

## **Seminar for Newly Elected County Judges and Commissioners**

### **Emergency Management State Laws**

- Emergency management in Texas is governed by laws, administrative codes (rules), and policy
  - Texas Government Code:
    - Chapter 418 (TX Disaster Act)
    - Chapter 421
    - Chapter 433
    - Chapter 81
  - Texas Administrative Code Title 37

### **Chapter 418 Disaster Definition**

"Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, other public calamity requiring emergency action, or energy emergency.

### **Chapter 418 Overview**

- Principal state emergency management legislation
- Outlines definition of disaster, roles and responsibilities, declaration authorities, and training and preparedness requirements
- Endows local authorities with certain emergency management rights, including ordering evacuations

### **Chapter 418 Overview**

- 418.013 Emergency Management Council
- 418.014 Declaration of State of Disaster (NOT State of Emergency)
- 418.015 Effect of Disaster Declaration
  - Activates the plan
  - Governor is Commander in Chief

### **Chapter 418 Overview**

- 418.016 Suspension of Certain Laws and Rules
- 418.017 Use of Public and Private Resources
- 418.018 Movement of People

### **Chapter 418 Overview**

- Subchapter C – TDEM
- Subchapter D – Finance

- Subchapter E – Local and Interjurisdictional Emergency Management
- 418.1015 Presiding Officer of the governing body (Judge/Mayor)
  - Governor’s designated agent
  - May exercise powers granted to the Governor on appropriate local scale

### **TDEM Initiatives**

- Texas Government Code Chapter 418 endows TDEM with a variety of powers and duties, including:
  - 418.042 - Prepare and keep current a comprehensive state emergency management plan
  - 418.043(6) - Establish and operate training programs and programs of public information or assist political subdivisions and emergency management agencies to establish and operate the programs

### **TDEM Initiatives**

- 418.043(13) - Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response and recovery

### **Chapter 418- Declaration Authorities**

- Sec. 418.108 (a) and (d)

“(a) ... (e), the presiding officer of the governing body of a political subdivision may declare a local state of disaster.”

and...

“(d) ... The appropriate preparedness and response aspects of the plans are activated as provided in the plans and take effect immediately after the local state of disaster is declared.”

### **Chapters 421 and 433**

- Texas Government Code Chapter 421
  - Governs homeland security management for Texas
- Texas Government Code Chapter 433
  - Applies only to a declaration of emergency, which in Texas is similar to a state of martial law
  - 72 hours in duration
  - State Police and State Military

### **Title 37, Part 1, Chapter 7**

- Covers emergency management program, planning, and operations

requirements

- Reinforces roles and responsibilities, including how and when state resources become involved

Rule §7.25 "Requests for assistance must be made by the chief elected official of the city or county or by another official specifically authorized by them."

### **Chapter 418 and Chapter 81**

- Chapter 418 is the principal governing document for ALL emergencies, including infectious disease outbreaks
- Authorities are limited in Chapter 81 WITHOUT a declaration under Chapter 418
- Chapter 81 does NOT allow public health authorities to task emergency responders
  - Other than requesting assistance with the flow of traffic

### **Texas Public Health Emergencies Laws**

- Texas Health and Safety Code Chapter 81
  - Outlines roles, responsibilities, and authorities for the prevention and control of communicable diseases
  - Allows public health authorities to take certain, specific actions during a communicable disease disaster response

### **How do we do it?**

- Budget
- People
- Population
- Disaster Thresholds
- Rankings

### **How TDEM is Funded**

- The state of Texas funds TDEM approximately ~\$5.5 million
- Federal government preparedness grants provide approximately \$19 million to TDEM (around \$6 million is passed to jurisdictions)
- Other federal grants supply about \$1.4 million for dedicated programs (HMEP, WIPP, Pantex)
- Included in the budget is approximately \$XXX million in disaster grant funding that is passed through to affected jurisdictions (amounts vary greatly on # of disasters)

### **Texas Population Growth**

- Large and growing population compounds disaster numbers

- 2010 Texas population\*:  
25,145,561
- 2016 Texas population *estimate*:  
27,862,596
- *Estimated* population increase of 2,717,035 residents

\* U.S. Census Bureau 2010 Census

#### **NOTES:**

Statistics are from the U.S. Census Bureau,

<http://www2.census.gov/programs-surveys/popest/tables/2010-2016/state/totals/nst-est2016-01.xlsx>

#### **Texas is Growing!**

- Texas added 432,957 new residents from July 2015 – July 2016
  - Largest numeric growth in the U.S.
- Biggest movers to Texas in 2015
  - California residents: 65,546
  - Florida residents: 33,670
  - Louisiana residents: 31,044
  - Foreign countries: 207,786

#### **NOTES:**

Estimate of Resident Population Changes are from the U.S. Census Bureau:

<http://www2.census.gov/programs-surveys/popest/tables/2010-2016/state/totals/nst-est2016-03.xlsx>

2015 U.S. Census Bureau State to State Migration flow:

[http://www2.census.gov/programs-surveys/demo/tables/geographic-mobility/2015/state-to-state-migration/State to State Migrations Table 2015.xls](http://www2.census.gov/programs-surveys/demo/tables/geographic-mobility/2015/state-to-state-migration/State%20to%20State%20Migrations%20Table%202015.xls)

#### **...And Expected to Continue!**

- Texas' population is projected to double to 54.4 million by 2050\*

#### **NOTES:**

Statistics are from "Texas Population Projections, 2010 to 2050." Office of the State Demographer-Potter, Lloyd B. and Hoque, Nazrul. 2014.

#### **Texas by the Numbers**

- 254 Counties -1210 Cities -1026 ISDs
  - Six of the most populated cities in the U.S.
  - #4 Houston
  - #7 San Antonio
  - #9 Dallas

- #11 Austin
- #16 Fort Worth
- #20 El Paso

**NOTES:**

Annual Estimates of the Resident Population for Incorporated Places of 50,000 or More, Ranked by July 1, 2015 Population: April 1, 2010 to July 1, 2015

<http://www.census.gov/data/tables/2015/demo/popest/total-cities-and-towns.html>

ISD numbers from TEA

**Fastest Growing Texas Cities**

- Five of the nation's 11 fastest-growing cities are in Texas
  - #1 Georgetown
  - #2 New Braunfels
  - #4 Frisco
  - #7 Pearland
  - #11 Pflugerville
- Austin area added 19,000 people from July 2014 – July 2015

\* U.S. Census News Release, 5/19/16.

**NOTES:**

U.S. Census News Release: <http://census.gov/newsroom/press-releases/2016/cb16-81.html>

**Disasters in Texas**

- 2010 – Present:
  - Federally Declared Disasters – 11
  - Emergency Declarations – 2
  - Fire Management Assistance Declaration (FMAG) – 58
  - State (only) Declared Disasters – 9

**NOTES:**

Major:

May 2016 Severe Storms and Flooding 05/22/16 – 6/24/2016 (declared 06/11/16)

April 2016 Severe Storms and Flooding 4/17/16 – 04/24/16 (declared 4/25/16)

March 2016 Severe Storms, Tornadoes, and Flooding – 03/07/16 – 3/29/16 (declared on 3/19/16)

December 2015 Blizzard and Severe Weather – 12/26/15 – 1/21/16

(declared on 02/09/16)

October 2015 Severe Weather and Flooding – 10/22/15 – 10/31/15

(declared on 11/25/15)

May-June 2015 Severe Weather and Flooding – 5/4/2015 to 6/23/2015

(declared on 05/29/15)

Austin Halloween Floods – 10/30/13-10/31/2013 (declared on 12/20/2013)

West Explosion – 8/2/2013

Bastrop Wildfires – 9/9/2011

Davis Mountains Wildfires (PK Complex/Rockhouse/Wildcat/Copper Mountain Ranch) – 7/1/2011

Hurricane Alex 8/3/2010

Emergency:

West Explosion – 4/19/2013

Tropical Storm Alex – 6/29/2010

FMAGs:

58 (Included Oct. 2015 Hidden Pines Fire)

State Declared:

Severe Weather and Flash Flooding (Atascosa, Wilson on Aug. 20 & 21) – 9/26/2016

Hutchinson County Wildfire – 05/16/2014

Severe Winter Weather – 12/05/2013

Maverick County Flood Event – 06/15/2013

Bexar County Flood Event – 06/13/2013

Tornadoes & Severe Storms (Hood, Ellis Johnson, Parker) – 05/20/13

Tornadoes & Severe Storms (Dallas, Tarrant, Kaufman) – 04/05/2012

Drought & Wildfire - 12/21/2010 (Extended Multiple times to current date)

Tropical Storm Hermine – 9/9/2010

## Disaster Declaration Thresholds

- To qualify for federal assistance after a disaster, states must meet a pre-established, population based damage threshold.

Thresholds	
Texas	\$ 35,958,152
Arkansas	\$ 4,169,763
Louisiana	\$ 6,482,722
Oklahoma	\$ 5,364,432
New Mexico	\$ 2,944,626

### NOTES:

Numbers updated for FY17.

## Major Disaster Declarations Since 1953

- 10. Iowa 58
- 9. Alabama 59
- 8. Arkansas 61
- 7. Kentucky 62
- 6. Louisiana 63
- 5. Florida 69
- 4. New York 70
- 3. Oklahoma 79
- 2. California 81

\*As of January 2, 2017

### NOTES:

Numbers from FEMA - <https://www.fema.gov/disasters/grid/state-tribal-government>

## Major Disaster Declarations Since 1953

- 1. Texas 94
  - EMER 13
  - FMAG 236
  - TOTAL 343
- The Lone Star State has recorded 94 Major Disasters in 63 years.
- 1 EVERY 8.1 MONTHS

### NOTES:

Last Emergency Declaration – West Explosion

Incident Period: April 17 – 20, 2013

Fed. Declaration Date: April 19, 2013  
Last Major Disaster – May 2016 Severe Storms and Flooding  
Incident Period: May 22, 2016 – June 24, 2016  
Fed. Declaration Date: June 11, 2016  
Last FMAG – Hidden Pines Fire  
Incident Period: October 13, 2015  
Fed. Declaration Date: October 14, 2015

### **How is it Managed?**

- Local level
- State level
- Federal level

### **Incident Management in Texas**

- Incidents begin and end locally, and are managed on a daily basis at the ***closest possible*** geographical, organizational, and jurisdictional level.

### **NOTES:**

Photo Credit:

Colorado river flooding near Bastrop, Texas, KEYE, May 27, 2016

### **Local Governments**

- Local governments (counties, cities, or towns) respond to emergencies daily using their own resources
- They rely on mutual aid and assistance agreements with neighboring jurisdictions
- When local jurisdictions cannot meet incident response resource needs with their own resources or with help available from other local jurisdictions, they may ask the state for assistance

### **Local Authority in Texas**

- Sec.418.101. (b) The presiding officer of the governing body of each political subdivision shall notify the division of the manner in which the political subdivision is providing or securing an emergency management program, identify the person who heads the agency responsible for the program, and furnish additional pertinent information that the division requires
- Sec. 418.108 (a) Except as provided by Subsection (e), the presiding officer of the governing body of a political subdivision may declare a local state of disaster

### **Emergency Management Directors and Coordinators**



- Sec.418.1015. EMERGENCY MANAGEMENT DIRECTORS. (a) The presiding officer of the governing body of an incorporated city or a county or the chief administrative officer of a joint board is designated as the emergency management director for the officer's political subdivision
- (c) An emergency management director may designate a person to serve as emergency management coordinator. The emergency management coordinator shall serve as an assistant to the emergency management director for emergency management purposes

#### **Texas Government Code**

- Sec. 418.102. COUNTY PROGRAMS. (a) Each county shall maintain an emergency management program or participate in a local or interjurisdictional emergency management program that, except as otherwise provided by this chapter, has jurisdiction over and serves the entire county or interjurisdictional area

#### **Texas Government Code**

- Sec. 418.103. MUNICIPAL PROGRAMS. (a) The governor shall determine which municipal corporations need emergency management programs of their own and shall recommend that they be established and maintained
- (b) The emergency management program of a county must be coordinated with the emergency management programs of municipalities situated in the county but does not apply in a municipality having its own emergency management program

#### **Texas Government Code**

- Sec. 418.106. LOCAL AND INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLANS  
(a) Each local and interjurisdictional agency shall prepare and keep current an emergency management plan for its area providing for disaster mitigation, preparedness, response, and recovery

#### **Texas – Strong Partners in Disaster Response**

- Local jurisdictions
- Regional Organizations (RACs)
- Voluntary Organizations
- Special Response Teams (Emergency Medical Task Force [EMTF], Texas Task Force 1, Public Works Response Team [PWRT])
- Local volunteer special response teams (Search One, TEXSAR, TCSAR,

AASAR)

- Private Sector
- State Government (TDEM and the Emergency Management Council)
- Federal Government (FEMA, USGS, NWS)
- Media (TV, Print, Social)

### **Texas State Law**

- Governor appoints Public Safety Commission (PSC)(five members)
- Director, Department of Public Safety (DPS) is appointed by the PSC
- Chief, DPS, Texas Division of Emergency Management (TDEM) is appointed by the DPS Director, with approval of the Governor

### **Disaster Districts**

- Sec. 418.113. DISASTER DISTRICTS. (a) This state is divided into disaster districts to engage in homeland security preparedness and response activities
- (b) A disaster district committee is established for each disaster district. Each committee is composed of local representatives of the state agencies, boards, and commissions and organized volunteer groups with representation on the emergency management council

### **Texas Government Code**

- Sec.418.113. (d) The public safety director of the Department of Public Safety of the State of Texas shall appoint a commanding officer from the Texas Highway Patrol to serve as chair of each disaster district committee. The chair shall:
  - (1) inform the state Director of Homeland Security on all matters relating to disasters and emergencies as requested by the state Director of Homeland Security; and
  - (2) inform the public safety director of the Department of Public Safety of the State of Texas on all matters as requested by the public safety director

### **DDC, SC & DC**

- Disaster District Chair (DDC)
  - Texas Highway Patrol (THP)
    - Captain/Lieutenant
- TDEM Regional State Coordinator (SC)
- TDEM District Coordinator (DC)

### **DPS State Regions**

- Texas is divided into 6 DPS regions

- Region 7 is the Capitol Complex
- Each region has a TDEM Field Response Regional State Coordinator

### **State Disaster Districts**

- Texas has 24 disaster districts
- Each disaster district has a TDEM District Coordinator(s)
- Field Response Regional State Coordinators oversee a team of district coordinators

### **Texas Government and Administrative Code**

- Sec. 418.115. REQUESTING AND PROVIDING MUTUAL AID ASSISTANCE. (a) A request for mutual aid assistance may be submitted verbally or in writing. If a request is submitted verbally, it must be confirmed in writing
- Title 37, RULE §7.24 If local and mutual aid resources prove inadequate for coping with a disaster, the local government may request assistance from the state by contacting the local Disaster District Committee Chairperson

### **Requesting Assistance**

\*Discuss the request for assistance process described by the graphic on the slide\*

### **Emergency Operations**

- Level IV - Normal Conditions
- Level III - Increased Readiness
- Level II - Escalated Response Conditions
- Level I - Emergency Conditions

### **SOC Organization 2010-2017**

\*Discuss SOC Org Chart\*

### **Emergency Management Council**

\*List of members\*

### **State Operations Center (2017)**

\*Photo of SOC\*

#### **NOTES:**

Photo from the SOC media tour on 12/18/13

- NIMS compliant
- Standardized operations
- Focus includes management and finance

### **Federal Government**

- If an incident is beyond local and state capabilities, the Governor can

request federal assistance

- The governor's request is made through the FEMA Regional Administrator and based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and affected local governments, federal assistance is granted

### **The Stafford Act**

- Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288)
- Authorizes President to declare an emergency or major disaster in a state
- Requests to the President come from governor
- Makes federal assistance available to supplement state and local resources

### **Presidential Declaration Process**

\*Discuss declaration process graphic\*

### **Incident Management and Local Control**

- Incident management remains under local control for ENTIRE event!
- Texas Administrative Code, Title 37

Rule §7.26 All local disaster operations will be directed by officials of local government. Organized state and federal response teams and teams from other local governments and response organizations providing mutual aid will normally work under their existing supervisors, who will take their mission assignments from the local incident commander

### **Lingering Question...**

How, if at all, does the response process change during an event that is not a formally declared disaster?

The process should remain the same!

### **Remember!**

- Federal public health laws are NOT the same as Texas public health laws!
- Often trainings provided by entities like the Emergency Management Institute (EMI) only provide the federal perspective
- Federal laws allow for broader public health authority during a disaster than state law

### **Emergency Management Training**

- Sec 418.005 sets training guidelines for elected law enforcement or county judges who play a role in emergency management
  - Officials shall complete at least a 3-hour training course
  - Must complete within 180 days in office

### **Emergency Management Training**

- Recommended courses for elected officials
  - G-402 – ICS overview for Executive/Senior officials
  - G-200 – Texas Public Officials Workshop
  - MGT-312 – Senior Officials Workshop for All-Hazards Preparedness
  - IS-908 – Emergency Management for Senior Officials
- Visit Preparing Texas for available classes
  - <https://www.preparingtexas.org/>

### **Regional Disaster Finance Coordinators**

- Finance coordinators assigned to each DPS region
- Coordinators assist counties, cities and state agencies with the financial tools needed to help recover before a disaster occurs
- Facilitate collaboration and communication between response teams and financial managers prior to an emergency incident

### **T-600 Basic Disaster Finance Course**

- In-depth disaster accounting workshop with multiple sessions over three months offered to cities, counties and state agencies
- Coordinators deployed to jurisdictions for just in time training for recent severe weather events
- Local Emergency Management Coordinators can request training through Regional Disaster Finance Coordinators or Preparing Texas

### **Personal Responsibility**

- Are you ready?
- Is your family prepared?
- Does your workplace have a plan?
- Does your church, place of worship or civic organization have a plan?
- Does your neighborhood have a plan?

### **The Four Challenges**

- Be the Expert
- Stay in your lane
- Collaborate at all cost
- Make a decision!

**END**