

## Part One, Section Ten **Emergency Proclamation Process (CW-#27)**

### **General**

The California Emergency Services Act provides the basic authorities for conducting emergency operations following a proclamation of Local Emergency, State of Emergency or State of War Emergency by the Governor and/or appropriate local authorities, consistent with the provisions of the Act. There are three types of proclamations of emergency in the State of California: local emergency, state of emergency and state of war emergency.

### **Local Emergency (City)**

A Local Emergency may be proclaimed by the City Council or by the City Manager as specified by B.M.C. Article 3, Chapter 4. A Local Emergency proclaimed by the City Manager must be ratified by the City Council within seven days. The governing body must review the need to continue the proclamation at least every fourteen days (or every twenty-one days if the governing body does not meet at least weekly) until the Local Emergency is terminated. The Local Emergency must be terminated by resolution as soon as conditions warrant. Proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property within the city caused by natural or man-made situations.

The proclamation of a Local Emergency provides the governing body with the legal authority to:

- If necessary, request that the Governor proclaim a State of Emergency and/or request a Presidential declaration.
- Promulgate or suspend orders and regulations necessary to provide for the protection of life and property, including issuing orders or regulations imposing a curfew within designated boundaries.
- Exercise full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements.
- Request state agencies and other jurisdictions to provide mutual aid.
- Require the emergency services of any local official or employee.
- Requisition necessary personnel and materials from any local department or agency.
- Obtain vital supplies and equipment and, if required, immediately commandeer the same for public use.
- Impose penalties for violation of lawful orders.
- Conduct emergency operations without incurring legal liability for performance, or failure of performance. (Note: Article 17 of the Emergency Services Act, Section 8655, provides for certain privileges and immunities.)

**Note: Emergency proclamation forms are in Part Two, Management Section Annex, Supporting Documents.** The City Manager is responsible for preparing and submitting the paperwork with the assistance of the City Clerk. Documents will be on file with the City Clerk at City Hall.

The City should immediately notify and send a copy of the City's proclamation to the Operational Area EOC so that the County can request a Local Emergency proclamation or a concurrence by the County.

### **Local Emergency (County)**

Los Angeles County Office of Emergency Management is the administrative coordinator of the Operational Area (OA). When the County's Office of Emergency Management (OEM) receives the City's proclamation, the County may:

- Proclaim a local emergency or
- Concur with the City's proclamation or
- Take no action.

The County then forwards to the State Office of Emergency Services (OES), Southern Region:

- The City's proclamation.
- The County's proclamation.
- The County's concurrence with the local proclamation.

When the County of Los Angeles proclaims a local emergency, the City will be covered under the County proclamation (62 Ops.Cal.Atty.Gen. 701, 708 (1979)). If the emergency/disaster affects the City, it is recommended that the City also proclaim a local emergency, as that will enable the City to adopt emergency ordinances and promulgate regulations that would not otherwise be valid. Note that, according to the Attorney General, the County's ordinances prevail in the event there is a conflict between the County's ordinances and ordinances adopted by the City (62 Ops.Cal.Atty.Gen. 701, 708 (1979)).

When the County proclaims a local emergency, they may request that:

- The State OES Director concur with the local proclamation,
- The Governor proclaim a State of Emergency, and/or
- The Governor request a Presidential Declaration of an Emergency or Major Disaster.

### **State of Emergency**

A State of Emergency may be proclaimed by the Governor when:

- Conditions of disaster or extreme peril exist which threaten the safety of persons and property within the state caused by natural or man-made incidents.
- Requested to do so by local authorities.
- Local authority is inadequate to cope with the emergency.

Whenever the Governor proclaims a State of Emergency:

- Mutual aid shall be rendered in accordance with approved emergency plans when the need arises in any county or city for outside assistance.
- The Governor shall, to the extent deemed necessary, have the right to exercise all police power vested in the state by the Constitution and the laws of the State of California within the designated area.
- Jurisdictions may command the aid of citizens as deemed necessary to cope with an emergency.

- The Governor may suspend the provisions of orders, rules or regulations of any state agency; and any regulatory statute or statute prescribing the procedure for conducting state business.
- The Governor may commandeer or make use of any private property or personnel (other than the media) in carrying out the responsibilities of the office.
- The Governor may promulgate, issue and enforce orders and regulations deemed necessary.

### **State of War Emergency**

Whenever the Governor proclaims a State of War Emergency, or if a State of War Emergency exists, all provisions associated with a State of Emergency apply, plus: All state agencies and political subdivisions are required to comply with the lawful orders and regulations of the Governor which are made or given within the limits of authority as provided for in the Emergency Services Act.

### **Federal Declaration**

The Governor can request a Presidential Declaration of an Emergency or a Major Disaster. This opens the door for federal disaster assistance. In some circumstances, a Presidential Declaration may allow for the termination of public works contracts (California Government Code 4410-4412).

**Refer to Part Two, Management Section Annex, Supporting Documents for additional information on specific actions and the Emergency Proclamation/Declaration process.**