

F. Emergency Shelter Compliance Procedures

In February 2011, the Governor requested the Interagency Committee on School Construction “to require that school construction projects receiving State funding...be pre-wired for emergency electrical power. The wiring should be sufficient to provide an adequate supply of electricity to those areas of the facility that are necessary for public safety when used as a public shelter....”

In the spring of 2011, the IAC recommended to the Board of Public Works a regulation on emergency power that was developed by the Designees in collaboration with the Department of Human Resources (DHR) and the Maryland Emergency Management Agency (MEMA). In October 2011, the Board of Public Works approved the regulation. COMAR 23.03.02.29. The regulation “applies to all school construction projects that include replacing or upgrading the electrical system.” Local officials are required to “consult with the Maryland Emergency Management Agency to determine which areas of the school facility may be designated for public shelter use during or after a federal, State, or local declared emergency”, and the “LEA shall ensure that the designated public shelter area is designed and constructed to be fully powered in the event of an emergency through installation of (1) An emergency generator; or (2) Other means to accept temporary emergency electrical power generation.”

To implement the regulation, in July 2011 the Designees required that LEAs indicate in their FY 2013 CIP submittals in the fall of 2012 whether the schools that involved replacement or upgrade of the electrical systems were designated as shelters.¹ The LEAs with relevant projects indicated that they had consulted with the Local Emergency Managers (LEMs); we have learned that they did not, as a rule, consult directly with MEMA. Similar procedures were used in the FY 2014 CIP.

Partly as a result of a misunderstanding of the relationship between MEMA and the LEMs, the Public School Construction Program and the Designees accepted the LEA attestations of contact with the LEMs as proof of compliance with the regulation. A similar model, which places the burden of compliance on the LEA, applies to requirements for LEA contacts with the Maryland Historical Trust on work at existing school buildings that may have historic significance. It was only in the spring of 2013 that the PSCP learned that although a facility may be designated as a shelter by the LEM, MEMA may want other facilities to be made ready to serve as shelters in the event of an emergency.

To correct this misalignment, and in order to use the school capital funding programs to eventually make all schools in Maryland ready to serve as shelters in order to increase Maryland’s resiliency in the face of unknown emergencies, the PSCP has worked closely with the Governor’s Office of Homeland Security (GOHS), DHR, and MEMA to develop the attached draft procedures. These procedures were sent to the LEAs on September 10, 2013. Extensive discussion on the draft was held with the LEAs at the Facility Planners meeting of September 12, 2013; representatives from DHR and MEMA joined the PSCP at the September 12 meeting to explain the initiative and to respond to the LEAs’ concerns. Written comments were received from eight LEAs and five Local Emergency Managers (LEMs) on September 20.

Attached is a summary of the comments presented verbally at the September 12 meeting and of written comments submitted by the LEAs. The comments may be classified into four general categories:

1. **The identification of the problem is unclear.** Since there is a current process in place to coordinate shelter use between LEAs and LEMs, some LEAs were unclear as to the purpose of implementing a separate shelter process. The relationship between MEMA and the LEMs

¹ July 1 letter to LEAs; this requirement was reiterated at the annual CIP seminar that was held in mid-July and was discussed in the October CIP meeting with each LEA.

needs to be clarified; there appears to be some conflict of authority. There is a need for clear, unambiguous definition of critical terms: “electrical upgrade,” “fully power,” “shelter.”

2. **Timing of implementation.** A number of LEAs were concerned that the draft procedures were only presented for review and comment at such a late date, when local boards have already approved the FY 2015 CIP budgets. Concerns were expressed about the impact of the procedures on projects that are already in design or construction. Several parties requested a phase-in or delay of the requirement to allow time for the procedure to be fully worked out and for budgets to be adjusted.
3. **Applicability.** There is a need for definition of the specific scope of the requirement; a number of LEAs requested a prescriptive list of spaces and functions.
4. **Cost.** Since the determination of shelter needs depends on a walkthrough by MEMA and receipt of a subsequent Compliance Letter (Item XX.4.F and G), the potential impact on project budgets cannot be known at this time. Concerns were expressed about the cost estimates for the transfer switches, where the local funding would be obtained, and that the additional costs could lead LEAs to forego or postpone needed electrical work.

Given the extent of the comments received from local officials, we believe that more work is needed to formulate a reasonable and viable procedure for implementation of the emergency shelter requirement. The best method for developing this procedure is to implement the notification and walk-through provision of the draft procedure, and then refine the final procedure based on observations and the input of local officials. The Designees therefore recommend at this time that the IAC approve the attached preliminary procedures for electrical power at schools that will serve as emergency shelters in the event of an emergency, with the understanding that final procedures will be brought to the IAC for approval within six months of September 27, 2013.

Motion:

TO APPROVE PRELIMINARY PROCEDURES FOR ELECTRICAL POWER AT SCHOOLS THAT WILL POTENTIALLY SERVE AS EMERGENCY SHELTERS IN THE EVENT OF A FEDERAL, STATE, OR LOCAL EMERGENCY, WITH THE UNDERSTANDING THAT FINAL PROCEDURES WILL BE BROUGHT TO THE IAC FOR APPROVAL WITHIN SIX MONTHS BASED ON EXPERIENCE GAINED IN THE ACTUAL IMPLEMENTATION OF COORDINATED ACTIONS BY THE MARYLAND EMERGENCY MANAGEMENT AGENCY (MEMA), THE DEPARTMENT OF HUMAN RESOURCES (DHR), THE PUBLIC SCHOOL CONSTRUCTION PROGRAM (PSCP), THE LOCAL EDUCATIONAL AUTHORITIES (LEAS), AND LOCAL EMERGENCY MANAGERS (LEMS).

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Lillian M. Lowery	<input type="checkbox"/>				
Mr. Richard Hall	<input type="checkbox"/>				
Mr. Alvin Collins	<input type="checkbox"/>				
Mr. Thomas Lewis	<input type="checkbox"/>				
Mr. Tim Maloney	<input type="checkbox"/>				