



June 13, 2018

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The Honorable Adam Gray  
Chair, Assembly Governmental Organization Committee  
California State Senate  
Sacramento, CA 95814

**RE: SB 833 (McGuire) – Emergency Alerts**  
**As Introduced on January 4, 2018 – SUPPORT IF AMENDED**  
**Set for hearing on June 20<sup>th</sup> – Assembly Governmental Organization Committee**

Dear Assembly Member Gray:

The California State Association of Counties (CSAC) writes to provide our comments on SB 833 (McGuire), a measure related to emergency alerts and their operations. SB 833 would create a statewide Red Alert system in California for the purposes of coordinating emergency alerts in the face of disasters and other emergencies. This bill includes a number of different provisions that would overhaul the state's current locally controlled alert system framework, and includes requirements related to the use and deployment of the Wireless Emergency Alert (WEA) system, standardization of terms used in emergency communications, and standards, guidelines, and procedures for the Red Alert system.

Essential to the health and safety of all communities is an effective emergency response strategy to support the distribution of information and emergency communications to the public. In the event of an emergency, the strategies and systems used become critical, and can and do save lives. The magnitude of a particular emergency situation will determine the degree to which systems are utilized. Different jurisdictions use different mechanisms and have different processes in place for alerting their communities of a disaster or an emergency situation. This is effective because disasters are local in nature and often occur quickly and without warning.

In addition, local governments have invested in different technologies and developed relationships with law enforcement, and others to develop a plan and a system that best suits the needs of their community. CSAC does support SB 833's requirement for all Operational Areas to register as a WEA operator and have up-to-date software and receive annual training. This is an important step forward to ensuring that all communities have access to the tools and technology available to provide for sufficient emergency alerts. Many jurisdictions, including our rural counties, lack the necessary resources to acquire this technology. We appreciate the bills focus on providing the necessary funding needed to implement this provision.

CSAC has been working collaboratively with Senator McGurie's office on this important bill over the last several months. We believe that we have a common objective of improving upon our current system. However, our underlying concern with SB 833 is the state-mandated approach to local emergency notifications. CSAC believes that local governments have the most accurate and complete understanding of an emergency situation, and is incumbent upon local officials and the Operational Area Command to rapidly and effectively communicate with the public in the event of an emergency. Recognizing that virtually all disasters emerge and exist on a local level, CSAC believes that the primary public alert and warning responsibility of the state is to provide funding, guidance and training to local government entities. We do not believe it is appropriate or effective for the state to decide how to notify local residents of a local situation. We have included these concepts in the attached amendments. We believe they strike the balance between an improved and more coordinated system while respecting the local control necessary for effective communication and public safety.

We look forward to continuing our work with the author and other stakeholders to address our concerns. Should you have any questions regarding our position, please do not hesitate to contact me at 916-327-7500, ext. 504. or [cmartinson@counties.org](mailto:cmartinson@counties.org).

Sincerely,



Cara B. Martinson  
Senior Legislative Representative

cc: The Honorable Mike McGuire, California State Senate  
Members, Assembly Governmental Organization Committee  
Kenton Stanhope, Associate Consultant, Assembly Governmental Organization Committee  
Jared Yoshiki, Consultant, Assembly Republican Caucus

## **SB 833 – CSAC PROPOSED AMENDMENTS\_ JUNE, 13, 2018**

### **SECTION 1.**

The Legislature finds and declares as follows:

- (a) The size and scope of wildland fires in California have grown significantly over the past decade. These disasters have put the lives of millions at risk and the need to alert residents of danger from these unprecedented disasters has never been greater.
- (b) While opt-in emergency alert systems, ~~such as Nixel,~~ are critical to the safety of residents, it has become clear that ~~the state must develop an emergency alert system that is deployed to all residents on multiple communication mediums and not just to those who subscribe to opt-in systems~~ may be necessary to protect lives and save property.
- (c) The Northern California firestorm of 2017 is the most destructive and deadly wildland fire disaster in American history.
- (d) The death toll from blazes in northern California remains at 44 people, including 24 people in the County of Sonoma, nine people in the County of Mendocino, seven people in the County of Napa, and four people in the County of Yuba.
- (e) About 170,000 acres were burned in the northern California fires.
- (f) The Southern California wildfires of December 2017, including the Thomas Fire, burned over 307,000 acres.
- (g) The Thomas Fire is the largest wildland fire in California's modern history, burning at least 281,620 acres.
- (h) The federal Wireless Emergency Alert (WEA) system is a component of the federal Integrated Public Alert and Warning (IPAWS) public safety system that allows customers who own certain wireless telephones and other enabled mobile devices to receive geographically targeted, text-like messages alerting them of imminent threats to safety in their area. The WEA system was established in 2008 pursuant to the federal Warning, Alert, and Response Network (WARN) Act and became operational in 2012. Since then, over 21,000 WEA alerts have been issued.
- (i) Authorized national, state, or local government authorities may send alerts regarding public safety emergencies—such as evacuation orders or shelter-in-place orders due to severe weather, fire, a terrorist threat, or chemical spill or other hazards—using the IPAWS program to access WEA.
- (j) The alerts from authenticated public safety officials are sent through the Federal Emergency Management Agency's (FEMA's) Integrated Public Alert and Warning System (IPAWS) to participating wireless carriers, which then broadcast ~~push~~ the alerts to mobile devices in the affected area.
- (k) It is the intent of the Legislature that every tool be used to prevent another catastrophe like the north coast firestorm.

### **SEC. 2.**

Section 8588.4 is added to the Government Code, to read:

#### **8588.4.**

- (a) On or before July 1, 2019, the Office of Emergency Services (OES) shall ensure both of the following:
  - (1) That each California County Operational Area Coordinator (OAC) shall become emergency management office within a county or city and county is a registered federal IPAWS Wireless Emergency Alert (WEA) operator.
  - (2) That each ~~emergency management office (OAC)~~ within a county or city and county has a functional, up-to-date IPAWS WEA software or state-sanctioned equivalent software along with suitable ancillary equipment needed to operate the WEA system or state-sanctioned equivalent emergency alert software.
- (b) The Office of Emergency Services shall ensure that the personnel of each OAC emergency management office within a county that are trained on the IPAWS and WEA system receive training in WEA equipment and software operation at least once each year.

### **SEC. 3.**

Section 8594.6 is added to the Government Code, to read:

#### **8594.6.**

~~(a) For purposes of this section, “red alert” system means a quick response system designed to issue and coordinate alerts following an evacuation order.~~

~~(b) The red alert system shall incorporate a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying evacuation. The red alert system shall utilize the state utilized emergency notification systems, Mass notification and the communication of protective actions shall be conveyed broadly or to a targeted population based on the conditions and risk assessment of the responsible local government. Options for notification shall include: ~~including but not limited to,~~ local digital signs, radio, television, focused text, automated emergency notification or mass notification systems, or other technologies, as appropriate, in addition to the federal Wireless Emergency Alert (WEA) system, if authorized and under conditions permitted by the federal government.~~

~~(c) A local government agency or state agency that uses the federal WEA system to alert a specified area of an evacuation order shall both use the term “red alert” in the alert and notify the Office of Emergency Services of the alert. Upon receiving this notification, the Office of Emergency Services shall utilize the state utilized emergency notification systems, including, but not limited to, local digital signs, radio, television, focused text, or other technologies, as appropriate, in addition to the federal WEA system for the alert.~~

~~(d) When the emergency management office within a county or city and county uses the federal WEA system to alert a specified area of an evacuation order, the emergency management office shall also send an equivalent alert to all landline phones within that specified area.~~

~~(e) On or before January 1, 2019, the Office of Emergency Services shall augment the office’s public Internet Web site to include a red alert link that describes the red alert process, objectives, and available quick responses. The Internet Web site shall explain that the term “red alert” will communicate that an evacuation is underway and that the scope of an alert will be tailored to the circumstances of the evacuation and available technologies.~~

~~(f) On or before January 1, 2019, the Office of Emergency Services shall establish the following guidelines and best practices for public alerts and warnings and the use of mass notification systems. for the red alert system:~~

~~(1) Standards for when counties should use and deploy the system.~~

~~(2) Guidelines and protocols for when and how the alerts should be sent.~~

~~(3) Guidelines for sending alerts to cell phones and landline phones.~~

~~(4) Procedures for verifying, initiating, modifying, and canceling alerts transmitted via an alert system.~~

~~(5) Guidelines for the technical capabilities of an alert system.~~

~~(6) Guidelines for the technical capability that provides for the priority transmission of alerts.~~

~~(7) Guidelines for other capabilities of an alert system.~~

~~(8) Guidelines Standards for equipment and technologies used by an alert system.~~

~~(9) Cost estimates for technology purchasing.~~

~~(g) Upon appropriation by the Legislature, an OAC emergency management office within a county or city and county shall be provided moneys for the purpose of implementing this section. The state and local government agencies also may receive in-kind contributions or donations from the private sector, or grant funds from the federal government, for these purposes.~~

~~(h) This section shall not be construed to limit the ability of emergency management offices or other WEA operators to use the WEA system for other emergency purposes.~~

#### **SEC. 4.**

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.