

THE GOVERNOR

GOVERNOR'S OFFICE

Proclamation of Disaster Emergency

October 28, 2020

Whereas, on October 26, 2020, Walter Wallace, Jr. died in a law enforcement involved incident in Philadelphia, Pennsylvania; and

Whereas, in the aftermath of this tragedy, citizens in Pennsylvania, gathered to honor the life of Walter Wallace, Jr. and to question the circumstances that led to his death; and

Whereas, state, local, and community leaders have called for peaceful protests to ensure the lawful exercise of citizens' constitutional rights; and

Whereas, inside the peaceful exercise of constitutional rights, some assemblies have become dangerous, causing damage to people and property; and

Whereas, it has been determined that a civil disturbance is now affecting Philadelphia County in the Commonwealth; and

Whereas, this civil disturbance poses an imminent threat of danger to the safety and welfare of the people in the affected area; and

Whereas, this emergency event is of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and the activation of all applicable state, county and municipal emergency response plans.

Now Therefore, pursuant to section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., I do hereby proclaim the existence of a disaster emergency in the county of Philadelphia. I hereby authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of statewide emergency operations, and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event.

Further, I hereby transfer up to \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be increased or decreased as conditions require pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa.C.S. § 7604(a). In addition, I hereby transfer up to \$5,000,000 in unused appropriated funds, to be increased or decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929 (P.L. 343, No. 176) (the Fiscal Code), 72 P.S. § 1508. The funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

Further, All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under section 516.

Further, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event and to augment it with personnel from other state agencies and departments. I also authorize the Agency to direct and coordinate the emergency response, recovery, and mitigation activities

of other state agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, 51 Pa.C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this emergency event; and

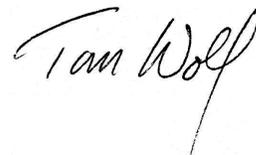
Further, I authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel in whatever manner he deems necessary during this emergency to assist the actions of the Pennsylvania Emergency Management Agency in addressing the consequences of the emergency, including conferring the power of arrest on out of state law enforcement personnel serving as part of the emergency forces responding to the emergency pursuant to section 7301(f)(9) of the Emergency Management Services Code. Law enforcement personnel shall remain under the operational control of the Commissioner of the Pennsylvania State Police.

Further, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

Further, I hereby direct that the applicable emergency response and recovery plans of the Commonwealth, counties, municipalities and other entities be activated as necessary and that actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this twenty-eighth day of October two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.



Governor

[Pa.B. Doc. No. 20-1530. Filed for public inspection November 6, 2020, 9:00 a.m.]