

# **Appendix H**

## **Disaster Declaration Process**

## Disaster Declaration Process

### Disaster Declarations steps:

**Local agencies respond:** Response is made by appropriate local agencies supplemented by mutual aid from neighboring communities and volunteer agencies. If the situation exceeds the local capabilities, they may request assistance from Eagle County.

**Local Emergency/Disaster Declaration:** A local municipality or special district may declare a local disaster or an emergency by notifying the Eagle County Board of County Commissioners (BoCC) or County Manager. The County may then choose to activate the response and recovery components of the Eagle County Emergency Operations Plan.

**Emergency Powers:** The County Manager may exercise any and all powers granted by applicable state law subsequent to issuance of the Emergency Declaration.

During the existence of a state of emergency, the County Manager may promulgate such regulations, as he or she deems necessary, to protect life and property and preserve critical resources. These regulations shall be confirmed at the earliest practical time by the BoCC, shall be given widespread circulation, and shall be disseminated to the news media. These regulations may include, but shall not be limited to powers granted by applicable state law. Specifically the County Manager may:

- Exercise emergency spending authority to the limits allowed by resolution.
- Suspend the provisions of procedures for conduct of county business, if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency.
- Transfer the direction, personnel, or functions of county departments for the purpose of performing or facilitating emergency services.
- Subject to any applicable legal requirements to provide compensation, commandeer or utilize any private property if the County Manager finds this necessary to cope with the emergency.
- Direct and compel evacuation of persons from any stricken or threatened area within the County if the County Manager deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery measures.
- Prescribe routes, modes of transportation, and destinations in connection with evacuation.
- Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein.
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles within the county.
- Make provisions for the availability and use of temporary emergency housing.
- Waive all provisions for competitive bidding and may direct the purchasing agent to purchase necessary supplies in the open market at not more than commercial prices.
- The County Manager is authorized to exercise all powers permitted by county resolution or ordinance and state law to require emergency services of any county officer or employee and command the aid of as many citizens of the county as he or she deems necessary in the execution of his or her duties. Such persons shall be entitled to all

privileges, benefits, and immunities as are provided by state law for civil defense workers. Notwithstanding the foregoing, it is recognized that other or different terms may be agreed to in mutual aid or other agreements among various entities which may be in control.

**State Disaster Declaration:** At the onset of any major incident (even before a disaster declaration) in Eagle County, it is necessary to contact the Colorado Office of Emergency Management (COEM). The COEM is available 24 hours a day (303-279-8855).

An Eagle County Commissioner or the County Manager may choose to initiate a formal local disaster declaration. Such declaration should be made with the collaboration of the County Manager, impacted municipalities, impacted County department heads and the Emergency Manager and as many of the Commissioner's as are available. The declaration must be ratified by the BoCC at either a regular or an emergency meeting within 7 days of issuance. *See* C.R.S. § 24-33.5-709. All Eagle County Emergency and Disaster declarations automatically expire 30 days after they are issued and must be renewed by the BoCC.

### **Why Declare a Disaster?**

- To authorize emergency spending measures
- To gain access to TABOR emergency reserves
- To qualify for certain types of federal and state disaster assistance
- To activate local and inter-jurisdictional emergency plans and mutual assistance agreements
- To support the enactment of temporary emergency restrictions or controls (e.g., curfews, price controls)
- The State Responds with state resources as requested (and/or needed) by the local government

The Colorado Office of Emergency Management, Department of Military and Veterans Affairs, Department of Public Health & Environment, Department of Transportation, Department of Local Affairs, Department of Public Safety, Colorado State Patrol, Department of Human Services, Department of Agriculture, and the Department of Natural Resources are all examples of Colorado agencies who may respond to a disaster.

The State may declare a disaster or emergency by Executive Order or Proclamation of the governor if the governor finds a disaster has occurred or the threat of a disaster or emergency is imminent. This frees up State TABOR reserves and Disaster Emergency funds, enables the governor to temporarily enact or suspend State restrictions or controls, activates the State Emergency Operations Plan, and activates the State Emergency Operations Center.

- **Damage Assessment.** The State can request a disaster declaration from the governor with a preliminary damage assessment (see appendix F) from the local government submitted through the Colorado Office of Emergency Management.

The state can also perform a formal federal, state, and local preliminary damage assessment with FEMA to determine if damage amounts may qualify for a presidential disaster request and therefore, federal assistance.

A presidential disaster declaration and/or emergency can be requested by the governor to the President through FEMA, based on the damage assessment, and an agreement to commit state funds and resources to the long-term recovery.

- **FEMA** will evaluate the request and recommend action to the White House based on the disaster damage assessment, the local community and the state's ability to recover.
- **The President** approves the request or FEMA informs the governor it has been denied. The decision process could take a few hours or several weeks depending on the nature of the disaster.

**Note:** The difference between a **disaster declaration** and an **emergency declaration** is that an emergency can be declared even though there is no disaster. An example would be the Summit of the Eight or World Youth Day. Additional resources were requested and the State Emergency Operations Plan was activated. Also, an emergency declaration is generally of lesser scope and impact than a major disaster declaration.

### **Federal Disaster Declaration:**

**Declaration Types:** There are two types of Declarations provided for in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act): Emergency Declarations and Major Disaster Declarations. Both declaration types authorize the President to provide federal disaster assistance. However, the cause of the declaration and type and amount of assistance differ.

- **Emergency Declarations:** An Emergency Declaration can be declared for any occasion or instance when the President determines federal assistance is needed. Emergency Declarations usually supplement state and local efforts in providing emergency services, such as the protection of lives, property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. The amount of emergency assistance is capped at \$5 million per single event. If additional assistance is needed, the President must report to Congress.
- **Major Declaration:** The President can declare a Major Disaster Declaration for any natural event, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, fire, flood, or explosion, that the President believes has caused damage of such severity that it is beyond the combined capabilities of State and local governments to respond. A major disaster declaration provides a wide range of Federal assistance programs for individuals and public infrastructure, including funds for both emergency and permanent work.

**Assistance Available for Major Declarations:** Not all programs, however, are activated for every disaster. The determination of which programs are activated is based on the needs found during damage assessment and any subsequent information that may be discovered. FEMA disaster assistance falls into three general categories:

- **Individual Assistance** - aid to individuals and households;
- **Public Assistance** - aid to public and tribal (and certain private non-profit) entities for certain emergency services and the repair or replacement of disaster damaged public facilities; and

- **Hazard Mitigation Assistance** - funding for measures designed to reduce future losses to public and private property. Some declarations will provide only individual assistance or only public assistance. Hazard mitigation opportunities are assessed in most situations.

FEMA manages federal response and recovery efforts following any national incident. FEMA also initiates mitigation activities, works with state and local emergency managers, and manages the National Flood Insurance Program. FEMA became part of the U.S. Department of Homeland Security on March 1, 2003.

**NOTE: The Disaster Mitigation Act of 2000, 44 CFR; 201.6, provides grants for implementation of both pre and post disaster mitigation projects through the FEMA Hazards Mitigation Grant Program (HMGP). A current FEMA approved hazard mitigation plan is required in order to be eligible to receive HMGP funds.**

## **Disaster / Emergency Declaration**

**WHEREAS**, Eagle County has suffered serious damage to roads, bridges, homes, businesses, and other public and private facilities caused by \_\_\_\_\_, which occurred on \_\_\_\_\_; and *[Include sufficient detail concerning the nature of the disaster or emergency and the area threatened]*

**WHEREAS**, the cost and magnitude of responding to and recovering from the impact of the ensuing event is far in excess of the county's available resources; and *[Include as much detail as is available concerning the conditions, magnitude of damage and the like]*

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709(1) "A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed in excess seven days except by or with the consent of the governing board of the political subdivision"; and

**WHEREAS**, "The effect of a declaration of local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster and emergency plans and to authorize the furnishing of aid and assistance under such plans." C.R.S. § 24-33.5-709(2).

**NOW, THEREFORE, BE IT DECLARED** by the County Manager of Eagle County, Colorado:

**THAT**, it is hereby determined and declared that *[this to be an emergency/disaster area etc...]*.

**THAT**, this Declaration shall be promptly filed with the Eagle County Clerk and Recorder and with the Colorado Office of Emergency Management.

**THAT**, this Declaration is necessary for the public health, safety and welfare of the citizens of the County of Eagle, State of Colorado.

**DECLARED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ AT EAGLE COUNTY,  
COLORADO AT \_\_\_\_M.

Eagle County, Colorado  
By and through its County Manager

By: \_\_\_\_\_  
County Manager

**NOTE: Supply two (2) copies to OEM -  
9195 East Mineral Avenue, Suite 200  
Centennial, Colorado 80112  
Fax: 720-852-6750**

**OEM will forward one (1) copy to the  
Governor's Office. File with the Clerk and Disseminate to the Public**

**Commissioner \_\_\_\_\_ moved adoption  
of the following Resolution:**

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EAGLE, STATE OF COLORADO**

**RESOLUTION NO. 20\_\_ - \_\_\_\_**

**RESOLUTION DECLARING A CONTINUATION OF DISASTER OR  
EMERGENCY DECLARATION**

**WHEREAS**, Eagle County suffered serious damage to roads, bridges, homes, businesses, and other public and private facilities caused by \_\_\_\_\_, which occurred on \_\_\_\_\_; and *[Include sufficient detail concerning the nature of the disaster or emergency and the area threatened]* *[Identify if this is a ratification of and continuation of prior County Manager declaration pursuant to C.R.S. 24-33.5-709]*

**WHEREAS**, the cost and magnitude of responding to and recovering from the impact of the ensuing event is far in excess of the county’s available resources; *[Include as much detail as is available concerning the conditions, magnitude of damage and the like]*

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709(1) “A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed in excess seven days except by or with the consent of the governing board of the political subdivision”; and

**WHEREAS**, “The effect of a declaration of local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster and emergency plans and to authorize the furnishing of aid and assistance under such plans.” C.R.S. § 24-33.5-709(2).

**NOW, THEREFORE**, BE IT RESOLVED by the Board of Commissioners of Eagle County, Colorado:

**THAT**, the Eagle County Board of County Commissioners determines and declares *[an emergency, or continuing emergency/disaster this to be a disaster area etc...]*

**THAT**, this Resolution and Declaration shall be promptly filed with the Eagle County Clerk and Recorder and with the Office of Emergency Management.

**THAT**, this Resolution and Declaration is necessary for the public health, safety and welfare of the citizens of the County of Eagle, State of Colorado.

**MOVED, READ AND ADOPTED** by the Board of County Commissioners of the County of Eagle, State of Colorado, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

COLORADO, By and Through Its  
BOARD OF COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
Clerk to the Board of  
Chair

By: \_\_\_\_\_  
County Commissioners

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Commissioner \_\_\_\_\_ seconded adoption of the foregoing resolution.  
The roll having been called, the vote was as follows:

Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_

This resolution passed by \_\_\_\_\_ vote of the Board of County Commissioners of the County of Eagle, State of Colorado.

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