

MAY 11 2021

State of California
Office of Administrative Law

California Governor's Office of
Emergency Services
Executive Office

In re:
Office of Emergency Services

Regulatory Action:

Title 19, California Code of Regulations

Amend sections: 2402, 2411, 2413, 2425,
2443, 2444, 2450, 2501,
2510, 2520, 2530, 2540,
2570.2, 2571, 2573.1,
2573.2, 2631, 2644, 2658,
2800, 2900, 2910, 2915,
2925, 2930, 2940, 2955,
2965, 2966, 2970, 2980,
2990, 2992, 2993.1, 2996,
2996.1, 2997, 2998, 2999

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,
Section 100

OAL Matter Number: 2021-0324-02

OAL Matter Type: Nonsubstantive (N)

This change without regulatory effect updates the names of various state agencies and titles of various personnel.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: May 5, 2021



Eric Partington
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Mark S. Ghilarducci, Director
Copy: Joy Peng

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2021-0324-02	EMERGENCY NUMBER N
For use by Office of Administrative Law (OAL) only		REGULATIONS	
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 05 2021
3:27 P.M.

2021 MAR 24 P 2:42
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California Governor's Office of Emergency Services

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Non-substantive name change and section number revision	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
		AMEND
		REPEAL

Please see attachment A for a list of section amended.

3. TYPE OF FILING	<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)

7. CONTACT PERSON Joy Peng	TELEPHONE NUMBER (916) 845-8971	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) joy.peng@caloes.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 3/24/2021
TYPED NAME AND TITLE OF SIGNATORY Alex Pal, Chief Counsel	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
MAY 05 2021
Office of Administrative Law

Attachment A: Sections Amended

§2402; §2411; §2413; §2425; §2443; §2444; §2450; §2501; §2510; §2520; §2530;
§2540; §2570.2; §2571; §2573.1; §2573.2; §2631; §2644; §2658; §2800; §2900;
§2910; §2915; §2925; §2930; §2940; §2955; §2965; §2966; §2970; §2980; §2990;
§2992; §2993.1; §2996; §2996.1; §2997; §2998; §2999

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 1. Standardized Emergency Management System (SEMS)
Article 3. Definitions
19 CCR § 2402
§ 2402. Definitions.

(a) – (b) ****

(c) "~~Cal-EMA-Cal OES~~" means the ~~Governor's California Emergency Management Agency-California Governor's Office of Emergency Services~~.

(d) – (o) ****

Note: Authority cited: Sections 8585 and 8607(a), Government Code. Reference: Sections 8585, 8607, 8680.2 and 8558(c), Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 1. Standardized Emergency Management System (SEMS)
Article 4. Standardized Emergency Management System
19 CCR § 2411
§ 2411. Regional Level.

(a) ****

(b) The lead agency office for establishment of the regional level EOC shall be ~~Cal-EMA-Cal OES~~.

(c) The location of the regional level EOC shall be identified by ~~Cal-EMA-Cal OES~~ to accommodate the needs of the operational area(s) served.

(d) – (e) ****

Note: Authority cited: Sections 8585 and 8607(a), Government Code. Reference: Sections 8585, 8607(a), 8600 and 8559(a), Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 1. Standardized Emergency Management System (SEMS)
Article 4. Standardized Emergency Management System
19 CCR § 2413
§ 2413. State Level.

(a) ****

(1)-(3) ****

(b) The lead agency for establishment of the state level EOC shall be ~~Cal EMA~~ Cal OES.

(c) – (d) ****

Note: Authority cited: Sections 8585 and 8607(a). Reference: Sections 8585, 8607(a) and 8558(b), Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 1. Standardized Emergency Management System (SEMS)
Article 5. Standardized Emergency Management System Advisory Board
19 CCR § 2425
§ 2425. Establishment and Purpose.

The ~~Secretary~~ Director, ~~Cal EMA~~ Cal OES, shall establish the SEMS Advisory Board consisting of representatives from emergency response agencies to provide advice on all aspects of this Chapter.

Note: Authority cited: Sections 8585 and 8607(a), Government Code. Reference: Sections 8585, 8607(a) and 8587, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 1. Standardized Emergency Management System (SEMS)
Article 7. Compliance
19 CCR § 2443
§ 2443. General Provisions.

(a) – (d) ****

(e) When the ~~Cal-EMA-Cal OES Secretary-Director~~ determines sufficient evidence exists to warrant a SEMS Compliance review, a Review Team shall be established to evaluate the compliance with SEMS of any local government which has requested funding of its response-related personnel costs under disaster assistance programs, or any operational area or state agency. The ~~Cal-EMA-Cal OES Secretary-Director~~ shall notify the local government, operational area, or state agency being evaluated, the SEMS Advisory Board, and the fund(s) administrator of any disaster assistance program of the establishment of the Review Team. At a minimum, participants on the Review Team shall include peers of the entity being evaluated, ~~Cal-EMA-Cal OES~~ staff, and others knowledgeable in emergency operations and SEMS. The Review Team shall meet with the local government, operational area, or state agency being evaluated and solicit all pertinent information. The team may also review records and interview persons knowledgeable on the SEMS compliance activities of the entity being evaluated. The Review Team shall report its findings to the local government, operational area, or state agency that was evaluated, the SEMS Advisory Board, and the ~~Cal-EMA-Cal OES Secretary-Director~~. This report must be issued within ninety (90) days of the establishment of the Review Team.

(f) The SEMS Advisory Board shall examine the Review Team's report within sixty (60) days of submittal of the report. The SEMS Advisory Board shall also consider additional information pertinent to the evaluation. The local government, operational area, or state agency being evaluated may submit additional information to the Board, either verbally or in writing. After consideration, the SEMS Advisory Board shall submit a recommendation to the ~~Cal-EMA-Cal OES Secretary-Director~~. A copy of the recommendation shall be forwarded to the local government, operational area, or state agency being evaluated.

(g) The ~~Cal-EMA-Cal OES Secretary-Director~~ shall make a determination on whether or not the local government, operational area, or state agency being evaluated was in compliance with SEMS. This determination shall be forwarded to the local government, operational area, or state agency being evaluated by certified letter within thirty (30) days of the SEMS Advisory Board's recommendation. A copy of the determination shall be provided to the fund(s) administrator of any disaster assistance program.

Note: Authority cited: Sections 8585 and 8607(a), Government Code. Reference:

Sections 8585, 8607(e), 8682.9 and 8558(c), Government Code.

Title 19. Public Safety

Division 2. California Governor's Office of Emergency Services
Chapter 1. Standardized Emergency Management System (SEMS)

Article 7. Compliance

19 CCR § 2444

§ 2444. Appeal Process.

(a) In the event the local government, operational area, or state agency being evaluated disagrees with the determination of the ~~Cal-EMA-Cal OES Secretary-Director~~, the local government, operational area, or state agency may request a reconsideration of the determination. The request must be submitted within thirty (30) days of receipt of the letter of determination.

(b) ****

(c) The ~~Cal-EMA-Cal OES Secretary-Director~~ shall review the request for reconsideration and make a determination. The local government, operational area, or state agency that submitted the request for reconsideration shall be notified of the ~~Cal-EMA-Cal OES Secretary's-Director's~~ decision by certified letter within thirty (30) days of receipt of the request for reconsideration. A copy of the determination shall be provided to the fund(s) administrator of any disaster assistance program.

(d) The ~~Cal-EMA-Cal OES Secretary's-Director's~~ decision shall be considered final for the purposes of the appeal process.

Note: Authority cited: Sections 8585 and 8607(a), Government Code. Reference: Sections 8585 and 8607(e), Government Code.

Title 19. Public Safety

Division 2. California Governor's Office of Emergency Services
Chapter 1. Standardized Emergency Management System (SEMS)

Article 8. After Action Reports

19 CCR § 2450

§ 2450. Reporting Requirements.

(a) Any city, city and county, or county declaring a local emergency for which the governor proclaims a state of emergency, and any state agency responding to that emergency shall complete and transmit an after action report to ~~Cal-EMA-Cal OES~~ within ninety (90) days of the close of the incident period as specified in California Code of Regulations, Title 19, §2900~~(f)~~~~(p)~~.

(b) ****

Note: Authority cited: Sections 8585 and 8607(a), Government Code. Reference: Sections 8585 and 8607(f), Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 1. Individual Family Grant Program
19 CCR § 2501

§ 2501. Individual and Family Grant Program for Emergencies and Major Disasters.

Whenever the Governor has proclaimed a State of Emergency and the President has declared an emergency or a major disaster to exist in the State, and has authorized the Individual and Family Grant Program (IFGP) as prescribed by Section 408 of the Federal Disaster Relief Act of 1974 (Public Law 93-288), the Governor shall direct the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services (Cal EMA-Cal OES) to take any steps necessary to make the grant program available to the residents of the State.

The ~~Cal EMA-Cal OES~~ may designate a State agency to administer the Individual and Family Grant Program, and in accordance with Government Code Section 8654(c) develop the California Administrative Plan for IFGP. The designated agency may contract with local agencies in the affected counties to assist in implementing the program.

Administration of IFGP will be performed in accordance with the terms of the California Administrative Plan for IFGP and with 24 CFR 2205.48.

Eligibility for grants of up to \$5,000 will be determined in accordance with the criteria established in 24 CFR 2205.48 and other Housing and Urban Development Department regulations.

The California Administrative Plan for IFGP and the federal regulations referred to above, describe procedures for application and administration; methods of investigation, processing, and approving applications; formation of local or statewide review boards to pass upon applications; and procedures for appeals.

Note: Authority cited: Sections 8585, 8587 and 8654, Government Code. Reference: Sections 8585 and 8654, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 2. Hazardous Substances Emergency Response Training
19 CCR § 2510
§ 2510. Definitions.

(a) ****

(b) "CSTI" refers to the "California Specialized Training Institute", Training Division of the Governor's California Emergency Management Agency California Governor's Office of Emergency Services.

(c) - (j) ****

Note: Authority cited: Sections 8574.20(a) and 8585, Government Code. Reference: Hazardous Substances Emergency Response Training, Sections 8574.20(b) and 8585, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 2. Hazardous Substances Emergency Response Training
19 CCR § 2520
§ 2520. Student Certification Curriculum.

(a) - (g) ****

(h) Hazardous Materials Emergency Response - Instructor Certification.

(1) ****

(A) Student shall demonstrate an understanding of the background and objectives of the California Hazardous Substances Incident Response Training and Education Program as administered by the California Emergency Management Agency California Governor's Office of Emergency Services, California Specialized Training Institute, as referenced in California Government Code section 8574.20.

(B) - (T) ****

(i) ****

(j) Hazardous Materials Emergency Response - Instructor Recertification.

(1) ****

(A) Student shall be able to demonstrate an understanding of the background and objectives of the California Hazardous Substances Incident Response Training and Education Program as administered by the California Emergency Management Agency-California Governor's Office of Emergency Services, California Specialized Training Institute, as referenced in California Government Code section 8574.20.

(B)-(E) ****

(2)-(5) ****

(k)- (z) ****

Note: Authority cited: Sections 8574.20(a) and 8585, Government Code. Reference: Sections 8574.20(b) and 8585, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 2. Hazardous Substances Emergency Response Training
19 CCR § 2530
§ 2530. Instructor Certification Requirements.

(a) ****

(1) Submission of CSTI Application Form, as referenced in Section 2550(a)(11), to the California Emergency Management Agency-California Governor's Office of Emergency Services, California Specialized Training Institute; and

(2) – (5) ****

(b) ****

(1) Submission of CSTI Application Form, as referenced in Section 2550(a)(11), to the California Emergency Management Agency-California Governor's Office of Emergency Services, California Specialized Training Institute; and

(2) – (5) ****

(c) - (q) ****

Note: Authority cited: Sections 8574.20(a) and 8585, Government Code. Reference: Sections 8574.20(b) and 8585, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 2. Hazardous Substances Emergency Response Training
19 CCR § 2540
§ 2540. Administrative Procedures.

(a) - (e) ****

(f) Quality Control/Audit Process

(1) Any course taught by a California State Certified Hazardous Materials Instructor, in which he or she has requested to receive State certification, is subject to unannounced field audits conducted by a faculty member of the California Specialized Training Institute Hazardous Materials Section or any ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services employee or authorized representative designated by the Chief of the California Specialized Training Institute Hazardous Materials Section. Field audits may consist of any of the following:

(A) - (C) ****

(2) Any course taught by a California State Certified Hazardous Materials Instructor, in which he or she has requested to receive State certification, is subject to mail or telephone audits conducted by a faculty member of the California Specialized Training Institute Hazardous Materials Section or any ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services employee or authorized representative designated by the Chief of the California Specialized Training Institute Hazardous Materials Section. Mail and telephone audits may consist of any of the following:

(A) - (B) ****

(3) - (6) ****

(7) A follow-up audit, reported on a form HM 180 as designated in section 2550, shall be conducted by a faculty member of the California Specialized Training

Institute Hazardous Materials Section or any ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services employee or consultant designated by the Chief of the California Specialized Training Institute Hazardous Materials Section to ensure that deficiencies have been corrected.

(8) - (9) ****

(g) - (h) ****

(i) Professional Conduct

(1) ****

(A) - (B) ****

(C) Provide complete and accurate information to the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services when requested to do so pursuant to Sections 2510-2560.

(D) - (F) ****

(j) - (k) ****

(l) Certified Course Publication/Marketing Policy

(1) ****:

(2) All materials making reference to the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services and/or California Specialized Training Institute that are to be used to market or seek attendance in a State Certified Hazardous Materials Course shall be forwarded to the California Specialized Training Institute Hazardous Materials Section Chief for approval prior to their use.

(m) - (q) ****

(r) Condensed Courses

(1) The ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services will not certify condensed courses after June 30, 1999.

(s) - (t) ****

Note: Authority cited: Sections 8574.20(a) and 8585, Government Code. Reference:

Sections 8574.20(b) and 8585, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 3. Disaster Service Worker Volunteer Program
Article 1. General
19 CCR § 2570.2
§ 2570.2. Definitions.

(a) Disaster Service Worker Volunteer.

(1) A disaster service worker volunteer is any person registered with an accredited disaster council or the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services, or a state agency granted authority to register disaster service worker volunteers, for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration.

(2) - (3) ****

(b) - (d) ****

(e) Accredited Disaster Council. A disaster council may become accredited through certification by the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services, when the disaster council agrees to follow and comply with the rules and regulations established by the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services pursuant to the provisions of the Emergency Services Act. Upon certification, and not before, the disaster council becomes an accredited disaster council. A disaster council remains accredited only while the certification of the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services is in effect and is not revoked.

(f) - (h) ****

Note: Authority cited: Sections 8567, 8585.5 and 8585.7, Government Code. Reference: Sections 3100, 8610 and 8612, Government Code; and Sections 3211.9, 3211.91, 3211.92, 3211.93, 3211.93a and 3600.6, Labor Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 3. Disaster Service Worker Volunteer Program
Article 2. Certification of "Accredited" Disaster Council
19 CCR § 2571
§ 2571. Accredited Disaster Council.

(a) ****

(b) When applying for accreditation, disaster councils shall furnish the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services with a certified copy of the ordinance which has provided for the following:

(1)-(4) ****

Note: Authority cited: Sections 8567 and 8585.5, Government Code. Reference: Section 8612, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 3. Disaster Service Worker Volunteer Program
Article 4. Registration and Program Administration
19 CCR § 2573.1
§ 2573.1. Registration and Training.

(a) Registration. A person shall be deemed to be registered if the following information is on file with the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services or with the appropriate authority as indicated in Section 2573.2:

(1)-(6) ****

(b) ****

Note: Authority cited: Sections 8567 and 8585.5, Government Code. Reference: Section 8585.5, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 2. Emergencies and Major Disasters
Subchapter 3. Disaster Service Worker Volunteer Program
Article 4. Registration and Program Administration
19 CCR § 2573.2
§ 2573.2. File Retention and Recordkeeping.

(a) ****

(1) State. File as prescribed by the ~~State Department of Personnel Administration~~ California Department of Human Resources within 30 days of the date it was taken or subscribed.

(2)-(5) ****

(b) All registration records shall be available for inspection by any officer or employee of the State Compensation Insurance Fund or of the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services.

(c) ****

(d) The ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services may prescribe additional registration requirements as it may deem necessary.

Note: Authority cited: Sections 8567 and 8585.5, Government Code. Reference: Section 3105, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 4. Hazardous Material Release Reporting, Inventory, and Response
Plans
Article 2. Reporting Requirements
19 CCR § 2631
§ 2631. Immediate Reporting of a Release or a Threatened Release.

(a) A person shall provide an immediate, verbal report of any release or threatened release of a hazardous material to the administering agency and the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services* as soon as:

(1)-(3) ****

(b)-(c) ****

(d) Immediate reporting pursuant to subsection (a) of this section shall be made to the California Emergency Management Agency-California Governor's Office of Emergency Services, at telephone number (916) 845-8911 or (800) 852-7550, and to the local administering agency. The administering agency may designate a call to the 911 emergency number as meeting the requirement to call the administering agency.

(e) ****

Note: Authority: Section 8585, Government Code; and Sections 25503, 25503.1 and 25520, Health and Safety Code. Reference: Section 8585, Government Code; and Sections 25503(b)(4), 25503.1, 25507, 25518 and 25520, Health and Safety Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 4. Hazardous Material Release Reporting, Inventory, and Response
Plans
Article 3. Minimum Standards for Area Plans
19 CCR § 2644
§ 2644. Notification and Coordination.

Area plans shall include, but not be limited to:

(a)-(c) ****

(d) provisions for notification to the California Emergency Management Agency-California Governor's Office of Emergency Services of all reports received pursuant to Article 2 of this subchapter. These notifications shall be submitted, at least monthly, on forms specified by the California Emergency Management Agency-California Governor's Office of Emergency Services; and

(e) ****

Note: Authority cited: Section 8585, Government Code; Section 25503, Health and Safety Code; and Section 12997.7(b)(5), Food and Agricultural Code. Reference: Section 8585, Government Code; Section 25503, Health and Safety Code; and Section 12997.7, Food and Agricultural Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 4. Hazardous Material Release Reporting, Inventory, and Response
Plans
Article 4. Minimum Standards for Business Plans
19 CCR § 2658
§ 2658. Emergency Response Plans and Procedures.

The business plan shall include the following emergency response procedures for a release or threatened release of hazardous materials, scaled appropriately for the size and nature of the business, the nature of the damage potential of the hazardous materials handled, and the proximity of the business to residential areas and other populations:

(a) ****

(1) ****

(2) the administering agency and the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services pursuant to article 2 of this subchapter;

(3) ****

(b)-(e) ****

Note: Authority cited: Section 8585, Government Code; and Sections 25503 and 25517.5, Health and Safety Code. Reference: Section 8585, Government Code; and Sections 25503(b)(2), 25504(b) and 25507, Health and Safety Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 5. State Assistance for Fire Equipment Act
19 CCR § 2800
§ 2800. Definitions.

For the purposes of these regulations:

(a) "Agency Office" means the ~~California Emergency Management Agency~~ California Governor's Office of Emergency Services.

(b) "Allowed Expenses" means those expenses incurred by the Agency Office as a direct result of having to repossess apparatus or equipment, hold it, prepare it for sale,

and sell it to another local agency.

(c) "Applicant" means any local agency as defined in Government Code Section 8589.10(e) which has submitted a completed "Application to Purchase Fire Vehicle" with the Agency Office.

(d) "Application" means an "Application to Purchase Fire Vehicle" published by the Agency Office.

(e)-(h) ****

(i) "Resale Contract" means a statement of mutual agreement which, when cosigned by authorized agents of the Agency Office and the local agency, is deemed a valid, enforceable agreement. Resale Contracts are published by the Agency Office.

(j) ****

(k) "Secretary Director" means the Secretary Director of the California Emergency Management Agency California Governor's Office of Emergency Services.

Note: Authority cited: Sections 8585 and 8589.19(a), Government Code. Reference: State Assistance for Fire Equipment Act (Title 2, Division 1, Chapter 7, Article 5.5 Sections 8589.8-8589.22, Government Code); and Sections 8585 and 16481.1, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 6. Disaster Assistance Act
Article 1. State Public Assistance Program
19 CCR § 2900
§ 2900. Definitions.

The following definitions apply to this article:

(a) ****

(b) "Betterment" means any work performed by a local agency which exceeds restoring a facility to its predisaster design and/or that exceeds Cal EMA-Cal OES approved mitigation measures.

(c) "Cal EMA-Cal OES" means the Governor's California Emergency Management Agency California Governor's Office of Emergency Services.

(d)-(n)****

(o) "High Hazard Zone" means any area subject to high risk from flood, tsunami, wildland-urban interface fire, seismic or other geologic hazard, or man-made disaster such as hazardous material exposure, as defined either by a local hazard mitigation plan or by the ~~secretary~~Director.

(p) "Incident Period" means the time interval during which the disaster-causing incident occurs. No state assistance under the Act shall be approved unless the damage or hardship to be alleviated resulted from the disaster-causing incident which took place during the incident period or was in anticipation of the incident. The incident period is determined by the ~~secretary~~Director.

(q)-(v) ****

(w) "Preliminary Damage Assessment" means a process which may be used to determine the impact and magnitude of damage and the resulting unmet needs of local agencies following a disaster. The Preliminary Damage Assessment may be performed by a team consisting of a representative(s) from the affected local agency and a representative(s) from the ~~California Emergency Management Agency~~California Governor's Office of Emergency Services, in addition to a federal representative(s) if federal assistance is to be pursued.

(x) ****

(y) "Project Application" means the written application made by a local agency to the ~~secretary~~Director for state financial assistance, which shall include: (1) in the case of a public facilities project, all damage to public real property which resulted from a disaster within the total jurisdiction of the local agency making application; or (2) in the case of a street and highway project, all damage to streets and highways which resulted from a disaster within the total jurisdiction of the local agency making application; or (3) other activities and expenses as allowed in Government Code Section 8685.

(z) "Project Approval" means the process when a Damage Survey Report (DSR) (Cal EMA 90, Rev. 12/09, incorporated by reference) is approved by ~~Cal EMA~~Cal OES for a scope of work and costs. For construction projects, approval will not occur until after the review and acceptance of plans and specifications by the appropriate reviewing building official. A project approval also constitutes an obligation of funds to the applicant agency.

(aa)-(dd) ****

(ee) "~~Secretary~~Director" means the ~~Secretary~~Director of the ~~California Emergency~~

Management Agency-California Governor's Office of Emergency Services or the Secretary's-Director's duly authorized representative.

(ff) "Secretary-Director's Concurrence" means the authorization of financial assistance for costs to repair, mitigate, restore, or replace facilities belonging to local agencies damaged as a result of disasters, based on a local emergency proclamation that is acceptable to the secretary-Director.

(gg)-(ii) ****

(jj) "State Agency" means the Department of Transportation, the Department of Water Resources, the Department of General Services, the Department of Health Services, the Department of Finance, or any other state agency or office. The Department of Transportation's area of responsibility concerns streets, roads, bridges and mass transit repairs. The Department of Water Resources' area of responsibility concerns dams, levees, flood control works, channels, irrigation works, and other similar projects. The Department of General Services' area of responsibility concerns buildings, sewer, water systems, and district road and access facility construction, alteration, repair and improvement thereof, and all other projects. The secretary-Director shall assign applications to the appropriate agencies for investigation.

(kk)-(mm) ****

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Disaster Assistance Act, Chapter 7.5, Division 1, Title 2 (Section 8680, et seq.) and Section 8585, Government Code.

19 CCR § 2910
§ 2910. Cost Eligibility

(a)-(c) ****

(d) Equipment:

The secretary-Director shall authorize reimbursement of certain types of equipment costs as follows:

(1) ****

(2) Equipment costs for applicant-owned equipment shall be claimed based on the applicant's own rate schedules or in the absence of such a rate schedule, on current Department of Transportation (Caltrans) Labor Surcharge and Equipment Rental Rates. Equipment rates must cover normal costs of lube, repair, overhaul, depreciation, interest, insurance, storage, and taxes. For self-powered equipment, the schedule must include fuel and oil. The secretary-Director reserves the right to audit claims for the reimbursement on applicant-owned equipment.

(3) ****

(4) Stand-by time shall be allowed for rental equipment, if determined cost effective by the ~~secretary~~ Director. Stand-by time shall not be allowed for applicant owned-equipment.

(e) ****

(f) Other Direct Costs:

The following local agency costs shall be considered direct costs for purposes of these programs:

(1)-(4) ****

(5) Other direct costs which may be considered eligible by the ~~secretary~~ Director, including costs relating directly to the disaster which are not otherwise funded by federal or state disaster assistance programs, or which are not expressly prohibited by federal or state law, federal regulations, these regulations or prohibited by the federal or state constitution.

(g)-(h) ****

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Sections 8585, 8680 et seq., 8685, 8685.2, 8685.6, 8686, 8686.4, 8686.6, 8686.8, 8687.2 and 8687.4, Government Code.

19 CCR § 2915

§ 2915. Contracting and Procurement.

(a) General Provisions:

(1)-(2) ****

(3) Any contract executed between the local agency and the ~~secretary~~ Director, pursuant to the Act, shall contain a provision under which the local agency agrees to hold the state harmless from damages resulting from the work for which funds are allocated; and

(4) ****

(b) Special Provisions for Reclamation and Levee Maintenance Districts:

(1)-(3) ****

(4) In all contracts for work, services, or materials, the contractor must maintain and retain for three years after notification of the start of the retention period by the ~~secretary~~ Director, auditable source documents and records, which shall be available for audit by federal or state auditors.

(5) ****

(6) Districts will certify and provide ~~Cal-EMA-Cal OES~~ with verification that none of the costs reimbursed by the state under the Act or by FEMA have been claimed or paid through any other state or federal program, including but not limited to work performed under the Delta Levees Subvention Program, Water Code Sections 12980 et seq.

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Sections 8585, 8682.6, 8682.7, 8685.7, 8685.8 and 8690.6, Government Code.

19 CCR § 2925
§ 2925. Debris Removal.

(a) General Eligibility

(1) ****

(2) For purposes of this program, the removal of debris from private property shall be reimbursed only when there is an immediate threat to public health and safety. In a case where reimbursement for debris removal from private property is authorized by the ~~secretary~~ Director, the following requirements shall apply, unless waived in part or full by the ~~secretary~~ Director:

(A)-(C) ****

(b)-(c) ****

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Sections 8585, 8685 and 8685.2, Government Code.

19 CCR § 2930
§ 2930. Emergency Protective Measures.

(a)-(b) ****

(c) Examples of Eligible Work

The state shall provide financial assistance for equipment and labor costs, and the costs of supplies and materials used during disaster response activities:

(1)-(5) ****

(6) Cost of extra personnel required during the emergency period. Justification for additional staffing may be requested by the ~~secretary~~Director; and,

(7) ****

(d) Limitations on Emergency Protective Measures

(1) ****

(2) Work that is immediately necessary as the result of a disaster and directly related to eligible permanent work shall be approved by the ~~secretary~~Director as emergency protective measures. Examples of such work include temporary repairs to damaged buildings or structures, barricading areas to protect damaged property or to direct traffic, costs of emergency hook ups, tapping the water system of an adjoining community until normal supply facilities become operational, by-passing damaged sections of the distribution system until emergency repairs can be made, hooking into privately owned or other public power sources pending repairs to the applicant's generating plant, or cleaning of storm and sanitary sewer lines; and,

(3) ****

(4) In a case where reimbursement for the demolition of a damaged public facility or a privately owned building is approved by the ~~secretary~~Director, the following standards shall apply, unless waived, in part or in full by the ~~secretary~~Director, explaining in writing the facts and reason for the waiver:

(A) -(G) ****

(5) ****

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Sections 8585, 8685 and 8685.2, Government Code.

19 CCR § 2940
§ 2940. Permanent Work.

(a) Repair and Restoration of Public Facilities

Disaster related repair or permanent restoration work is eligible for state financial assistance if the following criteria are met:

(1)-(4) ****

(5) Prior to completing any betterments to a facility for which state funds have been authorized for repair, restoration, or hazard mitigation under this chapter, the applicant shall submit a written request to the secretary-Director, or his/her designee, which details the additional work to be completed.

(b) Replacement of Public Facilities

The secretary-Director will approve funding for the replacement of a public facility based on the predisaster design of the facility, in conformance with current codes and standards, and approved hazard mitigation, provided the following criteria are met:

(1)-(2) ****

(3) If the secretary-Director authorizes replacement of a public facility, the local agency may increase the square footage of the facility replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency;

(4) ****

(5) Prior to completing any betterments to a facility for which state funds have been authorized for replacement under this chapter, the applicant shall submit a written request to the secretary-Director, or his/her designee, which details the additional work to be completed.

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Sections 8585, 8685 and 8686.4, Government Code.

19 CCR § 2955

§ 2955. Public Buildings.

(a) ****

(b) Limitations of Eligibility

Permanent restoration or repair eligibility for a damaged or destroyed public facility will be on the basis of predisaster design of such facility, in conformity with current codes and standards, except as directed by an approved hazard mitigation project.

The extent of reimbursement shall be controlled by the facility's use and the function it performs for the community. The following information is furnished for guidance:

(1)-(9) ****

(10) Temporary relocation costs are eligible for reimbursement when an eligible damaged facility must be vacated to ensure public safety, to complete construction, or if it is otherwise impractical for the facility to continue operating while the approved work is underway. Such costs must be reasonable and necessary to reestablish the minimum services normally provided by the damaged facility. If temporary relocation costs are expected to exceed \$100,000 or twenty-five percent (25%) of approved repair or replacement funding, whichever is greater, or if the length of relocation will exceed 6 months, the applicant must obtain prior written approval from the Deputy Director.

19 CCR § 2965
§ 2965. Other Eligible Work.

(a) General Eligibility

Certain other items, such as repairs to or the replacement of parks or other recreation facilities, district roads and access facilities may be eligible for state assistance, subject to the repair or replacement criteria referenced above. Other eligible costs may include any assistance deemed necessary by the ~~secretary~~ Director as stated in writing explaining the basis for the finding of necessity.

(b) Engineering and Feasibility Studies

(1) The ~~secretary~~ Director shall approve an estimate for the cost of basic engineering services, when determined necessary for construction projects.

(2)-(3) ****

(c)-(e) ****

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Sections 8585, 8680.4 and 8685, Government Code.

19 CCR § 2966
§ 2966. Environmental Compliance.

General provisions for compliance with CEQA and permitting responsibilities:

(a)-(b) ****

(c) Applicants shall maintain adequate documentation that demonstrates their compliance with this Section and, upon request, shall furnish the documentation to Cal EMA Cal OES.

Note: Authority cited: Sections 21000-21177, Public Resources Code; and Sections 8585 and 8682.9, Government Code. Reference: Section 8585 and Disaster Assistance Act, Chapter 7.5, Division 1, Title 2 (Section 8680, et seq.) Government Code.

19 CCR § 2970
§ 2970. Application Process.

(a) Basic Procedures:

(1) To be eligible for assistance under the Act, a city, county or city and county must proclaim a local emergency within ten (10) days of the actual occurrence of a disaster and the proclamation must be acceptable to the ~~secretary~~Director, or the Governor must make a State of Emergency Proclamation. When a county has proclaimed a local emergency based upon conditions which include both incorporated and unincorporated territory of the county, it is not necessary for the cities to also proclaim the existence of a local emergency independently;

(2) The city, county or city and county shall provide the ~~secretary~~Director written notification of a proclamation of local emergency and request for a ~~secretary's~~Director's concurrence or State of Emergency proclamation within ten (10) days of the actual occurrence of a disaster. Upon receipt of the city, county or city and county's notification, the ~~secretary~~Director shall issue either (A) approval or denial of the ~~secretary's~~Director's concurrence or recommendation that the Governor proclaim a state of emergency, or (B) written notification to the affected city, county or city and county indicating the approximate timeframe for rendering a recommendation. A Preliminary Damage Assessment (PDA) may be scheduled with the affected local agency to obtain additional information. If it is determined that state assistance will be provided, the affected local agency will be notified by the ~~secretary~~Director of such assistance as well as the application procedures;

(3) The ~~secretary~~Director, or his/her designee, shall notify the affected city, county or city and county of the incident period beginning and end dates;

(4) A local agency must submit a Project Application (Cal EMA 126, Rev. 12/09, incorporated by reference) to Cal EMA Cal OES within sixty (60) days after the date of a local proclamation. The ~~secretary~~Director or his/her designee may extend this deadline only for unusual or extraordinary circumstances. When filing an

application for assistance, an applicant must attach a List of Projects (Cal EMA 95 Rev. 10/18, incorporated by reference). Formats other than the Cal EMA-95 may be substituted if they contain the required information. Prior to application approval by the state, an applicant shall also submit or have on file a resolution designating an authorized representative. In the event of a federal declaration of a major disaster or emergency, the submittal of a federal Request for Public Assistance (FEMA 90-49, Rev. 9/98, incorporated by reference) within the specified federal application period, will meet the state application requirement;

(5) After receipt of the application and a list of projects, ~~Cal EMA~~ Cal OES will, if necessary, schedule an on-site review of all submitted items, which will be singly detailed on separate DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference). Under normal circumstances, the state will complete DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference) with cost estimates for an applicant agency within sixty (60) days from the date of the local agency application. When a public facility, damaged in a prior disaster event, has not been completely repaired or restored at the time of a subsequent disaster event, the total damage and scope of work for both disasters, excluding the prior disaster work already completed, will be detailed on a DSR. In addition, a separate DSR will be prepared to deobligate any unexpended funds previously provided for the incomplete portion of work;

(6) Upon approval of eligible costs, ~~Cal EMA~~ Cal OES will send copies of the state DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference) and a computerized summary of all approved costs to the applicant's authorized representative for review and approval. ~~Cal EMA~~ Cal OES will send the completed application to the applicant's designated authorized representative for review and approval with an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference);

(7) Upon receipt of an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference), ~~Cal EMA~~ Cal OES will process an allocation for the state share of approved costs through the State Controller's Office. An authorized representative's signature on the approval form allows the state to process an allocation of funds. An applicant does not forfeit the right to a fair hearing or an appeal, by signing the Applicant Approval Form;

(8) ****

(9) All projects in the local agency application under the Act that are located Federal-Aid Highways and are to be financed in whole or in part from federal ER funds under an approved ER program, shall be transferred to and administered by Caltrans in accordance with Title 23 United States Code. A separate local agency-Caltrans state agreement will be entered into covering those ER projects that are transferred and Caltrans will provide a copy of the agreement to ~~Cal EMA~~ Cal OES;

(10) ****

(11) When all work is satisfactorily completed and the agreement is administratively closed, Caltrans will provide all final documentation and the closing date of the agreement to ~~Cal EMA~~ Cal OES. This will allow ~~Cal EMA~~ Cal OES and Caltrans to make a final settlement with local agencies on the approved and accepted projects relating to Federal-aid Highways, non-Federal-aid Highways and other public facilities restored or replaced under the Act.

(b) Special Procedures for School Districts:

(1) Upon implementation of the Act, ~~Cal EMA~~ Cal OES will notify the Superintendent of Public Instruction of the availability of state financial assistance, providing copies of eligibility guidelines and instructions and forms, for distribution to affected school districts;

(2) An affected school district must submit a Project Application (Cal EMA 126, Rev. 12/09, incorporated by reference), to the Superintendent, within sixty (60) days from the date of the local proclamation. The ~~secretary~~ Director, or his/her designee, may extend this deadline only for unusual circumstances. When filing an application for assistance, an applicant must attach a separate List of Projects (Cal EMA 95, Rev. 12/09, incorporated by reference) for each affected school within the district. Formats other than the Cal EMA 95 may be substituted if they contain the required information. Prior to funding authorization, an applicant school district must also submit or have on file a resolution designating an authorized representative;

(3) After the review and approval of the application for assistance, the Superintendent will forward the original Project Application (Cal EMA 126, Rev. 12/09, incorporated by reference), list of projects, and any other supporting documentation to the ~~secretary~~ Director for processing by ~~Cal EMA~~ Cal OES;

(4) After receipt of the application and a list of projects, ~~Cal EMA~~ Cal OES will, if necessary, schedule an on-site review of all submitted items, which will be singly detailed on separate DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference). Under normal circumstances, the state will complete DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference) with cost estimates for an applicant agency within sixty (60) days from the date of the local agency application;

(5) The completed application will also include a computerized summary of all approved costs by line item. ~~Cal EMA~~ Cal OES will send the completed application to the applicant's designated authorized representative for review and approval with an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference);

(6) Upon receipt of an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference), ~~Cal-EMA-Cal OES~~ will process an allocation for the state share of approved costs through the State Controller's Office. An authorized representative's signature on the approval form allows the state to process an allocation of funds. An applicant does not forfeit the right to a fair hearing or an appeal by signing an Applicant Approval Form (CDAA Form 3a, Rev. 1/03, incorporated by reference); and,

(7) ****

(c) Time Limitations for Work Completion:

(1) In the event of a ~~secretary's~~ Director's concurrence with a local proclamation or a state of emergency proclamation involving no federal assistance, the deadlines shown below are set from the date of the local proclamation and apply to all projects. Applicants receiving federal major disaster or emergency assistance are expected to comply with federal regulations, which establish deadlines according to the date that a major disaster or emergency is declared;

(2) ****

(3) The ~~secretary~~ Director may impose less stringent deadlines for work completion, if considered appropriate; or

(4) The ~~secretary~~ Director may extend work completion deadlines for extenuating circumstances or unusual project requirements beyond the control of an applicant. Requests for time extensions, with appropriate justification, shall be submitted by an applicant as soon as it becomes apparent that the applicable deadline cannot be met.

(d) Supplements:

(1) ****

(2) An applicant may submit a supplement request for a substantial cost overrun, in letter form, to ~~Cal-EMA-Cal OES~~ in a timely manner and, whenever possible, prior to the completion of the work in question. The request shall contain sufficient documentation to support the eligibility of all claimed work and costs. However, cost overruns may also be addressed at the time of Final Inspection;

(3) ****

(4) ~~Cal-EMA-Cal OES~~ shall formally notify the applicant of the determination. Approved supplements are processed in the same manner described above for a project application.

(e) State Share:

For any eligible project, the state share shall amount to no more than 75 percent of the total state eligible costs unless the local match is waived by either the ~~secretary-Director~~ in accordance with Government Code Section 8687.2 or by amendment to the Code. The state shall make no allocation for any project application resulting in a state share of less than two-thousand five-hundred dollars (\$2,500). This provision shall not apply to those project applications which result in a state share of \$2,500 or greater and are subsequently reduced.

(f) Quarterly Progress Reports:

Applicants must submit information to ~~Cal-EMA-Cal OES~~ in order for the state to comply with state and federal grant reporting requirements. Such information will generally include project status and draw-down projections on which final project payment has not been made to the applicant. Failure to submit such information may jeopardize the availability of state and federal grant funding.

(g) Advances:

(1) Funds may be advanced for up to ninety percent (90%) of an applicant's approved allocation. Requests for advances should be made using a Request for Advance of Funds (CDAA Form 3a, Rev. 1/03, incorporated by reference). No request for an advance will be processed prior to ~~Cal-EMA's-Cal OES'~~ receipt of a resolution designating an authorized representative. Advances shall be provided to applicants in order to meet current obligations and anticipated expenditures. The state reserves the right to request documentation justifying large advances.

(2) ****

(h) Loans and Deferred Payments:

(1) The ~~secretary-Director~~ may loan money to a local agency, if in the ~~secretary's-Director's~~ opinion, the local agency is currently unable to meet its financial obligations under the Act.

(2) Money may be loaned to a local agency for purposes of ensuring that the local agency is able to meet its local share matching requirements, for the repair or replacement of a public facility, or for any other purpose which the ~~secretary-Director~~ considers a loan of money necessary and appropriate.

(3) The loan agreement executed between the ~~secretary~~ Director and the local agency must comply with the State Contract Act and will provide for repayment of the principle and interest within ten years from the date of execution of the agreement. Interest will be estimated at an amount equal to the revenue which the state would have derived by investing the total loan amount, at the interest rate prevailing for legal state investments, on the date the loan is made.

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Sections 8585, 8680.5, 8682.8, 8685, 8685.2, 8685.4, 8685.6, 8685.8, 8686, 8686.1 and 8686.8, Government Code.

19 CCR § 2980
§ 2980. Final Claim Process.

(a) Forms:

After completing all approved work items, a local agency must file a final claim with ~~Cal EMA~~ Cal OES. Final claim documents shall be completed and submitted within sixty (60) days of the completion of all eligible work items. Final claim documents are as follows:

Disaster Type	Final Claim Form
State-only under a	CDAA Project Summary (CDAA 4)
secretary's <u>Director's</u> concurrence with	Project Summary Certification of
a local emergency or	Documentation (CDAA Form 4a,
Governor's state of	rev. 1/03, incorporated by reference)
emergency proclamation	
and cost-share with	
federal programs other than	
FEMA	
Cost share with FEMA	Federal Project Listing (P.4)
disaster or emergency	

(b) Claimed Costs:

When preparing a claim, all eligible items approved in the application must be included, even though the total amount expended may exceed the amount approved by ~~Cal EMA~~ Cal OES. Substantial cost overruns in excess of the approved application amount shall be submitted to ~~Cal EMA~~ Cal OES for approval prior to filing a final claim.

(c) Final Inspections:

(1) All costs and work items included in an applicant's claim are subject to final review and inspection by the state. ~~Cal EMA Cal OES~~, or a state agency assigned by ~~Cal EMA Cal OES~~ under Government Code Section 8685.4, may perform an on-site review of any or all completed work items. All supporting claim documentation must be at one specific location to facilitate inspection and audit processes. Inspectors shall have access to original source documentation at the time of final inspection; and,

(2) ****

(d) Audits: The ~~secretary~~ Director shall conduct audits and investigations as necessary to ensure compliance with these regulations and, in connection therewith, may question such persons as may be necessary to carry out such audits and investigations. In order to make audits, examinations, excerpts and transcripts, Federal and State auditors, and the ~~secretary~~ Director, or their duly authorized representatives, shall have the right of access to any books, documents, papers or other records which are pertinent to any activity undertaken or funded under these regulations. The rights of access shall last as long as the records are retained if retention exceeds what is required under these regulations.

(e) Retention Requirements for Records: The ~~secretary~~ Director will notify each applicant of the starting date of the retention period. The applicant shall retain all financial and program records, supporting documents, statistical records, and other records reasonably considered as pertinent to program regulations, or the grant agreement, for three years from the starting date of the retention period.

(f) Original Source Documentation: Microfilm, microfiche, or other representations of original source documents may be accepted in lieu of original source documents, if the local agency provides to ~~Cal EMA Cal OES~~ an independent or internal auditor's report attesting to the accuracy of the alternate forms of original source documents.

(g) Final Funding Determination: Any funds owed to an applicant by the state shall be paid after final determination of eligible costs by ~~Cal EMA Cal OES~~, upon review of the final inspection report or audit.

(h) Recovery of Funds: If a final inspection, audit, or other review by an awarding agency or any other authorized entity determines that payment made to the applicant exceeds the amount of actual eligible costs, ~~Cal EMA Cal OES~~ shall invoice the applicant for funds received in excess of the actual eligible costs. The applicant shall, within thirty (30) days of receipt of the invoice, repay the invoiced amount.

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Sections 8585, 8682.8, 8683, 8685.4 and 8690.6, Government Code.

19 CCR § 2990
§ 2990. Fair Hearing Process.

In the event of a dispute or grievance between the local agency and the state concerning the application, the following administrative procedures shall be followed by both parties, prior to either party seeking judicial review:

(a) Level One:

The local agency shall first discuss the grievance with the field representative assigned by the ~~Cal-EMA-Cal OES Statewide Operations Recovery~~ Division. If the grievance cannot be resolved at this stage, the local agency shall direct the grievance, together with any information in writing, to the Deputy Director, ~~Cal-EMA-Cal OES Statewide Operations Recovery~~ Division or his/her designee, within sixty (60) working days of receipt of notification of the issue to be grieved, unless this deadline is extended by ~~Cal-EMA-Cal OES~~. The grievance must state the issues in the dispute, the legal authority, or other basis for the local agency's position, and the remedy sought. The Deputy Director, ~~Cal-EMA-Cal OES Statewide Operations Recovery~~ Division or his/her designee, shall make a determination on the grievance within sixty (60) working days after receipt of the written communication from the local agency. The Deputy Director, ~~Cal-EMA-Cal OES Statewide Operations Recovery~~ Division or his/her designee, shall respond in writing to the local agency indicating the decision reached and the reasons therefor. Should the local agency disagree with this decision, the local agency may appeal to the second level.

(b) Level Two:

The local agency shall prepare a letter indicating why the Deputy Director of ~~Cal-EMA's-Cal OES Statewide Operations Recovery~~ Division's or his/her designee's decision is unacceptable, attaching to it the local agency's original statement of the dispute with supporting documents, together with a copy of the Deputy Director of ~~Cal-EMA's-Cal OES Statewide Operations Recovery~~ Division's or his/her designee's response. This letter shall be sent to the secretary Director of ~~Cal-EMA-Cal OES~~ within sixty (60) working days from receipt of the Deputy Director of ~~Cal-EMA's-Cal OES Statewide Operations Recovery~~ Division's or his/her designee's decision, unless this deadline is extended. Based upon a request from the local agency, the secretary Director of Cal OES ~~Cal-EMA~~ may meet with the local agency representatives to review the grievance and the issues raised. The secretary Director of Cal OES ~~Cal-EMA~~ shall issue a written decision to the local agency within sixty (60) working days of receipt of the local agency's letter. This written decision shall be deemed a final judgment for purposes of this Fair Hearing Process.

Note: Authority cited: Sections 8585 and 8682.9, Government Code. Reference: Section 8585 and the Natural Disaster Assistance Act, Chapter 7.5, Division 1, Title 2 (Section 8680 et seq.), Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 6. Disaster Assistance Act
Article 2. State Private Nonprofit Organizations Assistance Program
19 CCR § 2992
§ 2992. General Provisions for Eligible Private Nonprofit (PNP) Activities.

(a) –(e) ****

(f) No state financial assistance shall be made available for any activity that occurs more than six (6) months from the date of the Governor's Proclamation without prior written approval from the California Emergency Management Agency California Governor's Office of Emergency Services (Cal-EMA-Cal OES).

(g) ****

Note: Authority cited: Section 8692, Government Code. Reference: Section 8692, Government Code.

19 CCR § 2993.1
§ 2993.1. Intermediary PNP Applicant Eligibility.

(a) An intermediary PNP organization must meet all of the following criteria for eligibility to apply for state financial assistance:

(1)-(2) ****

(A)-(C) ****

(D) This deadline for the execution of the written agreement may be extended by the Cal-EMA-Cal OES Secretary-Director only for unusual or extraordinary circumstances upon written request by the Intermediary PNP or requesting local agency.

(3) ****

Note: Authority cited: Section 8692, Government Code. Reference: Section 8692, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 6. Disaster Assistance Act
Article 2. State Private Nonprofit Organizations Assistance Program

19 CCR § 2996
§ 2996. PNP Application Process.

(a) An eligible PNP applicant must submit to ~~Cal EMA~~ Cal OES, a PNP Application (Cal EMA PNP-2011-APP, 5/2011), hereby incorporated by reference, within 60 days after the date of a Governor's Proclamation.

(1) The ~~Secretary~~ Director or his/her designee may extend this deadline only for unusual or extraordinary circumstances.

(2) Prior to application approval by ~~Cal EMA~~ Cal OES, an eligible PNP applicant shall also submit a PNP Applicant's Authorized Agent Resolution (Cal EMA PNP-2011-AAR, 5/2011), hereby incorporated by reference.

(b) ****

(1) After receipt of the PNP Activities Claim Form, ~~Cal EMA~~ Cal OES may schedule an onsite review of supporting documentation.

(2) ****

(3) Upon approval of eligible costs, ~~Cal EMA~~ Cal OES will process an allocation through the State Controller's Office. The state shall make no allocation less than one thousand dollars (\$1,000).

(4) ****

(c) ****

Note: Authority cited: Section 8692, Government Code. Reference: Section 8692, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 6. Disaster Assistance Act
Article 2. State Private Nonprofit Organizations Assistance Program
19 CCR § 2996.1
§ 2996.1. Intermediary PNP Application Process.

(a) An eligible Intermediary PNP applicant must submit to ~~Cal EMA~~ Cal OES, a completed PNP Application (Cal EMA PNP-2011-APP, 5/2011), hereby incorporated by reference, within 60 days after the date of a Governor's Proclamation.

(1) The ~~Secretary~~ Director or his/her designee may extend this deadline only for unusual or extraordinary circumstances.

(2) Prior to application approval by ~~Cal EMA~~ Cal OES, an eligible Intermediary PNP Applicant's Authorized Agent Resolution (Cal EMA PNP-2011-AAR, 5/2011), hereby incorporated by reference.

(b) ****
(c) ****

(1) After receipt of the Intermediary PNP Activities Claim Form, ~~Cal EMA~~ Cal OES may schedule an onsite review of supporting documentation.

(2) ****

(3) Upon approval of eligible costs, ~~Cal EMA~~ Cal OES will process an allocation through the State Controller's Office. The state shall make no allocation less than one thousand dollars (\$1,000).

(4) ****

Note: Authority cited: Section 8692, Government Code. Reference: Section 8692, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 6. Disaster Assistance Act
Article 2. State Private Nonprofit Organizations Assistance Program
19 CCR § 2997
§ 2997. Fair Hearing Processes.

(a) LEVEL ONE: The PNP or the Intermediary PNP shall submit a formal written description of the grievance with supporting documentation, to the ~~Director of Statewide Operations~~ Deputy Director of Recovery (Deputy Director) of ~~Cal-EMA-Cal OES~~. The Deputy Director or his/her designee shall respond with a written decision within ten (10) working days from receipt. Should the PNP or the Intermediary PNP disagree with the decision, the PNP or the Intermediary PNP may appeal to the second level.

(b) LEVEL TWO: The PNP or the Intermediary PNP shall prepare a formal response disputing the decision made by the Director. The PNP or the Intermediary PNP response shall include the original description of the grievance with supporting documentation, together with a copy of the response from the Deputy Director. This response shall be sent to the ~~Assistant Secretary~~ Director of Prevention, Information Analysis and Operations (Assistant Secretary) of ~~Cal-EMA-Cal OES~~ within thirty (30) working days from receipt of the decision of the Deputy Director. The ~~Assistant Secretary~~ Director or his/her designee shall issue a written decision to the PNP or the Intermediary PNP within sixty (60) working days of receipt of the PNP's or the Intermediary PNP's formal response. This written decision shall be deemed a final judgment for purposes of this fair hearing process.

Note: Authority cited: Section 8692, Government Code. Reference: Section 8692, Government Code.

Title 19, Public Safety
Division 2, California Governor's Office of Emergency Services
Chapter 6, Disaster Assistance Act
Article 2, State Private Nonprofit Organizations Assistance Program
19 CCR § 2998
§ 2998, Audit.

The ~~Secretary~~ Director or his/her duly authorized representative shall conduct audits and investigations as necessary to ensure compliance with these regulations. State auditors, and the ~~Secretary~~ Director or his/her duly authorized representative, shall have the right to question any person, as appropriate, and to access all financial and program records and supporting documentation pertinent to any activity funded under these regulations. The rights of access shall last for the full length of the retention period as required under these regulations.

Note: Authority cited: Section 8692, Government Code. Reference: Section 8692, Government Code.

Title 19. Public Safety
Division 2. California Governor's Office of Emergency Services
Chapter 6. Disaster Assistance Act
Article 2. State Private Nonprofit Organizations Assistance Program
19 CCR § 2999
§ 2999. Requirements for Records.

(a) The PNP or the Intermediary PNP applicant shall retain all financial and program records and supporting documentation, reasonably considered as pertinent to these regulations for three years from the starting date of the retention period. The Secretary Director or his/her duly authorized representative will notify each PNP or the Intermediary PNP applicant of the starting date of the retention period.

(b) Microfilm, microfiche, or other representations of original source documents may be accepted in lieu of original source documents, if the eligible PNP or the Intermediary PNP applicant provides to Cal-EMA-Cal OES an independent or internal auditor's report attesting to the accuracy of the alternate forms of original source documents.

Note: Authority cited: Section 8692, Government Code. Reference: Section 8692, Government Code.



March 24, 2021

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
Attn: Front Desk

Subject: Cal OES Name Change Title 19 Regulation Changes without Regulatory Effect

Dear Office of Administrative Law:

Please find enclosed one original and six copies of the: (1) final regulation for the California Governor's Office of Emergency Services with explanatory statement, and (2) signed Form 400. We are submitting this for filing with the Secretary of State and printing in the California Code of Regulations.

Thank you for your assistance with this matter. Please let me know if I can provide any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joy Peng".

Joy Peng
Counsel



**DELEGATION OF AUTHORITY
FOR
SUBMISSION OF REGULATIONS
(STD. 400)**

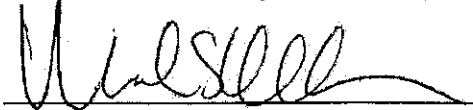
I, Mark Ghilarducci,
am Director
of the Governor's Office of Emergency Services
and as head of the state agency that is adopting, amending and/or repealing regulations
and preparing rulemaking calendars, I am the person to certify regulations pursuant to
Government Code section 11343 and approve rulemaking calendars pursuant to
Government Code section 11017.6.

I thereby delegate my authority and responsibilities for these matters to the following
individuals:

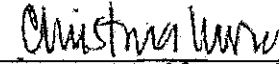
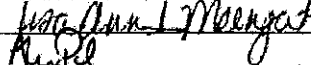

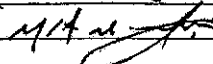
<u>Christina Curry</u>	_____
<u>Lisa Mangat</u>	_____
<u>Alex Pal</u>	_____
<u>Mitchell Medigovich</u>	_____
_____	_____

This delegation shall be effective during my term as _____
or until withdrawn by me in writing.

In witness of this delegation, I hereby affix my signature to this delegation order.

 Date 12/4/2020

We fully understand and accept this delegation.

<u>Christina Curry</u>	<u></u>	Date	<u>12/3/2020</u>
<u>Lisa Mangat</u>	<u></u>	Date	<u>12-3-2020</u>
<u>Alex Pal</u>	<u></u>	Date	<u>12/4/2020</u>
<u>Mitchell Medigovich</u>	<u></u>	Date	<u>11/24/2020</u>
_____	_____	Date	_____
_____	_____	Date	_____
_____	_____	Date	_____
_____	_____	Date	_____

ATTACHMENT A

STATEMENT OF CHANGES WITHOUT REGULATORY EFFECT Title 1, California Code of Regulations, Section 100(b)(3)

The California Governor's Office of Emergency Services (Cal OES) proposes the following additions, revisions and deletions to the following text within Title 19 of the California Code of Regulations.

The rulemaking procedure specified in Article 5 of the Administrative Procedures Act (APA) is not required because the changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of the code.

In July 2013, the California Governor's Office of Emergency Services (Cal OES) was renamed. Prior to July 2013, Cal OES was called the California Emergency Management Agency (Cal EMA). The proposed additions, revisions and deletions are necessary to update Cal OES's name from "California Emergency Management Agency" to "Governor's Office of Emergency Services," "Cal EMA" to "Cal OES" or "Agency" to "Office." Updating the agency's name is crucial to avoid confusion and maintain consistency and clarity. This change has no regulatory effect because it does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provisions.

Additionally, the Secretary of Cal EMA is now called the Director of Cal OES. As such, the proposed revisions and deletions are necessary to update these changes. This change also does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provisions.

The proposed action to update the names of Cal OES and the Director of Cal OES without regulatory effect amends the following sections of Title 19, California Code of Regulations to make the non-substantive changes as described above: §2402(c); §2411(b); §2411(c); §2413(b); §2425; §2443(e); §2443(f); §2443(g); §2444(a); §2444(c); §2444(d); §2450(a); §2501; §2510(b); §2520(h)(1)(A); §2520(j)(1)(A); §2530(a)(1); §2530(b)(1); §2540(f)(1); §2540(f)(2); §2540(f)(7); §2540(i)(1)(c); §2540(l)(2); §2540(r)(1); §2570.2(a)(1); §2570.2(e); §2571(b); §2573.1(a); §2573.2(a); §2573.2(b); §2573.2(d); §2631(a); §2631(d); §2644(d); §2658(a)(2); §2800(a); §2800(b); §2800(c); §2800(d); §2800(i); §2800(k); §2900(b); §2900(c); §2900(o); §2900(p); §2900(w); §2900(y); §2900(z); §2900(ee); §2900(ff); §2900(jj); §2910(d); §2910(d)(2); §2910(d)(4); §2910(f)(5); §2915(a)(3); §2915(b)(4); §2915(b)(6); §2925(a)(2); §2930(c)(6); §2930(d)(2); §2930(d)(4); §2940(a)(5); §2940(b); §2940(b)(3); §2940(b)(5); §2965(a); §2965(b)(1); §2966(c); §2970(a)(1); §2970(a)(2); §2970(a)(3); §2970(a)(4); §2970(a)(5); §2970(a)(6);

§2970(a)(7); §2970(a)(9); §2970(a)(11); §2970(b)(1); §2970(b)(2); §2970(b)(3);
§2970(b)(4); §2970(b)(5); §2970(b)(6); §2970(c)(1); §2970(c)(3); §2970(c)(4);
§2970(d)(2); §2970(d)(4); §2970(e); §2970(f); §2970(g)(1); §2970(h)(1); §2970(h)(2);
§2970(h)(3); §2980(a); §2980(b); §2980(c)(1); §2980(d); §2980(e); §2980(f); §2980(g);
2980(h); §2990(a); §2990(b); §2992(f); §2993.1(a)(2)(D); §2996(a); §2996(a)(1);
§2996(a)(2); §2996(b)(1); §2996(b)(3); §2996.1(a); §2996.1(a)(1); §2996.1(a)(2);
§2996.1(c)(1); §2996.1(c)(3); §2997(a); §2997(b); §2998; §2999(a); §2999(b)

California Code of Regulations, Title 19, §§ 2955(b)(10) and 2990 use the term "director" in reference to the Director of Statewide Operations. This position no longer exists. The Deputy Director of the Recovery Division perform these duties. The proposed revision of California Code of Regulations, Title 19, §§ 2955(b)(10) and 2990 would revise the reference from "director" to "Deputy Director." This change also does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provisions. It merely updates the statutory language with the correct position title, reflecting the current organization of Cal OES.

California Code of Regulations, Title 19, § 2990 contains references to "Statewide Operations Division." This section no longer exists. The Recovery Division, instead, performs the duties as set forth in the sections. The proposed revision of California Code of Regulations, Title 19, § 2990 would revise the reference from "Statewide Operations Division" to "Recovery." This change also does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provisions. It merely updates the statutory language with the correct program name, reflecting the current organization of Cal OES.

California Code of Regulations, Title 19, § 2997 contains references to "Director of Statewide Operations," abbreviated as "Director" for the rest of the section, and section 2997(b) contains "Assistant Secretary of Prevention, Information Analysis and Operations;" abbreviated as "Assistant Secretary." These positions no longer exist. The Deputy Director of Recovery now performs the duties previously performed by the Director of Statewide Operations as set forth in section 2997. Section 2997(b) references a "LEVEL TWO" review. The Director of Cal OES performs this next level of review after the first level of review by Deputy Director of Recovery. The proposed revision of California Code of Regulations, Title 19, § 2997 would revise the reference from "Director of Statewide Operations" and its abbreviation, "Director," to "Deputy Director of Recovery," and "Deputy Director," and revise the reference from "Assistant Secretary of Prevention, Information Analysis and Operations" and its abbreviation, "Assistant Secretary," to "Director of Cal OES" and "Director." This change also does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provisions. Nothing will change for the private nonprofits submitting their grievances.

Instead, it updates the statutory language to reflect current organization of Cal OES and correct position names.

In addition, California Code of Regulations, Title 19, §2450(a) contains a cross-reference to California Code of Regulations, Title 19, §2900(j). California Code of Regulations, Title 19, §2900(j) is an incorrect cross-reference. The proposed revision of California Code of Regulations, Title 19, §2450(a) would revise the cross-reference from California Code of Regulations, Title 19, §2900(j) to California Code of Regulations, Title 19, §2900(p), which correctly defines the meaning of "Incident Period." This change also does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provisions. It merely updates the statutory language with the correct cross-reference.

Lastly, California Code of Regulations, Title 19, § 2573.2 contains a reference to the "State Department of Personnel Administration." This Department no longer exists. The California Department of Human Resources and the State Personnel Board took over its duties. For purpose of section 2573.2, the California Department of Human Resources would be the correct and up-to-date agency. The proposed revision of California Code of Regulations, Title 19, § 2573.2 would revise the referenced agency from the "State Department of Personnel Administration" to the "California Department of Human Resources." This change also does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provisions. It merely updates the statutory language with the correct state agency name.

In the following text, underline indicates additional text, ~~strikethrough~~ indicates deleted text, and ** indicates no change.**