



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

# California Disasters and Proclamations

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# Overview

- ▶ Authorities
  - ▶ Local Proclamations
  - ▶ Gubernatorial Proclamations
  - ▶ California Disaster Assistance Act
  - ▶ Debris
  - ▶ Stafford Act Declarations
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# California Authorities

- ▶ **Emergency Services Act**
  - Cal. Government Code section 8550, et seq.
- ▶ **California Disaster Assistance Act**
  - Cal. Government Code section 8680, et seq.
  - Cal. Code of Regulations, Title 19, section 2900 et seq.

# Federal Authorities

- ▶ Robert T. Stafford Disaster Relief and Emergency Assist. Act
  - ▶ Homeland Security Act of 2002
  - ▶ Disaster Recovery Reform Act of 2018 (DRRA)
  - ▶ Title 44 of the Code of Federal Regulations (CFR)
  - ▶ Public Assistance Program and Policy Guide
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# Local Proclamations






# Local Proclamations

- ▶ County, City and County, City
- ▶ Beyond Local Capability
- ▶ 4 steps
  - Proclaim
  - Ratify
  - Continue
  - Terminate



# Local Proclamations

## Why Proclaim Local Emergency?

- Extraordinary police powers
  - May provide immunity for emergency actions
  - May authorize issuance of orders and regulations
  - May activate pre-established emergency provisions
  - Demonstrate “beyond capability”
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# Local Proclamations

- ▶ Government Code § 8558:
- ▶ (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 conditions ... 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 ...”




# Local Proclamations

- ▶ Government Code § 8630:
- ▶ (a) “... 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.”

# Local Proclamations

- ▶ Government Code § 8630:
  - ▶ (b) If proclaimed by an official designated by ordinance, the proclamation must be ratified by the governing body within seven (7) days.
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# Local Proclamations

- ▶ Government Code § 8630:
  - ▶ (c) Governing body shall review the need for continuing the local emergency at least once every sixty (60) days until the governing body terminates the emergency.
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# Local Proclamations

- ▶ Government Code § 8630:
- ▶ (d) Governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

# Local Proclamations

## Timeline Summary


- **Issuance:** Within 10 days of incident if state funding will be sought
- **Ratification:** By Governing Body within 7 days
- **Renewal:** Every 60\* days by Governing Body

\* Eff. 1/1/19, increased from 30 days.





# Local Proclamations

- ▶ Local Emergency interplay with CDAA?
  - ▶ CDAA – Government Code § 8680.9
    - “Local Emergency” means a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected, in accordance with Section 8630.
    - Local proclamation must be valid under ESA to be acceptable to trigger CDAA eligibility.
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# Local Proclamations

- ▶ Once an acceptable local proclamation has been issued pursuant to Govt. Code, §§ 8630 and 8680.9, then a local agency *may* qualify for CDAA, assuming it meets other criteria:
  - Totality of circumstances (many factors)
  - Demonstrated beyond local's capability

# Gubernatorial Proclamation



# Gubernatorial Proclamation

- ▶ Triggers authorities under Emergency Services Act
  - Broad powers to mitigate effects of emergency
  - Executive Order





# Gubernatorial Proclamation


- ▶ Triggers California Disaster Assistance Act
  - Assistance to local jurisdictions
  - Emergency and permanent work





# Gubernatorial Proclamation

## ▶ Government Code § 8571

- During a state of ... emergency ... the Governor may suspend any regulatory statute ... where Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.
  - Common waivers (e.g. price gouging, environmental, unemployment, fee waivers, local health emergency renewal)
  - Unique waivers (e.g. Napa, schools)
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# Gubernatorial Proclamation

- ▶ Government Code § 8558:
- ▶ (b) “State of emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state ... which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces a mutual air region or regions to combat ...”

# Gubernatorial Proclamation

- ▶ Government Code § 8625:
- ▶ Governor empowered to proclaim state of emergency when:
  - He finds circumstances described in 8558(b), and either:
    - He is requested to do so by ...the chairman of the board of supervisor or the county administrative officer; or
    - He finds local authority is inadequate to cope with the emergency.


# CDAA

## Director's Concurrence

- Local Proclamation within 10 days of Incident
- Provides CDAA assistance for Permanent Work:
  - Repair, restoration, and replacement of public property
- Supporting info:
  - Written request
  - Local Emergency Proclamation
  - Regional Event Summary
  - Initial Damage Estimate (IDE)

# CDAA

## Governor's Proclamation

- Provides Governor with ESA powers
  - Authorizes Cal OES to administer CDAA
  - Required for Presidential Declaration
  - Supporting info:
    - Local Emergency Proclamation
    - Initial Damage Estimate (IDE)
    - Regional Event Summary
    - Written Request
- 



# CDAA

## Contracting and Procurement


### 19 CCR 2915

- Must following federal procurement requirements
- Contracting subject to local procurement rules as well as state and federal laws


# CDAA

## Debris Removal


### 19 CCR 2925

- Reimbursement
  - Private property debris removal may be authorized when immediate threat to public health and safety
  - Local agency responsible for securing Right-of-Entry and hold harmless
- 


# Public Assistance Categories/ Types of Work

- ▶ A – Debris Removal
  - ▶ B – Emergency Work
  - ▶ C – Roads and Bridges
  - ▶ D – Water Control Facilities
  - ▶ E – Buildings and Equipment
  - ▶ F – Utilities
  - ▶ G – Parks, Recreational, and Other
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# Category A Debris Removal

- ▶ Must eliminate threat to public health and safety
  - ▶ Must eliminate threat of significant damage to improved property
  - ▶ Must ensure economic recovery to benefit of community at large
  - ▶ Includes tree clearance, vegetative debris, building wreckage, and mud/silt on public property (roads, natural streams, public rights-of-way)
- 

# Category B Emergency Work

- ▶ Emergency protective measures
  - ▶ Mutual aid
  - ▶ Wide range of extraordinary measures
  - ▶ Includes evacuations, sheltering, sandbagging, barricading, bracing or shoring structures, traffic control, emergency operations center
- 



# Category C Roads & Bridges

- ▶ On-system (FHWA) roads may be ineligible
- ▶ Must conform with current codes
- ▶ Excludes routine maintenance



# Category D Water Control Facilities

- ▶ Channels, canals, levees, and basins
- ▶ Restrictions on Flood Control Works
- ▶ Excludes USACE
- ▶ Excludes NRCS



# Category E Buildings & Equipment

Includes:

- ▶ Structures
- ▶ Content and equipment
- ▶ Codes and standards

Excludes:

- ▶ Betterments



# Category F Utilities

- ▶ Water treatment
- ▶ Power generation
- ▶ Communications
- ▶ Sewage treatment





# Category G Parks, Rec & Other

Must fall within the definition of an  
“improved and maintained” facility

- ▶ Docks and harbors
- ▶ Public parks
- ▶ Golf courses
- ▶ Beaches
- ▶ Piers
- ▶ Airports
- ▶ Landfills



# DEBRIS REMOVAL





# DEBRIS REMOVAL



# Debris Removal






# Debris Removal




# Private Property Debris Removal

- State and Federal Programs
  - Public assistance
  - Right of entry, indemnification, and hold harmless required
  - No insurance or avoid duplication of benefits
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# Private Property Debris Removal


- Immediate threat to life, public health, and safety
- Authority under Health and Safety Code (e.g. 101080 Local Health Emergency)
  - Threat to public at large
  - Threat to environment
  - Threat to watershed
- Economic recovery

FEMA may authorize reimbursement where approved in advance and to the extent consistent with authority under 44 CFR §206.224 (a)



# Private Property Debris Removal

## Local Considerations:

- Contracting for debris removal
  - Public information regarding consolidated program
  - Debris ordinance; enforcement and abatement
  - Housing ordinance and interplay with debris
  - Insurance collection
- 



# Presidential Declarations Under the Stafford Act

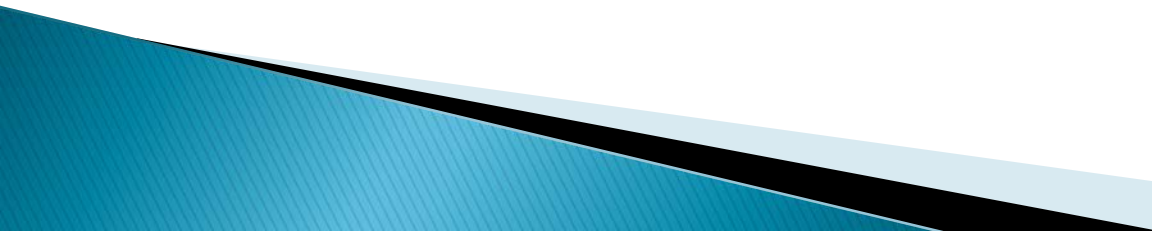


# Presidential Declarations

## Emergency Declaration

- Debris Removal
- Emergency Work to eliminate or lessen immediate threats to lives, property, public health, and safety
- Individual assistance is rare in an emergency
- No long-term mitigation or permanent restoration of public facilities

42 U.S.C. § 5122(1); 44 CFR § 206.2(a)(9)

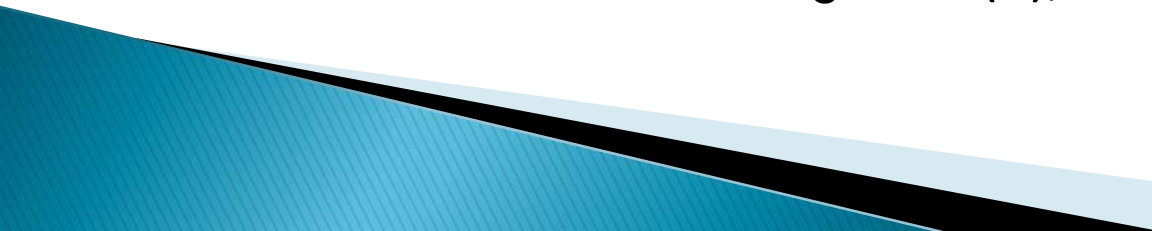


# Presidential Declarations

## Major Disaster Declaration


- Beyond the capability of the state
- Individual assistance
- Public assistance
  - Emergency work
  - Permanent work
- **Hazard Mitigation Grant Program (HMGP)**

42 U.S.C. § 5122(2); 44 CFR § 206.2(a)(17)



# California – A Disastrous State!

Since 2014

- ▶ 10 Presidential Major Disaster Declarations
  - ▶ 68 Gubernatorial State of Emergency Proclamations
    - Fire, Storms, Earthquake, Disease Outbreak, Gas Leak, Oil Spill, Terrorist Attack, Drought, and more
    - Many included more than one event (e.g. multiple fires throughout California)
- 



# California – A Disastrous State!



## Large Fire Whirl in NorCal

Reported on July 26, 2018

NWS Sacramento  
Issued: August 2, 2018



### What is a Fire Whirl?

A rotating column of fire induced by intense rising heat and turbulent winds. Intense fire whirls can be violent and cause damage similar to tornadoes.

### Large Fire Whirl in Redding, CA

- Between 7:30-8:00 PM on July 26<sup>th</sup>, 2018
- Result of the plume dominated Carr fire. **Winds in excess of 143 mph (equivalent to an EF-3 on the Enhanced Fujita Scale)**
- Preliminary reports include the collapse of high tension power line towers, uprooted trees, and the complete removal of tree bark

# California – A Disastrous State!



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