

Emergency Management



**PLACING YOUR BETS ...
AND BEATING THE ODDS**



What's the baseline?



- State statute
- State grant requirements ~ EMPG
- Federal regulations ~ ADA
- Federal guidance
- Case law

Perception is reality – and hindsight is 20/20!

State Statute



- General duty to protect public – discretion in implementation (C.R.S. 24-33.5.702, et seq.)
 - Each county shall **maintain a disaster agency** that serves the entire county
 - Minimum of 1 (appointed and **governed** by the chief executive officer of the appointing jurisdiction)
 - Responsible for “**planning and coordination of the local disaster services**”
 - **Notice! NO authority to command**
- Declare local disasters
 - Trigger policy and plan activation ...

State Funding Requirements - EMPG

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- Emergency Operations Plan submittal annually
- Resource Report → Resource Plan
- Exercise & Training
- NIMS Compliance
- Audits

- **INCREASING THE STANDARDS!**



Federal regulations & guidelines

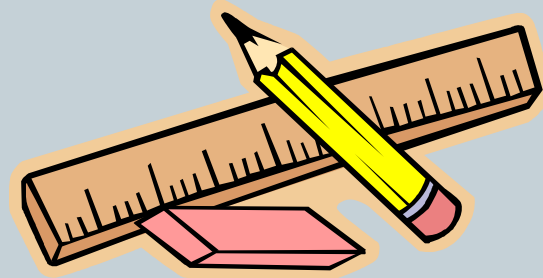


- **HSPD 5**
 - States & localities that fail to take part in the national planning efforts can **lose federal grants and other funding**
- **National Incident Management System**
 - NIMS requirements at local level
 - Plan Development Standards
 - Coordination Elements: Policy Group, Command Structure, EOC, JIC, Dispatch
- **Comprehensive Preparedness Guide**
 - Whole Community Planning

Standard of Care



- **Comprehensive Preparedness Guide**
 - whole community planning
- **NFPA**
- **EMAP**
 - meet intent
- **National Response Plan & framework**
- **EMPG standards**
- **Reduced risk requires knowledgeable prioritization by policy makers**



Program Components



- Hazard Identification Risk Analysis & Mitigation Planning
- Preparation (advance planning for **all hazards**;))
- Testing of Preparedness (training & exercise program)
- Notification – alerting the public to emergencies and disasters and to available programs, services, and activities;
- Community Evacuation and Transportation – Before and after
- Emergency Shelter Programs - Temporary Lodging and Housing;
- Social Services and Emergency- and Disaster-Related Benefit Programs;
- Emergency Medical Care and Services;
- Relocation Programs, Activities, and Services;
- Emergency and Disaster Recovery Programs, Services, and Activities;
- Remediation of Damage Caused by Emergencies and Disasters

What are the trends?



- **Donna Prince L. v. Waters** (CA 07-01233 2008 NY Slip Op 00879, 48 A.D. 3rd 1137, 850 N.Y.S. 2d 803)
- **DOJ v. City of Madison, Indiana (2011)**
- **Brooklyn Center for Independence of the Disabled et al v. Mayor Michael Bloomberg et al** (NYC 2011)

Case law



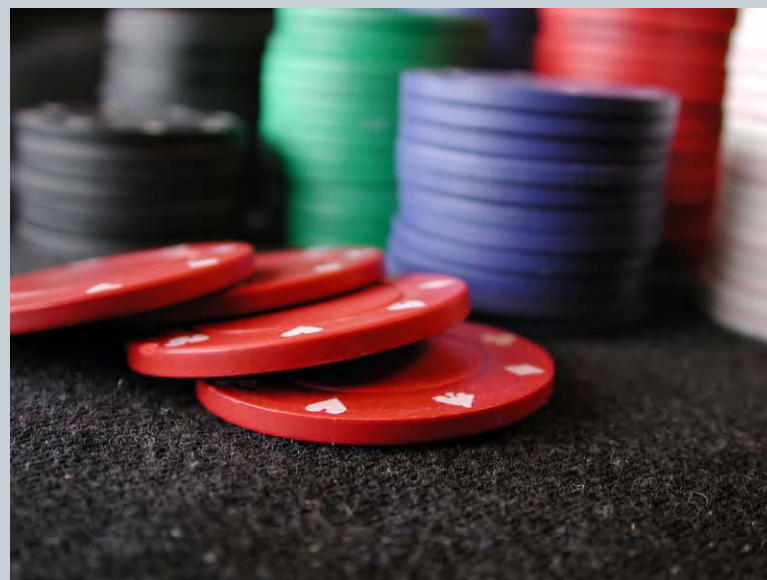
- **DOJ v. City of Madison, Indiana**
 - “because the City receives financial assistance from [DOJ]” ... DOJ had additional authorities
 - “services, policies, and practices” includes those provided during a disaster
 - “each program, service, or activity ...when viewed in its entirety, ... is readily accessible to and usable by individuals with disabilities”

ADA Trends



- **Poor plans – civil rights**
- **Poor training**
- **Poor records**

Chapter 7 of the Department's ADA Best Practices Tool Kit for State and Local Government (ADA Tool Kit)



What's in
your
emergency
management
program?



- Staffing and resources? Priority-based budgeting ...
- plan reflection of capabilities
- Messaging? Communication?
- Sheltering? Red Cross?
- Whole community planning?
- Transportation needs?

What's missing?



- **Continuity of Operations – Continuity of Government**
- **Disaster Policies**
- **Resource Mobilization**
- **Recovery**
- **Local Emergency Planning Commission**
- **Relationship?**
- **Flexibility?**

Beating the Odds

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- In the absence of planning, the successful outcomes are dependent on luck ...



“It will all work out” is not a recipe for success