

# CITY OF WESTMORLAND

## REPORT TO CITY COUNCIL

**MEETING DATE:** January 22, 2025

**FROM:** Laura Fischer, Manager

**SUBJECT:** Adopt Resolution 2025-04 Adopting the Count of Imperial Multi-Jurisdictional Hazard Mitigation Plan.

**ISSUE:** Shall the Council Adopt Resolution 2025-04 Adopting the Count of Imperial Multi-Jurisdictional Hazard Mitigation Plan?

**General Manager's Recommendation:**

Adopt Resolution 2025-04 Adopting the Count of Imperial Multi-Jurisdictional Hazard Mitigation Plan.

**FISCAL IMPACT:** The City will be eligible for additional funding from the County.

**BACKGROUND:**

See the attached Cal OES Fact Sheet Regarding the Emergency Disaster Proclamation Process.

See the attached AB 2140 Fact Sheet.

**CONCLUSION:**

Staff recommends adopting Resolution 2025-04 Adopting the County of Imperial Multi-Jurisdictional Hazard Mitigation Plan.

**ALTERNATIVES:**

1. Do not adopt Resolution 2025-04.
2. Adopt Resolution 2025-04 with changes and edits.

Respectfully Submitted,  
Laura Fischer, Manager

Attachments: Resolution 2025-03  
Fact Sheet Regarding AB 2140  
Fact Scheet CDAA

## **RESOLUTION NO. 2025-04**

### **A RESOLUTION OF THE CITY OF WESTMORLAND IN THE MATTER OF THE ADOPTION OF THE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

**WHEREAS**, the Federal Disaster Mitigation Act of 2000 (“Act”0, as described in Title 44 of the Code of Federal Regulations Section 201.6 (44 CFR § 201.6) mandates local governments to submit and maintain a Federal Emergency Management Agency (“FEMA”) approved local hazard mitigation plan to maintain eligibility for future mitigation grant opportunities; and

**WHEREAS**, the County of Imperial Office of Emergency Management, working with the Public Works Department and other County Departments, has coordinated the hazard mitigation planning efforts among the incorporated cities and participating special districts; and

**WHEREAS**, the County Multi-Jurisdictional Hazard Mitigation Plan, (“Plan”) identifies a county-wide risk assessment and mitigation strategies to reduce the impacts of natural, technological, and human caused disasters on the public and local government; and

**WHEREAS**, identification of hazards in the county assists with response planning, exercise development, public education and awareness, and other emergency management functions; and

**WHEREAS**, the County and participating agencies prepared a multi-hazard mitigation plan, hereby known as the Imperial County Multi-Jurisdictional Hazard Mitigation Plan in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended: and

**WHEREAS**, the Imperial County Multi-Jurisdictional Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property within the County of Imperial from the impacts of future hazards and disasters; and

**WHEREAS**, the County Board of Supervisors last adopted the revised Safety Element to the Comprehensive plan; and

**WHEREAS**, the Safety Element of the comprehensive Plan currently integrates the 2017-Multi-Jurisdictional Hazard Mitigation Plan, in accordance with California Government Code Sections 8685.9, 65302, and 65302.6; and

**WHEREAS**, adoption by the County of Imperial demonstrates its commitment to hazard mitigation and achieving the goals outlined in the County Multi-Jurisdictional Hazard Mitigation Plan; and

**WHEREAS**, the Office of Emergency Management will coordinate the incorporated cities and participating special districts respective Annexes submitted to FEMA for inclusion in the Imperial County Multi-Jurisdictional Hazard Mitigation Plan after they are adopted by their City Councils or respective governing bodies.

**NOW, THEREFORE, BE IT RESOLVED** by the city of Westmorland hereby adopts the

County Multi-Jurisdictional Hazard Mitigation Plan. While content related to the Plan may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the City to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

The City of Westmorland Council also directs the Office of Emergency Management to continue its work with the incorporated cities to include their respect Annexes to the Plan and resolves to integrate the updated Plan by reference into the Safety Element of the Comprehensive Plan with the next Safety Element update in accordance with the requirements of Government Code section 65302, 65302.6 and 8685.9.

**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of January 2025.

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Judith Rivera, Mayor/Chair

ATTEST

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Christine Pisch,  
City Clerk



# Assembly Bill 2140 (AB 2140) Fact Sheet

## Information for Counties and Cities

### What is AB 2140?

Passed in 2006, [Assembly Bill No. 2140 \(AB 2140\)](#) allows California counties and cities to be considered for additional state cost-share on eligible Public Assistance projects by adopting their current, FEMA-approved local hazard mitigation plans (LHMPs) into the Safety Element of their General Plan. This adoption, along with other requirements, makes the county or city eligible to be considered for part or all of its local-share costs on eligible Public Assistance projects to be provided by the state through the [California Disaster Assistance Act \(CDAA\)](#). For more information regarding Public Assistance, please visit [Cal OES Public Assistance Division](#).

### How Can AB 2140 Help Counties, Cities, and Your Citizens?

For eligible Public Assistance projects, the typical local (non-federal) cost share is 25% of the total project cost. [CDAA](#) can allow the state to pay up to 18.75% of the non-federal share, that would otherwise fall upon the county or city, to pay for eligible Public Assistance projects once the legislature has passed a bill allowing additional state funding after a disaster occurs. Upon approval of the legislature, counties and cities that are AB 2140 compliant are also eligible to be considered for the remaining 6.25% local share to be funded by the state, essentially covering the entire local-share cost for eligible Public Assistance projects. Please note that funding is not guaranteed.

### What Do You Need to Know?

- AB 2140 is **not** a requirement; it is an optional state incentive to help counties and cities become more resilient to natural hazards. Be sure to work with your planning department as the process proceeds.
- There are multiple steps that must be completed before Cal OES can issue a letter of AB 2140 compliance. These steps are listed in detail below in the section *What Are the Steps to Become AB 2140 Compliant?*
- Be aware that adopting the LHMP via a formal resolution is a federal requirement for FEMA to officially “approve” the LHMP and does not make your jurisdiction automatically AB 2140 compliant. AB 2140 is a state incentive which also requires adopting your LHMP into the Safety Element of your General Plan. However, both adoptions can take place at the same time using the same adoption resolution.
- AB 2140 compliance expires when the LHMP expires. You must re-adopt the LHMP itself **AND** adopt the LHMP into the Safety Element of your General Plan each time you update your LHMP in order to continue compliance.
- For multi-jurisdiction hazard mitigation plans (MJHMPs), the county and each city in the MJHMP must adopt its own specific annex into its own General Plan



# Assembly Bill 2140 (AB 2140) Fact Sheet

## Information for Counties and Cities

Safety Element. Annex jurisdictions are not covered under the county's adoption.

- Special districts are not eligible for AB 2140 compliance as they do not have General Plans.
- For additional information on General Plan and Safety Element requirements please contact the [California Office of Planning and Research \(OPR\)](#).

### What Are the Steps to Become AB 2140 Compliant?

1. Complete and submit an LHMP to the Governor's Office of Emergency Services (Cal OES). A jurisdiction must have a current, FEMA-approved LHMP.
  - a. Cal OES will provide an initial review and, if applicable, request required revisions based on the [FEMA LHMP Guidance](#).
  - b. Once Cal OES has determined the plan has met all FEMA LHMP requirements, Cal OES will then forward the LHMP to FEMA for final review and approval.
  - c. For questions or assistance, please contact the Cal OES Local Mitigation Planning Unit at [mitigationplanning@caloes.ca.gov](mailto:mitigationplanning@caloes.ca.gov).
2. LHMP adoption **AND** adoption into the Safety Element of the General Plan
  - a. Adopt the LHMP via a formal resolution following your jurisdiction's typical procedure once FEMA has issued "approvable pending adoption" (APA) status. Once FEMA receives a signed adoption resolution, they can then issue an official "approval" notice for your LHMP.
    - i. A sample adoption resolution for your LHMP is provided in [Appendix B of the FEMA LHMP Policy Guide](#).
  - b. At this time, you may also choose to adopt the LHMP into the Safety Element of your General Plan using the same resolution in order to meet a requirement of AB 2140 compliance (see step 3).
    - i. Within the Safety Element update adoption resolution, there must be language specific to adopting the LHMP into the Safety Element of the General Plan, and the resolution must be signed and approved before the LHMP expires. This adoption can occur at the same time the LHMP is adopted to comply with FEMA requirements, or it can occur after the LHMP is approved but before it expires after five years.
  - c. At any time during the life of an approved LHMP a jurisdiction may choose to adopt the LHMP into the Safety Element of their General Plan, however, when the LHMP expires, AB 2140 compliance will also expire.



# Assembly Bill 2140 (AB 2140) Fact Sheet

## Information for Counties and Cities

3. Safety Element Language
  - a. The local agency must include language specific to the LHMP within the Safety Element of their General Plan **and** make the LHMP easily accessible in its entirety as a weblink, appendices, or attachment (see step 4).
  - b. Jurisdictions should follow their own internal procedures for Safety Element language, however, below is sample language that may be used:
    - i. “The Local Hazard Mitigation Plan (LHMP) for the [Add Jurisdiction Name] planning area was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and followed FEMA’s Local Hazard Mitigation Plan guidance. The LHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and mitigation actions are developed to reduce or eliminate hazard risk. The implementation of these mitigation actions, which include both short and long-term strategies, involve planning, policy changes, programs, projects, and other activities. (Add a web link or language directing to the LHMP attachment or appendix within the Safety Element. Discussed further in step #4 below.)”
4. LHMP Accessibility and Links
  - a. The current, approved LHMP must be easily accessible and available to the public viewing the Safety Element. This requirement can be met by linking the LHMP electronically to the General Plan Safety Element or by including the LHMP in its entirety as an attachment or appendix in the Safety Element and referencing its location with the plan.
  - b. Web links should be monitored so that they are in working condition and bring the viewer to the most recent approved version of the LHMP.
5. E-mail the link to the updated General Plan Safety Element web page along with the signed adoption resolution(s) to the Cal OES AB 2140 inbox [ab2140@caloes.ca.gov](mailto:ab2140@caloes.ca.gov) for review and approval.



# Assembly Bill 2140 (AB 2140) Fact Sheet

## Information for Counties and Cities

### Frequently Asked Questions

Q: Who do I contact if I have additional questions regarding my LHMP or AB 2140 status?

A: For questions regarding AB 2140 compliance please contact [ab2140@caloes.ca.gov](mailto:ab2140@caloes.ca.gov). For questions pertaining to your LHMP, please contact the Cal OES Local Hazard Mitigation Planning team at [mitigationplanning@caloes.ca.gov](mailto:mitigationplanning@caloes.ca.gov).

Q: If a county is AB 2140 compliant, are its cities automatically covered?

A: No. Each county and city must:

1. Have either your own stand-alone LHMP or have an annex in a MJHMP.
2. Have adopted your approved stand-alone LHMP or annex into your own General Plan Safety Element.

Q: Can a jurisdiction obtain AB 2140 compliance before their LHMP is approvable pending adoption (APA) from FEMA?

A: No. The LHMP must be either APA or officially "approved" by FEMA before you may adopt to obtain AB 2140 compliance.

Q: Are special districts covered under their county's LHMP since they do not have their own general plan?

A: No. Special districts are not qualified for additional cost share under AB 2140 because they do not have a General Plan.

Q: If a county or city becomes AB 2140 compliant, does this compliance last forever?

A: No. AB 2140 compliance expires on the day the LHMP expires. You must re-adopt your LHMP into your General Plan Safety Element each time you update your LHMP.

Q: Once a county or city becomes AB 2140 compliant, are they guaranteed funding?

A: No. You will be eligible to be considered for additional CDAA funding upon approval of the legislature. There is no guarantee of funding.

Q: Can a city or county adopt their LHMP to obtain AB 2140 compliance at the same time they adopt their LHMP to fulfill the FEMA requirement when the LHMP is approvable pending adoption?

A: Yes, this is a viable option. It is crucial, however, that Cal OES receives a copy of the adoption resolution to ensure compliance. Your jurisdiction is



# Assembly Bill 2140 (AB 2140) Fact Sheet

## Information for Counties and Cities

not compliant until Cal OES has documentation and has issued a compliance letter.

Q: If the actual LHMP is added to the General Plan, but not within the Safety Element, is language still required in the Safety Element?

A: Yes, language specific to the LHMP and a web link, appendix, or language within the Safety Element that directs the public to the most current, approved LHMP in its entirety is required to be in the Safety Element.

### **AB 2140 Compliance Checklist**

In order to issue a letter of AB 2140 compliance, Cal OES will review and verify that your jurisdiction has performed the following:

- ✓ Has a current, FEMA-approved or approvable pending adoption (APA) LHMP.
- ✓ Formally adopted the LHMP via resolution.
- ✓ Formally adopted the most current, approved LHMP into the Safety Element of your General Plan via resolution.
- ✓ Included language within the Safety Element of your General Plan that references your LHMP.
- ✓ Included a web link, appendix, or language within the Safety Element that directs the public to the most current, approved LHMP *in its entirety*.
- ✓ E-mailed the link to the updated General Plan Safety Element web page along with the signed, adoption resolution(s) to the Cal OES AB 2140 inbox [ab2140@caloes.ca.gov](mailto:ab2140@caloes.ca.gov) for review and approval.

**For AB 2140 Questions:** [ab2140@caloes.ca.gov](mailto:ab2140@caloes.ca.gov)

**For LHMP Questions:** [mitigationplanning@caloes.ca.gov](mailto:mitigationplanning@caloes.ca.gov)

**For Public Assistance and CDAA Questions:** [DisasterRecovery@caloes.ca.gov](mailto:DisasterRecovery@caloes.ca.gov)





# 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.