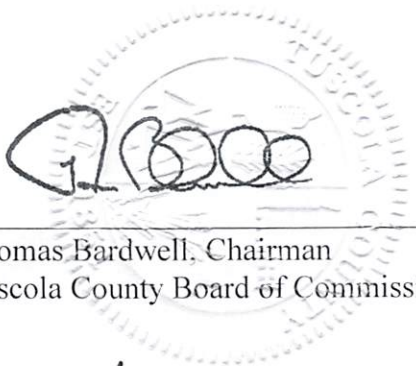


County of Tuscola Emergency Management Resolution



Thomas Bardwell

Thomas Bardwell, Chairman
Tuscola County Board of Commissioners

7-18-14

Date

Steven Anderson

Steven Anderson, Emergency Management Coordinator
Office of Emergency Management

7-21-14

Date

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COUNTY OF TUSCOLA EMERGENCY MANAGEMENT RESOLUTION

ARTICLE 1 - Intent and Purpose

Section 101. It is the intent and purpose of this resolution to provide for mitigation, preparedness, response, and recovery from natural and human-made disasters within the County of Tuscola; to establish an organization providing a means for effective utilization and coordination of the County's resources during periods of emergency and disaster; and to provide a means through which the Tuscola County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them by this resolution and Act 390 of the Public Acts of 1976, as amended.

Section 102. This resolution does not relieve any elected official or County department of the normal responsibilities or authority given by general law or local ordinance, nor does it supersede the work of the American Red Cross or other volunteer agencies organized for relief during disaster.

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, No. 390 of the Public Acts of 1976, as amended. (Amended, Act No. 50 of the Public Acts of 1990; Act No. 267 of the Public Acts of 2006)
- (b) "Chairman" shall mean the Chairman of the County Board of Commissioners; and "Board" shall mean the Tuscola County Board of Commissioners.
- (c) "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 radiological 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.
- (d) "Disaster relief force" means all agencies of the County, cities, and township governments, private and volunteer personnel, public officers and employees, and all other persons or groups of persons identified in the Tuscola County Emergency Action Guidelines as having duties to perform 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.
- (e) "District Coordinator" means the Michigan Department of State Police District Emergency Management Coordinator. The District Coordinator serves as liaison between the Office of Emergency Management and the Michigan Department of State Police, Emergency Management and Homeland Security Division in all matters pertaining to emergency and disaster situations.

- (f) "Emergency Management Coordinator" or "Coordinator" means the person appointed to coordinate all matters pertaining to emergency management and homeland security within Tuscola County. The responsible head of the Tuscola County Office of Emergency Management, appointed as prescribed in this resolution.
- (g) "Emergency Management Program" means a program established to coordinate mitigation, preparedness, response and recovery activities for emergency, disaster and homeland security 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 and Homeland Security Division. The Tuscola County Office of Emergency Management conducts this program.
- (h) "Emergency Action Guidelines" means the plan developed and maintained by the County for the purpose of responding to emergency or disaster situations by identifying and organizing the disaster relief force.
- (i) "Emergency Management Volunteer" shall mean any person duly registered and appointed by the Emergency Management Coordinator and assigned to participate in disaster relief activity.
- (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 program 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) "Heightened State of Alert" means an executive order or proclamation by the Governor that authorizes the Governor to safeguard the interests of the state, to prevent or respond to acts of terrorism, or to facilitate the apprehension of terrorists, for a specific period of time, using powers provided in Act 390 of 1976 as amended, when good cause for such an order or proclamation exists.
- (m) "Local State of Emergency" means a declaration by the Chairman of the Tuscola County Board of Commissioners. This declaration implements the response and recovery aspects of the Tuscola County Emergency Action Guidelines and authorizes certain actions as described in this resolution.
- (n) "National Incident Management System NIMS" means a core set of doctrine, concepts, principles, terminology and organizational processes as established by the United States Department of Homeland Security to enable effective, efficient and collaborative incident management at all levels of government.

- (o) "Public Health Preparedness Coordinator" means the individual within the Department of Public Health designated to coordinate preparation and response to emergencies that potentially threaten the health of local residents.
- (p) "Vital Records" means those records that contain information needed to continue the effective functioning of a government entity (jurisdiction, agency, or department) and for the protection of rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

ARTICLE 3 - Organization for Emergency Management

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 responsible for their organization, administration and operation, working through the Emergency Management Coordinator.

Section 302. The organization for emergency management shall consist of the following:

- (a) An Office of Emergency Management established within County government. The Office of Emergency Management shall have an administrative head appointed who is known as the Emergency Management Coordinator. Such assistants and other employees as are deemed necessary for the proper functioning of the organization will be appointed.
- (b) The employees, equipment and facilities of all County departments, boards, institutions and commissioners suitable for or adaptable to emergency management activities may be designated as part of the total disaster relief force. 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 disaster relief forces shall cooperate with the Emergency Management Coordinator in the formulation of the Emergency Action Guidelines, and assist the Coordinator in all matters pursuant to the provisions of this resolution.

Section 304. All disaster relief forces of County government as described in Section 303 shall comply with and operate under the published standards, guidelines and compliance protocols of the National Incident Management System as provided by the U.S. Department of Homeland Security.

ARTICLE 4 - Emergency Management Coordinator; Assistants; Deputies

Section 401. The Chairman, with the approval of the Board, shall appoint an Emergency Management Coordinator who shall possess the personal attributes, experience, and training prescribed by the Emergency Management Coordinator job description approved by the Board and maintained by the Human Resources Department. The Emergency Management Coordinator acts on behalf of, and at the direction of, the Tuscola County Board of Commissioners.

Section 402. The Coordinator shall appoint and provide for the training of assistants to fill the following volunteer positions within the disaster relief force:

- (a) Public Information Officer
- (b) Radio Officer (Radio Amateur Civil Emergency Services)

ARTICLE 5 - Board Chairman: Powers and 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 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 502. Under the following circumstances, the Chairman may assemble and utilize the disaster relief 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 that a large-scale disaster or emergency 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. 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 disaster relief 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 that are beyond local capabilities and resources. He may, when he deems it in the public interest, send disaster relief 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 action of the Board.

Section 504. The Chairman, with the approval of the Board may make regulations permitting the Coordinator and his deputies and assistants to assemble and utilize disaster relief forces and provide 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 disasters where officials are unavailable for exercising the powers and discharging the duties of their respective offices. The instituted line of succession is as follows:

- (a) Chairman of the Tuscola County Board of Commissioners
- (b) Vice Chairman of the Tuscola County Board of Commissioners
- (c) Chairman of the Tuscola County Finance Committee
- (d) Chairman of the Tuscola County Building and Grounds Committee

Section 507. If a state of disaster or emergency or heightened state of alert is declared by the Governor, the Chairman may assign and make available for duty the employees, property, or equipment of the County of Tuscola within or without the physical limits of the County of Tuscola 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, and the Chairman determines that the situation is beyond the control of the County, he or she may request the Governor to declare that a state of disaster or state of emergency exists in the County in accordance with the Act. This shall be done by immediately contacting the Emergency Management Coordinator who 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 State personnel, services, and equipment required for its prevention, mitigation, or relief.

ARTICLE 7 - Emergency Management Coordinator

Section 701. The Emergency Management Coordinator shall comply with standards and requirements as established by the Department of State Police, Emergency Management and Homeland Security Division, under the authority of the Act, in accomplishing the following:

- (a) Direct and coordinate the development of the Tuscola County Emergency Action Guideline.
- (b) Specify departments or agencies that must provide an annex to the plan or otherwise cooperate in its development.
- (c) Identify departments and agencies to be included in the Emergency Action Guidelines as part of the disaster relief force.
- (d) Develop and maintain data concerning available resources.
- (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 to test the adequacy of the Emergency Action Guidelines.
- (h) Through public information programs, educate the population of actions necessary for the protection of life and property in an emergency or disaster.
- (i) Assist in the development of mutual aid agreements.
- (j) Ensure the development of necessary standard operating procedures that are consistent with the Emergency Action Guidelines.
- (k) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Action Guidelines.
- (l) Coordinate emergency management activities with all municipalities in Tuscola County, surrounding counties and municipalities, and the State.
- (m) Coordinate all preparedness activities, including maintenance of Emergency Operations Centers, and the mobile communications and command vehicle.
- (n) Identify mitigation opportunities within the county and encourage local units of government, departments and agencies to implement mitigation measures.
- (o) Maintain the Tuscola County Hazard Mitigation Plan in cooperation with local units of government.
- (p) Share information and coordinate planning, training and exercise activities as appropriate with the Public Health Preparedness Coordinator.

ARTICLE 8 - Volunteers; Appointment; Records

Section 801. Each department, commission, board, or other agency of County government is authorized to appoint volunteers to augment its personnel in time of emergency to implement functions assigned in the Emergency Action Guidelines. 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.

Section 802. The Emergency Management Coordinator may enlist volunteer citizens to form the personnel of an emergency service 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 9 - Rights of Disaster Relief Force

Section 901. In accordance with the Act, personnel of the disaster relief force while on duty shall have the following rights:

- (a) If they are County employees or employees of other governmental agencies, regardless of where serving, they 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 or other governmental agency, they are entitled to the same rights and immunities as provided by law for the employees of the state.

ARTICLE 10 - Temporary Seat of Government

Section 1001. The County of Tuscola shall provide for the temporary movement and re-organization of essential government offices in the event that existing facilities cannot be used. Procedures for this purpose shall be provided for in the County of Tuscola Continuity of Operations Plan.

ARTICLE 11 - Liability

Section 1101. As provided for in the Act and this resolution, the County, or the agents or representatives of the County, 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 person's 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 effected as a result of said activity.

This Section is intended to be a description of the statutory declaration of liability as found in Act 390 of the Public Acts of 1976, as amended. In the case of any conflict between this Section and the statutory provisions, the statutory provisions shall prevail over the description contained in this Resolution.

Section 1102. As provided for in the Act, any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County a license or privilege, or otherwise permits the County to inspect, designate, and use the whole or any part or parts of the real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster, together with his or her successors in interest, if any, is not civilly liable for negligently causing the death of, or injury to, any person on or about the real estate or premises under the license, privilege or permission or for loss or damage to the property of the person.

This Section is intended to be a description of the statutory declaration of liability as found in Act 390 of the Public Acts of 1976, as amended. In the case of any conflict between this Section and the statutory provisions, the statutory provisions shall prevail over the description contained in this Resolution.

ARTICLE 12 - Severability

Section 1201. 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 13 - Repeals

Section 1301. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

ARTICLE 14 - Effective Date

Section 1401. This resolution shall have immediate effect.