

# Report of the Emergency Response Ad Hoc Committee

Presented by:  
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City Attorney  
San Buenaventura  
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- Ad Hoc Committee
  - Established in 2019 by the Department President Damien Brower
- Charge to Ad Hoc Committee
  - Determine level of assistance to member cities during/after emergency
  - If assistance provided:
    - Handling attorney/client issues
    - Keep the Emergency “Playbook” up to date
    - Determine if need exists for a Standing Committee
    - Future emergency/disaster trainings, seminars, & webinars
  - Report back in a year

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|---|---|
| <ul style="list-style-type: none"> <li>• Gregory G. Diaz, Committee Chair<br/>City Attorney, San Buenaventura (Ventura)</li> <li>• Ariel Pierre Calonne<br/>City Attorney, Santa Barbara</li> <li>• Johanna N. Canlas<br/>City Attorney, Coronado and Solana Beach<br/>Burke, Williams &amp; Sorensen, LLP</li> <li>• Andrew L. Jared,<br/>City Attorney, South Pasadena<br/>Colantuono, Highsmith &amp; Whatley, PC</li> </ul> | <ul style="list-style-type: none"> <li>• Tracy M. Noonan<br/>City Attorney, Thousand Oaks</li> <li>• Trevor L. Rusin, City Attorney,<br/>Lomita &amp; Assistant City Attorney<br/>Malibu<br/>Best Best &amp; Krieger LLP</li> <li>• Marc L. Zafferano<br/>City Attorney, San Bruno</li> <li>• Samantha W. Zutler<br/>City Attorney, Healdsburg<br/>Burke, Williams &amp; Sorensen, LLP</li> </ul> |
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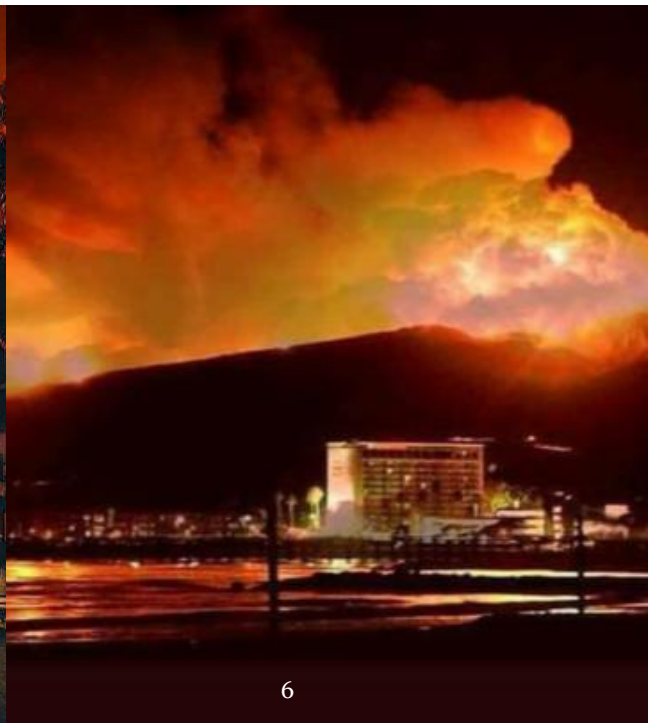
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## Work Products Prepared by Ad Hoc Committee

- Emergency Resolution
  - Includes authorization to obtain/hire legal assistance
- Professional Services Agreement
  - Outside Firms for Emergency Assistance
- Shared Legal Services Agreement
  - In-House to In-House Emergency Assistance
- Draft Proposal for Standing Committee Status
- Emergency/Disaster Playbook 2.0
  - Easier to use with links to documents
- Three Presentations
  - City Attorney's Conference 10/2020
  - City Attorney's Conference Break Out Session 5/2021
  - Cal Cities Conference 9/2021

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## Ad Hoc Committee Recommendation

- Form a Standing Emergency Response Committee

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## Benefits of Standing Committee

- Regular review & update of the Disaster Playbook
  - New material added as different types of emergencies/disasters occur
- Address variety of major disasters/emergencies and the increase in frequency, intensity, and duration
- Continued development of expertise in the legal response to disasters/emergencies
- Development of continued training on the legal response to disasters/emergencies
- Resource for the Municipal Law Handbook Committee in reviewing & revising the disaster/emergency section/ chapter

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## Benefits of Standing Committee

- Formalizes the Department's commitment to the types of resources/assistance Cal Cities will provide to a City Attorney whose city is experiencing a disaster/ emergency
- Provide a cadre of experienced City Attorneys/Assistants/Deputies to assist others during a disaster/emergency
- A forum to address ethical issues of providing assistance to entities other than existing clients for both in-house City Attorney Offices and private municipal firms
- Resource for Cal Cities Lobbyists on proposed disaster/ emergency legislation
  - Address any liability issues in new legislation

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## Duties & Responsibilities

- (1) Update the *Emergency/ Disaster Playbook*
  - Expand the types of emergencies and disasters included
  - Keep current with changes in statutory or caselaw
- (2) Identify new subjects, topics, forms, and other documents for the *Playbook*
- (3) Provide a cadre of experienced City Attorneys and Assistants/Deputies to assist others during a disaster or emergency
- (4) Be a resource for the Municipal Law Handbook Committee in reviewing and revising the disaster and emergencies sections\ chapter

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## Duties and Responsibilities [Continued]

- (5) Regular interaction with other disaster agencies (e.g., CalOES, CalFire)
  - Update & expand resources & approaches by City Attorneys
- (6) A resource for Cal Cities Lobbyist on disaster/ emergency related proposed legislation
- (7) Provide sample shared resources agreements for in-house City Attorney Offices to assist others when a disaster/ emergency occurs
  - Sensitive to the ethical duties of loyalty to their client
  - Addresses forming an attorney-client relationship

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- (8) Provide sample legal services agreement for private firms to enable provision of assistance in disasters and emergencies
- Addresses forming an attorney-client relationship
  - Addresses impact on firm's future business
- (9) Recommend and provide resources for trainings and other educational events on the special responsibilities and duties of City Attorneys before, during, and after a disaster/emergency

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## Membership

### The Emergency Response Committee shall be:

- Appointed by the President
  - Designate its Chair
- The Committee shall be composed of:
  - At least 7 and up to-9 members
  - Attention should be paid in selecting members to ensure:
    - ✓ Rural and urban cities;
    - ✓ Small, medium, and large cities;
    - ✓ In-house and contract city attorney offices; and,
    - ✓ Northern and Southern California cities
  - A Department Officer, designated by the President to serve as a liaison

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### What is it?

- Guide
- Template Repository

### Three Volumes

- Before the Disaster (706 pages)
- During the Disaster (544 pages)
- After the Disaster (525 pages)

### Summary of Immunities



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- Created for the first Joint Training of City Attorneys and County Counsels
  - Featured at Joint Training in 2019

### ➤ Where is it?

<https://www.calcities.org/detail-pages/resource/avoiding-total-disaster-the-law-and-emergencies>

League Partners ▾ GRPAC CSCDA Cal

Advocacy Education and Events Get Involved News Resources About Us

## Avoiding Total Disaster: The Law and Emergencies

Disaster preparedness training for local government legal advisors

Conference Agenda

**Materials**

Summary of Immunities Applicable to Emergency Response  
 Playbook: Before the Disaster  
 Playbook: During the Disaster  
 Playbook: After the Disaster

**PowerPoints**

*An Overview of the California Proclamation Process*  
 Alex Pal, Chief Counsel, Governor's Office of Emergency Services

*Before the Disaster: Legal Disaster Preparedness 101*  
 Gregory G. Diaz, City Attorney, City of Ventura  
 Gregory P. Priamos, County Counsel, County of Riverside

*Managing Federal Disaster Assistance*  
 J.P. Henderson, Regional Counsel, FEMA Region IX  
 Ann Winterman, Assistant Regional Counsel, FEMA Region IX

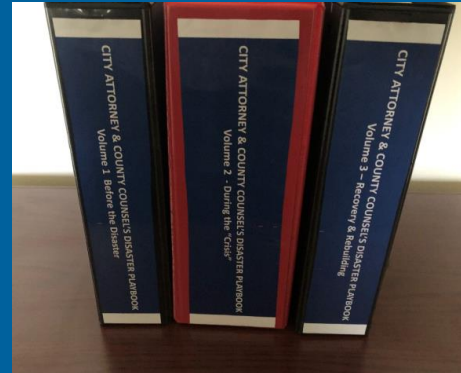
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## How to use it?

## Materials

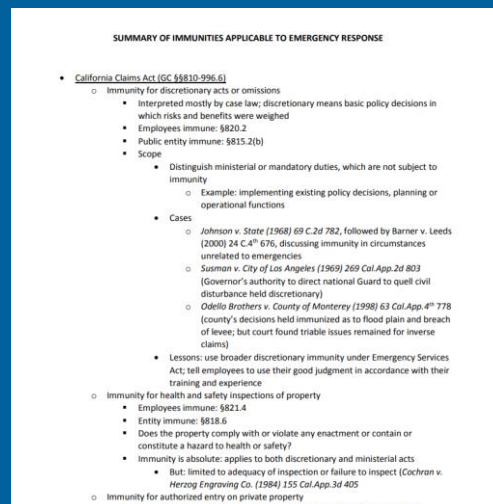
Summary of Immunities Applicable to Emergency Response  
 Playbook: Before the Disaster  
 Playbook: During the Disaster  
 Playbook: After the Disaster



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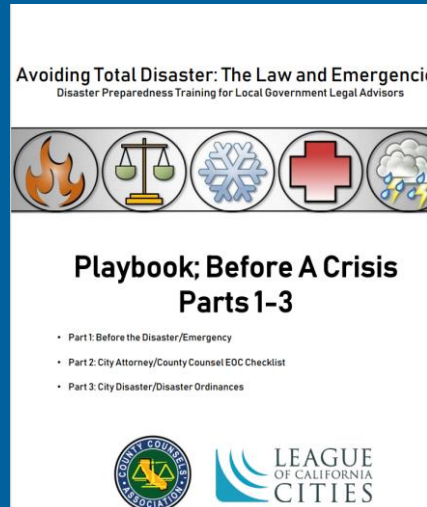
- Summary of Immunities
  - 3 pages of basic immunities
  - Helpful to understand what limitations and powers exist
  - An essential resource DURING the crisis



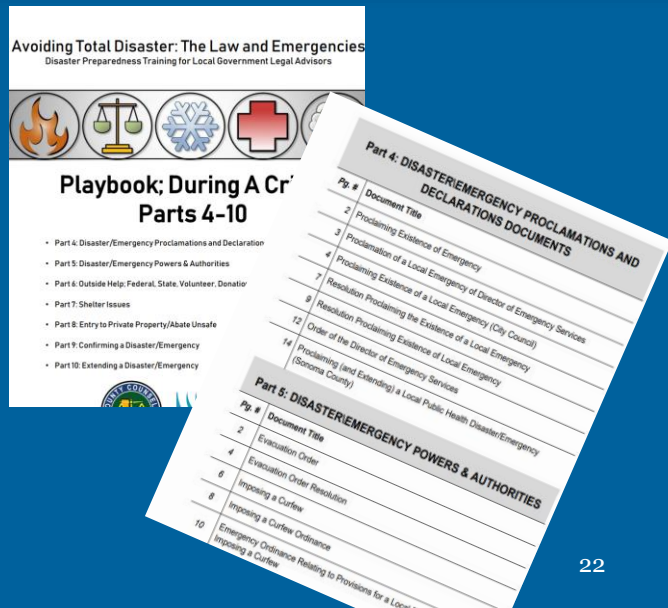
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- Vol. 1: Before A Crisis
- Samples of:
  - Pre-planning Contracts, Ordinances to be adopted BEFORE the disaster
  - Good summary of the process
  - Resources to put in kit



- Vol. 2: During A Crisis
  - Items Needed Immediately:
    - Declarations
    - Ordinances
    - Resolutions
- Many helpful examples
- Some Form Documents
  - Fill-in-the Blank

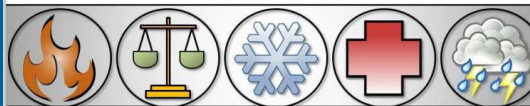


O.K. to Handwrite in the Blanks if Cannot Access Electronic  
Not Pretty - Just as Valid!

2 FOR THE [CITY OR COUNTY], STATE OF CALIFORNIA  
 3  
 4 WHEREAS, [City or County] Ordinance No. \_\_\_ empowers the Director of Emergency  
 5 Services to proclaim the existence of a Local Emergency when the [City Council or County Board of  
 6 Supervisors] is not in session, and  
 7 WHEREAS, the Director of Emergency Services finds:  
 8 (1) That at the time of this proclamation the [City Council or County Board of  
 9 Supervisors] is not in session;  
 10 (2) That conditions of extreme peril to the safety of persons and property have arisen  
 11 within the [City or County] caused by \_\_\_\_\_;  
 12 \_\_\_\_\_; and  
 13 (3) That the aforesaid conditions of extreme peril warrant and necessitate the  
 14 proclamation of a Local Emergency; now, therefore,  
 15 IT IS HEREBY PROCLAIMED that a Local Emergency exists throughout the [City or  
 16 County], commencing on or about \_\_\_\_\_ m. of the \_\_\_\_ day of \_\_\_\_\_, and  
 17 IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said Local  
 18 Emergency, the powers, functions and duties of the Director of Emergency Services shall be those  
 19 prescribed by state law and the ordinances, resolutions, and approved plan of the [City or County] in order  
 20 to mitigate the effects of said Local Emergency, and  
 21 IT IS FURTHER PROCLAIMED AND ORDERED that said Local Emergency shall be  
 22 deemed to continue to exist for the next seven (7) days, and hereafter by ratification of the [City Council  
 23 or County Board of Supervisors], until its termination is proclaimed by the [City Council or County Board  
 24 of Supervisors] of the [City or County].  
 25 Dated: \_\_\_\_\_  
 26 \_\_\_\_\_  
 27 Director of Emergency Services  
 [City Council or County Board  
 of Supervisors]

- Vol. 3: After the Disaster  
 – Recovery and Repayment  
 • 525 pages

Avoiding Total Disaster: The Law and Emergencies  
 Disaster Preparedness Training for Local Government Legal Advisors



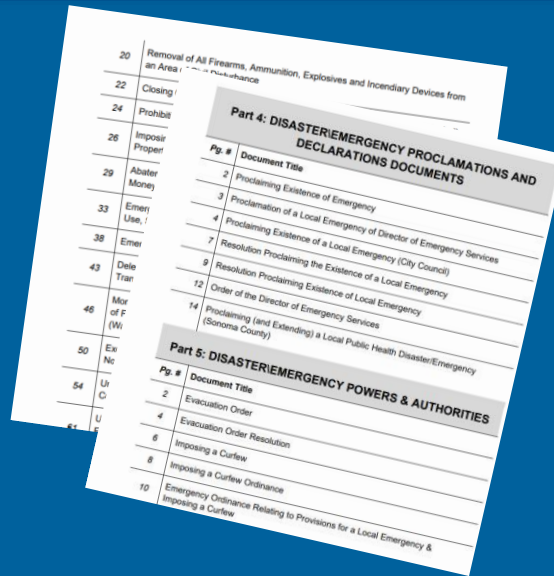
**Playbook; After A Crisis  
 Parts 11-15**

- Part 11: Terminating Disaster\Emergency
- Part 12: City Attorney County Counsel Specific Items
- Part 13: Mutual Aid Agreements
- Part 14: Recovery - Immediate
- Part 15: Rebuild



# Disaster Playbook 2.0

- Playbook 2.0
  - Major Project of Ad Hoc Disaster Response Committee
    - Andrew Jared, Trevor Rusin, and Samantha Zutler
  - Expand the types of emergencies and disasters included
  - Keep current with changes in statutory or caselaw



# Disaster Playbook 2.0

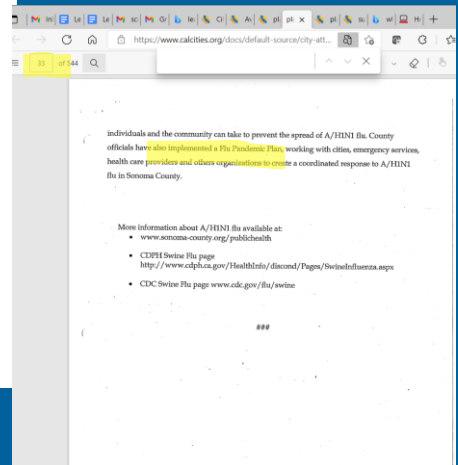
**Part 4: DISASTER/EMERGENCY PROCLAMATIONS AND DECLARATIONS DOCUMENTS**

Pg. #	Document Title
2	Proclaiming Existence of Emergency
3	Proclamation of a Local Emergency of Director of Emergency Services
4	Proclaiming Existence of a Local Emergency (City Council)
7	Resolution Proclaiming the Existence of a Local Emergency
9	Resolution Proclaiming Existence of Local Emergency
12	Order of the Director of Emergency Services
14	Proclaiming (and Extending) a Local Public Health Disaster/Emergency (Sonoma County)

**Part 5: DISASTER/EMERGENCY POWERS & AUTHORITIES**

Pg. #	Document Title
2	Evacuation Order
4	Evacuation Order Resolution
6	Imposing a Curfew
8	Imposing a Curfew Ordinance
10	Emergency Ordinance Relating to Provisions for a Local Emergency & Imposing a Curfew

20	Removal of All Firearms, Ammunition, Explosives and Incendiary Devices from an Area of Civil Disturbance
22	Closing Certain Types of Businesses and Places of Public Assembly (Alcohol)
24	Prohibiting the Sale of Gasoline in Portable Containers
26	Imposing Certain Rules and Regulations Necessary to Safeguard Life and Property
29	Abatement of Impending Peril and Authorizing Immediate Expenditure of Public Money
33	Emergency Ordinance Suspending Automatic Approval Deadlines for All Land Use, Subdivision, and Zoning Applications
38	Emergency Ordinance Prohibiting Price Gouging and Overcharging
43	Delegating Charge Order and Emergency Contracting Authority -- Transportation (example only)
46	Moratorium on Issuance of New Building and Grading Permits and Suspension of Filing of New Applications Therefore Following Major Disaster/Emergency (Watsonville)
50	Exempting Certain Buildings from Replacement of Damaged or Destroyed Non-Conforming Uses Following Major Disaster/Emergency (Watsonville)
54	Urgency Ordinance Prohibiting Rental Housing Price Gouging (Sonoma County)/Santa Rosa
61	Urgency Ordinance Prohibiting Issuance of New Vacation Rental Permits to Facilitate Emergency Housing for Damage Displaced by Disaster/Emergency



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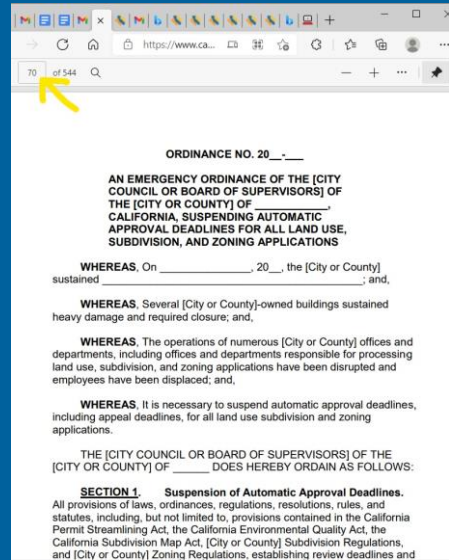
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4	Evacuation Order Resolution
6	Imposing a Curfew
8	Imposing a Curfew Ordinance
10	Emergency Ordinance Relating to Provisions for a Local Emergency & Imposing a Curfew
16	Order Ordering Rationing
18	Resolution Approving the Order for Rationing of Expenditures for Emergency
20	Removal of All Firearms, Ammunition, Explosives and Incendiary Devices from an Area of Civil Disturbance
22	Closing Certain Types of Businesses and Places of Public Assembly (Alcohol)
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GOALS: Update the *Emergency / Disaster Playbook*

- Expand the types of emergencies and disasters
- Keep current with changes in statutory or caselaw
- Modernize format: hyperlinked TOC
- Update content

## Tips for Use of the *Playbook*

- Print 3+ copies:
  - One copy on desk
  - One copy in EOC
  - One copy in trunk of car
  
- *READ sections NOW that are Applicable to your Client*
  - *Read Chapter 1: get familiar with disaster response*
  - *Read Chapter 2: create templates now*
  - *Read Chapter 3: recovery, repayment*
  
- Keep thumb drive(s) with saved versions of Playbook and templates

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## Non-Legal Stuff to Have on Hand

- Flash Drives
  - To Use with Printers
  - Backup if Power Problems
    - Generators
- Cell Phone Chargers
  - Apple & Android
- Laptop Computer
  - Power Cord
  - Surge Protector



- 3 Ring Binder
  - Hole Punch

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## Training

- STATE: SEMS ON-LINE
- <http://CSTI.ORG>

- FEMA: ON-LINE
  - <http://training.fema.gov/nims>
- Courses:
  - ICS-100: Intro. to Incident Command System
  - ICS-200: ICS for Single Resources & Initial Action Incidents
  - ICS-700: National Incident Management System: An Intro.
  - ICS-800: National Response Framework: An Intro.



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## Making Training a Job Requirement

- Mandate taking one FEMA class a quarter
- Including FEMA training progress/completion part of performance review
- Doing drills to test understanding of various elements/issues



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## If You Think It Won't Happen to You

- Photo on Right is the Hill behind Ventura City Hall



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# Questions



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