



Report from the Ad Hoc Emergency Response Committee

Thursday, September 23, 2021

Gregory G. Diaz, Ad Hoc Emergency Response Committee Chair, City Attorney, San
Buenaventura

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Report of the Emergency Response Ad Hoc Committee

**League of California Cities
Annual Conference
Sacramento, California
September 23, 2021 8:30 am**

**Gregory G. Diaz
City Attorney
City of San Buenaventura**

April 2, 2021

Lynn Tracy Nerland
President
City Attorney's Division
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Request that Ad Hoc Emergency Response Committee
become a Standing Committee

Dear President Nerland and Members of the Executive Committee:

On behalf of the Department's Ad Hoc Emergency Response Committee ("Committee"), I am pleased to submit this request and recommendation that the Ad Hoc Committee become a Standing Committee. The Charge to the Ad Hoc Emergency Response Committee included developing a recommendation on whether or not this Ad Hoc Committee should become a Standing Committee of the Department.

The Committee has considered this issue during the entire time since it was appointed. In the last several months, we have devoted significant thought to the benefits of forming a Standing Committee as well as the burdens of so doing. At the Committee's March 4, 2021 meeting, the Committee considered this issue and unanimously adopted (with two members absent) a motion to recommend to the Executive Committee and the members of the Department that the Committee's status become a Standing Committee.

Lynn Tracy Nerland

President

City Attorney's Division

League of California Cities

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The Committee, in examining the benefits of having a Standing Committee to continue the work it started, believes the following points support its recommendation:

- Allows for regular review and updating of the Disaster Playbook so that it stays relevant and current.
- Allows for developing new material as different types of emergencies and disasters occur throughout the state.
- Recognizes that the number and variety of major disasters and emergencies throughout the state are increasing in frequency intensity, and duration.
- Provides a home for development of expertise in the legal response to disasters and emergencies.
- Provides a home to encourage, develop, and champion continued training throughout the Department on the legal response to disasters and emergencies.
- Provides a source for the Municipal Law Handbook Committee to look to for assistance in reviewing and revising the disaster and emergencies sections.
- Formalizes the Department's commitment to what types of resources and assistance the League will provide to individual City Attorney's whose client is experiencing a disaster or emergency.
- Can provide a cadre of experienced City Attorneys and Assistants/Deputies that can be available to assist others during a disaster or emergency.
- Provides a forum to address ethical issues of providing assistance to entities other than your existing clients for both in-house City Attorney Offices and private firms that provide this service.
- Provides an identified resource that League Lobbyists can turn to for quick input on proposed legislation involving disasters and emergencies as well as liability issues connected with the same.

Lynn Tracy Nerland

President

City Attorney's Division

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It was based on these reasons and benefits that the Committee developed and supported its recommendation to make the Committee a Standing Committee.

The Committee considered both sides of the issue and did not look at the benefits without looking at the costs and other reasons why it should not become a Standing Committee. To this extent, the Committee examined and discussed the following reasons why it should not become a Standing Committee:

- A commitment by the Department of resources (staff time and budget) that is not available for other initiatives and work.
- Promotes fatigue among Department members—always needing volunteers, recruitment, and organizing efforts.
- The opportunity cost for future Department Officers—by doing this, it limits what other things the Department could do.
- Does it promise more than it can deliver?

In light of the fact that emergencies and disasters are increasing in frequency, duration, type, and intensity, the Committee believes that it is critical that City Attorneys be knowledgeable in all facets of emergencies and disasters from planning to crisis management to recovery and that the Department have a place within its structure that this can be developed and furthered. As such, the Committee believes the benefits clearly outweigh the burdens.

In light of this recommendation, the Committee has developed and proposed that a Bylaws Amendment be presented to the Department's membership for consideration that would formally establish a Standing Emergency Response Committee and that the amendment would include the items in our proposal which is set forth at Attachment A.

Lynn Tracy Nerland
President
City Attorney's Division
League of California Cities

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On behalf of the Ad Hoc Emergency Response Committee, I would like to express our appreciation to this and prior Executive Committees for their recognition of the importance of this area, to former Department President Brower for taking the leadership to form the Ad Hoc Committee, and especially to League staff who have been incredibly helpful and always supportive. In what has been a truly difficult time for all of our communities statewide, it has been comforting to know we can count on each other for support and assistance.

If we can answer any questions or provide any further information, please let me know.

Respectfully Submitted,



GREGORY G. DIAZ
City Attorney
Chair, Ad Hoc Emergency
Response Committee

Enclosure: Exhibit A – Proposed Bylaws Amendment
CC: Members of the Department's Executive Committee
Corrie Manning, General Counsel
Alison Leary, Deputy General Counsel
Members of the Ad Hoc Emergency Response Committee

Proposed Amendment to City Attorney's Department Bylaws; Article IX – Standing Committees

Section 12 - Emergency Response Committee

(a) Membership – The Emergency Response Committee shall be appointed by the President, who shall also designate its chair. The committee shall be composed of at least 7 and up to-9 members. A Department Officer, as designated by the President, may serve as a liaison, and attend meetings as necessary and appropriate. Special attention should be paid in selecting members to ensure rural and urban cities; small, medium, and large cities; in-house and contract city attorney's offices; and northern and southern California cities are included on the Committee.

(b) Term of Office – The terms of the Emergency Response Committee and the chair shall commence upon appointment. All appointments shall be staggered two-year terms, but the President may reappoint members and the chair.

(c) Purpose – The Emergency Response Committee is designed to ensure that there is a focus on emergency and disaster related legal and practical issues to serve as a resource to the Department and its members. The Committee was formed in recognition that emergencies and disasters are unfortunately becoming more prevalent, more diverse, and of greater duration in the past. Most emergencies and disasters occur with little or no warning challenging local resources quickly. As will be set forth in the duties and responsibilities, the Emergency Response Committee will help ensure that assistance and expertise from throughout the Department can be provided when needed for disaster preparation, disaster response, and disaster recovery.

(d) Duties and Responsibilities – The Emergency Response Committee shall be responsible for:

- (1) To assist the League in updating the materials and documents in the *Emergency/Disaster Playbook* and to

expand the types of emergencies and disasters to which it may be used and to reflect changes in statutory or caselaw, as necessary.

- (2) To identify new subjects, topics, forms, and other documents that should be included in the *Playbook*.
- (3) To provide a cadre of experienced City Attorneys and Assistants/Deputies who can be available to assist others during a disaster or emergency.
- (4) To provide a resource for the Municipal Law Handbook Committee to look to for assistance in reviewing and revising the disaster and emergencies sections or in the creation of a separate or dedicated chapter.
- (5) To provide for the opportunity to have regular interaction with other disaster agencies (e.g., CalOES, CalFire) to update and expand resources and approaches by City Attorneys.
- (6) To serve as a resource for League Lobbyist on disaster and emergency related proposed legislation as the same works its way through the state legislature.
- (7) To update as necessary the form agreements where in-house City Attorney Offices can provide assistance to other Department members whose clients are experiencing a disaster or emergency that recognizes the sensitivity to the ethical duties of loyalty to their client and avoids or addresses forming an attorney-client relationship.
- (8) To update as necessary the form agreements where municipal practitioners in private practice can provide assistance to other Department members whose clients are experiencing a disaster or emergency that address the formation of an attorney/client relationship and its impact on future business of the private municipal practitioners and their law firm.
- (9) To provide recommendations and serve as a resource for trainings and other educational events to educate and inform the Department and its members on the special

responsibilities and duties of City Attorneys before, during, and after an emergency or disaster.

(e) Meetings – The Emergency Response Committee shall meet at least once annually at either the Spring or Annual conferences and at other times by teleconference or video conference or otherwise as may be necessary or desirable to perform its duties. The Committee may establish subcommittees as it deems appropriate to perform its duties.