



Updates to County Emergency Plan Legislation Content, Submission, and Review Fact Sheet

February 16, 2022

Overview

Between 2016 and 2021, there have been six bills amending or adding to Government Code (Gov. Code) regulating county emergency plans:

AB 2311 (Brown, Ch. 520, Stats. 2016)	AB 2386 (Bigelow, Ch. 254, Stats. 2020)
AB 477 (Cervantes, Ch. 218, Stats. 2019)	AB 2968 (Rodriguez, Ch. 257, Stats. 2020)
SB 160 (Jackson, Ch. 402, Stats. 2019)	AB 580 (Rodriguez, Ch. 744, Stats. 2021)

These bills introduce new requirements regarding county emergency plans (1) submission, (2) content and planning process, and (3) review.

Plan Submission (AB 580)

“A county shall send a copy of its emergency plan to the [Governor's] Office of Emergency Services [(Cal OES)] on or before March 1, 2022, and upon any update to the plan after that date (Gov. Code, § 8593.3.2, subd. (a)).” For the purposes of this requirement and subsequent review, counties will submit their Operational Area (OA) plans if the OA plan serves as the county plan. Counties will submit their plans to their Cal OES Regional Office.

Content and Planning Process

Access and Functional Needs (AFN) (AB 2311 and AB 477)

In the next update of a county emergency plan, AFN must be integrated into emergency plans by addressing, at a minimum, how the population with AFN is served by the following:

1. “Emergency communications, including the integration of interpreters, translators, and assistive technology.
2. Emergency evacuation, including the identification of transportation resources and resources that are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) for individuals who are dependent on public transportation.

Counties are advised to conduct an independent review of the cited legislation and consult their local legislative and legal resources.

3. Emergency sheltering, including ensuring that designated shelters are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or can be made compliant through modification and that showers and bathrooms are fully accessible to all occupants (Gov. Code, § 8593.3, subd. (a)(1), (2) & (3)).”

Additionally, counties shall include representatives from the AFN population when updating the emergency plan to integrate AFN needs. These representatives include, but are not limited to members of the community, social service agencies, nonprofit organizations (e.g., Independent Living Centers), and transportation providers.

Cultural Competence (SB 160)

In the next update of a county emergency plan, counties must include cultural competence into emergency plans by addressing, at a minimum, how culturally diverse communities within a county are served by the following:

1. “Emergency communications, including the integration of interpreters and translators.
2. Emergency evacuation and sheltering.
3. Emergency mitigation and prevention.
4. Emergency planning, including drawing on community-based values and customs, and incorporating qualified representatives from diverse population groups in the community, during the planning process.
5. Emergency preparedness, including the use of culturally appropriate resources and outreach techniques to educate and prepare community members for emergencies or disasters (Gov. Code, § 8593.3.5, subd. (a)(1), (2), (3), (4) & (5)).”

Additionally, during the update process, counties “shall provide a forum for community engagement in geographically diverse locations to engage with culturally diverse communities within its jurisdiction (Gov. Code, § 8593.3.5, subd. (b)).”

Plans Review

Schedule (AB 580 and AB 2386)

Cal OES will review emergency plans from at least 10 counties every year, beginning in 2022. Priority will be given to counties with a high risk for wildfire disaster (AB 580 and AB 2386). The office will review all county emergency plans

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by January 1, 2028. Cal OES will determine an emergency plan review schedule and share it with the counties.

Content (AB 2386 and AB 2968)

In addition to SEMS/NIMS compliance, Cal OES will include the following in the review of emergency plans:

1. Whether the plan substantially conforms to or exceeds the recommendations in the Federal Emergency Management Agency's Comprehensive Preparedness Guide 101 (CPG 101) (Gov. Code, § 8610(c)(2)).
2. "Whether the plan is consistent with the [Cal OES] proposed best practices.
3. Whether the plan protects and accommodates vulnerable populations during natural disasters.
4. Whether the plan has established procedures for alerting, evacuating, and sheltering individuals during an emergency.
5. Any other necessary and appropriate element, as determined by [Cal OES] (Gov. Code, § 8593.9, subd. (b)(1), (2), (3) & (4))."

Upon the conclusion of the review process, Cal OES "shall provide technical assistance and feedback regarding the sufficiency of the county's emergency plan (Gov. Code, § 8593.9, subd. (b))" with respect to the aforementioned elements.

AFN Evaluation (AB 580)

Cal OES will review "whether the plans are consistent with best practices and guidance issued by the Federal Emergency Management Agency (FEMA), including those practices that relate to adequately addressing the needs of those individuals with access and functional needs . . . The review shall include an evaluation of the following:

1. The status of the county emergency alert system, including the different alerting systems used and the number of individuals signed up for each system.
2. Evacuation routes and plans and shelter-in-place plans, including preparations for evacuating or caring for individuals with access and functional needs.
3. Efforts at community outreach to prepare communities and individuals to take action in the event of an emergency or a disaster.
4. Large animal evacuation plans.

Counties are advised to conduct an independent review of the cited legislation and consult their local legislative and legal resources.

5. Plans to ensure the health and safety of citizens during power outages (Gov. Code, § 8593.3.2, subd. (b)(1), (2), (3), (4) & (5)).”

Following the review, “the county shall develop and revise its emergency plan to address the issues that [Cal OES] identified in its review (Gov. Code, § 8593.3.2, subd. (d)).” If requested, Cal OES shall provide technical assistance. A county may request that Cal OES review the county’s emergency plan in consultation with representatives of people with a variety of access and functional needs.

Summary

Submission

Recent legislation requires all counties to submit their emergency plans to Cal OES for review by March 1, 2022.

Content and Planning Process

Upon the next update to county emergency plans, counties should incorporate the newest requirements regarding populations with access and functional needs and culturally diverse communities.

Review

Cal OES will begin reviewing existing (and updated) plans in 2022 and will review a minimum of 10 plans each year, prioritizing plans from counties with a high wildfire risk. Cal OES currently reviews emergency plans for alignment with the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). NIMS concepts are met by following FEMA’s CPG 101 which provides guidelines on developing emergency plans. Cal OES will add the following to its review process: (1) consistency with best practices, (2) protection and accommodation of vulnerable populations, and (3) procedures to alert and warn, evacuate, and shelter individuals during an emergency. A county may request consultation to advance the integration of access and functional needs within its emergency plans. The Cal OES Office of Access and Functional Needs (OAFN) facilitates this process. This AFN Evaluation process will be integrated into the Emergency Plan Review Crosswalk and the Cal OES emergency plan review process.

Counties are advised to conduct an independent review of the cited legislation and consult their local legislative and legal resources.