



KNOWLEDGE ENHANCEMENT EVENTS: LEGAL AUTHORITIES WORKING GROUP AFTER ACTION REPORT

FEMA PARFET BUILDING

LAKESWOOD, CO

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14. ABSTRACT The working group explored the rationale, concepts, procedures and agency organization required for a specific governmental organization (city, county or state) to establish an integrated, multi-agency coordination process to respond to complicated natural or man-made emergencies (within specific government entities). Then, building on the basic multi-agency coordination process, the working group also explored the concepts, procedures and communications necessary to have multi-jurisdictional coordination (between various government entities). These two levels of coordination will, in theory, facilitate the various levels of government, private sector, military and other disciplines to work together to develop and operate a regional recovery structure for both all-hazards and CBR events.					
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1.0 Executive Summary

The Legal Authorities KEWG was held on February 15, 2012 at the FEMA Region VIII, Preparedness Division office in Lakewood, Colorado. There were approximately twenty-five people in attendance representing federal, state and local emergency management and attorneys' offices. The Legal Authorities KEWG was held to identify the key issues required to operate both government and private businesses following a wide area catastrophic incident, as well as to review the Colorado Division of Emergency Management's Intergovernmental Agreement for Emergency Management.

At the start of the event, Pat Williams from the Denver Office of Emergency Management and a member of the WARRP Framework Writing Team provided an overview of the regional framework developed as part of the WARRP. Attorney Tim Gablehouse then provided a presentation, outlining the statutes applicable to disasters and the legal complexities that have proven to arise following wide-area events. The presentation deepened the perspective on legal and judicial challenges as the community and state works to recover from a catastrophic event.

The KEWG participants reviewed the content of Colorado Division of Emergency Management's Intergovernmental Agreement for Emergency Management [IGA] in breakout groups. The groups discussed the necessity of the IGA, the process for changing the IGA, who should be involved in the process to change the IGA, and what the necessary processes are for acceptance of a revised IGA. In addition to topics related to the IGA, participants also discussed legal issues that must be considered in short-term, intermediate and long-term recovery following a wide-area event.

A number of key points related to legal authorities and the IGA were realized as part of this event, including recognizing the importance of having a clear understanding of state and local statutory authority and knowledge of where the gaps exist for major wide area events. In addition, there was acknowledgement that the process to address those gaps has to be a bottom-up process.

The Legal Authorities Knowledge Enhancement Working Group further identified how important it is to have the entire judicial system prepared. To do so, each judicial and governmental jurisdiction needs to have frameworks for their delegation/authorization of authorities and responsibilities, as well as frameworks for declarations in place. They must also have defined their processes. Emergency managers and city and state attorneys must be prepared at the multi-jurisdictional level for these wide area events, which means there has to be a foundation for communication, processes, authorities and systems prior to a major event.

The Colorado Division of Emergency Management agreed to be the lead on revision of the IGA to address the next steps forward including major questions such as: is an IGA needed and if so, what is the content needed? A working group will be formed to seek statewide stakeholder input through a state wide cross-jurisdictional working group.

2.0 Background

The Departments of Defense and Homeland Security, in close coordination with the Denver Urban Area Security Initiative (UASI), have partnered to establish the Wide Area Recovery and Resiliency Program (WARRP). The purpose of this collaborative program is to study, develop and demonstrate frameworks, operational capabilities and interagency coordination, enabling a timely return to functionality and re-establishment of socio-economic order and basic services through execution of recovery and resiliency activities, as applicable. This program will explore a coordinated systems approach to the recovery and resiliency of wide urban areas, including meeting public health requirements and restoring all types of critical infrastructure, key resources (both civilian and military) and high traffic areas (transit/transportation facilities) following a chemical, biological or radiological (CBR) incident.

3.0 Goal & Objectives

Goal

The goal of the Legal Authorities Working Group was to identify the key issues required to operate both government and private businesses following a wide area catastrophic incident.

Objectives

- Outline and discuss legal issues that must be considered in short-term, intermediate and long-term recovery following a wide-area event.
- Review the Colorado Division of Emergency Management's Intergovernmental Agreement for Emergency Management [IGA] and determine what changes can be made to satisfy the needs of cities and counties at every jurisdictional level either by creating addendums or revising the current document.
- De-conflict jurisdictional boundaries and identify gaps and conflicts with all agencies' IGAs. Create a better understanding of the legal complexities that home rule creates.
- Identify the working group that will champion the IGA through to completion.

4.0 Scope & Format

Scope

The Legal Authorities KEWG was a one-day event that took place from 8:00 a.m. to 3:00 p.m. on February 15, 2012 at the FEMA Region VIII, Preparedness Division office in Lakewood, Colorado. It was sponsored by the WARRP and attended by approximately twenty-five people, including representatives from federal, state and local emergency management and attorneys' offices.

Format

This event was a one-day interactive working group. See [Annex A – Agenda](#). Participants from various organizations attended and are listed in [Annex B – Participants](#). Feedback was captured using a standard feedback form and a summary of workshop findings are found in [Annex C – Participant Feedback](#). For information on the planning team, or to get more information on this after action report, see [Annex D – Key Points of Contact](#).

5.0 Key Discussion Areas & Outcomes

- Importance of clearly understanding state and local statutory authority and the gaps that exist for major wide area events. Developing a process to address those gaps. The process should be a bottom-up process.
- Identification of importance of preparedness. Each jurisdiction needs have frameworks for their delegation of authorities and responsibilities, as well as frameworks for declarations in place and know their processes prior to the event.
- The region must be prepared at the multi-jurisdictional level for wide area events by having a foundation for communication, processes, authorities and systems prior to a major event.
- The Colorado Division of Emergency Management agreed to be the lead on revision of the IGA to address the next steps forward including major questions such as: is an IGA needed and if so, what is the content needed? A working group will be formed to seek statewide stakeholder input through a state-wide cross-jurisdictional working group.

6.0 Conclusion

The Legal Authorities KEWG was successful in bringing together individuals from a number of different jurisdictions and areas of expertise to discuss legal obstacles related to recovery from a wide-area event. The participants identified legal issues that must be considered in short-term, intermediate and long-term recovery following a wide-area event

The KEWG resulted in a productive discussion regarding gaps that currently exist with legal authorities in local, county and state jurisdictions. It also identified solutions to address such gaps. Additionally, the group reviewed and discussed the Colorado Division of Emergency Management's Intergovernmental Agreement for Emergency Management [IGA] and developed a path forward to continue the process of revising the IGA to better fit the needs of the region and State.

Annex A – Agenda

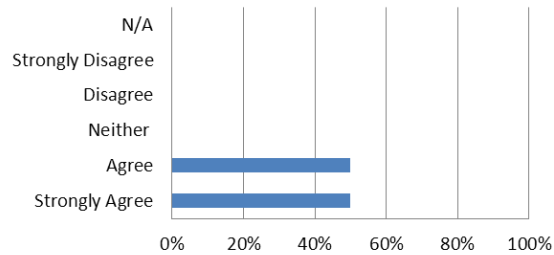
0830 - 0900	Registration
0900 – 1000	Framework Review Patricia Williams Introduction and Overview Garry Briesse Opening Challenge Tim Gablehouse
1000 – 1015	Break
1015 – 1130	Breakout into Working Groups
1130 – 1200	Brief Back Group Spokespersons
1200 – 1245	Lunch
1240 – 1300	Recap Morning Discussions & Discuss Afternoon Sessions
1300 – 1415	Breakout into Working Groups
1415 – 1430	Break
1430 – 1500	Brief Back
1500	Review Lessons Learned and Next Steps

Annex B –Participants

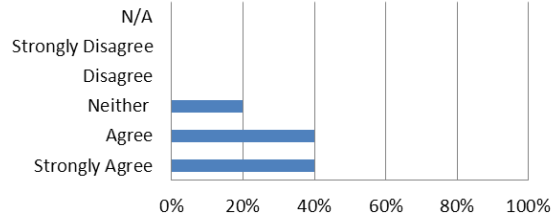
Last Name	First Name	Organization
Chapman	Matt	Aurora OEM
Chard	Mike	Boulder OEM
Eklund	James	State Attorney's Office
Field	Scott	Denver OEM
French	Deborah	Colorado Hospital
Gablehouse	Tim	Gablehouse Calkins & Granberg, LLC
Hard	Dave	CDEM
Hodges	Lori	Denver
Holloman	Bruce	CDEM
Keller	Scott	NCR
Krebs	Kathleen	Clear Creek County OEM
Lancy	Jim	Arvada
Martinez	Rebecca	Brighton County
Martinez	Kerri	UCD
McDermott	Heather	Adams County OEM
McSherry	Tim	Jefferson County OEM
Miller	Heidi	Adams County Attorney
Qualman	Dan	South Metro Fire
Santagata	Fran	Douglas County OEM
Small	Carol	Jefferson County OEM
Spurlock	Tony	Douglas County Sheriff
Sullivan	Shawn	Denver City Attorney
Wheeler	Dea	Boulder County Attorney
Williams	Pat	Denver OEM

Annex C – Participant Feedback

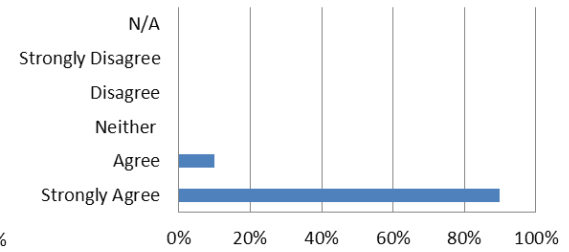
Working Group Was Valuable Use of Time



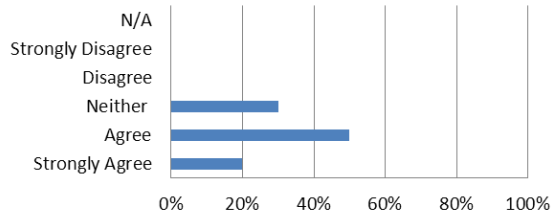
Working Group Expanded Professional Network



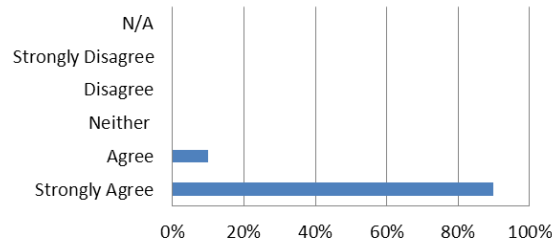
Facilities Contributed to Success



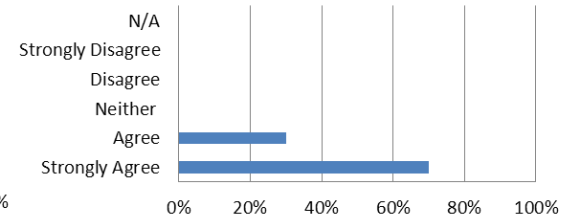
Working Group Increased Awareness of CBR Incident



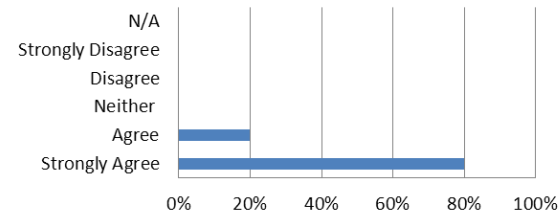
Professional Staff



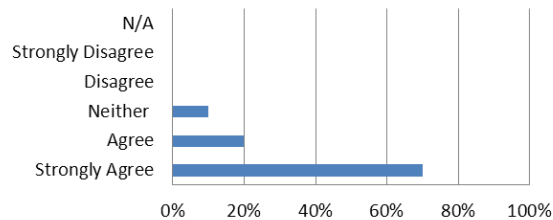
Recommend WARRP Working Groups to Colleagues



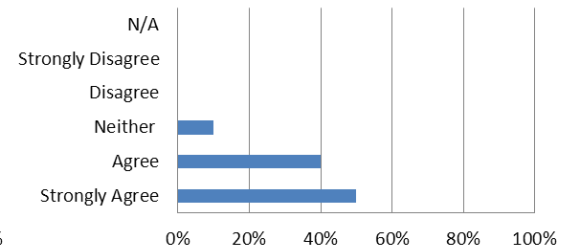
Learned Something New From Working Group



Working Group Identified & Addressed Relevant Issues



Working Group Met Expectations



Annex D – Key Points of Contact

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Annex E – Legal Authorities Power Point

WARRP LEGAL AUTHORITIES WORKING GROUP

TIMOTHY GABLEHOUSE

(303) 572-0050

FEBRUARY 15, 2012

Annex F – Acronyms

Chemical, Biological, Radiological (CBR)
Colorado Division of Emergency Management (CDEM)
Colorado Department of Public Health (CDPHE)
Department of Homeland Security (DHS)
Department of Defense (DoD)
Defense Threat Reduction Agency (DTRA)
Federal Emergency Management Agency (FEMA)
Intergovernmental Agreement (IGA)
Knowledge Enhancement Working Group (KEWG)
Multi-Agency Coordination (MAC)
National Disaster Recovery Framework (NDRF)
Non-Governmental Organization (NGO)
Office of Emergency Management (OEM)
Pacific Northwest National Laboratory (PNNL)
Point of Contact (POC)
Recovery Support Function (RSF)
Subject Matter Expert (SME)
Urban Area Security Initiative (UASI)
Wide Area Recovery & Resiliency Program (WARRP)