

Emergency Preparedness Committee

Bel Air Ridge Clubhouse - 2760 Claray

Wednesday, July 15, 2015 7 pm

Present

Chuck Maginnis
Maureen Smith
Danielle Cohen
Joan Herman
Susan Rubin
Donna Larson
Kristen Stavola
Jeremy Gardiner
Hildreth Simmons
Jon Zimmerman
Larry Bogatz
Cheryl Bogatz
Cathy Palmer

Affiliation/Title

Bel Air Resident, BABCNC Safety Chair
Bel Air Resident, BABCNC Board member
Bel Air Ridge Resident, EPAC
Bel Air Ridge Resident, EPAC
Holmby-Westwood Property Homeowner's Assoc.
Bel Air Park Resident
Laurel Canyon Assoc., Neighborhood Watch & EP LC
Laurel Canyon Association
Residents of Beverly Glen
LAFD Auxilliary Communication Service, CERT
CERT Representative, Battalion18
CERT Representative
BABCNC Administrator & Transcriber

Special Guest Speakers

Captain Tina Nieto,
Deputy Chief Joseph Castro,
Captain Mike McIndoe,
John Darnell,
Tim Pershing,

LAPD, Commanding Officer, WLA Police Station
LAFD West Bureau
LAFD West Bureau, EMS/Resiliency Officer
CD5 Deputy from Paul Koretz's office
District 50 Deputy with Assemblyman Richard Bloom

Introduction of Attendees:

- 1. Call to order:** Chuck called the meeting to order at 7:13 p.m.
- 2. Roll call introduction of attendees**
- 3. Approval of Minutes - March 18, 2015:** Maureen Smith moved; Donna Larson seconded, and the minutes were unanimously approved.
- 4. LAPD Captain Tina Nieto introduction**

Chuck introduced Captain Nieto, who in turn gave the floor to Deputy Chief Joseph Castro, LAFD West Bureau, who was not on the published agenda but requested to speak about upcoming fire season and preparing for a disaster.

Chief Castro stated that the LAFD has been attempting to replicate the standard set by LAPD who uses a system of communication with the community using Senior Lead

Officers. They now have a staff and answer phones 24/7. Chief Castro related that his division covers 90% of Santa Monica Mountains.

He reported that increased fire threats are affected by increased drought and increased population. They have brush clearance policies, wildland outreach plans for each district that are very specific; and have evacuation plans partnering with the LAPD where LAFD controls the area within 30 minutes of flame travel; LAPD, all the area outside that.

Chief Castro explained that it has long been a goal in terms of public safety to have LAFD's and LAPD merge maps, with the next move planned to consolidate battalions with their divisions, making them consistent. He reported that currently the Hollywood division and Battalion 5 have an overlap and they are partway to a unified command structure.

Chief Castro stated that he has taught crisis management for 15 years on a national level, for universities and the Department of Homeland Security, and reports that they currently have the best relationship ever in any big city between law enforcement and fire, in his 37 years in the department.

Some of the issues we have here in terms of this drought includes unprecedented traffic from Griffith Park through to the ocean. He is often asked about evacuation plans, and replied that there are cases when they may not want everyone to know everything and may want you to stay in place. They get together at the command posts, and first thing they do is look at where the fire is located, and the direction it is heading. Then they say, what area is LAPD going to evacuate and what area are we going to shelter in place. They advise a lot of people in the immediate vicinity to stay there because they could create an issue like they had in Oakland with fatalities. If they ask you to shelter in place, they will get resources up there to protect you.

He would be available for any subcommittee meetings or HOA meetings. He will be available for the next meeting.

He mentioned an app called Pulse Point which was initially developed for CPR, which now filters for different types of fires.

Donna Larson asked about the enforcement problem for brush clearance: why isn't the nature conservancy (Santa Monica Mountains Conservancy) held to the same rules that the residents are as far as brush clearance (meeting brush clearance date)? Chief Castro replied that as far as they are concerned, they are; however, it's tougher to enforce with them, because if you don't clear your brush you will be cited and you will be in noncompliance..., and they will send a contract worker out to clean the brush and your taxes get assessed and they charge you. He stated that there is red tape that precludes them from doing that on State- and other-owned land, such as the Conservancy. He stated that it's the same process with the same time but they don't have the muscle to enforce it like they do with you. This is a problem that they are

looking into; they are dealing with various people because it's the same brush and it's the same threat.

Below to the right, Deputy Chief Joseph Castro addresses the group and from left are: Jon Zimmerman, Kristen Stavola, Captain Mike McIndoe, Larry Bogatz, Cheryl Bogatz & Deputy Chief Joseph Castro.



He stated that they are coming around to a certain degree. He suggested that Donna take a picture, show him the area via email, and he will make some calls.

Joan Herman asked if they should be concerned about tree beetles that are killing the trees, as a fire concern. The Chief related that there are a number of dilemmas that have resulted: Brush is actually meant to burn every 20 years or so. If the fires are put out and then it doesn't burn for 70-80 years, several opportunistic diseases, including green bark, the bark beetles. He stated that dead fuel ignites far easier than live fuel, so dead trees that were killed by the bark beetle need to be cut down. This area with the indigenous chaparral represents such a profound issue because of the high oil content in the dry low humidity with the drought.

Chief Castro recommends looking at the MySafeLA website at <http://www.mysafela.org/> for great preparation ideas and email him; he'll be happy to answer any specific questions. Chief Castro was applauded for sharing LAFD insight.

Chuck Maginnis gave the floor back to Commanding Officer, Captain Tina Nieto.

LAPD Captain Tina Nieto expressed her excitement about being here with the Chief since about six years ago, they went to Texas A&M for training, along with the “city family” with Fire, DWP, Animal Control, etc. They practice how they will play. She stated that she was in a group with Chief Castro, who was an expert in her group.

The Captain related that the Fire Department is going into an LAPD-type configuration with the bureaus which, as a Commanding Officer, makes it easier to go out and talk to the communities where they set up CERT trainings and partner with communities. She stated that you will see the same people, the same Captains, Firemen, Engineers, etc., assigned to communities, which is good for communications. going into natural disasters or pre-planned events such as Academy Awards, Emmy’s, anything at Dodger Stadium, parades, where LAFD and LAPD work constantly together in unified commands, which they are really good at and have become a national standard for the rest of the country.

Below, Captain Tina Nieto shares LAPD vision while from bottom left: Deputy Chief Joe Castro, (Captain Tina), Tim Pershing, Susan Rubin, Joan Herman, Danielle Cohen, Hildreth Simmons, Cathy Palmer & Maureen Smith listen while enjoying themselves.



This should affect going into natural disasters or pre-planned events such as Academy Awards, Emmy's, anything at Dodger Stadium and parades, where LAFD and LAPD work constantly together in unified commands, which they are really good at and have become a national standard for the rest of the country. This relates to the CERT program and emergency preparedness, when they go to these meetings and do these practices in neighborhoods. When CERT teams comes out from your neighborhoods, the FD & PD will standby because they know from training, when there is that type of emergency, that the FD will be tied up with his folks, dealing with fire issues and the PD, with public safety issues to restore the peace. She stated that the traffic controls may not be there, and really it's the community that has to take of itself until they can restore services and return the City back to normal operations.

They go out as a team to work with the groups and to identify the CERT teams that are out there because you can be CERT trained by different venues. In the City of LA, the primary trainers for CERT is Fire Department. PD now is doing classes because of the amount of people that the City family is trying to train; it is a FEMA program for the CERT experts. You can go on the FEMA website and bring up the lesson plans to become a CERT expert for your neighborhood. She is excited to be part of this family, the West LA family. If you want to contact Captain Nieto, it is best to email her and she will get back to you regarding your questions and concerns usually within a day or two. Everyone applauded Captain Nieto's remarks as she personally related to the group while expanding on the LAFD /LAPD's team approach, vital for neighborhood safety.

Chuck (left) with Jon Zimmerman to right, introduced the next speakers, Tim and John.



5. Liability update & Topanga Canyon EP, drills & highlights - Tim Pershing from Assemblyman Richard Bloom's Office with John Darnell from CD5

Liability will be the highlight of this meeting with Tim Pershing of Assemblyman Richard Bloom's office speaking on this and on the success of Topanga Canyon's EP group on organization, participation and evacuation drills.

Tim introduced himself as a CERT-trained person, who lives in Topanga, and describes Topanga as a model for a County effort to bring community into a tight-knit working relationship with LAFD and LAPD. LAPD has been part of all the evacuation drills that they have done over the last five or six years in Topanga. They have had people come in from every department, even from as far away as Long Beach.

As to Good Samaritan laws and liability, when you set up a big program like they have in Topanga, they have a property on which they have an emergency operation center, with ham radio operations, full communications and connections with County Fire and County Sheriffs, an evacuation team, phone trees throughout the canyon that are operated and are in connection; a lot through CERT members, a Topanga CERT team, all managed through TCEP; an emergency operation system, and now have a mobile trailer in which they can move that system and work with it, to do training with Fire. It is a volunteer organization with 200-300 volunteers doing things at this point in time. In an emergency, they may direct their neighbors to go to the personal safety areas, large open areas that LA County Fire can defend, and they will have engines there to defend the people that come. This has bred a lot of issues in Topanga about the Good Samaritan laws.

They also have a very strong Fire Safe Council, which are useful because you can get grants through Fire Safe Councils if you do it in your communities, to do things that can't be done in other ways: Good civic education programs, such as the North Topanga Canyon Fire Safe Council has done stellar work on this with videos up on YouTube that anybody can get. They have some of the best fire experts in the country since this area is very experienced and knows what to do.

They had a series of all these speakers on how to harden your home, how to make your home fire safe, because the embers are one of the main emission points. They have a video on the Oakland fire, with 27 E's video # 4, that starts with an open fire, and in one part you see a house that is not engulfed, there is no fire in the area, but an ember has gotten caught underneath the clay tiles and it's starting to burn. He mentioned Loma Linda houses catching on fire a mile and a half a way. He covered the fire in Malibu in 1993 and 1994 and was in an ember storm. He looks for fire safe vents. He is talking about what the communities can do here and then the question of protection.

Tim Pershing, below, third from bottom left, and later with the assistance of John Darnell, across third from bottom right, discuss liability as Captain Tina asks a question. From left front: Deputy Chief Joe Castro, Captain Tina Nieto, (Tim Pershing), Susan Rubin, Joan Herman, Danielle Cohen, Hildreth Simmons, Cathy Palmer & Maureen Smith, Donna Larson, John Darnell, Jon Zimmerman & Kristen Stavola.



Local members of the Fire Safe Council, started a program where they were trained by experts on how to assess a property for fire safety, and advise the owner what they need to do to plants, eaves, dogs, fences, firewood, etc. This is when they realized that they don't have liability coverage. One woman went to a very good lawyer and worked it out, and they worked out a very specific release that legally they thought would stand the test, that residents have to sign that say in no way does this hold them responsible.

This was modeled after a release form from the Mammoth Ski area, a contested release, because of the many times they run into liability issues up there. TCEP has those issues. Nobody has tested it, but Topanga has said that they will do it no matter what for Topanga people in their area because they have gone through a series of fires over the last three decades.

Tim said that this "has to come from the State level" and that Richard (Bloom) will look at what can be done on the state level legislatively and has given Tim the go-ahead to talk to people like us and enlist our help so we can get this done.

Chuck brought up issue of our neighborhood council, being made up mostly of HOAs, in

addition to several other representatives, of private schools, faith-based institutions, etc., and asked if the NCs have the same issues as HOAs.

Tim said it's about the individuals, and the Good Samaritan laws; so it doesn't matter if you're a member of a NC or you're out on the street and there's a fire. If someone is in a car that's burning and you drag them out, and then suffer paralysis, the court views how the law was written for medical purposes only although they weren't specifically pulling them out for medical purposes. They were pulling them out because they thought there was a potential danger, etc. The person ends up as paraplegic and claims that the person pulled them out had caused it and sues them. That has infected a lot of things. If you do something as an HOA or NC, do what the FireSafe Council has done, where you are getting money from government entities to do this, you are a nonprofit, but if something goes south, what's the liability?

Chuck replied that that's the big question, and we have different HOAs in our area that will not participate with CERT, or anything to do with anything organized.

Susan Rubin related that they have a number of attorneys in her HOA. She read a statement of a release which has been distributed in previous meetings on liability.

Tim stated that his release is for use prior to teaching people to harden their homes.

Captain Nieto stated that as part of the City Family, it's up to individual neighborhoods and CERT teams how they want to structure, with the need for a release or not because of the Good Samaritan laws. She suggested that they be guided by lawyers. She stated that Citywide it's done differently in different parts of the City. She suggested looking at Topanga because of the topography, as our area is facing similar issues, like their Foothill Division; where they have CERT teams.

Tim stated that he would be happy for people to come to their Topanga meetings.

Joan Herman stated that her HOA is unwilling to have or invest in any emergency preparedness programs because of the liability issue, and so they need similar language.

Captain Tina related that CERT is a volunteer thing about community preparedness, starting as an individual. If you want to start your own CERT group, HOAs cannot stop you. It starts with the individual. Captain Nieto wants people to be prepared.

Larry Bogatz clarified that there are two entities under the liability issue, one is the individual & the other is the association. Larry stated that they are dealing with individuals, and his liability is his own; not his fellow CERT members.

Tim related that there is some belief that being a CERT member is going to protect you considerably, considering what you are trained to do, if you stay within that level of training, that you are good. But it hasn't been tested out in a court of law. He stated

that the Fire Safe Council has a grant to do these things, as members, but the individuals who are going to do the services don't feel that they are protected by the nonprofit as individuals; that's why they created the release form.

John Darnell opined that because it's not your job, you are not part of law enforcement, as long as you are acting with a sound mind, you will be looked at as an individual, not as a group.

After a good deal of discussion on this, Captain Tina reminded everyone that CERT is a Federal program out of FEMA. There are no CERT experts. They do not have CERT legislation because it is a volunteer organization guided by FEMA. It sets recommendations and guidelines for communities. It's what your community is comfortable with. If your HOA doesn't want to, you can do it as an individual. There's nothing stopping you on CERT. But look at best practices; it's good you're talking to Topanga because of the topography.

She said you will be without services but they still have to liaison with you to communicate. So, whatever you set up, PD and FD want to know about it.

Tim stated that Topanga set up a tactical zone map, and when evacuation orders come in, they come in per zone, and all the evacuation drills are set on the zones. They tested it out in real fires; said you are on voluntary evacuation at this point, and meanwhile the fire cut close to other zones, so they could direct the zones.

Captain Tina responded that the City family has discussed liability with CERT. She added that whatever you decide to do, let her know because she wants to be part of it.

Tim related that Zev Yaroslavsky created a Topanga Emergency Management Task Force, an official County entity, to be maintained with County Fire and Sheriff who meet quarterly and go over the issues happening in Topanga.

Tim passed around a book put together by the local community, paid for by Zev, a Topanga Canyon Disaster Survival Guide, with a template and have a County version modeled off of it.

Beth Burnham is a good contact person. Maybe next meeting.

Chuck related that Larry Leisten, our Bylaws & Rules Chair, who is an attorney, has sent him a message, said he was sorry he couldn't make it, but asked will State law address or will insurance industry develop product to mitigate risks to HOAs who delve into emergency preparedness? Public policy, in my view dictates both measures focus from our State legislators.

Tim replied that he agreed that the insurance industry is going to be interested in this one way or another. They might not like a law that would preclude needing insurance, if they see there's a product they could sell. The answer is that there can always be State

legislation if you get a strong enough bill out there. Right now, at this time of the year, we are fairly open as a staff to start working on these things. Tim stated that he has been given a window of opportunity to work on this for Richard and see what they can bring forward, and look into the history of it to see what the problems may be, for the next two months, when they see something that's possible, they would design a bill going forward and will know no later than October if there is something viable. If it hasn't been knocked down by October, other issues might precede this.

Chuck asked what we can do and are we the only ones talking about this, to which Tim replied that there are others in the Westside in the Santa Monica Mountains who have been talking about this for years.

Tim cited a case, to which Zev said they couldn't let that situation go forward because if there was a fire that does burn a house, by no fault of the homeowner who wasn't protected, is the person who is going to sue us. And he also said we will clear these, until we figure out how to do this and work interagency together to get it done.

Chuck asked what we can do to help promote this. Tim suggested just talk to people and see what's going on, because the valued thing is finding people who have some experience with this on the legal side, and looking around to see if there are people interested, if you come across an article on this from other issues (such as he did when researching the rodenticide issue). Also noted was that other states have liability laws. Captain Tina asked if you've talked to Texas A&M, who does all the training. She suggested you talk to "**TEEKS**", <https://teexweb.tamu.edu/> emergency management, where all the municipal government agencies go to get trained to work together. To sign up for newsletters, to go: <https://teexweb.tamu.edu/updates/subscribe.html>

6. Liability update - John Darnell, Paul Koretz's Office

As a continuation of the above-conversation, John Darnell stated he and Tim spoke before the meeting, to support each other. He stated that the City Attorney doesn't represent us; they only represent City employees. He stated that we are really fortunate to have Tim here, who knows Topanga Canyon and these issues and now works for the Assemblyman's office. He'll see if there's something we can do.

Captain Tina stated that she had to step away and reminded everyone that Emergency Prep starts with yourself. You don't have to wait, and she hopes we get some State legislation out of this, so we all have a comfort level to make sure that we're prepared as communities. She offered to continue to talk with John, stating that it's really dependent on communities and they set it up differently depending on the needs of the community, speaking of ACS. You should look at similar things (such as Topanga), best practices.

Everyone thanked Captain Tina for being part of the group in her relaxed style, for her input on the various issues and for staying as long as she did.

7. Update from Communications Subcommittee & unfinished business

Jonathan Zimmerman related that the statistics recently are that 69% of the fire and EMS in this country are totally volunteer, while 31% is paid. The rest of the country has figured out how to do this; it's only the big cities where we have been paid for so long that have forgotten how to do this.

He has been in the fire service 20 years, 10 years active duty and 10 volunteer. In New Mexico, as a volunteer, their liability was covered under the a county fire district in the State of NM. He said that the state of NM has no money but figured out how to do it. It can be done. He said that there are some things any group can do.

Below, Jon Zimmerman, second from bottom, discusses radio communications for Michael Schlenker, who could not attend. Top to bottom: Cathy Palmer, Maureen Smith, Donna Larson, John Darnell, (Jon Zimmerman) & Kristen Stavola.



If you take any of the major plans, such as CERT which is Federal, State and Local, and FEMA certified, you can't go wrong. He said that someone could sue you, but "I was just following the plan." Red Cross has national plans that are vetted by people who are true experts in the field and you can't go wrong.

He is not sure that HOAs should be the vehicle for some of these things, but as a HOA, you can play a huge role by doing simple things like providing a space for meetings; funding for publicity; copying, mailing, etc., community service with no liability.

Jon Zimmerman gave credit to Michael Schlenker who related to Fire Departments for communications equipment. There is no liability with CERT, which is a State, City and Federal program. He is saying, "don't wait. Do what Tina says: Start as individuals and if you feel you need to do preparedness in your area and a HOA or NC is reluctant, for good reason... maybe they're not the right vehicle for it.

As to communications, if cell phones and landlines are down, if you talk to each other you can make things happen, such as Michael's idea of using ham radios and cross-band repeaters in strategic locations, you can communicate in these canyons. They'll supply training. The big deal is practicing with this equipment and learning how to use it as a neighborhood. You can join their net on Monday night 7:30 ham radio 147.300 megahertz.

Chuck reported that the announcement on the ham radios is there are going to be 11 ham radios that can be distributed to individuals who are interested in participating, which will go to each HOA individually as first choice. If an HOA bows out, they can be placed in other places. There are also two antennas preferably Laurel Canyon and another closer to here.

Chuck related that Michael plans for the radios purchased to stay within the BABCNC confines, as they should, but they're calling this group the HCEC, Hillside Communities Emergency Communication group, which would remain separate from the BABCNC Communications Committee. Under Chuck's EP committee, they have the Communications Committee which Michael heads. Then the HCEC is separate as it releases liability, because it's under the FD and ACS. That's how it's being done.

Chuck stated that we need somebody to flank our east, and that Ham should be coordinated and grow within the County.

Tim Pershing related communications is the first line of defense in a serious emergency when you're really cut off from other communities, referencing Topanga, when they didn't have that.

Jon stated that it's been proven that in the last hundred years that ham radios have been in existence, that in a disaster, ham radio works.

The City of LA has a robust communications system. Even if their communications system survives an initial seven point earthquake, power will go down and batteries will run out, and the repeaters will go down. Some of them have backup generators, some backup, etc., if you have portable communications that you know how to use, you can use it. You can use it like a telephone tree. There are lots of things you can do with

your FCC license, and it's fun. He did it because the FD asked him to do it, and it turned out to be fun and he enjoys it. Prices are dropping. Larry stated that he took a six-week class with Jonathan. They have six or seven people who meet on the air every two or three weeks, and they found out where they can communicate from, at different homes on the whole west side of L.A. talking.

Auxiliary Communication Service ACS is a FEMA-sanctioned organization.

It's administered in the City of LA by the LAFD. In the County of LA it's called DCS, administered by the Sheriff's Department.

We go where we're told to go, by command and control, and do what we're told to do. They are sworn City volunteers, which gives them \$5,000 worth of insurance.

John Darnell stated that what Larry does is different. He knows people in HOA groups and NCs, and different groups, businesses. He has a program called Neighborhood Team program, and has 12 teams.

Chuck added that Larry has offered to help.

Jonathan added that we're not paid; we're also not the boss. One trained person can direct at least five untrained people to do useful work, as a suggestion. You cannot mandate to others. It's up to them to help as they wish.

8. Adjourn – The meeting adjourned at 9:04

Next Communications Meeting 2nd Friday of every month, at 8:30 in the morning, starting August 14th, 8:30 at Charlie's Pantry.

Next EP Meeting will be September 9, 2015

Chuck Maginnis: CM/cp
Submitted: August 21, 2015
cmaginnis@babnc.org