

EATON COUNTY BOARD OF COMMISSIONERS

October 17, 2018

**RESOLUTION AMENDING EMERGENCY MANAGEMENT/HOMELAND SECURITY
POLICY FOR EATON COUNTY**

Introduced by the Public Safety Committee

Commissioner Austin moved the approval of the following resolution. Seconded by Commissioner Droscha.

A RESOLUTION TO AMEND THE COUNTY EMERGENCY PREPAREDNESS/HOMELAND SECURITY POLICY AND ORGANIZATION (#02-09-99); TO DEFINE THE DUTIES AND RESPONSIBILITIES OF THE EMERGENCY SERVICES/HOMELAND SECURITY COORDINATOR AND OTHER PERSONELL; TO AUTHORIZE THE USE OF MATERIAL RESOURCES AND MANPOWER OF THE COUNTY IN EMERGENCY OPERATIONS; TO PREPARE FOR, AND MITIGATE DAMAGE TO PERSON AND PROPERTY RESULTING FROM ANY FORM OF DISASTER.

THE COUNTY OF EATON RESOLVES:

Article I. Intent and Purpose

Section 101. It is the intent of this Resolution to establish an organization that will insure the complete and efficient utilization of all of the County's resources during periods of emergency.

Section 102. The Eaton County Emergency Services will be the coordinating department under the direction of the Controller/Administrator responsible for county-wide emergency/homeland security preparedness; it will provide the means through which the Board of Commissioners and its Chairman may exercise the authority and discharge the responsibilities vested in them by this Resolution, and Act 390, Public Acts of 1976.

Section 103. This resolution will not relieve any elected officials or County department of the normal responsibilities or authority given to it by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief during a disaster.

Article 2. Definitions

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

- a. "Chairman" shall mean the Chairman of the County Board of Commissioners; and "Board" shall mean the Eaton County Board of Commissioners.
- b. "Coordinator" shall mean the Emergency Services Coordinator.
- c. "Disaster" means 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 but not limited to fire, flood, snow, ice or wind storm, wave action, oil spills, water contamination requiring emergency action to avert danger or damage, utility failure, epidemic, air contamination, blight, drought, infestation, explosion, riot, or hostile military action or paramilitary action, including Weapons of Mass Destruction (WMD) or terrorism.
- d. Emergency Proclamation or Executive Order means a proclamation or executive order issued by the Governor declaring a state of emergency or state of disaster under the provisions of Act 390, Public Acts of 1976.
- e. "Emergency Services" shall have a broad meaning to include preparations for, and relief from, the effects of natural and manmade disasters as defined herein.
- f. "Emergency Services Forces" shall mean the employees, equipment and facilities of all county departments, boards, institutions and commissions suitable for, or adaptable to, participation in emergency services activities as designated by the Chairman, with the approval of the Board; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons and agencies.
- g. "Emergency Services Volunteer" shall mean any person duly registered and appointed by the Coordinator and assigned to participate in the Emergency Services activity.
- h. "Emergency Situation" means any situation confronting a community requiring emergency actions of a lesser nature than a disaster, as defined above, to include, but not be limited to, civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

Article 3. Organization for Emergency Services

Section 301. The Chairman, with the approval of the Board, is hereby authorized and directed to create an organization to prepare for community disasters utilizing to the fullest extent existing agencies within the County. The Chairman, as executive head of the County government, shall be the director of the Emergency Services Forces of the County and shall be responsible for their organization, administration and operation, working through the Coordinator.

Section 302. The organization for providing emergency services shall be as follows:

- a. The Emergency Services Coordinator is designated as the “Coordinator” of Emergency Services/Homeland Security for the county. The Chairman and Coordinator may appoint Deputy Coordinators to carry out the duties and tasks required to provide emergency management activities to the county and its residents.

- b. The employees, equipment and facilities of all County departments, boards, institutions and commissions suitable for, or adaptable to, emergency management activities may be designated as part of the total Emergency Services Forces. Such designations shall be by the Chairman with the approval of the Board.

Section 303. All officers and employees of departments, commissions, boards, institutions and other agencies of the County government designated by the Chairman, with the approval of the Board, as Emergency Services Forces shall cooperate with the Emergency Services Coordinator in the formulation of the Emergency Operations Plan, and they shall assist the Coordinator in all matters pursuant of the provisions of this resolution.

Article 4. Deputy Coordinators: County Departmental Representation:

City/Village Liaisons

Section 401. Deputy Coordinators may be designated by the Chairman, as needed, to work in conjunction with and as a back up to the Coordinator.

Section 402. The Department Head of each County department, or his designee, will represent that department as appropriate in staffing of the Emergency Operations Center during the time of an emergency or disaster. These Department Heads or their designee will work with the Coordinator, and/or Deputy Coordinators, under the direction of the Chairman, to manage the emergency or disaster.

Section 403. Each city or village in the County for which the County has emergency management responsibilities, shall be encouraged to appoint a person to act as a liaison between the county and their respective chief executives. Each city or village retains control of their governmental entity during the time of an emergency or disaster.

Article 5. Board Chair; Power; Duties

Section 501. The Chairman may exercise the emergency power and authority as specified herein. Whenever a situation requires, or is likely to require, that the Chairman invoke such power and authority, he shall, as soon as reasonably expedient, convene the Board to perform its legislative and administrative duties as the situation demands, and shall report to the 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 502. Under the following circumstances, the Chairman may assemble and utilize the Emergency Services Forces, and he may prescribe the manner and conditions of their use:

- a. Whenever, on the basis of information received from authoritative sources, he feels a large-scale disaster or emergency disputation in the County or State is imminent.
- b. During any period of disaster in the County or State and thereafter as long as he shall deem it necessary.

Section 503.

- a. Whenever the Chairman finds that any condition in the County has attained, or threatens to attain, the proportions of a major disaster, he may assemble and utilize Emergency Services Forces and he may prescribe the manner and conditions of their use. The Chairman, with the approval of the Board, is hereby empowered to enter into mutual aid agreements with other public and private agencies for reciprocal aid and assistance during disasters, which are beyond local capabilities and resources. He may, when he deems it in the public interest, send Emergency Services Forces of the County to the aid of other communities stricken by disaster as provided by mutual aid agreements, provided that after the Board convenes, the future continuance of any such disaster relief and the period thereof shall be subject to the action of the Board.
- b. The Chairman is authorized to declare a "local state of emergency" when deemed appropriate. Generally, a declaration of a local state of emergency is a prerequisite to local jurisdictions requesting State assistance under Act 390, Public Acts of 1976.

Section 504. The Chairman, with the approval of the Board, may make regulations permitting the Coordinator to assemble and utilize the Emergency Services Forces and provide disaster relief aid as prescribed in Sections 502 and 503.

Section 505. When obtaining formal approvals would result in delay of relief activity, the Chairman may, until the Board convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies, materials and

facilities and expenditure of existing funds, and the Board is also empowered to waive any such procedures and formalities.

Section 506. The Chairman, with the approval of the Board, shall establish procedures for the succession of government during emergencies where officials are unavailable for exercising the powers and discharging the duties of their respective offices.

Article 6. Emergency Manager; Powers; Duties

Section 601. The Emergency Services Coordinator shall be responsible for the administration, planning, coordination and operation of all emergency preparedness activities in the county. He shall maintain liaison with State and Federal authorities, and the authorities of other nearby political subdivision so as to insure the most effective emergency operations.

Section 602. His duties shall include, but not be limited to, the following:

- a. Development of plans utilizing EMD Publication 206 Local Emergency Management Standards for the immediate use of all of the facilities, equipment, manpower, and other resources of the county for the purpose of minimizing or preventing damage to person or property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and general welfare.
- b. Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the County for emergency purposes.
- c. Through public information programs, educating the civilian population as to actions necessary and required for the protection of persons and property in case of disaster.
- d. Conducting practice alerts and exercises to insure the efficient operation of the County's emergency organization and to familiarize residents of the county with emergency regulations, procedures, and operations.
- e. Coordinating the activity of all other public and private agencies engaged in any emergency or disaster relief programs.
- f. Negotiating with owners and persons in control of buildings or other property for the use of such buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters.
- g. Establishing and maintaining administrative control over a local radiological defense program, to include emergency preparations for both peacetime radiation incidents and international wartime disasters.

Article 7. Volunteers; Appointment Records

Section 701. Each department, commission, board or other agency of County government may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of such County department, commission, board or agency in time of emergency. Such individuals shall be enrolled as Emergency Services Volunteers and shall be subject to the rules and regulations set forth by the respective department, commission, board or agency head for such volunteers.

Section 702. The Coordinator may enlist volunteer citizens to form the personnel of an emergency function for which the county has no counterpart, or to temporarily augment personnel of the County engaged in emergency activities. The Coordinator shall maintain formal records of all such volunteers for workman's compensation purposes.

Article 8. Rights of County Employees

Section 801. County employees assigned to duty as part of the Emergency Services Forces pursuant to the provisions of this resolution shall retain all of the rights, privileges, and immunities of county employees, and shall receive the compensation incident to their employment

Article 9. No Governmental or Private Liability

Section 901. This Resolution is an exercise by the County of its governmental functions for the protection of the public health, safety, and general welfare. As such, neither the County nor agents and representatives of the County, nor any individual, receiver, firm, partnership, corporation, association, nor trustee, nor any of the agents thereof acting in good faith carrying out, complying with, or attempting to comply with this Resolution shall be liable for any damage sustained to persons or property as a result of said activity.

Section 902. 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 during a disaster or during an authorized exercise, shall not be civilly liable for the death of, or injury to, any person on 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 10. Federal Surplus Property

Section 1001. The Emergency Services Coordinator is hereby designated as the person responsible for accepting Federal Surplus Property with the power and full authority to sign for such surplus property. The Chairman shall provide a written statement to appropriate Federal officials

designating the current name of the coordinator as responsible for complying with the provisions of this Article.

Section 1002. The Coordinator is responsible for the accountability and will maintain the necessary records for all surplus property obtained for emergency purposes until relieved from accountability by State and Federal authorities.

Section 1003. The Coordinator is further authorized to direct payment of service charges for surplus property to complete all transactions.

Section 1004. Misappropriation or unauthorized private use of such public property while still accountable is subject to prosecution under Federal and State statute.

Article 11. Severability

Section 1101. Should any section, clause, or provision of this resolution be declared by the courts as invalid for any reason, such declaration shall not affect the validity of the resolution as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

Article 12. Repeals

Section 1201. The Resolution creating an Emergency Management Policy passed on September 18, 2002, being in conflict with this Resolution, is hereby repealed.

Article 13. Effective Date

Section 1301. This Resolution shall have immediate effect. Carried.

Dated: _____

Clerk of the Board of Commissioners

Dated: _____

Chairman of the Board of Commissioners