

9.8 APPENDIX H – Proclamations/Declarations-Frequently Asked Questions

Frequently Asked Questions

Local Emergency (City/County)

What is a local emergency?

Conditions of disaster or extreme peril (air pollution, fire, flood, storm, epidemic, riot, drought, sudden/severe energy shortage, plant or animal infestation or disease, Governor’s warning of earthquake/volcanic predictions, and earthquakes) to safety of persons/property that are likely to exceed resources/capability of the “proclaiming” political jurisdiction.

Where is it proclaimed?

Within a county, city and county, or city.

Who proclaims it?

It depends on each jurisdiction’s ordinance. Usually the mayor, city manager, police, fire chief, or emergency manager. For Los Angeles County it’s the Chair of the Board of Supervisors, the Board of Supervisors, the Chief Administrative Officer, or the Sheriff (in that order).

Why proclaim a local emergency?

It provides:

- immunity from negligence
- authority to promulgate emergency orders and regulations
- confers extraordinary police powers
- exceptions to statutorily mandated procedures
- first step in process to access state/federal disaster relief programs

When should a local proclamation be made?

- When the jurisdiction needs the combined forces (resources)of other jurisdictions to respond effectively to the emergency; and
- When immunity, authority, extraordinary powers, exceptions to mandates, and financial relief are a necessary component of an effective response.

Under the Standardized Emergency Management System (SEMS), cities must send

their local proclamations to California Emergency Management Agency (Cal EMA) through their county Operational Area Coordinator.

Note:

It is not necessary for a city to proclaim an emergency if the county proclaims an emergency for the entire geographic county area or for a specific area that includes the impacted city or cities.

State of Emergency (State)

What is a state of emergency?

Conditions of disaster or extreme peril to safety of persons/property likely to exceed the resources of any single county, city and county, or city and require combined forces of a mutual aid region or regions.

Where is it proclaimed?

Anywhere within the state where the conditions of extreme peril/disaster exist.

Who requests it?

Usually the county, although the state may make its own determination absent a local request.

Who proclaims it?

The governor.

Why proclaim a state of emergency?

- One or more local governments have proclaimed local emergencies and requested assistance from the state
- A gubernatorial proclamation will provide certain immunities and privileges for state and local authorities responding to the emergency
- The state proclamation authorizes the governor to expend emergency funds and use state resources, i.e., state agencies, National Guard, California Conservation Corps, etc
- It activates the Natural Disaster Assistance Act (NDAA) which provides financial assistance to repair, restore, reconstruct, or replace public real property or public facilities belonging to local agencies
- For local agency overtime costs and costs of supplies used during eligible response projects
- For certain indirect costs, and the direct cost to administer the disaster claims

It paves the way for access to federal disaster relief programs. Once a Presidential

Declaration of Disaster is made, the Federal Emergency Management Agency (FEMA) will reimburse 75% of eligible public assistance programs, with the state and local government providing the remaining 25%.

When should the governor proclaim a state of emergency?

- When the scope of the emergency’s physical and economic impact clearly warrants the need for mutual aid and other types of resources and assistance; and
- When immunity, authority, extraordinary powers, exceptions to mandates and financial relief are a necessary component of an effective response.

Presidential Declaration of Disaster (Federal)

What is a presidential declaration of major disaster?

Any natural catastrophe (hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought), or regardless of cause, any fire, flood, or explosion which the President determines to be of such severity as to warrant major federal disaster assistance.

Where is it declared?

Anywhere within the United States where such conditions exist. States include the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or the Federated States of Micronesia.

Who requests it?

The Governor of the impacted state, based on finding that the disaster is of such severity and magnitude that effective response is beyond the ability of the State and affected local jurisdictions.

Who declares the existence of a major disaster?

The President of the United States.

Why make a disaster declaration?

The disaster is of such a magnitude that federal resources are needed to combat its effects.

The declaration makes a broad range of assistance available to individual victims. “Individual Assistance” may include:

- Temporary housing for disaster victims, including home repair funds in lieu of other forms of temporary housing
- Disaster unemployment and job placement assistance for people who lose their job as a result of the disaster

- Individual and family grants (IFG) of up to \$10,400 to help meet disaster-related needs when those needs cannot be met by other programs
- Legal services to low-income disaster victims
- Crisis counseling and referrals
- Loans to individuals, businesses, and farmers for repair, rehabilitation or replacement of damaged real and personal property and some production losses not fully covered by insurance
- Agricultural assistance
- Veteran's assistance
- Tax relief, including help from the IRS in claiming casualty losses resulting from the disaster, and State tax assistance
- Waiver of penalties for early withdrawal of funds from certain time deposits
- The Cora Brown Fund, to assist victims with needs that have not been or will not be met by government agencies or private organizations

Under a major disaster declaration, assistance may be approved to fund 75% of the costs for the following:

- Debris clearance, when in the public interest, on public or private lands or waters
- Emergency protective measures for the preservation of life and property
- Repair or replacement of roads, streets and bridges
- Repair or replacement of water control facilities
- Repair or replacement of public buildings and related equipment
- Repair or replacement of public utilities; and
- Repair or restoration of recreational facilities and parks

Other forms of assistance that may be made available include:

- Community disaster loans from FEMA
- Repairs and operating assistance to public elementary and secondary schools by

the Department of Education

- Use of Federal equipment, supplies, facilities, personnel, and other resources from various Federal agencies
- Repairs to Federal-aid system roads when authorized by DOT; and
- Repairs to projects when authorized by the U.S. Army Corps of Engineers or the Soil Conservation Services

Cities are encouraged to consult their local city attorney regarding these issues.