

Part 2 - Authorities Related to Emergencies

2.1 Emergency Laws and Regulations

2.1.1 National Incident Management System (NIMS)

The National Incident Management System is a nationwide standardized approach to incident management and response. Developed by the U.S. Department of Homeland Security and released in March 2004, it establishes a uniform set of processes and procedures that emergency responders at all levels of government will use to conduct response operations.

The City of Los Angeles has implemented NIMS at the incident (field), Department Operations Centers (DOC) and EOC levels, as well as with the various EOO divisions.

2.1.2 California Emergency Services Act

The California Emergency Services Act (Government Code, Sections 8550 et seq.) establishes a general scheme for management of emergencies within the state. The act establishes three levels of emergency (local emergency, state of emergency, and state of war emergency) and authorizes certain state and local government actions during each of these conditions.

2.1.3 Standardized Emergency Management System (SEMS)

The State of California (Government Code, Section 8607(a)) has established by statute a requirement applicable to all state and local agencies to implement and operate the Standardized Emergency Management System (SEMS) in responding to, managing, and coordinating multiple agency or multiple jurisdiction incidents, whether single or multiple discipline. Local agencies, in order to be eligible for funding of personnel related response costs under disaster assistance programs, shall use SEMS. All state agencies must use SEMS.

The City of Los Angeles has implemented SEMS at the incident (field), Department Operations Center (DOC) and EOC levels, as well as within the various EOO divisions.

2.1.4 Los Angeles General Plan Safety Element

The Safety Element of the City's General Plan is a general long range guide for the preparation or revision of the City's natural disaster mitigation, preparedness and recovery plans prepared and maintained by the City's EOO. The EOO plans are intended to be implementation tools of the City General Plan Safety Element. The Safety Element and the EOO plans constitute the City's comprehensive disaster safety planning and natural hazard mitigation program.

2.1.5 Los Angeles Emergency Ordinance

The Los Angeles Emergency Ordinance describes the duties and responsibilities of various departments, boards, commissions and officers of the City of Los Angeles when functioning as part of the emergency operations forces of the City, and provides the means whereby cities may cooperate with, and assist in preparing for and coping with a local emergency. The City Emergency Ordinance is Attachment A to this plan.

Pursuant to LAAC Division 8, Chapter 3, Article 1, the Mayor may declare a local emergency. The EPD, with the assistance of the City Attorney, shall prepare a resolution ratifying the declaration of a local emergency and the need for continuing the local emergency. Such resolution shall be submitted by the Mayor to the City Clerk for presentation to the City Council. The Council must approve or disapprove the resolution within seven days from the date of the original declaration by the Mayor and at least every 14 days thereafter. Samples of a local emergency declaration and a ratifying resolution are found in Attachment B to this plan.

2.2 Definitions of Emergency

2.2.1 Local Emergency

A local emergency is defined in the Emergency Services Act as the "...the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a state of war emergency, which conditions by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and require

the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.”

2.2.2 State of Emergency

A State of Emergency is defined as “...the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy or conditions causing a state of war emergency, which conditions by reason of their magnitude are, or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat; or with respect to regulated energy utilities a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.”

2.2.3 State of War Emergency

State of War Emergency means “...the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.”

2.3 Authorities and Actions under Local Emergencies

2.3.1 Centralized Emergency Management

The direction and control of local emergency preparations has been centralized to enable the City to: effectively cooperate with local, state and federal agencies; cope with and guard against conditions which may result in extreme peril to life and property; and make available the City resources as the needs of the citizens may demand during a local emergency. Moreover, it enhances efforts to assist local emergency response organizations and authorities of the state and federal governments in the accomplishment of emergency services so that maximum protection of life and property will be provided to the community.

2.3.2 Declaring a Local Emergency

The Mayor is empowered to declare the existence of a local emergency or disaster when conditions exist which are, or are likely to become beyond the control of the normal services of City government, or at any time a disaster or State of Emergency is declared by the President of the United States or by the Governor of California. The declaration of a local emergency by the Mayor will be in writing and will take effect immediately upon issuance. The Mayor will cause widespread publicity and notice to be given of such declaration throughout the City.

2.3.3 Powers of the Mayor during a Local Emergency

The Mayor is Director of the EOO. During a local emergency, all powers and duties conferred upon the Emergency Operations Board (EOB), or any officer or chief of a functional EOO division, shall be exercised subject to the approval of the Director. The Director is authorized to promulgate, issue and enforce rules, regulations, orders and directives considered necessary for the protection of life and property. The rules, regulations, orders, and directives will take effect immediately upon issuance, and copies of such documents will be filed in the City Clerk's Office.

2.3.4 Emergency Operations Organization and Board

The EOO was created by Ordinance to constitute the operational forces deemed necessary to meet the requirements imposed by a local emergency. The EOO is composed of various functional divisions.

The EOB oversees the affairs of the EOO and issues instructions to the chiefs of its divisions. The EOB has the power to make and enforce necessary regulations to govern the EOO during periods of planning and during emergencies. The EOB may also appoint committees for the administration of its affairs.

2.3.5 City Employees as Emergency Workers

The Mayor may require any City employee to serve as a member of the EOO under the direction of the Chief of any EOO division, in accordance with LAAC, Section 8.30.

All City employees shall provide services as required in the EOO division(s) to which their City department is assigned. It is the responsibility of the Personnel and Recruitment Division to establish plans for the use of City personnel by any of the EOO divisions requiring additional City forces. Such reassignment will be coordinated by the Personnel and Recruitment Division. Assignment of City employees will be based on operational needs, priority and availability of personnel.

2.3.6 Acceptance of Donations

During a declared local emergency, and for ninety days after its termination, the EOO is authorized to accept monetary and in-kind donations from individuals and organizations, to assist victims and defray the costs associated with emergency response, recovery and the mitigation of emergencies.

The Office of the City Administrative Officer (CAO) coordinates, processes and deposits all monetary donations to the City into the Emergency Operations Fund. The General Services Division, in cooperation with the Department of Recreation and Parks and Personnel Division, coordinates the acceptance, processing and use of all in-kind donations to the City. Both the CAO and the General Services Division maintain strict account of all accepted donations and report to the Mayor and Council, within six months of the termination of the declared local emergency, on the kinds, quantities, estimated value and actual or proposed use of the accepted donations.

Both the CAO and the General Services Division accept, process, use and acknowledge all accepted or offered donations in accordance with the EOO Donations Acceptance Procedures (EOO Policies and Procedures Manual).

2.3.7 Violation of Emergency Regulations

During a declared local emergency, obstructing a member of the EOO in the performance of duties imposed by the Emergency Operations Ordinance, or violation of any rule, regulation, order, or directive issued pursuant to LAAC, Section 8.29, constitutes a misdemeanor, punishable by a fine up to \$500 or imprisonment for up to six months or both (Los Angeles Municipal Code, Section 8.77).

2.3.8 Local Emergency Deactivation

The EOO Director will keep the City Council fully advised as to the status of the emergency. The City Council will declare and publicize the termination of such local emergency at the earliest possible date that conditions allow. Upon the City Council's announcement of the termination of the local emergency, such rules, regulations, orders or directives will terminate and have no further force or effect.

2.4 Continuity of Government

Maintaining the continuity of government at the time of an emergency is required by the California Emergency Services Act. It is essential that the local government continues to function to preserve law and order and restore local services. In the event a local emergency is so serious that the continuity of government is temporarily disrupted, the restoration of government services will be the primary objective. The continuation of government services, despite an emergency, instills confidence in the residents of the City, thereby reducing panic and fear. Gaining the confidence of the residents directly assists the City in controlling and managing the adverse effects of the emergency.

2.4.1 Lines of Succession

The City Council has provided for the preservation of the City government in the event of an emergency. (LAAC, Section 8.25). This Code designates those City officials responsible for the continuity of government in the event of the absence or inability to serve by the responsible officials.

Should the Mayor (EOO Director) be unable to serve, individuals who hold permanent appointments to the following positions in City government will automatically serve as Acting Mayor in the order shown. An individual serving as Acting Mayor shall have the authority and powers of the Mayor as EOO Director.

- President, City Council
- President Pro tempore, City Council
- Assistant, President Pro tempore, City Council
- All other Council members according to seniority, and where seniority is the same, then by alphabetical order by last name.
- Chair, Emergency Operations Board

The alternates to key positions in divisions of the EOO are shown in appropriate divisional sections or annexes of this plan.

The alternates to key positions in the regular departments and agencies of government, or of business and industry, are shown in the City's Continuity of Operations/Continuity of Government Plan (COOP/COG) and department emergency plans, executive or administrative orders or the equivalent issued by department or agency authorities.

2.4.2 Temporary Seat of Government

The temporary seat of government in event the normal location is not available because of emergency conditions will be as follows:

Van Nuys Police Building First Alternate

2.4.3 Preservation of Records

The City Clerk is designated Chief of Records. Vital records of the City are stored in records storage rooms located in the City Clerk's Office and other locations as he/she may designate and make available. Vault space is available for emergency storage of additional vital records during periods of increased readiness or upon the announcement of a warning condition. Refer to the City's COOP/COG Plan for more details regarding this issue.

2.4.4 Emergency Operations Center (EOC)

The EOC is located on sub-level P-4, Room 146 of City Hall East. Coordinators assigned by the EOO divisions and other officials assemble at the EOC to coordinate and direct the City's resources toward controlling disasters and other emergencies. The EOC includes the communications equipment to link all the City departments and selected outside agencies. EOC operations are discussed in Part Three of this plan. Procedures for activation of an Alternate Emergency Operations Center (AEOC) are listed in Part Three of this plan.