



The Importance of Documentation

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Local State of Emergency

- A local government should
 - issue a local state of emergency, when there is a disaster or emergency or the imminent likelihood of a disaster or emergency, and the capabilities and resources of the local government are likely to be exceeded.
 - forward copies of their local state of emergencies to the Alabama Emergency Management Agency (“AEMA”) through the Emergency Management Information Tracking System (“EMITS”).



What to Document

- Document the fact that there has been an event to take advantage of Ala. Code § 31-9-10(b)(5)
 - the performance of public work
 - entering into contracts
 - the incurring of debt
 - the employment of temporary workers
 - the use of volunteer workers
 - the rental of equipment
 - the purchase and distribution with or without compensation of supplies, materials, and facilities
 - the appropriation and expenditure of public funds



Governor's Proclamation of SOE

- Provide evidence to AEMA and the Governor's Office that the county or city is overwhelmed.
 - request a State of Emergency proclamation through the AEMA
 - the Governor may make his own determination absent a local request
 - Both the Governor and the Legislature are authorized to proclaim a State of Emergency



Governor's Proclamation of SOE

- State of Emergency activates the State's Emergency Operations Plan which allows state agency resources to assist local governments
- A proclamation may be made when
 - the scope of the emergency's physical and economic impact clearly warrants the need for mutual aid and other types of resources and assistance
 - authority, extraordinary powers, exceptions to mandates and financial relief are a necessary component of an effective response.



Joint Damage Assessments

- Provide documentation of the damages to AEMA, FEMA and SBA
- The Governor may request a Federal/State Joint Damage Assessment.
- Damage information (private property, business losses, and public infrastructure damages) must be collected by the local officials.



Joint Damage Assessments

- The assessment team will tour, collect, and analyze the damage information.
- The damage assessment team members include individuals from AEMA, FEMA, Small Business Administration (“SBA”) and local officials.
- Local officials must be prepared to show all identified damages to the team.



Presidential Declaration of Disaster or Emergency

- **Governor's Declaration Request to the President – LOCAL ACTIONS TAKEN/RESOURCES USED**
 - The Governor, based on finding that the disaster is of such severity and magnitude that effective response is beyond the ability of the state and affected local jurisdictions, requests a Presidential Declaration.
 - The Governor's request requires AEMA to list all the State and local actions taken and resources used in response to the Disaster.
 - A Presidential Declaration of a major disaster may be proclaimed when the President determines the disaster to be of such severity as to warrant major federal disaster assistance



The Incident Period

- **The incident period is determined by AEMA and FEMA.**
 - In order to be eligible for reimbursement the damages must have occurred during the incident period.
 - If damage to property occurred outside the incident period, they will not be eligible for assistance.
- **Therefore, it is very important that local officials document their damage in EMITS to help AEMA determine the incident period for the disaster.**



Liability Protection

- Provide evidence that we are under a disaster and the responders are under, or acting pursuant to local instructions



Liability Protection 6-5-332(f)

- licensed engineer, architect, surveyor, contractor, subcontractor, or individual working under direct supervision of licensed individual
- participating in emergency response
- under direction/in connection with CERT, county EMA, state EMA, FEMA
- not liable for civil damages as a result of services or omissions
 - if provided without compensation
 - if acts as reasonably prudent person would act under similar circumstances
- within 30 days after declaration of emergency



Liability Protection 6-5-336

- Volunteer
 - Person performing services for nonprofit organization, nonprofit corporation, hospital, or governmental entity
 - Without compensation, other than reimbursement of expenses.
 - Includes Board of directors, officer, trustee or direct service.
- immune from civil liability if
 - good faith & *within volunteer's official functions*
 - damage not caused by willful or wanton misconduct
- nonprofit or hospital can be liable for acts of volunteer



Liability Protection 31-9-16

- **Emergency Management Activities**
 - **No liability for state or any political subdivision or agencies of either**
 - **no liability for emergency management worker except**
 - willful misconduct
 - gross negligence
 - bad faith



Liability Protection 31-9-16

- **“Emergency Management Worker”**
 - any full or part time paid, volunteer or auxiliary employee of this state, other states, territories, possessions or DC, federal government, neighboring county, or political subdivision thereof, or any agency or organization performing emergency management services *subject to order or control of, or pursuant to or a request of,* the state government or any political subdivision thereof.
- Any **“EMW”** performing emergency management services pursuant to arrangements for mutual aid which the state or political subdivision is a party shall possess same immunities in home state or political subdivision
- Any requirement to have a license shall not apply to any authorized EMW during an emergency management emergency.



Alabama Disaster Recovery Program

- State Disaster Recovery Program requires a local jurisdiction to have issued a SOE for a disaster or emergency.
 - Act 2009-342
- Disbursements from recovery fund only available if:
 - Governor has issued a SOE
 - Proclamation has been issued by local governing body in county/municipality



Retaining Documentation

- **State Law requires you to maintain certain records and documentation**
 - **Alabama Disaster Recovery Act**
 - It will have record retention requirements
 - **AEMA has to keep public assistance records for 3 years**
- **Federal Grant Requirements require you to maintain certain records and documentation.**
 - **44 CFR 13.42**
 - **Must keep records for 3 years following the start date proscribed in regulations unless there is a dispute**



Questions?