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Diane Zuker

RESOLUTION 2020 - 4

RESOLUTION TO ESTABLISH A COUNTY EMERGENCY PREPAREDNESS POLICY AND ORGANIZATION TO DEFINE THE DUTIES AND RESPONSIBILITIES OF THE EMERGENCY SERVICES COORDINATOR AND OTHER PERSONNEL TO AUTHORIZE THE USE OF THE MATERIAL RESOURCES AND MANPOWER OF THE COUNTY IN EMERGENCY OPERATIONS AND TO PREVENT, MINIMIZE AND RELIEVE DAMAGE TO PERSONS AND PROPERTY RESULTING FROM ANY FORM OF DISASTER

THE COUNTY OF CLINTON RESOLVES:

Article I. Intent and Purpose

Section 101. It is the intent and purpose of this resolution to establish an organization that will insure the complete and efficient utilization of all county resources during periods of emergency and disaster.

Section 102. The Clinton County Office of Emergency Services will be the co-coordinating agency responsible for countywide emergency preparedness; it will provide the means through which the Board of Commissioners and its Chairperson may exercise the authority and discharge the responsibilities vested in them by this resolution and Act No. 390, Public Acts of 1976.

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

Article 2. Definitions

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

- (a) "Chairperson" shall mean the member of the Board of Commissioners selected to be its chairperson and "Board" shall mean the Clinton County Board of Commissioners.
- (b) "Coordinator" shall mean a person appointed to coordinate emergency planning and services within Clinton County or as prescribed in this resolution. In the absence of an appointed person, "Coordinator" shall mean the chairperson.

- (c) "Disaster" means an 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 of damage, utility failure, hazardous peacetime radiological incident, major transportation accident, epidemic, air contamination, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action. Riots and other civil disorders are not within the meaning of this term unless they directly result from and are an aggravating element of the disaster.
- (d) "District Coordinator" means the State Police District Emergency Services Coordinator or his authorized representative.
- (e) "Emergency Operations Plan" means the Clinton County Emergency Operations Plan, which has been prepared under Section 602 of this resolution to coordinate disaster response and recovery within Clinton County.
- (f) "Emergency Services" shall have a broad meaning to include preparations for, and relief from, the effects of natural and man-made disasters as defined herein, and to include Civil Defense.
- (g) "Emergency Services Forces" means all disaster relief forces; all agencies of the county government, private and volunteer personnel, public officers and employees; and all other persons or groups of persons having duties or responsibilities under this resolution or pursuant to a lawful order or directive authorized by this resolution.
- (h) "Emergency Services Volunteer" shall mean any person duly registered and appointed by the Coordinator and assigned to participate in the Emergency Services activity.
- (i) "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 limited to, civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.
- (j) "State of Disaster" means a declaration by executive order to proclamation by the Governor under the provisions of Act 390, Public Acts of 1976, which activities the disaster response and recovery aspects of state, county, local, and inter jurisdictional disaster emergency plans and authorizes the deployment and use of any forces to which the plan or plans apply.
- (k) "State of Emergency" means a declaration by the Chairperson pursuant to this resolution, which activates the disaster response and recovery aspects of the Clinton County Emergency Operations Plan and authorizes the deployment and use of any emergency services forces to which the plan applies.

Article 3. Organization for Emergency Services

Section 301. The Chairperson, with the approval of the Board, is hereby authorized and directed to create and organization to prepare for community disasters utilizing to the fullest extent existing agencies, within the county. The chairperson, as executive head of 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 consist of the following:

- (a) An Office of Emergency Services established within county government. The Office of Emergency Services shall have an administrative head appointed will be known as the Coordinator, Office of Emergency Services. Such assistants and other employees as are deemed necessary for the proper functioning of the organization will be employed.
- (b) The employees, equipment and facilities of all county departments, boards, institutions and commissions suitable for, or adaptable to emergency services activities may be designated as part of the total Emergency Services Forces. Such designations shall be by the Chairperson with the approval of the Board.

Section 303. All officers and employees of departments, commissions, boards, institutions and other agencies of county government designated by the Chairperson, 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 to the provisions of this resolution.

Article 4. Emergency Services Coordinator; Assistants; Deputies

Sections 401. The Chairperson, with the approval of the Board, shall appoint an emergency services coordinator who shall be a person with the personal attributes, experience, and training needed to coordinate the activities of the agencies, departments, and individuals within the county to protect the public health, safety and welfare during emergency situations and disasters.

Section 401. Assistance Coordinators shall be designated to work with the Coordinator on emergency planning matters. There shall be one such Assistant Coordinator appointed from each county department as designated by the department head, with the approval of the Chairperson as part of the Emergency Services Forces.

Article 5. Chairperson; Powers; Duties

Section 501. The Chairperson may exercise the emergency power and authority as specified herein. Whenever a situation requires, or is likely to require that the Chairperson can 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 ordinance shall be construed as abridging or curtailing the powers of the Board unless specifically provided herein.

Section 502. Under the following circumstances, the Chairperson may declare a state of emergency exists in Clinton County and may assemble and utilize the Emergency Services Forces in accordance with Clinton County Emergency Operations Plan, and he may prescribe the manner and conditions of the use of such Emergency Services Forces:

- (a) Whenever, on the basis of information received from authoritative sources he feels that a large-scale disaster or emergency situation 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 Chairperson deems that any condition in the County is beyond the control of county public or private agencies or has attained or threatens to attain the proportions of a major disaster, he may act for the Board and request the Governor to declare a state of disaster exists therein by instructing the Coordinator to contact the District Coordinator in accordance with Section 14, Act 390, Public Acts of 1976. In such cases, the Chairperson shall convene the Board as soon as practicable for their affirmative action.

Section 504. The Chairperson, with the approval of the Board, is hereby empowered and has the authority:

- (a) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposes.
- (b) To provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster.
- (c) To assign and make equipment available for duty, the employees, property, or equipment of the county relating to fire fighting; engineering; rescue; health, medical, and related services; police; transportation; construction; and similar items or service for disaster relief purposes within or without the physical limits of the county.
- (d) In the event of a foreign attack upon this state, to waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Section 505. The Chairperson, 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.

Section 506. The chairperson, 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, 503 and 504.

Section 507. When obtaining formal approvals would result in delay of relief activity the Chairperson 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 expenditures of existing funds, and the Board is also empowered to waive any such procedures and formalities.

Article 6. Emergency Services Coordinator; 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 county, state, and federal authorities, and the authorities of adjacent and nearby political subdivisions 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 the Clinton County Emergency Operations Plan, and any other appropriate disaster plans, 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 persons 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 population as to actions necessary and required for the protection of persons and property in case of a 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 or 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; Appointments; 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 service for which the county has not 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 a 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 practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or as out 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. Severability

Section 1001. 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 11. Repeals

Section 1101. The resolution creating a Civil Defense Agency previously adopted being in conflict with this resolution is hereby repealed.

Article 12. Effective Date

Section 1201. This resolution shall have immediate effect.

STATE OF MICHIGAN

COUNTY OF CLINTON

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing resolution was duly adopted by the Clinton County Board of Commissioners at the regular meeting held March 16, 2020 and is on file in the records of this office.

Diane Zuker, Clinton County Clerk