Fact Sheet

California Emergency Disaster Proclamation and CDAA Process

The following processes and factors are used to determine the magnitude and severity of an event based on a local government agency's capacity and capabilities to respond and recover.

Disaster Emergency Proclamation Process

Local Emergency Proclamation
If a local government determines effects of an emergency are beyond the capability of local resources to mitigate effectively, the local government must proclaim a local emergency.

Pursuant to *California Government Code Section 8680.9*, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster. The purpose of a local emergency proclamation is to provide extraordinary police powers; immunity for emergency actions; authorize issuance of orders and regulations; activate pre-established emergency provisions; and is a prerequisite for requesting state or federal assistance. A local emergency proclamation can only be issued by a governing body (city, county, or city and county) or an official designated by local ordinance. The proclamation should be issued within 10 days of the incident and ratified by the governing body within 7 days. Renewal of the resolution should occur every 60 days until terminated.

It should be noted a local emergency proclamation is not required for fire or law mutual aid; direct state assistance, Red Cross assistance; a Fire Management Assistance Grant (FMAG); or disaster loan programs from the U.S. Department of Agriculture (USDA) or the U.S. Small Business Administration (SBA).

State of Emergency Request
Pursuant to *California Government Code Section 8625*, the Governor may proclaim a State of Emergency in an area affected by a natural or manmade disaster, when he is requested to do so by the governing body of the local agency affected, or he finds the local authority is inadequate to cope with the emergency.

A local jurisdiction should request the Governor to proclaim a state of emergency when the governing body of a city, county, or city and county determine that:

- Emergency conditions are beyond the control of the services, personnel, equipment, and facilities of any single county, city, or city and county, and
- Emergency conditions require the combined forces of a mutual aid region or regions to combat.

California Disaster Assistance Act Funding Process

Request
As set forth in the *California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA)*, only a governing body of a city (mayor or chief executive), county (chairman of a board of supervisors or county administrative officer), or city and county may seek financial assistance through CDAA, by order of a Director's Concurrence or Governor's Proclamation. The request for CDAA can be included in a local emergency proclamation; however, it is more appropriate to request CDAA on separate letterhead once the governing body has identified, and can certify, local resources are insufficient and the situation is beyond its capabilities.

Verification of Damages

When the governing body submits its local proclamation of emergency to the California Governor's Office of Emergency Services (OES) Regional Operations, the package should include an Initial Damage Estimate (IDE). An IDE is the local governments' identification of the impacts and local response and recovery activities. The IDE assists Cal OES to understand the jurisdictions damages and prioritize Preliminary Damage Assessment (PDA) efforts, which in turn can lead to a state or federal disaster declaration. An Operational Area must include all its affected governing bodies (cities, towns, etc.), special districts (school districts, water districts, community services districts, etc.), and private non-profit organizations within the IDE. Cal OES Regional Operations then forwards the IDE to Cal OES headquarters, which includes a Regional Event Summary (RES) delineating the impact of the event.

An IDE should include:

- Type and extent of public and private sector damage;
- Estimates of damages and emergency response costs; and
- Any acute public health and environmental issues

To assist the Governor in determining if funding under CDAA should be granted, the IDE and RES are reviewed, and if warranted, a State pre-assessment is conducted by Cal OES Recovery. Cal OES works with local jurisdictions' emergency management and/or public safety agencies in the Operational Areas affected by the disaster event to accomplish these assessments. Once a determination is made, Cal OES will notify the requesting jurisdiction in a timely manner (verbally by Cal OES Region and in writing by Cal OES Recovery).

Factors Utilized in Consideration

In evaluating a local government's request for financial assistance under CDAA, a number of factors, and relevant information, are considered in determining the severity, magnitude and impact of a disaster event and developing a recommendation to the Governor. The very nature of disasters, their unique circumstances, and varied impacts impedes a complete listing of factors considered when evaluating disaster declaration requests; however, primary considerations are as follows, in no particular rank:

Factors Considered

√ Activation of Emergency Operations Plan and Emergency Operations Center
√ Amount and type of damage (includes response costs, emergency protective measures, debris removal, public infrastructure damages, number of businesses affected, and number of homes destroyed/with major damage)
√ Amount of available funding at the local level
√ Available assistance or additional programs from other sources (Federal, State, local, voluntary/NGOs)
√ Costs of event distributed per population (per capita)
√ Dispersion or concentration of damages
√ Existence of an approved Local Hazard Mitigation Plan
√ History or frequency of disasters over a recent time period
√ Imminent threats to public health and safety or the environment
√ Impact on the infrastructure of affected area(s) or critical facilities
√ Impacts to essential government services and functions
√ Level of insurance coverage in place for public facilities and homeowners
√ Per capita income and poverty level of the operational area
√ Requirement or request for regulatory, statutory or permit extension waiver or relief
√ Resource commitments (Local, Regional, State Mutual Aid Assets)
√ Unique capability of State government

Events Outside the State's Capabilities

If an incident is of such severity and magnitude that effective response is beyond the capabilities of the affected local government and the State or Indian tribal government, and supplementary assistance is necessary, the Governor may request federal assistance, including a presidential emergency or disaster declaration.

Presidential Declarations Request

Pursuant to *Tittle 44 of the Code of Federal Regulations*, the Governor may request the President declare an emergency or major disaster exists in the State, in accordance with the authority outlined by the Stafford Act. A Presidential Declaration is determined through evaluation of several factors, including the cause of the disaster event, damages, needs, certification by state officials that state and local governments will comply with cost sharing and other requirements, and official requests for assistance.

In requesting supplemental federal assistance, the Governor must:

- Certify that the severity and magnitude of the disaster exceeds local capabilities;
- Certify federal assistance is necessary to supplement the efforts and available resources of the State and local governments, disaster relief organizations, and compensation by insurance for disaster related losses;
- Confirm execution of the state's emergency plan;
- Certify adherence to cost-sharing requirements; and
- Conduct a joint Federal-State preliminary damage assessment (PDA) to analyze
    - FEMA: Individual Assistance, Public Assistance, and Hazard Mitigation
    - SBA: Individuals and households