



WHERE'S THE PLAN FOR THE SAN MATEO COUNTY EMERGENCY ALERT SYSTEM?

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ISSUE

The Covid-19 pandemic, wildfires, unhealthy smoke levels, major road closures, and power shutdowns have impacted and endangered the health and safety of San Mateo County residents, just in the past few years. Is San Mateo County's alert system widely understood by personnel issuing alerts, incident commanders, and city and County officials so as to ensure effective and rapid communication and coordination, in appropriately diverse languages, reaching as many residents as possible, when the need arises?

SUMMARY

All of these serious emergencies require a robust and well-managed alert management plan. The purpose of an emergency alert system (EAS) is to provide rapid and clear information to all San Mateo County residents. The County's Office of Emergency Services (OES), which issues these alerts, must have a detailed operational plan to achieve that goal. An EAS plan is one part of an overall county emergency plan.

The 2019-2020 San Mateo Civil Grand Jury inquired into the San Mateo Emergency Alert System ("*SMC Alert – Emergency Alerts: More People Need to Know*") limiting its inquiry to resident opt-in participation and alert translations. The Sheriff's Office response to the findings and recommendations of that report lead the 2021 Grand Jury to broaden the inquiry to examine the effectiveness of the overall management of the current system.

For an emergency alert system to provide consistent service, a detailed management plan is essential so that all key system aspects are clearly documented for program implementation. This is supported by the *California Statewide Alert and Warning Guidelines*.¹ The plan also should serve as an essential guideline for those having the vital responsibility of issuing emergency alerts and warnings. Additionally, a management plan is an essential resource whenever there are program management changes.

The current Grand Jury inquired into the status of the County's EAS management plan to determine if guidelines have been published congruent with the *California Statewide Alert and Warning Guidelines*² (State Guidelines,) recommending best practices, which were published in 2019.

¹ <http://www.calalerts.org/guidelines.html>

² <http://www.calalerts.org/guidelines.html>

At the time of the current Grand Jury’s inquiry, the EAS plan had not been completed. The health and safety of County residents could be compromised without a widely understood and distributed EAS plan for those issuing the alerts. The completed plan should meet the minimum guidelines set by the State but should also include numerous innovative alert system improvements practiced in other Bay Area counties.³ Once completed, the EAS Plan then serves as the primary resource for operations and training of SMC Alert personnel.

GLOSSARY

BAUASI – Bay Area Urban Areas Security Initiative. The goal of this federal program is to improve regional capacity to prevent, protect against, respond to, and recover from terrorist incidents and catastrophic events

State Guidelines - *California Statewide Alert and Warning Guidelines*⁴

EAS—Emergency Alert System is an alert notification system used to immediately notify residents of urgent emergency situations. Residents’ opt-in to receive messages.

OES –Office of Emergency Services for San Mateo County

BACKGROUND

San Mateo County has experienced numerous widespread emergencies over the past several years, such as:

- Major fires triggering evacuations
- Elevated unhealthful air quality levels from fires
- Scheduled and unscheduled power outages
- Significant traffic events
- Covid-19 pandemic necessitating rapid dissemination of information

Earthquakes are also a constant threat.

California OES Action

“With recent disasters in California highlighting the differences and inconsistencies among various alert and warning programs across California,” the California OES “identified the need to establish statewide guidelines for the purpose of enabling and encouraging consistent application of alert and warning best practices, procedures, and protocols.”⁵

³ Source: interview with Santa Clara County OES

⁴ <http://www.calalerts.org/guidelines.html>

⁵ <http://www.calalerts.org/guidelines.html>

To further build the continuous improvement of the EAS, the current Grand Jury inquired into the status of the County’s EAS management plan. The State Guidelines provide specific instruction for an EAS plan ensuring broad understanding and consistency with personnel issuing alerts, incident commanders, and city and county officials.

The State Guidelines were issued to all California counties in 2019 by the Governor’s Office of Emergency Services. They define a public alert as a

“...communication intended to attract public attention to an unusual situation and motivate individual awareness. A public warning is a communication intended to persuade members of the public to take one or more protective actions in order to reduce losses or harm. The measure of an effective public warning message is the extent to which the intended audience receives the message and takes the protective action and/or heeds the guidance.”⁶

San Mateo County Operational Area Emergency Services Organization is a Joint Powers Authority made up of the County and all 20 cities and towns within it. It has responsibility for countywide emergency response planning.

OES has implemented SMC Alert using a ‘critical event management’ software platform from Everbridge, Inc., an enterprise software company focused on critical event management solutions.⁷ Everbridge provides emergency alert notification systems to more than half of the counties in California and was selected for use in the statewide California Public Alert and Warning System. At this time, all nine Bay Area counties contract with Everbridge for emergency services.

County Resident Enrollment

The SMC Alert system currently requires county residents to proactively use an opt-in enrollment option to receive electronic messages for a variety of electronic devices including cell and home phones, text messages, and email. SMC enrollment in January 2021 was reported to be only 14% of the County’s households.⁸

The current enrollment for County residents is expected to significantly increase a recently enacted law.

California Senate Bill 821 (Section 8593.4 Government Code, enacted 9/2018)

This law authorizes each county, including a city and county, to enter into an agreement to access the contact information of resident accountholders through the records of a public utility or other agencies responsible for water service, waste and recycling services, or other property-related

⁶ www.caloes.ca.gov/cal-oes-divisions/warning-center/california-state-warning-plan

⁷ www.everbridge.com

⁸ Source: Interview with San Mateo County OES

services for the sole purpose of enrolling county residents in a county-operated public emergency warning system.⁹

SMC Emergency Alert System Management

In September 2020, management responsibility for EAS was transferred from the Sheriff's Office to the County Manager's Office.¹⁰

In March 2019, the State of California published the State Guidelines¹¹ which provided recommended best practices for local jurisdictions¹² and designated specific alert authorities to implement an alert warning program. The State Guidelines provides instructions to local entities about how to draft a Local Emergency Alert System Plan. OES is aware of the State Guidelines and has written a partial draft.¹³

The current Grand Jury's inquiry determined that the County's OES has been preparing its own Local Emergency Alert System Plan draft for SMC¹⁴ for over two years.¹⁵ As recently as March 2021, "the draft document had not been completed".¹⁶ As such, a working EAS Plan has not yet been presented to SMC emergency responders or OES management, nor has training begun for implementation of this plan. Also, a completed plan has not been submitted to the State EAS Committee per the State Guidelines recommendation.

Translation legislation

California Government Code section 7290 (1973)

These laws¹⁷ address effective communication between the State's residents and state, county, and municipal governments¹⁸. The law requires State and local agencies to ensure they provide information and services in the various languages used by their constituents.

California Government Code 7293¹⁹ (2017) states

⁹ An act to add Section 8593.4 to the Government Code, relating to emergency services. <https://law.onecle.com/california/government/8593.3.html>

¹⁰ Interview with San Mateo County Sheriff's Office October 2020

¹¹ <https://caloes.ca.gov/PublicSafetyCommunicationsSite/Documents/2020CalSCIP.pdf>

¹² <https://www.caloes.ca.gov/cal-oes-divisions/warning-center/california-state-warning-plan#> ("Local Government", pg. 2)

¹³ Interview with San Mateo OES December 2020

¹⁴ Interview with San Mateo County OES December 2020

¹⁵ Interview with San Mateo County OES December 2020

¹⁶ Interview with San Mateo County OES March 2021

¹⁷ The Dymally-Alatorre Bilingual Service Act (Act) enacted in 1973, amended 2011 <https://codes.findlaw.com/ca/government-code/gov-sect-7290.html>

¹⁸ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB305

¹⁹ <https://law.onecle.com/california/government/7293.html>

This law allows local agencies to determine what constitutes a substantial number of non-English-speaking people.

“Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. *The determination of what constitutes a substantial number of non-English speaking people, and a sufficient number of qualified bilingual persons shall be made by the local agency.*”

Government Code section 7296.2

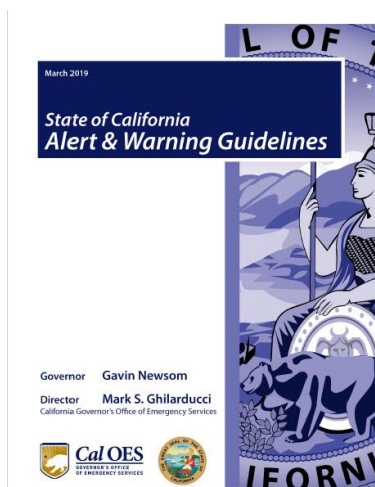
In contrast, the section defines “substantial” as “members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by the statewide or any local office or facility of a state agency”.

DISCUSSION

Emergency preparedness and alerts are important to all residents. The current Grand Jury broadened the scope of the 2019-20 Grand Jury report as the responses to that report were either rejected or no action was taken to determine the development status of the management plan for the EAS recommended by the State Guidelines.

The State of California published the State Guidelines in March 2019, but the OES has not completed the recommended EAS plan which supports the alert system and is vital to the health and safety of County residents.

Given the recent increase in emergencies affecting the residents of San Mateo County, the Grand Jury has determined the County must complete the draft EAS plan immediately.



For a local EAS Plan to meet the minimum recommendations, the OES must follow the “Local Entities” section (Chapter 7.1) within the State Guidelines. This section provides the *minimum* expectations for jurisdictions and designates alerting authorities to implement an alert and warning program. “The document provides direction to the sub-components of the statewide alert and warning system, including the State EAS Plan, sub-jurisdictional alert and warning programs, and local EAS and alert warning plans.”²⁰ When completed, the local EAS Plan will benefit from an initial review and annual re-evaluation using the State Guidelines checklist (Appendix B).

Increasing Resident Enrollment (California Government Code Section 8593.4(a))

The OES response to Recommendation #2 of the 2019-20 Grand Jury report “*SMC Alert-Emergency Alerts: More People Need to Know*”²¹ acknowledges the passage of Government Code Section 8593.4²² expanding “the list of utilities that may be sources of data to include mobile telephone providers.”

Changes in the law were designed to increase enrollment in the EAS. During grand jury interviews of OES personnel, there appeared to be a lack of familiarity with this law or its impact on the EAS plan. The expected increase in enrollment may heighten the need for a completed EAS plan. Even with a current enrollment of a mere 14% of the county’s households, there appears to be no active plan to utilize the law’s new enrollment tools. With pervasive and life-threatening emergencies increasing, establishing a strategic plan to increase enrollment seems prudent. Everbridge personnel²³ advised the current Grand Jury that there is no cost increase associated with increasing resident subscription. However, the current draft EAS plan does not contain a strategy for the expected exponential growth of the system.

Increasing Language Access (California Government Code sections 7290 – 7299.8)²⁴

California Government Code sections 7290 through 7299.8 (Appendix C) are long established laws, spanning 28 years, with 20 revisions between 1973 and 2008. It is clearly the *intent* of the California Legislature to provide language inclusion for the millions of Californians for whom English is a second language throughout State and local programs.

Presently, the OES subscription/enrollment information pamphlet and the SMC Emergency Alerts are only available in two languages: English and Spanish.²⁵ However, the State Guidelines recommend agencies “reduce reliance on free digital translation services as they can often

²⁰ http://www.sanmateocourt.org/documents/grand_jury/2019/smc_alerts.pdf

²¹ http://www.sanmateocourt.org/documents/grand_jury/2019/smc_alerts.pdf

²² <https://leginfo.legislature.ca.gov/faces/cods>

²³ Grand Jury interview with Everbridge personnel

²⁴ [Increasing Language Access \(California Government Code sections 7290 – 7299.8\)](#): See Appendix C

²⁵ 2019-20 Grand Jury report “SMC Alert-Emergency Alerts: More People Need To Know”

misinterpret the message. Where feasible, contract with translation services, such as local translators and/or telephonic services.”²⁶

The statistics speak for themselves. Approximately 35% of San Mateo County’s population self-describes as acknowledging their first language as other-than-English.²⁷ The OES’ current practice is to rely on in-house employees to translate emergency notifications into other-than-English languages.²⁸ The State Guidelines suggest emergency services, "reduce reliance on free digital translation services as they can often misinterpret the message. Where feasible, contract with translation services, such as local translators and/or telephonic interpretation services."²⁹ The Grand Jury believes it an imperative to assist the County’s non-English speaking populations’ access to the County Alert System by state recommended use of outside providers for translation.

As a comparative example to the current practice in San Mateo County, Santa Clara County is now outsourcing translations to include Spanish, Tagalog, Mandarin and Vietnamese³⁰ to embrace the *intent* of Government Code 7290.

Beyond the Minimum State Guidelines

Interviews during the Grand Jury’s inquiry revealed a need to improve the EAS plan’s effectiveness, reliability, and provide for long term consistency. Also, the OES operational plan should include innovations specific to San Mateo County, as the following examples suggest:

- continuing benchmarking with nearby county OES/BAUASI agencies to identify overall EAS best practices for improvement and consistency throughout the Bay Area;
- making comparisons with other counties’ EAS websites to identify opportunities for consistency and continued improvement;
- including a section containing the definition of the language translation protocols and outsourcing possibilities;
- making the annual EAS Plan refresher training recommended by the State Guidelines mandatory for OES personnel, emergency personnel issuing alerts, and incident commanders;
- including a formal succession plan to ensure appropriately trained personnel are available to replace key personnel so the alert system is never interrupted; and

²⁶ 11.3.3 Translation of Notifications, of the California Statewide Alert and Warning Guidelines <http://calalerts.org/documents/2019-CA-Alert-Warning-Guidelines.pdf>

²⁷ <https://www.census.gov/quickfacts/fact/table/sanmateocountycalifornia/POP645219#POP645219>

²⁸ Interview with OES personnel December 2020

²⁹ <http://www.calalerts.org/guidelines.html>

³⁰ Interview with personnel from Santa Clara OES

- developing a plan for the expected resident enrollment increase resulting from California Government Code Section 8593.4(a)), described on page 3 of this report.

FINDINGS

- F1. An Emergency Alert System Plan has not been completed in a timely fashion as recommended by the California Office of Emergency Services (“*Alert and Warnings Guidelines*”) published March 2019.
- F2. Because there is no completed Emergency Alert System Plan, training for affected San Mateo County personnel has been delayed leaving them less prepared to issue alerts following plan guidelines.
- F3. The current draft Emergency Alert System Plan lacks a personnel succession plan thus placing residents at risk should a vacancy occur.
- F4. The alert system resident enrollment remains at a low 14% in San Mateo County.
- F5. San Mateo County personnel reported inconsistent understanding of recent California legislation (California Penal Code Section 8593.4 (a)) containing strategies that can be used to increase Emergency Alert System enrollment.³¹
- F6. The *California Statewide Alert and Warning Guidelines* recommends consistency with California Government Code Section 7290 to include professional translations. Because the San Mateo County Office of Emergency Services’ current practices of using in-house personnel who are not professional translators is inconsistent with California Office of Emergency Services best practices, 35% of the residents may not have Alert system access.

RECOMMENDATIONS

- R1. By October 1, 2021, the Board of Supervisors should instruct the San Mateo County Manager’s Office to complete the County’s Emergency Alert System Plan and publish it to all affected Office of Emergency Services personnel and the State Emergency Alert System Committee. The plan should meet the minimum requirements as listed in the *State of California Alert and Warning Guidelines, March 2019*.
- R2. In addition to the minimum requirements, the San Mateo County Emergency Alert System Plan should include:
- benchmarking with nearby county Office of Emergency Services / Bay Area Urban Area Security Initiative agencies to identify overall Emergency Alert System best practices for improvement and consistency throughout the Bay Area.

³¹ Source: Interview with San Mateo County OES

- comparisons with other counties' Emergency Alert System websites to identify opportunities for consistency and continued improvement.
- a section describing language translation protocols, including how translators will be used.
- mandatory participation by Office of Emergency Services staff in annual Emergency Alert System Plan refresher training as recommended by the State Guidelines.
- a section addressing an Office of Emergency Services succession plan to assure appropriately trained personnel are available to replace key personnel necessary for operation of the Emergency Alert System; and
- a section addressing how the expected enrollment increases resulting from utilization of California Penal Code Section 8593.4(a) will be managed.

R3. By October 1, 2021 (and annually thereafter) the newly completed Emergency Alert System Plan should be verified using the “*State of California Alert and Warning Guidelines, March 2019 Appendix Minimum expectation checklist for jurisdictions and designated alerting authorities implementing an alert and warning program within the State of California*” (See Appendix B).

R4. By December 1, 2021 (and annually thereafter), the Office of Emergency Services should provide Emergency Alert System Plan training for County employees with responsibilities related to the Plan and offer the training to outside agencies that use the Emergency Alert System to send alerts.

R5. By December 1, 2021, the County Manager’s Office should prepare a plan outlining the Office of Emergency Services’ strategy for implementing legislation (California Penal Code Section 8593.4(a)) that would increase resident Emergency Alert System enrollment.

R6. By December 1, 2021, the Board of Supervisors should instruct the San Mateo County Manager’s Office to compile a list of potential translation services who can provide expanded translation services for the Emergency Alert System.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:
From the following governing bodies:

San Mateo Board of Supervisors – all findings and recommendations

933.05.

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding; **in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.**
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, **with a summary regarding the implemented action.**
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, **with a timeframe for implementation.**
 - (3) The recommendation requires further analysis, **with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.**
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

METHODOLOGY

The Grand Jury conducted seven interviews over a period of three months and reviewed numerous documents during their inquiry.

Documents

- BAUASI Strategies Funding MOU
- County Internal Protocols
- County Subscription Rates
- Everbridge Contracts and Presentations
- Finance Accounting Budget
- Operational Plans
- Security Organization Congress to County
- Assembly and Senate Bills
- State Warning Guidelines

Interviews

- Officials from the San Mateo County Manager's Office
- An official from Santa Clara County Offices of Emergency Management
- Representative from Everbridge Inc.
- Representatives from San Mateo Sheriff's Office
- A representative from the SMC Controller's Office

BIBLIOGRAPHY

- State of California Alert and Warnings Guidelines <http://calalerts.org/documents/2019-CA-Alert-Warning-Guidelines.pdf>
- Santa Clara County Website <https://emergencymanagement.sccgov.org/AlertSCC>
- San Mateo County Emergency Alert System website <https://hsd.smcsheriff.com/smcalert>
- OES Website <https://hsd.smcsheriff.com/sheriffs-office-oes>
- Past GJ report http://www.sanmateocourt.org/documents/grand_jury/2019/smc_alerts.pdf
- California Assembly Bill 2213 and Senate Bill 821(Gov Code Section 8393.4)
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2213 and
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB821
- California Government Code section 7290
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB305
- OES Draft EAS Plan

APPENDIX A – 7.1 LOCAL GOVERNMENT (STATE GUIDELINES)

“Local entities, as defined in the local alert and warning plan(s), are responsible for:

- Enactment of ordinances and/or policies identifying local roles and responsibilities to enable the issuance and coordinated dissemination of alerts and warnings to the public by responsible officials within their jurisdiction regarding imminent threats to human life and health and extraordinary threats to property.
 - Installation, maintenance, user training, and exercise/testing of local public alert and warning capabilities within their jurisdiction.
 - Understanding the access and functional needs-related considerations associated with public alert and warning systems and messaging.
 - Obtaining authority and tools for accessing federal warning systems as a Collaborative Operating Group (COG) via the FEMA Integrated Public Alert and Warning System (IPAWS);
 - Participate in revisions of mandated Federal Communications Commission (FCC) local EAS plans, including approval of authorized event codes.
 - Development of procedures *for proper chain of command* for initiating, cancelling, and revoking accidental alerts, and for rapidly correcting and updating alert details as additional information becomes available.
 - Coordination with adjoining jurisdictions, Operational Areas, the State, and the NWS regarding origination of alerts and warnings over NWS Weather Radio related to hazards that have effects across jurisdictional boundaries; and
 - Developing, maintaining, and submitting to the state EAS Committee a Local Emergency Alert System Plan (Local EAS Plan).³²

“Within the Standard Emergency Management System (SEMS) regulations, Operational Areas are responsible for coordinating response and recovery support to county sub-jurisdictions, e.g. cities and special districts, which includes coordination of mass notification alerts, within the authority of the Local EAS Plan.

Specifically, Operational Areas are responsible for:

- Coordinating with all Alerting Authorities within an Operational Area and Operational Areas within the same Local EAS Plan, as needed to effectively manage an incident and prepare and warn the public.
- Coordinating training, testing, and exercising of county-wide alerting and warning systems.
- Incorporating alert and warning systems into Operational Area standard procedures and protocols; and
- *Utilization of IPAWS as a component of the county-wide alert and warning plan.*³³

In addition to the above minimum requirements within an EAS Plan, there are several other plan components to be considered. Examples are the following:

³² California Statewide Alert and Warning Guidelines <http://calalerts.org/documents/2019-CA-Alert-Warning-Guidelines.pdf>

³³ California Statewide Alert and Warning Guidelines <http://calalerts.org/documents/2019-CA-Alert-Warning-Guidelines.pdf>

- Creation an organizational chart with specific names and succession personnel managing the alert system and their back-ups.
- A plan for increasing resident % alert notification participation (AB2213 & SB821).
- A plan for compliance with the Dymally Alatorre bilingual services act.
- Provisions for annual EAS Plan training for SMC Emergency Responders and SMC management.

APPENDIX B STATEWIDE ALERT & WARNING GUIDELINES CHECKLIST

Minimum expectation checklist for jurisdictions and designated alerting authorities implementing an alert and warning program within the State of California. Establishing an Alert & Warning Program.

- Develop a Local Alert & Warning Plan that includes all of the key steps below.
- Clearly identify and train Designated Alerting Authority(ies) within the jurisdiction on local alert & warning capabilities and their role and responsibilities in the Local Alert & Warning Plan.
- Clearly identify and train Designated Alerting Originators within the jurisdiction on local alert & warning capabilities and their role and responsibilities in the Local Alert & Warning Plan.
- Develop a training plan for alerting Authorities and Originators to ensure expertise on local alerting protocols, system expertise, and IPAWS, including Emergency Alert System (EAS) Event Codes and Wireless Emergency Alerts (WEA).
- Apply for IPAWS at <https://www.fema.gov/how-sign-ipaws> to obtain authority and tools for accessing federal warning systems.
- Select, install, and train on a public alert & warning platform that incorporates a wide range of alerting methods.

- Establish redundant alert & warning capabilities via neighboring jurisdictions, the CA State Warning Center, and the National Weather Service.
- Test coordination protocols with the primary and secondary Public Safety Answering Point (PSAP) per the Local Alert & Warning Plan.
- Coordinate alert and warning protocols with cross-agency, cross-jurisdictional partners, the State, and the National Weather Service (NWS).
- Confirm that the warning system technology is secure and software is up to date.
- Identify and train multiple individuals as Designated Alerting Authority and Originators to ensure someone with authority to approve an alert and someone with the ability to execute an alert is accessible at all times.
- Ensure messaging platforms account for accessibility considerations of individuals with access and functional needs.

APPENDIX C – California Penal Code Section 7290 – 7299.8

7290.

This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.
(Added by Stats. 1973, Ch. 1182.)

7291. The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.

The Legislature further finds and declares that substantial numbers of persons who live, work and pay taxes in this state are unable, either because they do not speak or write English at all, or because their primary language is other than English, effectively to communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate

with persons requiring their services because of this language barrier. As a consequence, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise be entitled.

It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

(Added by Stats. 1973, Ch. 1182.)

7292.

(a) Every state agency, as defined in Section 11000, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

(b) For the purposes of this chapter, the furnishing of information or rendering of services includes, but is not limited to, providing public safety, protection, or prevention, administering state benefits, implementing public programs, managing public resources or facilities, holding public hearings, and engaging in any other state program or activity that involves public contact.

(Amended by Stats. 2007, Ch. 259, Sec. 1. Effective January 1, 2008.)

7293. Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency.

(Added by Stats. 1973, Ch. 1182.)

7294. *An employee of a state or local agency, as defined by Sections 11000 and 54951, may not be dismissed to carry out the purposes of this chapter. A state or local public agency need only implement this chapter by filling employee public contact positions made vacant by retirement or normal attrition.*

(Added by Stats. 1973, Ch. 1182.)

7295. *Any materials explaining services available to the public shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.*

(Amended by Stats. 2007, Ch. 259, Sec. 2. Effective January 1, 2008.)

7295.2. Every state agency which serves a substantial number of non-English-speaking people and which provides materials in English explaining services shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

(Added by Stats. 1977, Ch. 1035.)

7295.4. Whenever a state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its statewide and local offices or facilities to non-English-speaking persons, or, as an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance, through use of a qualified bilingual person, at its statewide and local offices or facilities in completing English forms or questionnaires and in understanding English forms, letters, or notices:

(a) The written materials, whether forms, applications, questionnaires, letters, or notices solicit or require the furnishing of information from an individual or provide that individual with information.

(b) The information solicited, required, or furnished affects or may affect the individual's rights, duties, or privileges with regard to that agency's services or benefits.

(c) The statewide or local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

(Amended by Stats. 2014, Ch. 469, Sec. 1. (AB 2253) Effective January 1, 2015.)

7296.(a) As used in this chapter, a "qualified bilingual person," "qualified bilingual employee," or "qualified interpreter" is a person who is proficient in both the English language and the non-English language to be used. For any state agency, "qualified" means one of the following:

(1) A bilingual person or employee who the Department of Human Resources has tested and certified as proficient in the ability to understand and convey in English and a non-English language commonly used terms and ideas, including terms and ideas regularly used in state government.

(2) A bilingual employee who was tested and certified by a state agency or other approved testing authority as proficient in the ability to understand and convey in English and a non-English language commonly used terms and ideas, including terms and ideas regularly used in state government.

(3) An interpreter who has met the testing or certification standards for outside or contract interpreters, as proficient in the ability to communicate commonly used

terms and ideas between the English language and the non-English language to be used and has knowledge of basic interpreter practices, including, but not limited to, confidentiality, neutrality, accuracy, completeness, and transparency.

(b) The determination of what constitutes "qualified" for local agencies, shall be left to the discretion of the local agency.

(Amended by Stats. 2012, Ch. 360, Sec. 1. (SB 1309) Effective January 1, 2013.)

7296.2. As used in Sections 7292, 7295.2, 7295.4, 7299.3, and 7299.4, a "substantial number of non-English-speaking people" are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by the statewide or any local office or facility of a state agency.

(Amended by Stats. 2014, Ch. 469, Sec. 2. (AB 2253) Effective January 1, 2015.)

7296.4. As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking these services. However, where the statewide or local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as qualified interpreters to assist those in those positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking the services from the office or facility.

(Amended by Stats. 2014, Ch. 469, Sec. 3. (AB 2253) Effective January 1, 2015.)

7297. As used in this chapter, a "public contact position" is a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency's functions.

(Amended by Stats. 1977, Ch. 1035.)

7298. The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

(Added by Stats. 1973, Ch. 1182.)

7299. The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service law governing the state and local agencies.

(Added by Stats. 1973, Ch. 1182.)

7299.1. State agencies may, utilizing existing funds, contract for telephone-based interpretation services in addition to employing qualified bilingual persons in public contact positions.

(Amended by Stats. 2007, Ch. 259, Sec. 6. Effective January 1, 2008.)

7299.2. The Department of Human Resources shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

(Amended by Stats. 2012, Ch. 360, Sec. 2. (SB 1309) Effective January 1, 2013.)

7299.3. Notwithstanding any other provision of this chapter, by July 1, 2015, a state agency subject to the requirements of this chapter shall translate and make accessible on the homepage of its Internet Web site, forms and processes for submitting complaints of alleged violations of this chapter, as referenced in paragraph (15) of subdivision (b) of Section 7299.4. The forms and processes shall be translated into all languages spoken by a substantial number of non-English-speaking people served by the state agency. Translated copies of the forms shall be printed and made available in the statewide office and any local office or facility of the state agency.

(Added by Stats. 2014, Ch. 469, Sec. 4. (AB 2253) Effective January 1, 2015.)

7299.4.(a) Notwithstanding any other provision in this chapter, each state agency shall conduct a language survey and develop and update an implementation plan that complies with the requirements of this chapter.

(b) Each agency shall conduct a language survey of each of its statewide and local offices every two years to determine and provide all of the following:

(1) The name, position, and contact information of the employee designated by the agency responsible for complying with this chapter.

(2) The number of public contact positions in each statewide and local office.

(3) The number of qualified bilingual employees in public contact positions in each statewide and local office, and the languages they speak, other than English.

(4) The number and percentage of non-English-speaking people served by each statewide and local office, broken down by native language.

(5) The number of anticipated vacancies in public contact positions.

(6) Whether the use of other available options, including contracted telephone-based interpretation services, in addition to qualified bilingual persons in public contact positions, is serving the language needs of the people served by the agency.

(7) A list of all written materials that are required to be translated or otherwise made accessible to non- or limited-English-speaking individuals by Sections 7295.2 and 7295.4.

(8) A list of materials identified in paragraph (7) that have been translated and languages into which they have been translated.

(9) The number of additional qualified bilingual public contact staff, if any, needed at each statewide and local office to comply with this chapter.

- (10) A detailed description of the agency's procedures for identifying written materials that are required to be translated.
- (11) Each agency shall calculate the percentage of non-English-speaking people served by each statewide and local office by rounding the percentage arrived at to the nearest whole percentage point.
- (12) A detailed description of the agency's procedures for identifying language needs at statewide and local offices and assigning qualified bilingual staff to those offices.
- (13) A detailed description of how the agency recruits qualified bilingual staff in statewide and local offices.
- (14) A detailed description of any training the agency provides to its staff on the provision of services to non- or limited-English-speaking individuals, frequency of training, and date of most recent training.
- (15) A detailed description of complaints regarding language access received by the agency and the agency's procedures for accepting and resolving complaints of an alleged violation due to failure to make available translated documents or provide interpreter service through bilingual staff or contract services.
- (16) A detailed description of how the agency complies with any federal or other state laws that require the provision of linguistically accessible services to the public.
- (17) Any other relevant information requested by the Department of Human Resources.
- (c) The language survey results and any additional information requested shall be reported in the form and at the time required by the Department of Human Resources, and delivered to the department not later than October 1 of every even-numbered year.
- (d) Every odd-numbered year, each agency that served a substantial number of non-English-speaking people shall develop an implementation plan that provides a detailed description of how the agency plans to address any deficiencies in meeting the requirements of this chapter, including, but not limited to, the failure to translate written materials or employ sufficient numbers of qualified bilingual employees in public contact positions at statewide and local offices, the proposed actions to be taken to address the deficiencies, and the proposed dates by when the deficiencies will be remedied.
- (e) In developing its implementation plan, each state agency may rely upon data gathered from its most recent language survey.
- (f) Each state agency shall submit its implementation plan to the Department of Human Resources no later than October 1 of each applicable year. The Department of Human Resources shall review each implementation plan, and, if it determines that the implementation plan fails to address the identified deficiencies, shall order the agency to supplement or make changes to its plan. A state agency that has been determined to be deficient shall report to the Department of Human Resources every six months on its progress in addressing the identified deficiencies.
- (g) If the Department of Human Resources determines that a state agency has not made reasonable progress toward complying with this chapter, the department shall issue orders that it deems appropriate to effectuate the purposes of this chapter.

(Amended by Stats. 2014, Ch. 469, Sec. 5. (AB 2253) Effective January 1, 2015.)

7299.5. The Department of Human Resources may exempt state agencies from the requirements of Section 7299.4, where it determines that any of the following conditions apply:

(a) The agency's primary mission does not include responsibility for furnishing information or rendering services to the public.

(b) The agency has consistently received such limited public contact with the non-English-speaking public that it has not been required to employ bilingual staff under Section 7292 and the agency employs fewer than the equivalent of 25 full-time employees in public contact positions.

In order to receive an exemption, each state agency shall petition the Department of Human Resources for the exemption and receive approval in writing by the date established by the department. An agency may receive an exemption for up to five survey cycles, if it demonstrates that it meets the requirements of subdivision (a) or (b, and provides all required documentation to the Department of Human Resources.

(Amended by Stats. 2013, Ch. 427, Sec. 3. (AB 1062) Effective January 1, 2014.)

7299.6. The Department of Human Resources shall review the results of the surveys and implementation plans required to be made by Section 7299.4, compile this data, and provide a report to the Legislature every two years. The report shall identify significant problems or deficiencies and propose solutions where warranted.

(Amended by Stats. 2012, Ch. 360, Sec. 5. (SB 1309) Effective January 1, 2013.)

7299.8 It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of qualified interpreters, where less than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with qualified bilingual persons.

(Amended by Stats. 2007, Ch. 259, Sec. 9. Effective January 1, 2008.)



County of San Mateo

Inter-Departmental Correspondence

APPROVED BY
BOARD OF SUPERVISORS

OCT 19 2021

BY  CLERK OF BOARD
DEPUTY

Department: COUNTY MANAGER

File #: 21-818

Board Meeting Date: 10/19/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Michael P. Callagy, County Manager
Subject: Board of Supervisors' Response to the 2020-2021 Civil Grand Jury Report "Where's the Plan for the San Mateo County Emergency Alert System?"

RECOMMENDATION:

Approve the Board of Supervisors' response to the 2020-2021 Civil Grand Jury Report, "Where's the Plan for the San Mateo County Emergency Alert System?"

BACKGROUND:

On August 11, 2021, the 2020-2021 San Mateo County Civil Grand Jury issued a report titled "Where's the Plan for the San Mateo County Emergency Alert System?" The Board of Supervisors is required to submit comments on the findings and recommendations pertaining to the matters over which it has decision-making authority within 90 days. The Board's response to the report is due to the Honorable Amara A. Lee of the Superior Court of California, County of San Mateo, no later than November 11, 2021.

DISCUSSION:

The Grand Jury made six findings and six recommendations in its report. Staff has reviewed the Grand Jury's report and assisted in drafting the County's response. The San Mateo County Board of Supervisors (Board) responses follow each finding and recommendation that the Grand Jury requested that the Board respond to within 90 days.

FINDINGS

Finding 1:

An Emergency Alert System Plan has not been completed in a timely fashion as recommended by the California Office of Emergency Services ("*Alert and Warnings Guidelines*") published March 2019.

Response: The County of San Mateo **agrees** with this finding. While a draft was quickly created in 2019 based on the example local plan template contained in the state plan, it was not completed to produce a final version. The template provided by the

state has not been used as the basis for any alert and warning plans in the 12 greater Bay Area counties. The newly-formed San Mateo County Department of Emergency Management (DEM) is in the process of working with the County Emergency Managers Association (EMA) to produce a guidance document and templates that can be adopted by the Emergency Services Council and utilized by all of the jurisdictions in the county.

Finding 2:

Because there is no completed Emergency Alert System Plan, training for affected San Mateo County personnel has been delayed, leaving them less prepared to issue alerts following plan guidelines.

Response: The County of San Mateo *partially agrees* with this finding. Having a plan alone will not solve the training or user skill issues. Using an alert and warning system is a perishable skill, and it is only through practice that one becomes competent at it. The plan under development by DEM and EMA incorporates a recurring test and practice element, similar to how FEMA requires monthly test messages on the IPAWS system. A training and exercise area of the system is going to be implemented in the next upgrade of the system, where training and testing can go on without the risk of accidentally sending test alerts to the public.

Finding 3:

The current draft Emergency Alert System Plan lacks a personnel succession plan thus placing residents at risk should a vacancy occur.

Response: The County of San Mateo *agrees* with this finding. System management at the highest level has fallen to one individual for the last several years with one other supporting user account issues. There are ~90 individuals countywide who can send alerts to the public. Expanding the number of administrators able to resolve account and other issues would be a reasonable goal for 2022.

Finding 4:

The alert system resident enrollment remains at a low 14 percent in San Mateo County.

Response: The County of San Mateo *agrees* with this finding. Unlike portions of the country where weather emergencies strike frequently and subscribership is typically very high, the infrequent nature of major incidents in our region leads to a general community disinterest in alert and warning systems. While opt-in subscribership is 14 percent, we have almost 100 percent of conventional wireline phones and many voice over IP phones in our reverse 9-1-1 portion of the alerting system. Additionally, we have access through the FEMA Integrated Public Alert and Warning System to the Wireless Emergency Alert system which can alert any cell phone that is associated to a cell tower located in San Mateo County. DEM actively tries to promote the alert and warning system at any opportunity, and in partnership with the Bay Area Urban Area Security Initiative, we are an active part of the "www.alertthebay.org" alerting outreach campaign promoting additional opt-in subscribers.

Finding 5:

San Mateo County personnel reported inconsistent understanding of recent California legislation (California Penal Code Section 8593.4 (a)) containing strategies that can be used to increase Emergency Alert System enrollment.

Response: The County of San Mateo **agrees** with this finding. Only the chief system administrator has been tracking and dealing with this all the way back to its introduction as a bill by State Senator Hannah-Beth Jackson. Others have some limited understanding of the measure and how it allows certain utility data to be imported as opt-out subscribers. As a note of correction, the statute referenced in this finding should be California Government Code Section 8593.4(a), rather than the Penal Code.

Finding 6:

The *California Statewide Alert and Warning Guidelines* recommends consistency with California Government Code Section 7290 to include professional translations. Because the San Mateo County Office of Emergency Services' current practices of using in-house personnel who are not professional translators is inconsistent with California Office of Emergency Services best practices, 35 percent of the residents may not have Alert system access.

Response: The County of San Mateo **partially agrees** with this finding. The Dymally-Alatorre Bilingual Services Act, though having excellent intention, doesn't adequately address rapidly evolving exigent circumstances. Using professional translation services is a viable option in non-urgent situations. However, in many alert and warning circumstances, the delay of several minutes to a few hours due to obtaining professional translation could result in tragedy. The template messages being currently worked on by the Emergency Managers Association and Public Information Officers groups will be professionally translated and tested before they are installed into the system.

RECOMMENDATIONS

Recommendation 1:

By October 1, 2021, the Board of Supervisors should instruct the San Mateo County Manager's Office to complete the County's Emergency Alert System Plan and publish it to all affected Office of Emergency Services personnel and the State Emergency Alert System Committee. The plan should meet the minimum requirements as listed in the *State of California Alert and Warning Guidelines, March 2019*.

Response: ***The recommendation has not yet been implemented but will be implemented in the future.*** The Department of Emergency Management working in partnership with the Emergency Managers Association is developing an alert and warning plan (including guidelines for use of alert and warning systems, a training standard, and a user's guide) that can be used by all of the jurisdictions and agencies in the county. The goal is to bring the document to the Emergency Services Council in January 2022 and implement it countywide once approved.

Recommendation 2:

In addition to the minimum requirements, the San Mateo County Emergency Alert System Plan should include:

A) Benchmarking with nearby county Office of Emergency Services / Bay Area Urban Area Security Initiative agencies to identify overall Emergency Alert System best practices for improvement and

consistency throughout the Bay Area.

Response: *The recommendation has been implemented.* The alert and warning administrators in all 12 Bay Area counties routinely meet and share practices. This has been an ongoing practice for at least the last five years.

B) Comparisons with other counties' Emergency Alert System websites to identify opportunities for consistency and continued improvement.

Response: *The recommendation has been implemented.* The alert and warning administrators in all 12 bay counties routinely compare features of their websites, and through the Bay Area Urban Area Security Initiative, have launched a common single website that directs community members to our respective alert and warning systems.

C) A section describing language translation protocols, including how translators will be used.

Response: *The recommendation has not yet been implemented but will be implemented in the future.* This is an element to be included in the new plan being developed by the Department of Emergency Management and the Emergency Managers Association to be ready for adoption and distribution in January 2022.

D) Mandatory participation by Office of Emergency Services staff in annual Emergency Alert System Plan refresher training as recommended by the State Guidelines.

Response: *The recommendation has not yet been implemented but will be implemented in the future.* The new plan to be adopted and distributed in January 2022 will call for periodic testing and supplemental training when features change. The plan will include language to remove sending rights from individuals who do not participate in periodic training and testing, similar to the FEMA guidelines for IPAWS.

E) A section addressing an Office of Emergency Services succession plan to assure appropriately trained personnel are available to replace key personnel necessary for operation of the Emergency Alert System; and

Response: *The recommendation will not be implemented.* The Alert and Warning plan will not have a succession plan element. Succession planning should be addressed in broader department practices rather than individual function specific plans.

F) A section addressing how the expected enrollment increases resulting from utilization of California Penal Code Section 8593.4(a) will be managed.

Response: *The recommendation will not be implemented.* The new plan will not address the technical aspects of data management. The new plan is oriented to individuals who have sending authority and not to top-level system administration and management. The plan will contain language about safeguarding personal information. As a note of correction, the statute referenced in this finding should be California Government Code Section 8593.4(a) rather than the Penal Code.

Recommendation 3:

By October 1, 2021 (and annually thereafter) the newly completed Emergency Alert System Plan should be verified using the "State of California Alert and Warning Guidelines, March 2019 Appendix Minimum expectation checklist for jurisdictions and designated alerting authorities implementing an

alert and warning program within the State of California.”

Response: *The recommendation has not yet been implemented but will be implemented in the future.* The new plan will be validated against the state Alert and Warning Plan and the FEMA IPAWS recommended practices guide before it is submitted for approval in January 2022. Periodic review will be conducted at a reasonable interval and when changes are made to the state or FEMA alert and warning plans.

Recommendation 4:

By December 1, 2021 (and annually thereafter), the Office of Emergency Services should provide Emergency Alert System Plan training for County employees with responsibilities related to the Plan and offer the training to outside agencies that use the Emergency Alert System to send alerts.

Response: *The recommendation has not yet been implemented but will be implemented in the future.* Training standards and periodic skill testing is an element to be included in the new plan being developed by DEM and the EMA to be ready for adoption and distribution in January 2022.

Recommendation 5:

By December 1, 2021, the County Manager’s Office should prepare a plan outlining the Office of Emergency Services’ strategy for implementing legislation (California Penal Code Section 8593.4(a)) that would increase resident Emergency Alert System enrollment.

Response: *The recommendation will not be implemented.* As a note of correction, the statute referenced in this finding should be California Government Code Section 8593.4(a) rather than the Penal Code. The buildout of the new statewide alert and warning system is planned to incorporate the utility data referenced in California Government Code Section 8593.4. San Mateo County will be participating actively in the new statewide system and therefore will be receiving this information from CalOES.

Recommendation 6:

By December 1, 2021, the Board of Supervisors should instruct the San Mateo County Manager’s Office to compile a list of potential translation services who can provide expanded translation services for the Emergency Alert System.

Response: *The recommendation has been implemented.* The County Manager’s Office has existing contracts for translation services. Future message templates used in alert and warning will be translated using these service providers.

FISCAL IMPACT:

There is no fiscal impact associated with the acceptance of this report.