



# Fact Sheet



## ***California Emergency Disaster Proclamation and CDAA Process***

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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 30 days until terminated.

A local emergency proclamation is not required for fire or law mutual aid; 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).

As set forth in the California Emergency Services Act, 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 the California Disaster Assistance Act (CDAA) by order of a Director's Concurrence or Governor's Proclamation. The request for CDAA can be included in the local emergency proclamation; however, is more appropriate on separate letterhead once the governing body has identified and can certify local resources are insufficient and the situation is beyond its capabilities.

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 helps Cal OES to confirm 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 will forward the package to Cal OES headquarters and provide its summary of the impact of the event.

Under the proclamation process, and to assist the Governor in determining if a State of Emergency and funding under CDAA should be granted, the IDE and Regional Event Summary are reviewed, and if warranted, a State pre-assessment is conducted by Cal OES Recovery. Cal OES works with the local emergency management and public safety agencies in the Operational Areas affected by the disaster event to accomplish these assessments.

Following Cal OES' review of the request and the findings of the state pre-assessment, the Director of Cal OES provides the Governor an analysis of the situation. Once a determination is returned to Cal OES, every attempt possible is made to notify the requesting jurisdiction in a timely manner (in writing by Recovery and verbally by the Region).

### **Factors Utilized in Consideration**

In evaluating a local government's request for a State of Emergency and financial assistance under CDAA, a number of factors, along with other 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, the unexpected timing, and varied impacts impedes a complete listing of factors considered when evaluating disaster declaration requests; however, some considerations are as follows, in no particular rank:

**Factors Considered**

- √ Activation of 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 in conjunction to federal per capita threshold to be eligible for federal public assistance funding
- √ 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

**Governor’s Determination**

The Governor evaluates the package submitted and makes a determination to either deny or grant the State of Emergency. In addition, the Governor will determine if state financial assistance under CDAA is warranted.

**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 that supplementary assistance is necessary, the Governor may request federal assistance, including a presidential emergency or disaster declaration. In requesting supplemental 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; and
- Certify adherence to cost-sharing requirements.

In order to certify that federal assistance is necessary, a joint FEMA-State preliminary damage assessment (PDA) is required, which analyzes the costs incurred, impact to critical facilities, and the threat to health, safety and the environment caused by the event. The team will also look at the effect on individuals and businesses, including the number of people displaced and the number of homes destroyed or received major damage.