Proclamations of Local Emergencies and Potential State/Federal Assistance

December 11, 2014

California Emergency Services Act

- ***§ 8558. Conditions or degrees of emergency***
  - *(a) "State of war emergency"*
  - *(b) "State of emergency"*
  - *(c) "Local emergency"* means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

Why proclaim a Local Emergency?

- Legally proclaims existence of an emergency
- Increased liability protection for DSWs and local governments
- Opens mutual aid channels
- Provides emergency powers to local officials
- Provides means for State/Federal Declarations
- Allows for emergency measures
  - Price gouging ordinances
  - Emergency orders restricting activities
  - Enactment of curfews

Who is able to proclaim a Local Emergency?

- Section 8630
  - *A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.*

- For Cities:
  - Mayors
  - City Managers
  - City Councils

- For County of San Diego:
  - Board of Supervisors
  - Director of Emergency Services (CAO)
  - Director of OES

Proclamation Deadlines

- Issuance
  - Within 10 days after actual disaster occurrence if assistance is requested through CDAA.
- Ratification
  - If issued by official designated by ordinance, must be ratified within **7 days** (calendar days)
- Within 60 days of Proclamation:
  - Jurisdictions must identify damage (IDE)
  - Apply for assistance

  (ask for CDAA, if needed)

May 2014 Carlsbad Fire

Proclamation Deadlines

- Cal OES Recovery Branch
  - Has 60 days to:
    - Complete their process
    - Forward request to the Governor's Office
- Renewal
  - Reviewed at least once every **30 days** (calendar days) by the governing body until terminated.
- Termination
  - At earliest date when conditions warranting proclamation have ended.

Coverage

- If County Proclaims for San Diego County:
  - Cities and Special Districts are covered.
- If State Proclaims for San Diego County:
  - County Operational Area is covered.

Key Information in Proclamations

- List additional resources needed (including anticipated needs)
- Sample:
  - R5. The Chief Administrative Officer of the County of San Diego as Director of Emergency Services, finds that these emergency conditions of extreme Santa Ana winds will require additional resources, services, personnel, equipment, facilities, including the combined forces of the mutual aid region, and funding as follows:
    - Portions of communities within the City of Carlsbad, Fallbrook and Camp Pendleton have been evacuated and remain threatened. More than 20 structures, including homes, have been destroyed. Potential needed resources may include extensive logistical and personnel assistance with firefighting; aerial support; evacuation operations; shelters; Emergency Managers Mutual Aid; National Guard troops; Local Assistance Centers; debris removal that poses immediate threat to public health and safety; and smoke damage. We are requesting consideration for a U.S. Small Business Administration Disaster Declaration for Individual Assistance.

Key Information in Proclamations

- Request for State of Emergency Proclamation
- Request for Presidential Declaration of Emergency
- Request that recovery assistance be made available under CDAA

May 2014 Fires – Carlsbad/Camp Pendleton

County Proclamation Template

PROCLAMATION OF
EXISTENCE OF A COUNTY-WIDE LOCAL EMERGENCY
(UNINCORPORATED AND INCORPORATED AREAS
OF SAN DIEGO COUNTY)
AND
REQUEST TO THE GOVERNOR OF THE STATE OF CALIFORNIA
TO PROCLAIM A STATE OF EMERGENCY
AND TAKE OTHER SPECIFIED ACTIONS

RECITALS

R1. The California Emergency Services Act, including but not limited to Government Code section 8630 and the County of San Diego Emergency Services Organization Ordinance (Code of Regulatory Ordinances, sections 31.101 et seq.) empower the Chief Administrative Officer of the County of San Diego as Director of Emergency Services, OR the Director of the County Office of Emergency Services in the absence of the Chief Administrative Officer/Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when said County is affected or likely to be affected by a public calamity and the Board of Supervisors is not in session; and

R2. The Chief Administrative Officer of the County of San Diego as Director of Emergency Services, OR the Director of the County Office of Emergency Services does hereby find that on (DATE) conditions of extreme peril to the safety of persons and property have arisen within San Diego County, as a result of/caused by *(INSERT DESCRIPTION OF CONDITIONS JUSTIFYING PROCLAMATION AND OTHER REQUESTS)* and;

R3. The Board of Supervisors of the County of San Diego is not in session and cannot immediately be called into session; and

R4. The Chief Administrative Officer of the County of San Diego as Director of Emergency Services, OR the Director of the County Office of Emergency Services finds that these emergency conditions are beyond the control of local resources, services, personnel, equipment and facilities; and

R5. The Chief Administrative Officer of the County of San Diego as Director of Emergency Services, OR the Director of the County Office of Emergency Services finds that these emergency conditions will require additional resources, services, personnel, equipment, facilities and funding as follows (The following list does not necessarily reflect the total or final extent of the assistance that may be required. Additional assistance may be requested as the emergency evolves): *INSERT ANTICIPATED NEEDS.*

R6. This Proclamation of Local Emergency will be ratified by the Board of Supervisors pursuant to law.

County Proclamation Template

PROCLAMATIONS AND ORDERS

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the Chief Administrative Officer of the County of San Diego as Director of Emergency Services, **OR** the Director of the County Office of Emergency Services as follows:

1. That a local emergency exists throughout San Diego County pursuant to Government Code section 8630 and as defined by Government Code section 8558 and shall be deemed to continue to exist subject to ratification, review and termination by the Board of Supervisors pursuant to Government Code section 8630.

2. That during the existence of said local emergency the powers, functions, and duties of the emergency organization of this county shall be those prescribed by State law including but not limited to Government Code section 8634, County ordinances and resolutions, and the current Emergency Services Agreement and Operational Area Emergency Plan.

Option 1 – No Presidential Request:

3. That a copy of this Proclamation be forwarded to the Director of the California Governor's Office of Emergency Services ("Director Cal OES") requesting that Director Cal OES find this Proclamation acceptable in accordance with State law and forward this Proclamation to the Governor of the State of California for consideration and action on San Diego County's requests that:

3.1 The Governor of California proclaim a State of Emergency in San Diego County.

3.2 The Governor suspend those statutes, regulations, rules and orders that may hinder response and recovery efforts, to include *ADD WHAT SPECIFICITY IS POSSIBLE AT TIME OF THE LOCAL PROCLAMATION.*

3.3 The Governor order that recovery assistance be made available to San Diego County under the California Disaster Assistance Act.

3.4 The Governor order that the State expedite access to Federal resources and any other appropriate federal disaster relief programs for San Diego County.

Option 2 – With Presidential Request:

3. That a copy of this Proclamation be forwarded to the Director of the California Governor's Office of Emergency Services ("Director Cal OES") requesting that Director Cal OES find this Proclamation acceptable in accordance with State law and forward this Proclamation to the Governor of the State of California for consideration and action on San Diego County's requests that:

County Proclamation Template

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3.5 The Governor request a Presidential Declaration of a Major Disaster for San Diego County and that the President award any and all appropriate Federal assistance.

4. The Director of the County Office of Emergency Services shall continue to assess the local emergency and, as emergency response and recovery efforts warrant, send to Director Cal OES any additional requests that the Governor suspend further statutes, rules and regulations pursuant to Gov Code sec 8571, and that State and Federal assistance be provided to San Diego County.

5. Helen Robbins-Meyer, Chief Administrative Officer, or her representative is hereby designated as the authorized representative of the County of San Diego for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

COUNTY OF SAN DIEGO

Date/Time:

By: _____

Helen Robbins-Meyer,
Chief Administrative Officer and
Director of Emergency Services

Or

_____,
Director, Office of Emergency Services

CA Disaster Assistance Act (CDAA)

- Provides state financial assistance for recovery efforts to:
  - Counties, cities, special districts, and certain private non-profit agencies after Director's Concurrence or a Governor's Proclamation.

	Presidential with CDAA	CDAA Only
Federal Share	75%	0
State Share	18.75%	75%
Local Government Share	6.25%	25%
Private Non-Profit		100%

- The CDAA process:
  - Preliminary Damage Assessment (PDA)
  - Director's Concurrence or Governor's Proclamation
  - Applicants' Briefing
  - Submission of Project Application by Applicant
  - Kick-off Meeting
  - Project Formulation and Cost Estimating
  - Project Review and Validation
  - Obligation of Funds
  - Project completion
  - Final Claim Process
  - Closeout

Governor's Considerations for CDAA

- Is there a current FEMA-approved HazMit Plan?
- Cal OES may ask for the total County/City budget.
- Per Capita Income of the County/City, based on the 2010 Census.
- Any relation between the incident and the sales tax revenue.
- Comparison of the amount of Public Assistance damage with the federal Public Assistance threshold.

Cal OES Regional Events Summary

- Regional Events Summary + Proclamation + other items are used by Cal OES Recovery Branch to determine if request is forwarded to Governor.

- Regional Events Summary includes:
  - Last 5-10 year history on type of the disaster
  - Any health and safety issues?
  - Any damage that won't be repaired if county/city doesn't get CDAA?
  - Any effect on State and Federal property or facilities?

Public Assistance vs Individual

- PA is for:
  - Infrastructure Items
  - Related items for cities, counties, special districts and private non-profits.
- Two main PA groups
  - **Emergency Work:**
    - Category A – Debris Removal
    - Category B – Emergency Protective Measures
  - **Permanent Work:**
    - Category C – Road Systems and Bridges
    - Category D – Water Control Facilities
    - Category E – Buildings, Contents and Equipment
    - Category F – Utilities
    - Category G – Parks, Recreational and Other
- Individual Assistance (IA) is for:
  - Individuals/families; small businesses and family-sized farms.
  - There are no State-funded IA programs.

State Concurrences/Proclamations

- **Director's Concurrence**
  - Made by Cal OES Director.
  - If funded with CDAA $$, provides for Permanent Work Only
- **Governor's Proclamation (Gubernatorial)**
  - With no CDAA, may provide for:
    - Waivers of state agencies (air/water quality, etc.)
    - Federal Highway Administration (FHWA) road repair to FHWA roads if damage is $750,000+
  - With CDAA granted, provides for:
    - Above waivers
    - Assistance from State agencies
    - FHWA, if FHWA road damage is $750,000+
    - All categories of PA
  - Note: Governor's Proclamation does not include IA

Federal Declarations

- Presidential Major Disaster Declaration
  - Provides for Public Assistance work and specified Individual Assistance programs

- Presidential Emergency Declaration
  - Provides for Emergency Work only

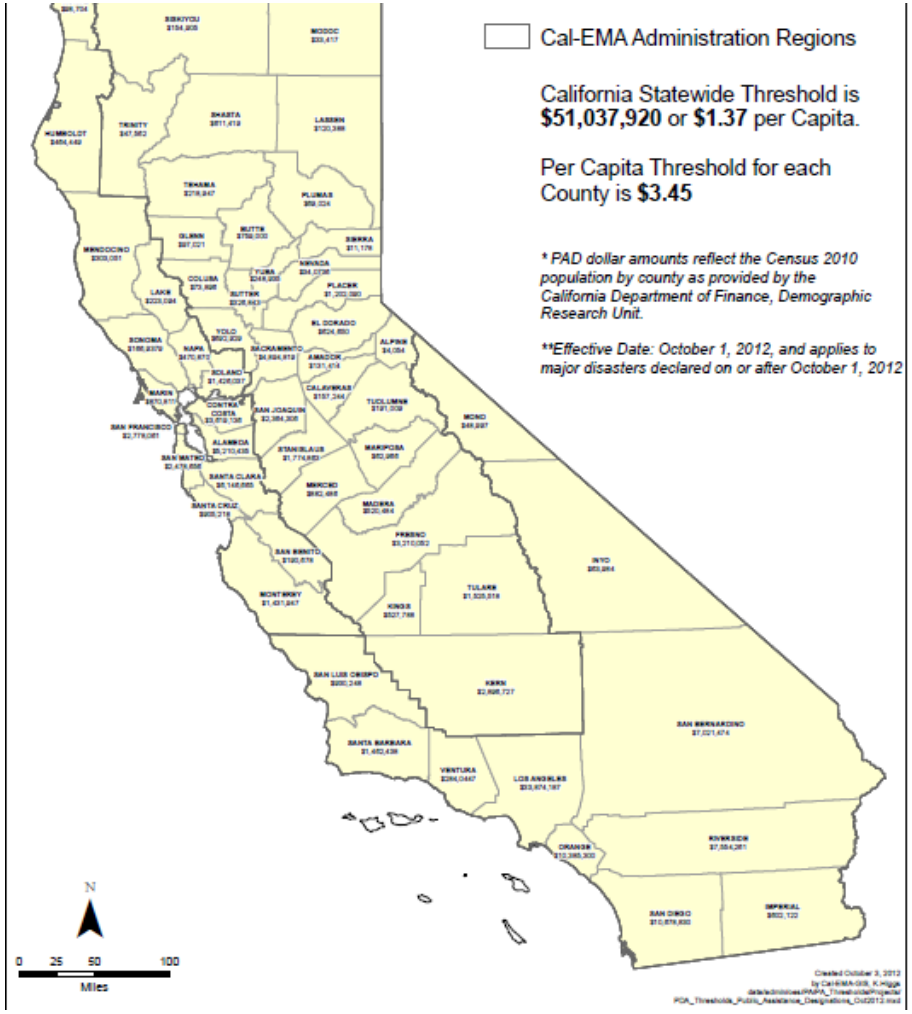
- Small Business Administration (SBA)
  - Made by SBA Administrator or awarded by itself
  - Three programs that are LOANS
    - Physical Damage: 25 homes and/or business with 40% uninsured damage
    - Economic Injury Disaster Loan: 5+ small businesses with significant damage
    - Business Damage: Physical damage to a business, up to $2 million

Federal Thresholds for PA Designations

- San Diego County:
  - $3.56 x County's population
    - $3.56 x 3,095,313 = $11,019,314

AND

- California Statewide:
  - $1.41 x State's population
    - $52,528,078
- No State PA thresholds
- No Federal IA thresholds



QUESTIONS?