

# Budgeting For A Disaster

**Hon. Tramer J Woytek**  
**Judicial Liaison and County Relations Officer**  
**for South Texas**





# What Is A Disaster?

## Natural Types of Disasters

### Natural Types of Disasters

- Agricultural diseases & pests
- Damaging Winds
- Drought and water shortage
- Earthquakes
- Emergency diseases (pandemic influenza)
- Extreme heat
- Floods and flash floods
- Hail

- Hurricanes and tropical storms
- Landslides & debris flow
- Thunderstorms and lighting
- Tornadoes
- Tsunamis
- Wildfire
- Winter and ice storms
- Sinkholes

# What Is A Texas Disaster?



- **In Texas, a disaster is defined by the Texas Disaster Act of 1975 which has been codified in Texas Government Chapter 418.**
- **Under Sec. 418.004 a disaster is defined as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency.”**

# Who Can Declare A State Disaster?



- **GC 418.011. RESPONSIBILITY OF GOVERNOR.** The governor is responsible for meeting:
  - (1) the dangers to the state and people presented by disasters; and
  - (2) disruptions to the state and people caused by energy emergencies.

# How Does The Governor Declare a Disaster?



- **GC 418.014. DECLARATION OF STATE OF DISASTER.** (a) The governor by executive order or proclamation may declare a state of disaster if the governor finds a disaster has occurred or that the occurrence or threat of disaster is imminent.
  
- (b) Except as provided by Subsection (c), the state of disaster continues until the governor:
  - (1) finds that:
    - (A) the threat or danger has passed; or
    - (B) the disaster has been dealt with to the extent that emergency conditions no longer exist; and
  - (2) terminates the state of disaster by executive order.

# Continuation of a Disaster



- **GC 418.014(c) A state of disaster may not continue for more than 30 days unless renewed by the governor. The legislature by law may terminate a state of disaster at any time. On termination by the legislature, the governor shall issue an executive order ending the state of disaster.**

# State Resources



- **418.017. USE OF PUBLIC AND PRIVATE RESOURCES. (a) The governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster.**
- **(b) The governor may temporarily reassign resources, personnel, or functions of state executive departments and agencies or their units for the purpose of performing or facilitating emergency services.**

# State Budget for Disaster Funding



- **418.071. STATE POLICY.** It is the intent of the legislature and the policy of the state, that funds to meet disaster emergencies always be available.



# How Does The State Fund Disaster Response



- **GC 418.073. DISASTER CONTINGENCY FUND. (a) The disaster contingency fund consists of money appropriated to the fund.**
- **(b) It is the intent of the legislature that in responding to an emergency or disaster, the first recourse of state and local agencies should be to the funds regularly appropriated to those agencies.**

# GR Account 0453 – Disaster Contingency



- **Used for purposes appropriated by legislature in accordance with Texas Disaster Act 1975.**
- **A state agency, local government or other entity may request money from the fund for extraordinary costs for implementing preventive measures before or during an emergency and costs incurred in repairing disaster damage in which a municipal or county government declares a local state of disaster and the governor has declared a state of disaster for the affected counties.**

# Who Can Declare a Local Disaster?



- **GC 418.108. DECLARATION OF LOCAL DISASTER.**
- **Except as provided by Subsection (e), the presiding officer of the governing body of a political subdivision may declare a local state of disaster.**
  - **§418.108 gives the county judge the power to declare a local disaster within the county under any of the circumstances described in the definition of a disaster.**
- **The declaration may include regulations necessary to protect public health and safety.**

# Continuation of Local Declaration



**GC 418.108(b) A declaration of local disaster may not be continued or renewed for a period of more than seven days except with the consent of the governing body of the political subdivision or the joint board as provided by Subsection (e), as applicable.**

# The County Disaster Plan



**GC 418.108(d) A declaration of local disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. The appropriate preparedness and response aspects of the plans are activated as provided in the plans and take effect immediately after the local state of disaster is declared.**

## What Does a Disaster Plan Have To Do With the County Budget?



- **Disaster mitigation plans are essential to your budget for several reasons:**
  - **Access to local funds and resources**
  - **Access to state funds and resources**
  - **Access to federal funds and resources**

# Do Counties Fund Disaster Recovery Alone?



- In Texas, counties are not solely responsible for covering the cost of disaster recovery.
- The state provides significant support through various programs and funding sources.
  - The **Texas General Land Office (GLO)** administers disaster recovery and mitigation funding, which includes federal funds like the **Community Development Block Grant Disaster Recovery (CDBG-DR)** program. Additionally, the **Texas Division of Emergency Management (TDEM)** coordinates state and local responses to natural disasters and emergencies

## **LGC 111.014. RESERVE ITEM**



- **Notwithstanding any other provision of this subchapter, a county may establish in the budget a reserve or contingency item. The item must be included in the itemized budget under Section [111.004](#)(a) in the same manner as a project for which an appropriation is established in the budget.**



## **Reserve/Contingency Item Sec. 111.014**



- **A county may establish in the budget a reserve or contingency item.**
  - **Must be included in the itemized budget**
  - **A contingency/reserve line item is a normal part of many budgets**
  - **Helps with unanticipated disaster expenditures**
  - **Provides flexibility for the county to respond**
  - **Keeps from distorting original budget**
  - **Follows state budget format**

## **SPECIAL BUDGET FOR GRANT OR AID MONEY**



- **LGC 111.0106. The county auditor or the county judge in a county that does not have a county auditor shall certify to the commissioners court the receipt of all public or private grant or aid money that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose of spending the grant or aid money for its intended purpose. (Section 111.043 for counties over 225K)**

# Facts



- **Counties are the first line of response in the event of an emergency — both natural and man-made.**
- **Counties are required to maintain an emergency management plan.**
- **Counties are required to fund disaster response**
- **A comprehensive budget will include reserve/contingency funds for a disaster.**

# Recommendations



- **Counties need to be prepared to shoulder initial costs, but are not required to fund everything alone.**
- **A county disaster plan will identify funding and resources available in advance of a disaster.**
- **Depending on the size of the disaster state and federal funds are available.**
- **Design your response in advance so that the budget, the response and the accounting for fund use goes as smooth as possible.**

# TAC Resources



- **For more information, call the TAC Legal Hotline at (888) 275-8224**
  - **[Disaster Resources](#)**
  - **Call a CRO**

# Thank You



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