



Village of Menands

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Emergency Management Response and Recovery

(Declaring a State of Emergency, Resource Request, FEMA Reimbursement)

DECLARING A STATE OF EMERGENCY AND ISSUING EMERGENCY ORDERS

A. Instructions for declaring a local State of Emergency

1. Only the County Executive, or a person acting for the County Executive, can declare a local State of Emergency for all of, or anywhere in, Albany County. Each Town Supervisor, City, and Village Mayor can declare States of Emergency within their jurisdiction. * The term Executive in this document refers to the jurisdictional leader, i.e., County Executive, Mayor, or Town Supervisor.
2. A local State of Emergency is declared pursuant to Section 24 Article 2B of the State Executive Law.
3. It can be declared in response to, or anticipation of, a threat to public safety.
4. A declaration of a local State of Emergency may be verbal or written.
5. If it is verbal, it is best to follow it in a written format.
6. The declaration should include the time and date, the reason for the declaration, the area involved, and the expected duration.
7. The written declaration should be kept on file in the County or Municipality's Clerk's Office.
8. A local State of Emergency must be declared BEFORE Emergency Orders are issued.

9. A local State of Emergency should be formally rescinded when the declaration is no longer needed.

10. Only the Chief Executive, or person acting for them, may rescind the local State of Emergency.

11. Though a rescission may be verbal or written, if the declaration was written, the rescission should also be written.

12. The rescission should include the time and date of the original declaration, the reason for the local State of Emergency, and the time and date the Local State of Emergency is rescinded.

13. The written rescission should be kept on file in the Clerk's Office.

14. Chief executive authorized to:

- use any and all facilities, equipment, supplies, personnel, and other resources of his/her political subdivision.
- request and accept assistance coordinated and directed by the county chief executive
- request, accept, and utilize assistance from any other political subdivision
- upon receipt of a request for assistance, may give, lend, or lease any services, equipment, facilities, supplies, or other resources of his/her political subdivision

Sample Declaration of a Local State of Emergency below

A State of Emergency is hereby declared in _____ effect at
(municipality or entire County)

_____ On _____
(time) (date)

This State of Emergency has been declared due to _____
(description of the situation)

_____.

This situation threatens public safety.

This State of Emergency will remain in effect until rescinded by a subsequent order.

As the Executive, Mayor, Supervisor of _____, I, _____
(name of Executive)

exercise the authority given to me under section 24 of the New York State Executive Law to

preserve the public safety and hereby render all required and available assistance

vital to the security, well-being, and health of the citizens of _____

I hereby direct all departments and agencies of _____ to take whatever steps

necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

(Signature)

(Name)

(Title)

(Date)

C. Additional questions and answers on Declaring a State of Emergency

1. *Why should I declare a local state of emergency?*

It increases your powers as the Chief Executive Officer. These powers can include:

- issuing emergency orders
- implementing public protective measures
- suspending local laws; and
- requesting supplemental assistance

2. *Can a declaration give legal protection?*

Yes. A declaration of a local State of Emergency provides legal protection and immunities for the Chief Executive and local emergency officials when they make decisions and take action(s) to respond to disasters or emergencies.

3. *Will the declaration help raise public awareness?*

Yes. A declaration of a local State of Emergency helps make the public aware of the hazards associated with a disaster. It also can emphasize the protective measures you may need to ask citizens to take.

4. *Can a State of Emergency be declared at any time?*

No. A local State of Emergency can be issued when a situation exists that has or

will place the public at risk, and that will require extraordinary measures for proper protection.

5. *When should I declare a local State of Emergency?*

You should consider declaring a local State of Emergency when a dangerous situation is present or is imminent, and emergency officials are considering protective actions such as:

- Evacuation of people from a large or heavily populated area (street, road, housing development, multi-resident buildings)
- Sheltering people in designated areas or buildings
- Large-scale closing of roads due to conditions considered to be dangerous to life and property.

You should also consider declaring a local State of Emergency if the following conditions are present and pose a dangerous threat to the municipality:

- Riots or civil unrest
- Hostage situations
- Impending emergency or disaster caused by natural forces (floods, blizzards, ice storms, tornadoes)

6. *Do I have to extend the declaration of State of Emergency after 5 days?*

No. The State of Emergency does not have to be extended, but Local Emergency Orders do.

7. *Does the law establish a time limit for a State of Emergency?*

No. It is best to include a time of duration in the original declaration of State of Emergency, or to issue a succeeding declaration with a time limit or a statement that the State of Emergency is continuing. When the proclamation is no longer needed, it should be formally rescinded.

8. *Can I issue Local Emergency Orders without a State of Emergency?*

No. A State of Emergency must be declared before you may issue a Local Emergency Order(s).

9. *If I don't rescind a State of Emergency, does it end automatically?*

Maybe -- If a time limit was indicated in the Declaration of State of Emergency it would end automatically at that time and date indicated. If no time limit was specified, the State of Emergency does NOT end automatically.

10. *When should I rescind a State of Emergency?*

You should rescind it when the conditions that warranted the declaration no longer exist.

D. Instructions for issuing local Emergency Orders

1. Local Emergency Orders can be issued only if a State of Emergency is in effect pursuant to Section 24 of the State Executive Law (see above).
2. Local Emergency Orders must be written.
3. Local Emergency Orders should include the time and date they take effect, the reason for the declaration, the area involved, and the duration.
4. Local Emergency Orders must be published as soon as practicable in a newspaper of general circulation and provided to radio and television media for broadcast.
5. A Local Emergency Order expires automatically after five (5) days. It can be rescinded before that by its own terms or by a rescission by the County Executive. It is also automatically rescinded when the State of Emergency is rescinded.
6. The Executive may extend Local Emergency Orders for periods not to exceed five (5) days each during the State of Emergency.
7. Local Emergency Orders must be executed in triplicate and filed within 72 hours or as soon as practicable in the Office of the County Clerk and the Office of the Secretary of State.
8. Local Emergency Orders must be refiled if they are extended.
9. A Local Emergency Order may be amended, modified, or rescinded at any time by the Chief Executive during the State of Emergency.
10. Any person who knowingly violates any Local Emergency Order of a Chief Executive issued pursuant to Section 24 of the Executive Law can be found guilty of a Class B misdemeanor. Municipalities may use their discretion in the enforcement of this law.

Sample Local Emergency Order

Below

Local Emergency Order Evacuating Vulnerable Areas:

I, _____, the Executive, Mayor, Supervisor of _____, in
accordance with a declaration of a State of Emergency issued on
_____, 20____ and pursuant to Section 24 of the State Executive Law, hereby

order the evacuation of all persons from the following zones: (locales)

Zone 1. _____

Zone 2. _____

This evacuation is necessary to protect the public from _____

This order is effective immediately and shall apply until removed by order of the Chief Executive.

Failure to obey this order is a criminal offense.

Signed this _____ day of _____, 20____
(date) (month)

at _____ o'clock, in _____, New York
(time) (municipality)

Signed: _____

Title: _____

Witness: _____

Title: _____

Resource Requests and Situation Status

Situation Status-During the time of a disaster, the County Emergency Management Office may contact you regarding your municipality status. This is done to determine the need for a countywide and/or statewide Declaration of a State of Emergency. We also look to determine the potential for FEMA funds and the potential for resource requests.

Resource Requests- The NYS Office of Emergency Management maintains an equipment stockpile in Queensbury. Items such as large generators, chainsaws, pumps, etc., may be requested if your municipality needs them, and they can not be obtained locally or through county assistance. Requests for these items should be made through the County Emergency Management Office. You will need to make arrangements for pick up and in cases of generators, an electrician to connect and operate the equipment. Potable water equipment will require a health department inspection.

Other resource requests may include the need to solve a problem, i.e., reestablishing transportation due to a washed-out bridge. In these cases, the mission or described problem should be requested.

Resource requests may require the completion of appropriate forms.

Shelters-

Shelters are temporary places to stay overnight. Relocation centers and warming or cooling shelters are generally the same, but they do not have cots or sleeping facilities.

The American Red Cross has pre-established facilities where a shelter can be set up. These facilities have a Memorandum of Agreement with the Red Cross involving procedures and requirements. Generally, the facilities have some trained staff, and the Red Cross provides other volunteers. Unfortunately, the Red Cross does not always have enough volunteers to establish a shelter in every community. Because of this, they prefer to have requests for shelters made through the County Emergency Management Office to identify the best location and size most efficiently. Red Cross shelters do not allow pets.

Municipalities often operate their shelters or centers. Frequently, municipal buildings such as recreation centers, churches, or volunteer fire houses are used. These facilities are self-supported. However, we have assisted with providing costs from state assets.

Albany County Department of Social Services Office of Temporary Housing and Travelers Aid, can provide additional housing assistance. Generally, this is after Red Cross assistance, and it pertains to persons in need who have lost their homes and require an immediate place to stay and aid in getting an apartment.

** A pending 2010 law may require additional mandates for persons with special needs at shelters. These regulations have not yet been disseminated.*

NIMS- National Incident Management System- A standardized national comprehensive approach to incident management utilizing the Incident Command System, which is an all-

hazard approach to response. All municipalities in Albany County have adopted this process. Online courses

<http://training.fema.gov/EMIWeb/IS/is700a.asp>

<http://training.fema.gov/EMIWeb/IS/is100b.asp>

Albany County Emergency Management can provide additional information and classroom training.

Electric Outages-National Grid and Central Hudson are privately owned businesses. During widespread power outages during storms, they try to regain the most customers most quickly. Generally, this entails repairing major feedlines first and then progressing to individual homes. During past disasters, they have prioritized work for reasons such as eliminating the need for a nursing home evacuation. Contact emergency management if this is needed. The below web sites show map-based power outages

<http://www1.nationalgridus.com/niagaramohawk/stormcenter/>

<http://stormcentral.cenhud.com/default.aspx>

GEO Cast Communicator (reverse 911 process) Every dispatch center has a county-supported GIS (map))-based system that contacts every landline phone within a desired area and gives a recorded message. This system does not contact cell phones, nor will it be able to reach cordless home phones (landlines) during a power outage. It does provide the ability to make thousands of calls in just minutes.

Special Needs Registry—The County maintains a list of persons with special needs within the 911 dispatch communication centers. Entry on the list is voluntary. Sheriff employees update the information every six months or as advised. Communities can use this information only during an emergency. Currently, there are approximately 1,100 customers. Responders are notified of the special needs during routine calls. During disasters, the primary response agency often checks on these persons.

County Emergency Management – Albany County Emergency Management is within the Albany County Sheriff's Office. Please contact us if you have any questions regarding resources, declaring a local state of emergency, disaster reimbursement of other emergency response, planning, mitigation, or recovery issues. 24/7 at 765-235, M-F 9-5 at 720-8025.

Recovery Programs

This document offers a summary- further details are identified in specific laws and program regulations and may be identified per incident.

Significant incidents of Declaring a Local State of Emergency do not always translate into recovery funding. Municipality recovery appropriations can be received through several different programs.

A Presidential Disaster Declaration (PDA)- The Robert T. Stafford Disaster Relief and Emergency Assistance Act- is the Federal law that authorizes FEMA to issue financial relief from a disaster.

There are two parts:

- **Public Assistance Program (PA)**-reimbursement for municipality costs above and beyond regular expenses, i.e., overtime, replacement of culverts, bridges debris removal, etc. (75% federal funds, usually a 12.5% state match and 12.5% not met)
- **Individual Assistance Program (IA)**- reimbursement to persons for damage to homes beyond what's covered by their insurance to make home livable, i.e., replace furnace, cellar wall. (not for complete restoration)

Criteria

PDA Criteria- public assistance costs above standard response threshold of \$3.27 per capita by county. Therefore, Albany County's per capita threshold is \$951,445.00. (just under a million dollars) Then NYS must meet a minimum \$25 million threshold before the governor can request a PDA. Recently, they changed the requirements for winter storms. In addition to the cost thresholds, there must also be a record or near-record storm. **Nov. 2010 figures*

Individual Assistance- will be considered when a PDA is awarded and awarded only a fraction of the time. They look at needs based on the level of trauma, deaths, special populations, volunteer agency assistance, and insurance. (maximum \$30k per household, usually much less)

Steps to PDA

- Disaster Occurs
- Emergency Response- (possibly Emergency Declarations occur, but not required)
- Rough estimate on damages forwarded to County Emergency Management- generally, county calls looking for WAG estimates within 24-48 hours.
- NYS Office of Emergency Management (OEM) requests FEMA via the governor if the criteria are met.
- FEMA arrives on the scene at approximately 24 hours for a windshield tour. County Emergency Management escorts them to affected areas as identified by municipal points of contact.
- FEMA determines if a PDA is awarded. (PA and/or IA)
- Applicants briefing- County-wide meeting: FEMA advises on the rules of PDA.
- Submission of requests-within 30days municipality's written desire to participate.
- Kick-off meeting- FEMA assigns a PAL or liaison per county/municipality to assist with submittal.
- Project worksheet- All specifics submitted within 60 days of kickoff.
- Validation of projects- Federal approval of submission.
- Funding was issued to the state and sent to the municipality via the NYS comptroller.

FEMA Categories limit Public Assistance Programs reimbursement by specific areas of emergency work as determined at the time of declaration award:

- Category A- Debris removal, clearance, removal, storage, disposal

- Category B-Emergency protective Measures- access, protection, emergency services, eliminate hazards, support, highways, community needs
- Category C-Roads and bridges
- Category D- Water control facilities
- Category E-Public buildings/ equipment
- Category F-Public utilities
- Category G-Other (parks, recreation)

** 18-month time limitation to complete any project*

NYS Emergency Declaration- the state legislature can also award funds. However, this is very unusual and typically is only done as matching funds for a PDA,

SBA Disaster Assistance Loans- As part of an FEMA declaration, loans may be made available through the Small Business Association. These may include home disaster loans, business physical disaster loans, and/or economic injury disaster loans. The terms and interest of these loans may be better than those that could be received through other channels.

Mitigation Grant awards. Anytime there's a PDA, a small percentage is set aside for mitigation projects. Awarded after reimbursements are completed. Mitigation projects are permanent work intended to lessen damages from future disasters. Category limited. Generally, public works are related and require extensive plans. We recommend shovel-ready projects and a review of specifics prior to the grant announcement. Usually, a 60-day submittal deadline. NYS OEM Mitigation unit 292-2304. Adoption of a mitigation plan is required for grant submission. In Albany County, most municipalities have adopted the countywide multi-municipal mitigation plan.