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Resolution 2003-0020

OSCEOLA COUNTY EMERGENCY MANAGEMENT RESOLUTION

A resolution to provide for the mitigation, preparedness, response, and recovery from natural and human-made disasters within the County of Osceola; to establish an office for this purpose; to provide for the coordination and utilization of all resources in the county in an emergency or disaster situation; and to provide a means through which the Osceola County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them by this resolution and Act 390, 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 390, 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 casualty, 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.
- (e) **District Coordinator** means the Michigan Department of State Police District Emergency Management Coordinator. The District coordinator monitors local emergency management programs and 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.
- (f) **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 Osceola County Emergency Operations Plan as having duties to perform in emergency or disaster situations or those called into duty by a party identified in the plan to perform a specific disaster or emergency related task.
- (g) **Emergency Management Coordinator** means a person appointed by the Board of Commissioners to act for, and at the direction of, the Chairman of the Osceola County Board of commissioners in the coordination of all matters pertaining to emergency management within the county. In the absence of an appointed person, the emergency management coordinator shall be the chairperson of the Board of Commissioners as stated in Act 390 as amended.
- (h) **Emergency Management Program means** a geographic area made up of one or several political subdivisions which has an appointed emergency management coordinator and meets the program standards and requirements as established by the Department of State Police, Emergency Management Division.
- (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. The plan usually consists of a basic plan with various supporting annexes for each service function.
- (j) **Governor's State of Disaster** means an executive order or proclamation 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 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 of the County Board of Commissioners pursuant to Act 390, as amended, and this resolution which implements the response and recovery aspects of the Osceola 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 (jurisdiction, agency, departments) and for the protection of rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

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Article 3 - **Emergency Management Coordinator; Appointment; Office**

Section 301. By the authority of this resolution there is hereby created an Office of Emergency Management within Osceola County government for the purpose of coordinating all mitigation, preparedness, response, and recovery activities within the county emergency management program area. The Board of Commissioners has established the position of Emergency Management Coordinator to staff this office and has appointed a person to fill this position. He/she has the personal attributes and experience necessary to carry out the duties and responsibilities of this position.

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 Act 390, as amended, in accomplishing the following:

- (a) Direct and coordinate the development of the Osceola County Emergency Operations Plan, including specifying departments or agencies which must provide an annex to the plan or otherwise cooperate in its development.
- (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 part of the disaster relief force.
- (d) Develop and maintain a county resource manual.
- (e) Coordinate the recruitment 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 programs for the disaster relief force within the county.
- (h) Through public information programs, educate the populations as to actions necessary for the protection of life and property in an emergency or disaster.
- (i) Conduct exercises to test the adequacy of the Emergency Operations Plan.
- (j) Assist in the development and/or negotiation of mutual aid agreements.
- (k) Assist the Chairperson of the County Board of Commissioners in implementing his/her duties under a local state of emergency.
- (l) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan.
- (m) Coordinate county emergency management activities with those of the state and adjacent jurisdictions.
- (n) Direct and coordinate all preparedness activities.
- (o) Encourage political subdivisions within the county to adopt uniform emergency ordinances.
- (p) Encourage departments/agencies within the county to identify and implement procedures to mitigate the effects of potential disasters.

Article 5 **Chairperson of the County Board of Commissioners; Powers; Duties**

Section 501. The Chairperson of the County Board of Commissioners shall monitor the activities of the Emergency Management Office on a continuous basis. With the advice and consent of the Board of commissioners, he/she shall formulate, review, and approve policy and operational guidelines of this office as needed.

Section 502. On an annual basis, the Chairperson of the Osceola County Board of Commissioners shall review the eligibility and performance of the Emergency Management Coordinator and make recommendations to the board.

Section 503. The Chairperson shall, once every two years, review the Emergency Operations Plan and, upon deeming it adequate, shall 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 or severe damage, injury or loss of life or property from natural or human-made causes exists, the Chairperson of the Osceola County Board of Commissioners 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 7 days except with the consent of the governing body.

Section 505. If the Chairperson of the Osceola County Board of Commissioners invokes such power and authority, he/she shall, as soon as reasonable expedient, convene the Board of Commissioners 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.

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Nothing in this resolution shall be construed as abridging or curtailing the powers of the Board unless specifically provided herein.

Section 506. The Chairperson of the Osceola County Board of Commissioners 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 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 Emergency Operations Plan.
- (f) Notify the public of the situation.
- (g) Request a state of disaster or emergency declaration from the Governor as described in Article 6.
- (h) Recommend in-place or evacuation protective measures.
- (i) When obtaining normal approvals would result in further injury of damage, the Chairperson of the Osceola County Board of Commissioners may, until the Board convenes, waive procedures and formalities otherwise required pertaining to the following:
 - (1) For a period of up to 7 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 7 days appropriate and expend funds of up to \$2,000, thereafter, with consent of the Board.
 - (3) For a period of up to 7 days make contracts, obtain and distribute equipment, materials, and supplies for disaster purposes, thereafter, with the consent of the Board.
 - (4) Employment of temporary workers.
 - (5) The purchase and distribution of 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 Chairman of the Osceola County Board of Commissioners 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 of the Osceola County Board of Commissioners 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 of the Osceola County Board of Commissioners 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, 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.

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

- (a) Prepare and continuously update an annex to the Osceola County Emergency Operations Plan providing for the delivery of emergency management activities by that agency for department. The annex shall be in the form prescribed by the Emergency Management Coordinator.
- (b) Recruit 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 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 records that contain information needed to continue the effective functioning of the agency or department.
- (i) Implement the directives of the chairperson or his/her designee under a local state of emergency.

Article 8 **Emergency Management Advisory Council: Creation: Function**

Section 801. The Osceola County Board of Commissioners hereby establishes the Osceola County Emergency Management Advisory Council consisting of not more than (13) members. The Council shall advise the Emergency Management Coordinator and Board of Commissioners on matters pertaining to emergency management, especially in plan development.

Section 802. The council shall be appointed by the Osceola County Board of Commissioners. The Emergency Management Coordinator shall act as its chair. The appointment of members shall be made with reference to their responsibility and special knowledge in performing functions during emergency or disaster situations.

Article 9 **Volunteers: Appointment**

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 functions assigned in the Emergency Operations Plan. Such individuals are part of the disaster relief force and shall be subject to the rules and regulations set forth by the respective department, commission, board, or agency through which the appointment was made.

Article 10 **Rights of Disaster Relief Force**

Section 1001. In accordance with Act 390, as amended, 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 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, they shall be entitled to the same rights and immunities as are provided for by law. All personnel shall, while on duty, be subject to the operational control of the authority in charge in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

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Article 11 **Temporary Seat of Government**

Section 1101. The Board of commissioners 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 Act 390, as amended, 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 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 workmen's compensation law, any pension law, or act of congress will not be effected as a result of said activity.

Section 1202. As provided for in Act 390, as amended, 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 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 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 **Bi-Annual Review**

Section 1501. This resolution shall be reviewed bi-annually by the Osceola County Board of Commissioners and changes shall be made in conjunction with recommendations by the Emergency Management Advisory Council.

Article 16 **Effective Date**

Section 1601. This resolution shall have immediate effect.

Dated: November 2003

Larry Emig
Chairperson, Board of Commissioners