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BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 19. PUBLIC SAFETY
DIVISION 2. OFFICE OF EMERGENCY SERVICES
CHAPTER 6. DISASTER ASSISTANCE ACT

This database is current through 1/30/09, Register 2009, No. 5

§ 2900. Definitions.

- (a) "Act" means the California Disaster Assistance Act (Government Code Sections 8680-8692).
- (b) "Betterment" means any work performed by a local agency which exceeds restoring a facility to its predisaster design and/or that exceeds OES approved mitigation measures.
- (c) "Credits" mean receipts or reductions that offset or reduce eligible costs. Credits include, but are not limited to, purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance settlements, refunds or rebates, and funding provided by other sources.
- (d) "Current Codes and Standards" means those applicable codes or standards for the construction and design of public real property, which have been formally adopted by the local or state governing body on or before the date of the disaster occurrence or which are required by a permitting agency as defined in paragraph (w) of this Section. In addition, codes and standards must be reasonable, apply to the type of work being done, be appropriate for the pre-disaster use of the subject facility, apply uniformly to all such facilities, and be uniformly enforced.
- (e) "CEQA" means the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).
- (f) "Director" means the Director of the Office of Emergency Services or his duly authorized representative.
- (g) "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 director.
- (h) "Disaster" means a fire, flood, storm, tidal wave, earthquake, terrorism, epidemic, or other similar public calamity that the Governor determines presents a threat to public safety.
- (i) "Donated resources" means unpaid services and resources provided to a local agency and may include volunteer labor, and donated equipment and materials.
- (j) "Eligible Applicants" means any local agency, as that term is defined in paragraph (r) of this Section.
- (k) "Emergency" means any occasion or incident for which, in the determination of the Governor, state assistance is needed to supplement local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state.
- (l) "Emergency Programs" means those programs designed for short term immediate response to provide

needed life-saving, public health, safety, and property protective measures.

(m) "Emergency Work" means that work which is performed immediately before, during, or after a disaster event to protect public health, safety or property, and to provide temporary facilities for the restoration of essential public services.

(n) "Federal Assistance" means aid to disaster victims or local agencies by the federal government pursuant to federal statutory authorities.

(o) "Hazard Mitigation" means any cost effective measure which will reduce the potential for damage to a facility from a disaster event. Hazard mitigation, for the purposes of the state public assistance program, does not include work undertaken to meet current codes or standards.

(p) "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 director.

(q) "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 director.

(r) "Local Agency" means any city, city and county, county, county office of education, community college district, school district, or special district.

(s) "Local Emergency" means a condition of extreme peril to persons or property proclaimed as such by the governing body of the affected local agency in accordance with Government Code Section 8630.

(t) "NEPA" means the National Environmental Policy Act (Title 42 United States Code § 4321 et seq.).

(u) "OES" means the Governor's Office of Emergency Services.

(v) "Permanent Work" means that restorative work which must be performed through repairs or replacement, to restore an eligible facility on the basis of its predisaster design and current applicable codes and standards.

(w) "Permitting Agency" means any federal, state, regional or local public agency, board or commission that has the statutory authority to approve, disapprove, modify or condition a project.

(x) "Predisaster Design" means that capacity or measure of productive usage for which a facility could be used immediately prior to a disaster.

(y) "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 Office of Emergency Services, in addition to a federal representative (s) if federal assistance is to be pursued.

(z) "Project" means the repair, mitigation, and/or restoration, other than normal maintenance, or the replacement of, real property of a local agency used for essential governmental services, including, but not limited to, buildings, levees, flood control works, channels, irrigation works, city streets, county roads, bridges, and other public works, that are damaged or destroyed by a disaster. "Project" also includes those activities and expenses allowed under subdivisions (a), (c), and (d) of Government Code Section 8685. Except as provided in Government Code Section 8686.3, the completion of all or part of a project prior to application for funds pursuant to this chapter shall not disqualify the project or any part thereof.

(aa) "Project Application" means the written application made by a local agency to the 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.

(bb) "Project Approval" means the process when a Damage Survey Report (DSR) (OES 90, Rev. 1/03, incorporated by reference) is approved by 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.

(cc) "Public Facility" means the following facilities owned or leased by a local agency: any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility; any non-federal aid street, road, or highway; any federal aid street, road, or highway for which the Federal Highway Administration (FHWA) Emergency Relief (ER) Program funds have been sought, any other public building, structure, or system, including those used for education, recreational, or cultural purposes; or any park. Unimproved natural features are not considered facilities unless engineered and maintained to provide a public purpose. Lands used for agricultural purposes are not facilities.

(dd) "Public Real Property" means any facility owned or leased and operated or maintained by a local agency through monies derived through taxation or assessments. The term "assessment" also includes the sale by a local agency of such services as water and power.

(ee) "Repetitive damage" means damage caused by disasters that occur twice or more over the life of the facility and for which an agency has received state or federal assistance to repair.

(ff) "School District" means any and all public school districts, regardless of kind or class, except a community college district. School district includes those districts defined in the Education Code Sections 80 through 87.

(gg) "Site" means a building or facility, or group of contiguous buildings or facilities with common ownership and within a single jurisdiction. For facilities without a street address, a site is any area of continuous damage of a similar nature within a geographically defined area, and within a single jurisdiction.

(hh) "Special District" means a unit of local government in the state (other than a city, county, or city and county) with authority or responsibility to own, operate or maintain a project, including a joint powers authority established under Government Code Sections 6500et seq.

(ii) "Specifications" means the applicable architectural or engineering design guidance for a specific project as expressed in bid and contract documents created by the applicant agency or its representative. Specifications must as a minimum conform to current applicable codes and standards as defined in paragraph (d) of this Section, and possibly could contain betterments not enforced by code. Unless such betterments are funded through an approved hazard mitigation project, the costs of betterments will be assumed by the applicant agency.

(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 director shall assign applications to the appropriate agencies for investigation.

(kk) "State Eligible Costs" means all project costs eligible under Government Code Sections 8680 et seq., and shared costs of projects deemed eligible for federal public assistance, after offsetting applicable credits.

(ll) "State of Emergency" means 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, or 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.

(mm) "Temporary Relocation" means the relocation of personnel and equipment to an alternate facility that is designed or capable of short-term use only to allow for the continued operation of public services.

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

HISTORY

1. New section filed 10-19-90 as an emergency; operative 10-29-90. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 2). A Certificate of Compliance must be submitted to OAL by 2-26-91 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3-7-91 as an emergency; operative 3-7-91. Submitted to OAL for printing only pursuant to Government Code section 8682.9 (Register 91, No. 16). A Certificate of Compliance must be submitted to OAL by 7-5-91 or emergency language will be repealed by operation of law on the following day.

3. Editorial correction of History 1 (Register 91, No. 16).

4. Readoption of emergency filed 3-7-91; operative 3-7-91. Readoption filed 7-2-91, pursuant to Government Code section 8682.9; operative 7-2-91 (Register 91, No. 40).

5. New section refiled 10-30-91 as an emergency; operative 10-30-91 (Register 92, No. 6). A Certificate of Compliance must be transmitted to OAL 2-27-92 or emergency language will be repealed by operation of law on the following day.

6. New section filed 9-30-92; operative 10-30-92 (Register 92, No. 41).

7. Amendment of chapter heading filed 8-3-94; operative 9-2-94 (Register 94, No. 31).

8. Amendment filed 8-30-2001 as an emergency; operative 8-30-2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-2001 or emergency language will be repealed by operation of law on the following day.

9. Certificate of Compliance as to 8-30-2001 order, including further amendment of section, transmitted to OAL 12-26-2001 and filed 2-8-2002 (Register 2002, No. 6).

10. Change without regulatory effect amending chapter 6 heading, adding subsections (a) and (f), repealing subsection (n), relettering subsections and amending newly designated subsections (o) and (t)-(v) and Note filed 12-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 51).

11. Amendment filed 11-14-2008; operative 12-14-2008 (Register 2008, No. 46).

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