

RESOLUTION No. (TBD)

A RESOLUTION RELATING TO COCHISE COUNTY ~~CIVIL DEFENSE AND EMERGENCY SERVICES~~ EMERGENCY MANAGEMENT, THE EMERGENCY POWERS AND AUTHORITY OF THE BOARD OF SUPERVISORS AND IMPLEMENTING THE PROVISIONS OF ARIZONA REVISED STATUTES (A.R.S) SECTIONS 26-301 et seq. (~~CHAPTER 51, LAWS OF 1971, FIRST REGULAR SESSION~~).

WHEREAS, the ~~rendition of civil defense and emergency services~~ provision of Emergency Management is the responsibility of Cochise County acting unilaterally and in conjunction with the State of Arizona, other political subdivisions and municipalities of the State, the United States of America, and agencies of the private sector; and

WHEREAS, the Board of Supervisors recognizes its responsibility to prepare and respond to all hazards which affect the health, welfare, preservation of property, and safety of the people of this County ~~to be prepared to cope with the effects of natural, war caused or other man-made disasters which endanger the life, property and resources of this County, and to provide for the health, welfare and safety of the people of this County, and for the preservation of property,~~ and thus deems it necessary and expedient to adopt this Resolution; and

WHEREAS, the authority to make, amend and rescind orders, rules and regulations necessary for emergency functions, including mutual aid, not inconsistent with those promulgated by the Governor of this State, is contained in A.R.S. Sections 26-301, et seq. (~~Chapter 51, Laws of 1971, First Regular Session~~), and in the emergency plans, practices and programs ~~promulgated thereunder, pursuant to those statues,~~ in the ~~Federal Civil Defense Act of 1950, as amended, (Public Law 81-920), in the Federal Civil Defense Guides, rules and regulations, and in the Disaster Relief Act of 1970, (Public Law 91-606,) and Robert T. Stafford Act and amendments; the Homeland Security Presidential Policy Directive 5; and the Homeland Security Presidential Policy Directive 8;~~ and

WHEREAS, it is apparent that ~~civil defense and emergency services~~ Emergency Management activities can primarily be undertaken and discharged most efficiently by existing departments and agencies of County government whose normal activities and capabilities are related to Emergency Management ~~civil defense and emergency requirements;~~ and

WHEREAS, the State of Arizona has promulgated emergency plans, programs and procedures which are in effect in each political subdivision of the State, including Cochise County, and the governing body of each such political subdivision is required to take such action as is necessary to carry out the provisions thereof, including the development of additional emergency plans in support of the state emergency plans, and

WHEREAS, it is the purpose of this Resolution to define the emergency powers and authority of the Board of Supervisors and the duties of the Director of the Cochise County Emergency Management Department ~~of Civil Defense and Emergency Services,~~ to create plans and programs related to Emergency Management services, to provide the necessary cooperation and coordination, to the extent possible with similar services of the State, political subdivisions of the State, various agencies of and departments of the federal government and agencies of the private sector.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COCHISE COUNTY BOARD OF SUPERVISORS:

Section 1. Definitions

In this Resolution, unless the context otherwise requires, and pursuant to A.R.S. 26-301

~~a) "Emergency Functions" include warning and communications services, relocation of persons from stricken areas, radiological defense, temporary restoration of utilities, plant protection, transportation, welfare, engineering, search, rescue, health law enforcement, fire fighting and other activities necessary or incidental thereto.~~

a. "Emergency functions" includes warning and communications services, relocation of persons from stricken areas, radiological defense, temporary restoration of utilities, plant protection, transportation, welfare, public works and engineering, search or rescue, health and medical services, law enforcement, fire fighting, mass care, resource support, urban search or rescue, hazardous materials, food and energy information and planning and other activities necessary or incidental thereto.

~~b) "Emergency Services" means the preplanning and preparation necessary to carry out emergency functions, other than functions for which military forces or federal agencies are primarily responsible, to prevent or minimize the loss of lives or property by disasters of every kind.~~

b. "Emergency Management" means the preparedness, response, recovery and mitigation activities necessary to respond to and recover from disasters, emergencies or contingencies.

c. "Emergency worker" means any person who is registered, whether temporary or permanent, paid or volunteer, with a local or state emergency management organization and certified by the local or state emergency management organization for the purpose of engaging in authorized emergency management activities or performing emergency functions, or who is an officer, agent or employee of this state or a political subdivision of this state and who is called on to perform or support emergency management activities or perform emergency functions.

d. "Hazardous Materials incident" means the uncontrolled, unpermitted release or potential release of hazardous materials that may present an imminent and substantial danger to the public health or welfare or to the environment.

e. ~~e~~ "Local Emergency" means the existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of Cochise County, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this County as determined by the Board of Supervisors and which require the combined efforts of other political subdivisions.

f. "Mitigation" means measures taken to reduce the need to respond to a disaster and to reduce the cost of disaster response and recovery.

g. "Preparedness" means actions taken to develop the response capabilities needed for an emergency.

h. "Recovery" means short-term activities necessary to return vital systems and facilities to minimum operating standards and long-term activities required to return life to normal or improved levels.

i. "Response" means activities that are designed to provide emergency assistance, limit the primary effects, reduce the probability of secondary damage and speed recovery operations.

j. ~~e)~~ "State of Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the State caused by air pollution, fire flood or flood water, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the control of the services personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the State and the political subdivisions.

k. ~~e)~~ "State of War Emergency" means the condition which exists immediately whenever this nation is attacked or upon receipt by this state of warning from the federal government indicating that such an attack is imminent.

f) "Private Sector" means all industry, commerce, business or banking; all services other than those provided by the government; and all persons other than those in governmental agencies at any level.

Section 2. Powers

a. The Board of Supervisors, pursuant to the provisions of A.R.S. Section 26-307, has the power to make, amend and rescind orders, rules and regulations necessary for emergency functions ~~and regulations~~ but such shall not be inconsistent with orders, rules and regulations promulgated by the Governor of this State.

~~Such orders, rules or regulations shall be effective when a copy is filed in the Office of the Clerk of the Board of Supervisors of Cochise County. Existing resolutions, rules and regulations in conflict with Chapter 51, Laws of 1971, First Regular Session, are suspended during the time of emergency and to the extent that they may conflict.~~

b. Any order, rule or regulation issued by Board of Supervisors is effective when a copy is filed in the Office of the Cochise County Clerk. Existing laws, ordinances, orders, rules and regulations in conflict with this chapter or orders, rules or regulations issued under authority of this chapter are suspended during the time and to the extent that they conflict.

c. In a state of war emergency, the Board of Supervisors may waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when the Board of Supervisors determines and declares that strict compliance with such procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency. ~~The County shall be exempt during such emergency from budget limitations prescribed by A.R.S., Section 42-303.~~

d. In the absence of specific authority in state emergency plans and programs, the Board of Supervisors ~~will~~ shall take emergency measures as deemed necessary to carry out the provisions of this chapter. ~~Chapter 51, Laws of 1971, First Regular Session. (this resolution)~~

~~d. This resolution, upon its adoption, constitutes authority, subject only to the absence or unavailability of one or more other Board of Supervisors members, either in person, by telephone or by radio, pursuant to the provisions of A.R.S., Section 26-311, for the Chairman of the Board of Supervisors to declare an emergency and, during such emergency, to govern by proclamation and to impose all necessary regulations to preserve the peace and order of the unincorporated areas of Cochise County, including, but not limited to:~~

- ~~1. Imposition of curfews in all, or portions of, the County.~~
- ~~2. Ordering the closing of any business.~~
- ~~3. Closing to public access any public building, street, or other public area.~~
- ~~4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the County for assistance.~~

e. Pursuant to the provisions of A.R.S. Section 26-311 if the chairman of the board of supervisors for the unincorporated areas of the county deems that an emergency exists due to fire, conflagration, flood, earthquake, explosion, war, bombing, acts of the enemy or any other natural or man-made calamity or disaster or by reason of threats or occurrences of riots, routs, affrays or other acts of civil disobedience that endanger life or property within the unincorporated areas of the county, or portion thereof, the chairman of the board of supervisors, as authorized by this resolution, may declare, by proclamation, an emergency or a local emergency to exist.

f. If an emergency is declared as stated above, the chairman of the board of supervisors shall govern during such an emergency by proclamation and shall have the authority to impose all necessary regulations to preserve the peace and order of the city, town, or unincorporated areas of the county, excluding the ordering of the closure of businesses, but including the following:

1. Imposition of curfews in all or portions of the political subdivision.
2. Closing to public access any public building, street or other public place.
3. Calling on regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
4. Notifying the constitutional officers that the county office for which they are responsible may remain open or may close for the emergency.

Unless found to be impossible under the circumstances, a proclamation or regulation issued by the Chairman of the Board of Supervisors shall be approved by a quorum of the Board of Supervisors within twenty-four (24) hours.

g. In periods of local emergency, including as stated above, ~~an emergency declared by Chairman of the Board of Supervisors, pursuant to A.R.S., Section 26-311 (A),~~ political subdivisions have full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor.

Section 3. Duties of Director

a. The Director of the Cochise County ~~Civil Defense and Emergency Services Department [sic—now referred to as Cochise County Emergency Services]~~, subject to the direction and control of the ~~County Administrator Board of Supervisors~~, shall be responsible for the organization, administration and operation of ~~the Cochise County Emergency Management Department. Services.~~

b. In accordance with the provisions of A.R.S. Section 26-312, ~~the Board of Supervisors designates, only during a declared State of Emergency or Local Emergency, the Emergency Management Director as its designee to accept for purposes of emergency services an offer of the federal government or an agency or officer thereof, or an offer of any person, firm or corporation of services, equipment, supplies, material or funds, whether by gift, grant or loan subject to terms, if any, of the offeror.~~

~~Notice of the offer of services, equipment, supplies, material or funds, accepted by the Emergency Management Director shall be presented to the Board of Supervisors within seven days, and the Board of Supervisors shall determine if the acceptance of such offer shall be continued.~~

~~the Director may, with approval of the Board of Supervisors, accept for purposes of emergency services an offer of the Federal government or an agency thereof, or an offer of any person, firm or corporation of services, equipment, supplies, material or funds, whether by gift, grant or loan~~

c. Pursuant to the provisions of A.R.S Section 26-308, the Board of Supervisors authorizes the Director, by this Resolution to:

1. Appropriate and expend funds, make contracts and obtain and distribute equipment, materials and supplies for emergency management purposes.
2. Establish and provide for emergency management within the County in accordance with State emergency plans and programs.
3. Organization, administration and operation of local emergency management programs.
4. Take such action as is necessary to carry out the provisions of State emergency plans, including the development of additional emergency plans for the County in support of State emergency plans
5. Maintain a list of public and private organizations within the County which have personnel trained and available for assisting in meeting emergency needs.
6. Maintain an inventory of facilities, equipment, supplies and other resources within the County available for use in meeting emergency needs.
7. Provide a summary of the information required in paragraphs 5 and 6, above, to the State Director of Emergency Management.

~~There is hereby granted to the Director the authority~~

~~a) During non-emergency periods~~

~~1. To coordinate County emergency services plans, procedures, programs and other civil defense and emergency services activities with Federal agencies, the State of Arizona, adjoining County agencies, political subdivisions and municipalities of the State and with the private sector.~~

~~2. To insure compliance with the provisions of A.R.S. Section 26-301 et seq. (Chapter 51, Laws of 1971, First Regular Session).~~

~~3. To insure conformance with State emergency plans and procedures.~~

~~4. To achieve adequate operational readiness, adequacy of training programs and proper utilization of civil defense, emergency equipment and supplies.~~

~~5. To make such studies and surveys of the private sector as may be necessary to ascertain the capabilities of the County for civil defense and emergency management services, and to plan for the most efficient use thereof.~~

~~6. To recommend to the Board of Supervisors for delegation to the various departments and agencies of the County, appropriate civil defense and emergency t services responsibilities; and to coordinate the emergency activities of all such departments and agencies.~~

~~b. During declared emergencies:~~

~~1. To coordinate the emergency activities of all Cochise County Departments and agencies.~~

~~2. To coordinate the emergency activities of Cochise County with Federal agencies, State of Arizona, adjoining county agencies, political subdivisions and municipalities of the State, and with the private sector, to achieve the most effective use of personnel, equipment, services, facilities, and other existing available resources.~~

~~3. To utilize the services, resources and facilities of existing departments and agencies of County Government; and, when necessary, to recommend to the Board of Supervisors the creation of new agencies or call upon the private sector to perform emergency tasks and functions unavailable in Departments and agencies of the county.~~

Section 4. Enforcement

The Cochise County Sheriff's Office and other law enforcement authorities of the County shall enforce all orders, rules and regulations issued pursuant to this Resolution.

Section 5. Immunity

Cochise County, its officers, agents, employees and volunteers duly enrolled or registered with the Department of Emergency Management of Civil Defense and Emergency Services, and unregistered persons placed into service during a state of war emergency, are immune from liability to the extent provided in A.R.S. Section 26-314.

Section 6. Severability

It is intended that the provision of this Resolution are severable. If any part thereof is declared invalid for any reason, such determination shall not affect the remaining provisions, thereof.

Section 7. Repeal

~~The County Civil Defense Resolutions of October 11, 1966 and May 11, 1971 are to continue to be in effect and where, if any, conflict exists, this Resolution is to be controlling.~~

The County Civil Defense Resolutions of October 11, 1966 and May 1971, and February 26, 1979 are repealed, and replaced with this Resolution.

Passed in open session this ~~26th day of February, 1979.~~