



EMERGENCY PROCLAMATIONS

A quick reference guide for
Local Government



Arnold Schwarzenegger, Governor
Henry R. Renteria, Director

General Information about Local Emergency Proclamations

Definition of Local Emergency: “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... 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...” *Section 8558(c), Chapter 7 of Division 1 of Title 2 of the Government Code*

Issued by:

- Governing body of city, county, or city and county, or
- An official designated by an adopted local ordinance (e.g., police/fire chief, director of emergency services)

Purpose:

- Authorizes the undertaking of extraordinary police powers
- Provides limited immunity for emergency actions of public employees and governing bodies
- Authorizes the issuance of orders and regulations to protect life and property (e.g., curfews)
- Activates pre-established local emergency provisions such as special purchasing and contracting
- Prerequisite for requesting a Governor’s Proclamation of a State of Emergency and/or a Presidential Declaration of an Emergency or Major Disaster. *

Deadlines:

- **Issuance:** Within 10 days of the occurrence of a disaster if assistance will be requested through the California Disaster Assistance Act (CDAA).
- **Ratification:** If issued by official designated by ordinance, must be ratified by governing body within 7 days
- **Renewal:**
 - Reviewed at regularly scheduled board/council meetings until terminated
 - Reviewed every 14 days for governing bodies that meet weekly until terminated
 - No review to exceed 21 days from last review
- **Termination:** When conditions warranting proclamation have ended

Notification Process:

- Local governments should notify the Operational Area (OA) and provide a copy of the local emergency proclamation as soon as possible
- OA shall notify their state OES Region and provide a copy of the proclamation as soon as possible
- OES Region will notify the OES Director and Deputy Directors; and shall be the primary contact between the OES Director, OA and the local jurisdiction for updates on any requests for assistance
- OES Director will respond in writing to the local government concerning the status of any requests for assistance included within the local proclamation or accompanying letter

Please Note: *A local emergency proclamation and/or Governor’s Proclamation is not a prerequisite for mutual aid assistance, Red Cross assistance, the federal Fire Management Assistance Grant Program, or disaster loan programs designated by the Small Business Administration, or the U.S. Department of Agriculture.

Levels of Disaster Assistance

Director's Concurrence:

Purpose: The CDAA authorizes the OES Director, at his discretion, to provide financial assistance to repair and restore damaged public facilities and infrastructure.

Deadline: State OES must receive request from local government within 10 days of incident.

Supporting Information Required: Local Emergency Proclamation, Initial Damage Estimate (IDE) prepared in the Response Information Management System (RIMS), and a request from the City Mayor or Administrative Officer, or County Board of Supervisors.

Governor's Proclamation:

Purpose: Provides Governor with powers authorized by the Emergency Services Act; authorizes OES Director to provide financial relief for emergency actions and restoration of public facilities and infrastructure; prerequisite when requesting federal declaration of a major disaster or emergency.

Deadline: State OES must receive request from local government within 10 days of incident.

Supporting Information Required: Local Emergency Proclamation, IDE prepared in RIMS, and a request from the City Mayor or Administrative Officer, or County Board of Supervisors.

Presidential Declaration of an Emergency:

Purpose: Supports response activities of the federal, state and local government. Authorizes federal agencies to provide "essential" assistance including debris removal, temporary housing and the distribution of medicine, food, and other consumable supplies.

Deadline: Governor must request on behalf of local government within 5 days after the need for federal emergency assistance is apparent.

Supporting Information Required: All of the supporting information required above and, a Governor's Proclamation, certification by the Governor that the effective response is beyond the capability of the state, confirmation that the Governor has executed the state's emergency plan, information describing the state and local efforts, identification of the specific type and extent of federal emergency assistance needed.

Presidential Declaration of a Major Disaster:

Purpose: Supports response and recovery activities of the federal, state, and local government and disaster relief organizations. Authorizes implementation of some or all federal recovery programs including public assistance, individual assistance and hazard mitigation.

Deadline: Governor must request federal declaration of a major disaster within 30 days of incident.

Supporting Information Required: All of the supporting information required above and, a Governor's Proclamation, certification by the Governor that the effective response is beyond the capability of the state, confirmation that the Governor has executed the state's emergency plan, and identification of the specific type and extent of federal aid required.

Federal/State Disaster Assistance that require a local emergency Proclamation

Local Government:

- ✓ Reimbursement of extraordinary emergency costs (e.g., police overtime, debris removal, sandbagging)
- ✓ Funds to repair damaged public facilities (e.g., buildings, roads, equipment, utilities)
- ✓ Hazard Mitigation

Individuals and Families:

- ✓ Housing assistance such as home repairs and temporary lodging/rental assistance
- ✓ Personal property, medical/dental expenses
- ✓ Disaster unemployment benefits
- ✓ Crisis Counseling

SAMPLE PROCLAMATION

WHEREAS, Ordinance No. _____ of the *City/County* of _____ empowers the *Director of Emergency Services** to proclaim the existence or threatened existence of a local emergency when said *City/County* is affected or likely to be affected by a public calamity and the City Council/County Board of Supervisors is not in session, and;

WHEREAS, the *Director of Emergency Services** of the *City/County* of _____ does hereby find; That conditions of extreme peril to the safety of persons and property have arisen within said *city/county*, caused by _____ (*fire, flood, storm, mudslides, torrential rain, wind, earthquake, drought, or other causes*); which began on the _____th day of _____, 20____. and;

That these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of said *City/County*, and;

That the City Council/County Board of Supervisors of the *City/County* of _____ is not in session and cannot immediately be called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said *City/County*, and;

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this *City/County* shall be those prescribed by state law, by ordinances, and resolutions of this *City/County*, and; That this emergency proclamation shall expire in 7 days after issuance unless confirmed and ratified by the governing body of the *City/County* of _____.

Dated: _____ By: _____
*Director of Emergency Services**

Print Name _____
Address _____

**Insert appropriate title and governing body*

Note: *It may not be necessary for a city to proclaim a local emergency if the county has already proclaimed an emergency that applies to the entire geographic county area or for a specific area that includes the impacted city or cities.*

This guide is not intended to be a legal opinion on the emergency proclamation process and related programs under state law. Local governments should consult their own legal counsel when considering proclaiming a local state of emergency.