

# **A Perspective on Emergencies And Disasters in California**

---

LEGISLATIVE ANALYST'S OFFICE

Presented To:  
Joint Hearing of Assembly Budget  
Subcommittees No. 1, 4, and 5





## Issue 1: State Preparedness and Response

---

- Emergency Services Act Provides the Statutory Framework for State Responses
  - Grants Governor vast new fiscal and other powers.
  - Legislature can end a state of emergency with a majority-vote resolution in both houses.
  
- Key Features of Response System
  - Bottoms-up approach with responses beginning at the local level.
  - State Emergency Management System provides process for designating who is in charge (“incident command”).
  - Mutual aid system has formalized “neighbor helping neighbor” policies.
  - Office of Emergency Services (OES) monitors and coordinates responses.



## Many State Government Agencies Involved With Emergencies and Disasters

Department	Primary Role and Responsibilities
Office of Emergency Services	<ul style="list-style-type: none"> <li>• Provide training to state, local, and private responders.</li> <li>• Maintain State Emergency Plan.</li> <li>• Coordinate local, state, and federal response to emergencies.</li> </ul>
Military Department	<ul style="list-style-type: none"> <li>• Provide National Guard response in event of disaster.</li> <li>• Coordinate homeland security training and exercises.</li> </ul>
Office of Homeland Security	<ul style="list-style-type: none"> <li>• Provide grants to local governments.</li> <li>• Develop state homeland security strategic plan.</li> <li>• Analyze information related to terrorist threats and critical infrastructure.</li> </ul>
Department of Health Services	<ul style="list-style-type: none"> <li>• Provide grants to local health departments.</li> <li>• Develop public health sections of state emergency plan.</li> <li>• Administer alert network to notify public health offices and medical providers of urgent events.</li> </ul>
Emergency Medical Services Authority	<ul style="list-style-type: none"> <li>• Plan and manage the state's medical response to disasters.</li> <li>• Coordinate statewide medical mutual aid system.</li> </ul>
Highway Patrol; Department of Justice	<ul style="list-style-type: none"> <li>• Conduct police work in support of emergency services.</li> <li>• Manage recovery logistics.</li> </ul>
Department of Forestry and Fire Protection	<ul style="list-style-type: none"> <li>• Respond to wildland fires on approximately 31 million acres of generally privately owned lands.</li> <li>• Identify areas at high risk for wildland fires.</li> <li>• Participate in fuel reduction programs and enforce state brush clearance requirements.</li> </ul>
Department of Water Resources	<ul style="list-style-type: none"> <li>• Maintain the Central Valley Flood Control System ("Project levees").</li> <li>• Inspect nonproject levees.</li> <li>• Respond to levee breaks, support local flood responses.</li> </ul>
Department of Social Services	<ul style="list-style-type: none"> <li>• Provide mass care and shelter to evacuees.</li> <li>• Provide access to benefit programs for affected individuals and families.</li> </ul>
Department of Transportation	<ul style="list-style-type: none"> <li>• Inspect transportation system after event.</li> <li>• Communicate safe routes.</li> </ul>
Seismic Safety Commission	<ul style="list-style-type: none"> <li>• Research and make recommendations on earthquake preparation and risks.</li> </ul>
Department of Food and Agriculture	<ul style="list-style-type: none"> <li>• Prevent and respond to pest emergencies.</li> <li>• Inspect dairy and other agricultural production facilities.</li> </ul>
Department of Fish and Game	<ul style="list-style-type: none"> <li>• Prevent and respond to oil spills.</li> <li>• Monitor infectious diseases of wildlife.</li> </ul>



## Strengths and Vulnerabilities Of California's System

---



### Strengths of System

- Relies on local responses which are closest to emergencies.
- Sharing resources minimizes financial strains.
- Frequent emergencies provide experience.



### Vulnerabilities of System

- Requires constant training and practice.
- Works best with strong personal relationships.
- Untested for statewide incidents.



## Concerns Identified in 2005-06 Budget Process

---

- Homeland Security Lacks a Strategic Comprehensive Plan
  - Department of Health Services (DHS) and Office of Homeland Security (OHS) developed plans independently of one another, with no comprehensive view of the state's homeland security problems.
  
- Slow Expenditure of Funds
  - Lack of regular reporting on grant status.
  - As of January 2005, only 31 percent of the \$869 million in total federal grants received had been spent.
  
- Monitoring and Audits Not Performed
  - Local grant recipients were not being audited.
  
- Lack of Statutory Authority for OHS
  - Office created by executive order in 2003, but duties, authorization, and powers not specified in state law.
  - May cause the office difficulty in accomplishing its objectives.
  
- Legislative Funding Priorities Not Identified



## 2005-06 Legislative Changes Aim to Address Concerns

---

- Strategic Plan Required
  - OHS, in collaboration with DHS, was required to submit a strategic plan in February 2006.
  - Submitted as part of grant expenditure report (see below).
  
- Annual Expenditure Report Required
  - OHS, in collaboration with DHS, is required to submit an annual grant expenditure report, beginning in February 2006.
  
- Increased Staff for Grant Monitoring
  - Homeland Security—40 new positions in 2005-06 budget (bringing total to 53 positions).
  - Health Services—extension of 95 positions.
  
- Included Funding Priorities in Budget Act



## Slow Expenditure of Funds Continues to Raise Concerns

### Federal Homeland Security and Bioterrorism Grants

*2000 Through 2005  
(Dollars in Millions)*

Grant Program (Federal Grant Year)	Authorized Activities	Amount	Spent	Percent Spent
<b>Office of Homeland Security</b>				
<b>State Homeland Security and Urban Area Security Grants</b> (2000 through 2005)	Planning, training, purchasing equipment (for example, personal protection and interoperable radio systems) for first responder agencies, conducting exercises, and paying for overtime costs during periods of elevated threat levels.	\$898.2	\$301.2	34%
<b>Department of Health Services</b>				
<b>Centers for Disease Control Bioterrorism Preparedness Grants</b> (2000 through 2005)	Planning, training, and purchasing personal protective equipment (PPE) and medical supplies for public health agencies.	\$260.9	\$213.3 <sup>a</sup>	82%
<b>Health Resources and Services Agency Bioterrorism Preparedness Grants</b> (2002 through 2005)	Planning, training, and purchasing PPE and medical supplies for the emergency medical services system; hospitals; poison control centers; and health centers.	\$125.8	\$56.7	45%
<b>Total</b>		<b>\$1,284.9</b>	<b>\$571.2</b>	<b>45%</b>

<sup>a</sup> Reflects county allocations rather than reimbursements.



## State Entities Receiving Federal Homeland Security and Bioterrorism Grant Funds

*2000 Through 2005  
(In Thousands)*

Recipients	Total
Air Resources Board	\$350
Business, Transportation and Housing Agency	150
California Community Colleges	50
California State University	2,739
Conservation	150
Emergency Medical Services Authority	22,302
Environmental Protection	1,375
Fish and Game	56
Food and Agriculture	2,847
Forestry and Fire Protection	6,441
Health and Human Services Agency Data Center	1,168
Health Services	112,921
Highway Patrol	31,442
Judicial Council	350
Justice	420
Mental Health	825
Military	21,324
Office of Emergency Services (OES)	19,745
Office of Homeland Security (OHS)	21,733 <sup>a</sup>
Service Corps	1,752
Toxic Substances Control	93
Transportation	624
University of California	1,054
Veteran's Administration	98
Water Resources	470
<b>Total</b>	<b>\$250,479</b>

<sup>a</sup> OHS totals separated from OES beginning in 2004.



## Governor's Major 2006-07 Proposals Related to Emergencies

*(In Millions)*

Proposal	General Fund	Other Funds
<b>Department of Health Services and Emergency Medical Services Authority</b>		
Strengthen scientific capabilities and expertise.	\$11.5	—
Strengthen state and local preparedness and response.	20.1	\$1.8
Public education and media campaign.	14.3	—
<b>Department of Food and Agriculture</b>		
Increase safety of the state's food supply.	\$7.2	—
<b>Office of Homeland Security</b>		
Establish office as separate entity.	—	—
Grants to mass transit operators.	—	\$5.0
Establish science and technology unit.	—	0.5
Increase administrative staff.	—	0.4
<b>Office of Emergency Services</b>		
Expand staffing at State Warning Center.	\$0.6	—
<b>Department of Fish and Game</b>		
Increase detection activities for avian influenza.	\$1.1	—
<b>Highway Patrol</b>		
Modernize existing radio system.	—	\$57.1
<b>Department of Justice</b>		
Replace radio communications equipment.	\$2.8	—
<b>Totals</b>	<b>\$57.6</b>	<b>\$64.8</b>



## LAO Analysis of Proposals

---

- Proposals Focused on Science Are Reasonable
- Failure to Maximize Use of Other Fund Sources
  - Federal funds—homeland security, bioterrorism, and specialty crop.
  - Antiterrorism Fund—state’s dedicated and flexible fund source.
  - Industry regulatory fee revenues and bond funds.
- Some Proposals Ill-Conceived or Not Justified
  - Media campaign not justified and not integrated with OES’s existing effort.
  - Agricultural surveillance would be ineffective and fails to take advantage of existing resources.
  - Agricultural projects still lack approval of required information technology documents.



## LAO Recommendations On Governor's Proposals

Proposal	Recommendation
<b>Department of Health Services and Emergency Medical Services Authority</b>	
Strengthen scientific capabilities and expertise.	<ul style="list-style-type: none"> <li>Reject \$4.3 million for food and water disasters and healthcare infection control program. Other fund sources exist.</li> </ul>
Strengthen state and local preparedness and response.	<ul style="list-style-type: none"> <li>Reject \$18.6 million related to pandemic influenza. Federal funds are available.</li> </ul>
Public education and media campaign.	<ul style="list-style-type: none"> <li>Reject \$14.3 million proposal. Campaign overlaps with existing efforts.</li> </ul>
<b>Department of Food and Agriculture</b>	
Increase safety of the state's food supply.	<ul style="list-style-type: none"> <li>Reject \$7.2 million proposal. Federal and other funds exist. Some components not justified.</li> </ul>
<b>Office of Homeland Security</b>	
Establish office as separate entity.	<ul style="list-style-type: none"> <li>Establish as division within Office of Emergency Services.</li> </ul>
Grants to mass transit operators.	<ul style="list-style-type: none"> <li>Reduce by \$2.5 million to allow funding for other departments' homeland security needs.</li> </ul>
Establish science and technology unit.	<ul style="list-style-type: none"> <li>Approve as budgeted.</li> </ul>
Increase administrative staff.	<ul style="list-style-type: none"> <li>Reject \$0.4 million proposal until vacancies are filled.</li> </ul>
<b>Office of Emergency Services</b>	
Expand staffing at State Warning Center.	<ul style="list-style-type: none"> <li>Approve at reduced amount.</li> </ul>
<b>Department of Fish and Game</b>	
Increase detection activities for avian influenza.	<ul style="list-style-type: none"> <li>Approve as budgeted.</li> </ul>
<b>Highway Patrol</b>	
Modernize existing radio system.	<ul style="list-style-type: none"> <li>Approve (with technical adjustment) if implementation of statewide shared system is more than five years away.</li> </ul>
<b>Department of Justice</b>	
Replace radio communications equipment.	<ul style="list-style-type: none"> <li>Approve as budgeted.</li> </ul>



## Issue 2: Statewide Governance and Coordination

---

- Emergency Services and Homeland Security Overlap
  - OHS still lacks statutory authority.
  - Despite budgeting OHS within OES, the two entities operate independently of one another.
  - Current situation separates preparedness funding from responders.
    - Local governments must forge relationships with two entities.
  - Lost opportunities to focus the federal homeland security funds as broadly as possible to overall emergency preparedness.
  
- Recommend Homeland Security Be Part of OES
  - Reject administration's proposal for separate budget items.
  - Establish OHS as a division with OES. Adopt statute to delineate the office's duties and powers within OES.
  - Make it clear that OES is in charge in case of disasters and emergencies.
  - Request for additional OHS administrative staff is premature until a governance decision is made.



## Issue 3: Creating a Department of Public Health— Issues for the Legislature to Consider

---

***Recent Health Threats Prompt Renewed Discussion.*** The concept of creating a separate state Department of Public Health (DPH) has again been discussed increasingly in recent years in response to concerns about the state's ability to respond to the threats of bioterrorism and a flu pandemic.

- ***Little Hoover Proposal.*** The Little Hoover Commission proposed one possible approach for creating a new DPH in a 2003 report on problems in the state's public health system. The commission proposed that the director of the new department (who would be a surgeon general) report directly to the Governor and not to the secretary of the Health and Human Services Agency (HHS).
- ***Pending Legislation.*** Senate Bill 162 (Ortiz), offered a proposal that embraces some but not all of the Little Hoover Commission's approach. The measure has passed the Senate and is pending in the Assembly. In its current form, the measure makes the new DPH a part of HHS. It also creates a new public health board, as the commission proposed, to help the new department develop policies and regulations.
- ***Administration Reorganization.*** On April 18, the administration announced its plans to reorganize state government to create such a new department effective July 1, 2007. The administration announced its intention to work with Senator Ortiz to amend its plan into SB 162. The administration is still developing its proposal, but at this point contemplates it would be a part of HHS.



## Potential Advantages of Creating A Department of Public Health

---

In *The 2006-07 Budget: Perspectives and Issues* analysis of disaster preparedness issues, we recommended that the Legislature explore the idea of creating a consolidated DPH in order to provide a greater focus on public health programs and emergency preparedness activities. In that report, and in our past analyses relating to this issue, we noted several potential advantages and disadvantages of creating such a department.

The potential advantages include:

- ***A Greater Focus on Improving Public Health Activities.*** In the past, the existing DHS has dedicated more than 48 percent of its staff and 96 percent of its total resources to health service delivery (for Medi-Cal and other DHS health care programs). It is reasonable to expect that this distribution of resources will affect the focus of the current department and its leadership on the Medi-Cal program and its medical service delivery system.
- ***Greater Growth in Financial Resources Over Time.*** Our analysis indicates that public health programs have experienced greater reductions/fewer augmentations compared to Medi-Cal in the past. To the extent that this is a reflection of the department's overall priorities, it is possible that a separation from Medi-Cal may put public health budgets in a stronger position to compete for budgetary resources.
- ***Expedited Policy and Budget Decisions.*** This would especially be the case if the new organizational structure contained fewer layers of administrative review. Currently, issues raised at the program level within DHS may have to pass through as many as six levels of review before reaching the department director or before exiting the department for review at HHS.



## Potential Advantages of Creating A Department of Public Health *(Continued)*

---

- ***New Funding Opportunities.*** Some public health functions, such as coordination of emergency services, are handled by departments other than DHS (in this example, by the Emergency Medical Services Authority [EMSA]). A centralization of core public health functions in one department may reveal funding opportunities that are not as apparent or accessible when the programs are located in separate departments. Although DHS, EMSA, and the Office of Statewide Health Planning and Development have jointly accessed certain funding streams (such as the federal funding made available for various state bioterrorism preparedness activities), additional unrealized opportunities for similar collaborations may exist.



## Potential Concerns in Creating A Public Health Department

---

The consolidation of public health programs could also result in some disadvantages. The Legislature may wish to take these potential problems into account as it considers creating a new state agency for public health:

- ***Missed Opportunities for Integrating Public Health With Health Care Delivery.*** The transformation of the Child Health and Disability Prevention Program into a gateway to public health insurance programs is a primary example of this type of integration. While initially focused on providing health screenings and immunizations, this program now facilitates children's access to long-term health care coverage. It is likely that such integration across departments would be more difficult to achieve since it would require adoption and coordination of activities between two departments.
- ***Some Program Expertise Could Be Splintered.*** The Little Hoover Commission envisioned maintaining the AIDS Drug Assistance Program within DHS and shifting the prevention and education programs to the new public health department. Such changes could splinter the expertise that currently exists within the Office of AIDS between two separate departments. Similar issues could arise in other areas of health policy expertise.
- ***Reorganization Could Delay Some Program Efforts.*** As the state attempts to prepare itself against the threat of pandemic flu or bioterrorism, reorganization efforts could have the short-term effect of slowing progress on these priority projects.



## Some Key Issues to Consider in Creating A New Department of Public Health

---

As the administration develops and the Legislature considers the best approach for organizing public health functions, here are some of the key issues it may wish to consider:

- ***Which DHS Functions Shift to the New Department?*** The administration proposal generally leaves health care services with DHS and while the new department focuses on improving the health status of Californians through programs that use population-wide intervention.
- ***Should Public Health Functions in Other Departments Be Shifted?*** The administration proposes to defer any changes involving other departments to the future.
- ***What are the Fiscal Impacts of the Change?*** The Legislature should consider not only the short-term impacts on state operations but the potential impacts in the long term on local assistance programs.
- ***Should the Director Be the State's Surgeon General?*** All three pending proposals now propose to have a medical professional at the helm of the new department. The Little Hoover Commission proposes this official be called the surgeon general.
- ***What Is the Chain of Command?*** The current version of SB 162 and the administration proposals would place the new department within HHSA without a direct reporting relationship to the Governor.
- ***Should a Public Health Board Be Created?*** The creation of a new panel to help guide the policies, and the extent of its authority, are issues to be considered. Many states provide some level of policy making authority to such panels.



## Issue 4: Interoperability—Key Terms

---

- ☑ **Interoperability:** The ability of public safety agencies to talk to one another via radio communication systems—to exchange voice and/or data with one another when needed and when authorized.
- ☑ **Operability:** The ability of a public safety department to communicate effectively on its own radio system.
- ☑ **SAFECOM:** A program within the U.S. Department of Homeland Security to help facilitate improved public safety interoperability. Term is often used in reference to SAFECOM's "Statement of Requirements," which defines functional requirements for public safety voice and data communications—to guide industry research and development efforts.
- ☑ **Project 25 (or P25):** Defines technical standards for digital, wireless radio communications systems to ensure open (or nonproprietary) architecture and backward compatibility (digital to analog). Analogous to the notion of "PC-compatibility" for information technology systems.
- ☑ **Gateways:** Devices used to connect disparate radio systems (for example, those that operate in different frequency bands). Sometimes called "black boxes" or "switching devices."



## Statewide Interoperability Efforts Fragmented

Key Players	Functions Performed
<b>Public Safety Radio Strategic Planning Committee (PSRSPC)</b>	<ul style="list-style-type: none"> <li>• Created in statute (Chapter 1091, Statutes of 2002 [AB 2018, Nakano]).</li> <li>• Membership includes 12 state public safety departments.</li> <li>• Key roles:                             <ul style="list-style-type: none"> <li>— Developing/implementing a statewide plan for interoperability among state departments.</li> <li>— Assessing department equipment needs and establishing a program for equipment purchase.</li> <li>— Developing a model memorandum of understanding to guide shared use across jurisdictions.</li> <li>— Reporting progress to Legislature every January 1.</li> </ul> </li> </ul>
<b>California State Interoperability Executive Committee (CALSIIEC)</b>	<ul style="list-style-type: none"> <li>• Established under a Federal Communications Commission (FCC) charter. Not established in statute.</li> <li>• Primary focus on regional mutual aid systems and coordination across jurisdictions.</li> <li>• Membership includes local, regional, state, federal, and nongovernmental organizations.</li> <li>• Key roles:                             <ul style="list-style-type: none"> <li>— Administering new radio spectrum allocated for public safety by the FCC.</li> <li>— Developing a consolidated statewide interoperability plan, which incorporates existing regional mutual aid channels and any new interoperability channels provided by FCC.</li> <li>— Developing and maintaining the agreements that define practices for the use of interoperability channels.</li> </ul> </li> </ul>
<b>Office of Emergency Services</b>	<ul style="list-style-type: none"> <li>• Director chairs PSRSPC and CALSIIEC.</li> </ul>
<b>Office of Homeland Security</b>	<ul style="list-style-type: none"> <li>• Distributes federal funding to state and local agencies, including funds for interoperable communications systems.</li> </ul>
<b>Department of General Services</b>	<ul style="list-style-type: none"> <li>• Handles procurement, engineering, and maintenance of state public safety radio systems.</li> </ul>



## Pending Legislation on Radio Interoperability

Bill (Author)	Key Provisions
<b>AB 2116 (Cohn)</b>	<ul style="list-style-type: none"> <li>• Requires that any communications equipment recommended for purchase by the Public Safety Radio Strategic Planning Committee (PSRSPC) conform to governmental standards for interoperability; specifies certain technical requirements, including open architecture, nonproprietary technologies, and backward compatibility.</li> <li>• Specifies that any local public safety agency using federal or state dollars to purchase radio communications equipment meet these same requirements.</li> </ul>
<b>AB 2041 (Nava)</b>	<ul style="list-style-type: none"> <li>• Modifies the membership of PSRSPC (adds the Military Department, Department of Health Services, and Department of Finance; removes the Department of Youth Authority).</li> <li>• Requires that a representative of the Office of Emergency Services serve as chairperson, and that PSRSPC meet at least twice each year (including at least one joint meeting with the California Statewide Interoperability Executive Committee).</li> <li>• Authorizes PSRSPC to include other first responder agencies in its statewide plan, as the committee deems appropriate.</li> </ul>
<b>AB 1848 (Bermúdez)</b>	<ul style="list-style-type: none"> <li>• Specifies that the PSRSPC's annual report to the Legislature shall serve as the state's strategic plan for establishing a statewide, integrated interoperable public safety communications network.</li> <li>• Establishes specific requirements for what is to be contained in the plan.</li> <li>• Authorizes PSRSPC to make recommendations to nonstate public safety agencies.</li> </ul>



## Buying More Equipment, But Still No Statewide Plan

---

### Interoperability Projects Supported by Homeland Security Funding

*2002 Through 2005*  
*(Dollars in Thousands)*

Recipient	Total
Office of Emergency Services	\$6,989
Highway Patrol	5,541
California State University	829
Military	590
University of California	262
Water Resources	220
Health Services	101
State Fair	79
Subtotal—state agency projects	(\$14,611)
Local agency projects	\$127,046
<b>Total Spending on Interoperability</b>	<b>\$141,657</b>



## Issues for Legislative Consideration

---

- What is guiding investment decisions in the absence of a statewide plan?
- Is a “system of systems” approach a long-term vision or a short-term solution?
- Should statewide planning efforts be consolidated?
- Is there a need to formalize planning requirements?