

EMERGENCY PROCLAMATIONS

A quick reference guide for Local Government



General Information about Local Emergency Proclamations

Definition of Local Emergency: “[T]he 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 . . .” (California Government Code (Govt. Code) section 8558 (c)).

Issued by (Govt. Code section 8630(a)):

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

Purpose (Govt. Code sections 8625 and 8634):

- Authorizes the promulgation of orders and regulations necessary to protect life and property (e.g., special purchasing or emergency contracting).
- Describes the circumstances that exist that may support the need for issuance of a State of Emergency Proclamation and/or Executive Order.
- Supports request for a Director’s Concurrence, Governor’s Proclamation of a State of Emergency, Executive Order, California Disaster Assistance Act (CDAA) funding, and/or a Presidential Declaration of an Emergency or Major Disaster.*

Deadlines:

- Issuance: Within 10 days after the actual occurrence of a disaster if assistance will be requested through CDAA (Govt. Code section 8685.2).
- Ratification: If issued by official designated by ordinance, must be ratified by governing body within 7 days (Govt. Code section 8630(b)).
- Renewal: Reviewed at least once every 30 days by the governing body until terminated (Govt. Code section 8630(c)).
- Termination: At the earliest possible date that conditions warrant (Govt. Code section 8630(d)).

Notification Process (consistent with the Standardized Emergency Management System (Govt. Code section 8607)):

- Local governments should notify the Operational Area (OA) and provide a copy of the local emergency proclamation as soon as possible.
- OA shall notify Cal OES and provide a copy of the proclamation as soon as possible.
- Cal OES Region will ensure notification to the Cal OES Director and Deputy Directors, and shall be the primary contact between the Cal OES Director, OA, and the local jurisdiction for updates on any requests for assistance.
- Cal 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:**

When a local government requests a Gubernatorial State of Emergency Proclamation, Director’s Concurrence, and/or California Disaster Assistance Act funding, local government should provide information describing local response efforts and identify the specific type and extent of state emergency assistance needed, including regulatory waivers necessary to facilitate the protection of life and property during response efforts.

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 U.S. Small Business Administration or the U.S. Department of Agriculture.

Levels of Disaster Assistance

Director's Concurrence:

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

Deadline: Cal OES must receive a request from local government within 10 days after the actual occurrence of a disaster (Govt. Code section 8685.2).

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

Governor's Proclamation of State of Emergency:

Purpose: Provides the Governor with powers authorized by the Emergency Services Act; may authorize the Cal OES Director to provide financial relief under the California Disaster Assistance Act for emergency actions, restoration of public facilities and infrastructure, and hazard mitigation; prerequisite when requesting federal declaration of a major disaster or emergency.

Deadline: Cal OES must receive a request from local government within 10 days after the actual occurrence of a disaster (Govt. Code section 8685.2).

Supporting Information: Local Emergency Proclamation, IDE prepared in "CalEOC," 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 becomes apparent, but no longer than 30 days after the occurrence of the incident (Title 44 of the Code of Federal Regulations (44 CFR) section 206.35(a)).

Supporting Information: 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, and 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 the occurrence of the incident (44 CFR section 206.36(a)).

Supporting Information: All of the supporting information required above, 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.

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 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: Local governments should provide a description of the local efforts and identification of the specific type and extent of state emergency assistance needed.

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 federal, state, and local law. Local governments should consult their own legal counsel when considering proclaiming a local state of emergency.