

FAILING TO PLAN

LIABILITIES FOR LOCAL GOVERNMENT IN EMERGENCY PLANNING

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REALITY OF LOCAL GOVERNMENT PLANNING

- APPLIES TO ALL UNITS OF LOCAL GOVERNMENT
 - ALL ESF ELEMENTS SHOULD BE PLANNING
- LIMITS ON COMMUNICATION AND INFORMATION WILL ALWAYS EXIST
- PUBLIC EXPECTATIONS HAVE GROWN UNREALISTICALLY
- PURSUIT OF MONEY FOR EQUIPMENT REPLACES PLANNING
- PUBLIC EQUATES MONEY & NEW EQUIPMENT WITH PREPAREDNESS

MORE REALITY

- Public & business preparedness is limited
 - Actually it's mostly very poor
- The reaction of public & business needs to be predictable
 - Either you want them to cooperate or get out of the way
 - Unreasonable expectations drive public & business reactions
- Immediate response and rescue does not always exist
 - Tough message, but one we must deliver
 - We can't handle everything
 - Can we handle even likely incidents?
 - Have to communicate & educate

STANDARDS FOR PLANNING

- NRT-1 & CPG-101 PLANNING PROGRAMS
 - PRODUCE MULTI-HAZARD EOP
 - BROAD COMMUNITY PREPAREDNESS PLANS
 - MUST INCLUDE EFFECTIVE INCIDENT COMMAND
 - BROAD AND MEANINGFUL PUBLIC PARTICIPATION AND ACCEPTANCE
 - EXPECTATIONS OF COMMUNITY CAPABILITIES
 - PUBLIC AND BUSINESS UNDERSTAND THEIR ROLES AND OBLIGATIONS

FEMA GUIDANCE – CPG 101

“When threatened by ... emergencies or disasters, people expect elected or appointed leaders to take immediate action...

They expect the government to marshal its resources... and solicit assistance from outside the jurisdiction if necessary.

The elected leaders in each jurisdiction are legally responsible for ensuring that ... actions are taken to protect people and property...”



RESPONSE VS PLANNING

- BROAD IMMUNITY – FEDERAL AND STATE - FOR RESPONSE ACTIVITIES
- NO FEDERAL IMMUNITY FOR PLANNING
- VERY LIMITED STATE IMMUNITY
 - RELIES ON LOCAL EMERGENCY PLANNING COMMITTEE STRUCTURE

6

SUCCESSFUL LAWSUITS

- CIVIL RIGHTS CLAIMS BASED UPON FAILURE OF PLANNING
 - FAILURE TO WARN ABOUT CAPABILITY AND RESPONSE LIMITS
 - FAILURE TO FOLLOW CPG-101 GUIDANCE
 - FAILURE TO HAVE BROAD PUBLIC PARTICIPATION
 - EASILY COUPLED WITH ADA CLAIMS

7

YOUR BEST OPTION

- USE YOUR LEPC
 - BROAD REPRESENTATION – HOPEFULLY
 - ROUTINE AND REPEATED OUTREACH TO VARIOUS COMMUNITY SEGMENTS OFFERING MULTIPLE WAYS TO PARTICIPATE
 - ASK THE PUBLIC & BUSINESSES TO PARTICIPATE IN EXERCISES

8

QUESTIONS

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