

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on August 18, 2023, Hurricane Hilary began bringing heavy rain, flooding, lightning, and gusty winds to Southern California, necessitating the repositioning of significant resources, including swift water rescue teams and the California National Guard, to protect health and safety and preserve the lives and property of the people of the State of California; and

WHEREAS the National Weather Service issued a Tropical Storm Warning on August 18, 2023, for portions of the Southern California coast, which are forecast to experience increased swells and life-threatening surf and rip current conditions; and

WHEREAS the National Weather Service issued a series of Flood Watches on August 18, 2023, warning of potential significant flooding between August 19, 2023, and August 22, 2023, in Alpine, Fresno, Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties; and

WHEREAS the National Weather Service issued a series of Flash Flood Warnings on August 18, 2023, for San Bernardino County, and on August 19, 2023, for Kern County; and

WHEREAS threats of lightning and significant wind impacts with gusts up to or exceeding 70 miles per hour are anticipated in mountainous areas throughout Southern California and are likely to exacerbate fire conditions; and

WHEREAS the National Weather Service has warned that Hurricane Hilary may bring the potential for isolated tornadoes across portions of Southern California; and

WHEREAS the Los Angeles County Emergency Management Department advised residents and visitors evacuate Catalina Island as of 12:00 a.m. on August 19, 2023; and

WHEREAS numerous wildfires over the last several years have caused massive burn scars, exacerbating the potential for precipitation to cause dangerous and potentially catastrophic flooding and debris flows, and Hurricane Hilary is forecast to bring 3 to 6 inches of rain within a short period of time in Southern California, including over the Apple and El Dorado burn scars in Riverside and San Bernardino Counties, the Fairview and Bonny burn scars in Riverside County, and the Bobcat, Bond, Lake, and Fish burn scars in Los Angeles County; and

WHEREAS Hurricane Hilary is expected to prompt widespread evacuations and shelter-in-place orders; to threaten, damage, or destroy homes and critical infrastructure, including power and water lines, businesses, and roads; and to necessitate the deployment of search and rescue teams in areas impacted by significant debris flow; and

WHEREAS Hurricane Hilary, including associated debris flows, is expected to damage or destroy roads in Southern California; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to Hurricane Hilary in Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by Hurricane Hilary, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the extreme peril posed by Hurricane Hilary; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of Hurricane Hilary.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government shall utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all individuals are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of Hurricane Hilary. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of Hurricane Hilary.

4. Any fairgrounds the Office of Emergency Services determines suitable to assist individuals impacted by Hurricane Hilary shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval.
5. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.
6. Any state-owned properties the Office of Emergency Services determines are suitable to address the impacts of Hurricane Hilary shall be made available to the Office of Emergency Services for this purpose in accordance with Government Code section 8570.
7. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of Hurricane Hilary and apply for unemployment insurance benefits during the time period beginning August 19, 2023, and ending on the close of business on February 20, 2024, in Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties, and who are otherwise eligible for unemployment insurance benefits.
8. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of an identification card, driver's license card, vehicle registration certificate, certificate of title, or registration stickers, by any individual who loses such records as a result of Hurricane Hilary in Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties. Such records shall be replaced without charge.

9. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title, are suspended with regard to any registration or transfer of title by any individual who is unable to comply with those requirements as a result of Hurricane Hilary in Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
10. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees, are suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who loses such records as a result of Hurricane Hilary in Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties. Such copies shall be provided without charge.
11. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, United States Code, Title 23, section 125, in order to obtain federal assistance for any local road and highway repairs or reconstruction that are needed due to Hurricane Hilary.
12. Drivers may exceed the hours-of-service limits specified in California Vehicle Code section 34501.2 and California Code of Regulations, Title 13, section 1212.5 while operating a vehicle engaged in fuel transportation in support of Hurricane Hilary emergency relief efforts, subject to the following conditions:
 - a. Motor carriers or drivers currently subject to an out-of-service order are eligible for the exemption once the out-of-service order expires or when they have met the conditions for its rescission.
 - b. In accordance with Section 1214, Title 13, California Code of Regulations, no motor carrier operating under the terms of this Proclamation will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that they need immediate rest shall be given at least ten consecutive hours off-duty before being required to return to service.
 - c. Drivers shall maintain a driver's record of duty status, regardless of number of hours worked each day. These records shall be prepared, submitted, and maintained as required by Section 1213, Title 13, California Code of Regulations.

13. Consistent with Parts 390 and 395, Title 49, Code of Federal Regulations, drivers may exceed the hours-of-service limits specified while operating a vehicle engaged in fuel transportation in support of Hurricane Hilary emergency relief efforts. These waivers shall be in effect for the duration of the driver's direct assistance in providing emergency relief, or thirty (30) days from the date of this Proclamation, whichever is less.

14. In order to allow out-of-state contractors and other utilities driving their own vehicles to provide mutual aid assistance for the restoration of electrical power within the counties impacted by Hurricane Hilary, applicable provisions of the Vehicle Code including, but not limited to, Vehicle Code section 34620 requiring a motor carrier permit [licensing] and imposition of certain fees, are suspended for motor carriers providing such assistance. Also, the requirements for motor carriers and drivers in Vehicle Code sections 1808.1 [pull-notice program that checks for driver's license violations], 27900 [display name on vehicle], 27901 [size and color of display name on vehicle], 34505.5 [requirement to have been inspected within 90 days], and 34501.12 [requirement to set up home base in California] are suspended while providing mutual aid assistance for the emergency restoration of services.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of August 2023.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State