireless Emergency Alert (WEA) system; develop an alert and~~
9 ~~warning training.~~ The training shall include, at minimum,
10 information regarding the evaluation, purchase, and operation of
11 ~~WEA Wireless Emergency Alert system (WEA) and the Emergency~~
12 ~~Management Agency Alert System (EAS) equipment and software,~~
13 ~~including access and functional needs capabilities; capabilities~~
14 ~~that address communications for the access and functional needs~~
15 ~~community; the technical capabilities of the WEA and EAS~~
16 function within an alert system, pursuant to current Federal
17 Emergency Management Agency (FEMA) and Federal
18 Communications Commission regulations, as amended from time
19 to time; and the alert and warning guidelines developed in
20 subdivision (a).

21 (d) The safety of local communities requires designated alerting
22 authorities to ensure that they have multiple operators, adequate
23 testing and training, and functional equipment and software. To
24 the extent designated alerting authorities have difficulty acquiring
25 or maintaining adequate alert and warning resources, they may
26 consult with the Office of Emergency Services on best practices
27 to achieve those goals.

28 (e) "Operator" means those personnel required by the designated
29 alerting authority to transmit alert and warning messages.

30 (f) The Office of Emergency Services (OES) may adopt
31 *emergency* regulations to implement this section. The adoption,
32 amendment, repeal, or readoption of a regulation authorized by
33 this section is deemed to address an emergency, for purposes of
34 Sections 11346.1 and 11349.6 of the Government Code, and the
35 office is hereby exempted for this purpose from the requirements
36 of subdivision (b) of Section 11346.1 of the Government Code.

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