

# EMERGENCY MANAGEMENT

## R-196-95

A resolution to provide for the mitigation, preparedness, response and recovery from natural and human-made disasters within Cass County; to establish an office for this purpose; to provide for the coordination and utilization of resources in the county in an emergency or disaster situation; and to provide a means through which the Cass County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them by this resolution and Act No 390 of the Public Acts of 1976, as amended.

### Article 1 - Short Title

Section 101. This resolution shall be known as the "Emergency Management Resolution."

### Article 2 - Definitions

Section 201. For the purpose of this resolution, certain words used herein are defined as follows:

- (a) "Act" means the Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.
- (b) "Board" shall mean the County Board of Commissioners.
- (c) "Chairperson" shall mean the member of the Board of Commissioners selected to be its chairperson.
- (d) "Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made cause, including but not limited to: fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime **radio-** logical incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots or civil disorders.
- (e) "Disaster relief force" means all agencies of county and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons identified in the Cass County Emergency Operations Plan, or those called into duty or working at the direction of a party identified in the plan to perform a specific disaster or emergency related task during a local state of emergency.
- (f) "District Coordinator" means the Michigan Department of State Police District Emergency Management Coordinator. The District Coordinator serves as liaison between local emergency management programs and the Michigan State Police, Emergency Management Division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency and disaster situations.
- (g) "Emergency Management Coordinator" means the person appointed to coordinate all matters pertaining to emergency management within the county.
- (h) "Emergency management program" means a program established to coordinate mitigation, preparedness, response and recovery activities for all emergency or disaster situations within a given geographic area made up of one or several political subdivisions. Such a program has an appointed emergency management coordinator and meets the program standards and requirements as established by the Department of State Police, Emergency Management Division. The County of Cass is an established emergency management program made of up a county government and municipalities.
- (i) "Emergency operations plan" means the plan developed and maintained by the political subdivisions included in the emergency management program for the purpose of responding to all emergency or disaster situations by identifying and organizing the disaster relief force.

- (j) "Governor's state of disaster" means an executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.
- (k) "Governor's state of emergency" means an executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management plan and applicable local plans of the county or municipal programs affected.
- (l) "Local state of emergency" means a declaration by the chairperson pursuant to the act and this resolution which implements the response and recovery aspects of the Cass County Emergency Operations Plan and authorizes certain actions as described in this resolution.
- (m) "Vital records" means those records that contain information needed to continue the effective functioning of a government entity, and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

### Article 3 - Emergency Management Office: Emergency Management Coordinator

Section 301. By the authority of this resolution there is hereby created an Office of Emergency Management within Cass County government for the purpose of coordinating all mitigation, preparedness, response, and recovery activities within the county emergency management program area. The board has established the position of Emergency Management Coordinator to staff this office and the Sheriff has appointed a person to fill this position. He/she will be located in the Sheriff's Department under the Sheriff's oversight and direction.

Section 302. In addition, the board has appointed two persons as successors to the position of the Emergency Management Coordinator. The line of succession shall be listed in the Emergency Operations Plan.

### Article 4 - Emergency Management Coordinator: Duties

Section 401. The Emergency Management Coordinator shall comply with the standards and requirements as established by the Department of State Police, Emergency Management Division, under the authority of the act, in accomplishing the following:

- (a) Direct and coordinate the development of the Cass County Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan.
- (b) Specify departments or agencies which must provide an annex to the plan or otherwise cooperate in its development.
- (c) Identify departments and agencies to be included in the Emergency Operations Plan as the disaster relief force.
- (d) Develop and maintain a county resource manual.
- (e) Coordinate the recruitment, appointment, and utilization of volunteer personnel.
- (f) Assure the emergency management program meets eligibility requirements for state and federal aid.
- (g) Coordinate and/or conduct training and exercise programs for the disaster relief force within the county and test the adequacy of the Emergency Operations Plan.
- (h) Educate the population through public information programs as to actions necessary for the protection of life and property in an emergency or disaster.
- (i) Assist in the development of mutual aid agreements.
- (j) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan.
- (k) Coordinate county emergency management activities with those of the state adjacent jurisdictions and all municipalities that are part of the program.

- (l) Coordinate all preparedness activities, including maintaining primary and alternate Emergency Operations Centers.
- (m) Encourage political subdivisions within the county to adopt uniform emergency resolutions.
- (n) Identify mitigation opportunities within the county and encourage departments/ agencies to implement mitigation measures.

#### Article 5 - Chairperson

Section 501. The Sheriff shall supervise the activities of the Emergency Management Office on a continuous basis. With the advice and consent of the Sheriff, the board shall formulate, review, and approve policy and operational guidelines for this office as needed.

Section 502. On an annual or more often basis, the Sheriff shall review the eligibility and performance of the Emergency Management Coordinator and make recommendations to the board.

Section 503. The Sheriff shall, once every two years, review the Emergency Operations Plan and, upon deeming it adequate, shall annually certify the plan to be current and adequate for the ensuing two years.

Section 504. When circumstances within the county indicate that the occurrence or threat of occurrence of widespread of severe damage, injury or loss of life or property from natural or human-made cause exists the Sheriff may declare a local state of emergency. Such a declaration shall be promptly filed with the Department of State Police, Emergency Management Division. This declaration shall not be continued or renewed for a period in excess of seven days, except with the consent of the board.

Section 505. If the Chairperson invokes such power and authority, he/she shall, as soon as reasonably expedient, convene the board for one or more emergency meetings in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activities. Nothing in this resolution shall be construed as abridging or curtailing the powers of the board unless specifically provided herein.

Section 506. The Sheriff may do one or more of the following under a local state of emergency:

- (a) Direct the Emergency Management Coordinator to implement the Emergency Operations Plan.
- (b) Issue directives as to travel restrictions on county or local roads.
- (c) Relieve county employees of normal duties and temporarily reassign them to other duties.
- (d) Activate mutual aid agreements.
- (e) Direct the overall disaster relief effort, including the disaster relief force, in accordance with the Emergency Operations Plan.
- (f) Notify the public and recommend in-place or evacuation or other protective measures.
- (g) Request a state of disaster or emergency declaration from the Governor as described in Article 6.
- (h) When obtaining normal approvals would result in further injury or damage, Chairperson may, until the board convenes, waive procedures and formalities otherwise required pertaining to the following:
  - (1) For a period of up to seven days, send the disaster relief force of the county to the aid of other communities as provided by mutual aid agreements.

- (2) For a period of up to seven days, appropriate and expend funds from the disaster contingency fund created in Article 8, up to \$1,000.00.
- (3) For a period of up to seven days, make contracts, obtain, and distribute equipment, materials and supplies for disaster purposes.
- (4) Employ temporary workers.
- (5) Purchase and distribute supplies, materials, and equipment.
- (6) Make, amend, or rescind ordinances or rules necessary for emergency management purposes which supplement a rule, order or directive issued by the Governor or a state agency. Such an ordinance or rule shall be temporary and, upon the Governor's declaration that a state of disaster or state of emergency is terminated, shall no longer be in effect.

Section 507. If a state of disaster or emergency is declared by the Governor, assign, and make available for duty the employees, property, or equipment of the county within or without the physical limits of the county as ordered by the Governor or the Director of the Michigan Department of State Police in accordance with the act.

#### Article 6 - Governor Declaration Request

Section 601. If a disaster or emergency occurs that has not yet been declared to be a state of disaster or a state of emergency by the Governor, the board hereby delegates to the Chairperson the authority to determine if the situation is beyond the control of the county. If the disaster or emergency is considered to be beyond the county's control, the Chairperson may request state assistance. The Emergency Management Coordinator shall immediately contact the District Coordinator. The District Coordinator, in conjunction with the Emergency Management Coordinator, shall assess the nature and scope of the disaster or emergency, and they shall recommend the state personnel, services and equipment that will be required for its prevention, mitigation or relief

Section 602. The Chairperson shall not request state assistance or a declaration of a state of disaster or a state of emergency for an emergency which has occurred or is occurring solely within the confines of a township, city or village within the county unless requested to do so by the chief executive official of the affected township, city, or village.

#### Article 7 - County Departments; Liaison; Duties

Section 701. Each department/agency of county government identified by the Emergency Management Coordinator shall appoint an emergency management liaison who shall coordinate the emergency management activities of the department/agency and act as a liaison between his/her department or agency and the Emergency Management Office on all matters pertaining to emergency management.

Section 702. Each department identified shall appoint a minimum of two people to serve as successors in the event the emergency management liaison is not available or requires assistance. Successors shall be listed in the appropriate annex to the Emergency Operations Plan.

Section 703. Each department liaison shall be responsible for the following:

- (a) Prepare and continuously update an annex to the Cass County Emergency Operations Plan providing for the delivery of emergency management activities by that agency or department. The annex shall be in the form prescribed by the Emergency Management Coordinator.
- (b) Recruit, appoint and organize private, volunteer, and other personnel to be part of the disaster relief force to perform specific duties as assigned in the Emergency Operations Plan.
- (c) Coordinate the agency's or department's emergency management efforts with those of other county

agencies.

- (d) Attend training courses relevant to the function of the agency or department, and ensure staff is trained so as to be able to implement assigned emergency functions.
- (e) Participate in periodic exercises to enhance the adequacy of the respective agency's or department's response capability.
- (f) Develop internal Standard Operating Procedures (SOP's) to accomplish emergency notification and assigned emergency tasks.
- (g) Provide the Emergency Management Coordinator with a list of personnel and resources available within the agency or department and provide a list of those which may be needed by the department during times of emergency.
- (h) Identify and provide for the protection of vital records.
- (i) Implement the directives of the Chairperson or his/her designee under a local state of emergency.

#### Article 8 - Disaster Contingency Fund

Section 801. A disaster contingency fund is hereby created in the county budget of not less than \$1,000.00. Money may be expended from the fund when a local state of emergency has been declared for the purpose of paying the disaster relief force, purchase of supplies and services, repair costs or other needs required specifically for the mitigation of the effects of, or in response to, the emergency or disaster.

#### Article 9 - Volunteers: Appointment; Reimbursement

Section 901. Each county department, commission, board, or other agency of county government is authorized to appoint volunteers to augment its personnel in time of emergency to implement emergency function assigned in the Emergency Operations Plan. Such individuals are part of the disaster relief force and shall be subject to the rules and operational control set forth by the respective department, commission, board, or agency through which the appointment was made, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

#### Article 10 - Rights of Disaster Relief Force

Section 1001. In accordance with the act, personnel of the disaster relief force, while on duty, shall have the following rights:

- (a) If they are employees of a county, municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.
- (b) If they are not employees of the county, municipality or other governmental agency be entitled to the same rights and immunities as are provided for by law.

#### Article 11 - Temporary Seat of Government

Section 1101. The board shall provide for the temporary movement and re-establishment of essential government offices in the event that existing facilities cannot be used.

#### Article 12 - Liability

Section 1201. As provided for in the act and this resolution, the county or any political subdivision, or the agents or representatives of any political subdivision, shall not be liable for personal injury or property damage sustained by the disaster relief force. In addition, any member of the disaster relief force engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act or omission arising out of and in the course of the persons' good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's compensation law, any pension law or act of congress will not be affected as a result of said activity.

Section 1202. As provided for in the act, any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local state of emergency or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

#### Article 13 - Sovereignty

Section 1301. Should any section, clause or provision of this resolution be declared by the courts invalid for any reason, such declaration shall not affect the validity of this resolution as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.

#### Article 14 - Repeals

Section 1401. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

#### Article 15 - Periodic Review

Section 1501. This resolution shall be reviewed periodically by the board and changes shall be made if necessary

#### Article 16 - Effective Date

Section 1601. This resolution shall have immediate effect.

**ADOPTED: 10/10/1995**