

**Park Township
Emergency Management Resolution**

A resolution to provide for the mitigation, preparedness, response and recovery from natural and human-made disasters within Park Township by being part of the Ottawa County emergency management program; to appoint the county Emergency Management Director as the Park Township Emergency Management Coordinator; to provide for a means for coordinating the resources of the township with those of the county; and to provide a means through which the township board may exercise the authority and discharge the responsibilities vested in them by this resolution and Act No. 390 of the 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 No. 390 of the Public Acts of 1976, as amended.(b) "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.
- (c) "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 Ottawa County Emergency Operations Plan 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.
- (d) "District Coordinator" means the Michigan Department of State Police District Emergency Management Coordinator. The District Coordinator 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.
- (e) "Emergency Management Coordinator" means the person appointed to coordinate all matters pertaining to emergency management within the township. The Emergency Management Coordinator for Park Township is the Ottawa County Emergency Management Director.

- (f) "Emergency management program" means a program established to coordinate mitigation, preparedness, response and recovery activities for all emergency or disaster 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 established by the Department of State Police, Emergency Management Division. Park Township has elected to be part of the Ottawa County Emergency Management Program.
- (g) "Emergency Operations Plan" means the plan developed and maintained by county and political subdivisions included in the emergency management program area for the purpose of responding to all emergency or disaster situations by identifying and organizing the disaster relief force.
- (h) "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 programs affected.
- (i) "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.
- (j) "Local State of Emergency" means a declaration by Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager pursuant to the act and this resolution which implements the response and recovery aspects of the Ottawa County Emergency Operations Plan and authorizes certain actions as described in this resolution.
- (k) "Vital records" means those records that contain information needed to continue the effective functioning of Park Township and all entities, departments or agencies thereunder for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

Article 3 - Emergency Management Coordinator: Appointment

Section 301. By the authority of this resolution Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager hereby appoints the Ottawa County Emergency Management Director as the Emergency Management Coordinator for Park Township. In addition to acting for, and at the direction of the Chairperson of the County Board of Commissioners, the Emergency Management Coordinator will also act for Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager.

Section 302. A line of succession for the Ottawa County Emergency Management Director has been established and is listed in the Ottawa County Emergency Operations Plan.

Article 4 - Emergency Management Director: Duties

Section 401. The Emergency Management Director complies with the standards and requirements established by the Department of State Police, Emergency Management Division, under the authority of the act, by accomplishing the following¹:

- (a) Directs and coordinates the development of the Ottawa County Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan.
- (b) Specifies departments or agencies that provide an annex to the plan or otherwise cooperate in its development.
- (c) Identifies departments and agencies to be included in the Emergency Operations Plan as disaster relief force.
- (d) Ensures that the emergency management program meets eligibility requirements for state and federal aid.
- (e) Coordinates and/or conducts training and exercise programs for the disaster relief force within the county to test the adequacy of the Emergency Operations Plan.
- (f) Through public information programs, educates the population as to actions necessary for the protection of life and property in an emergency or disaster.
- (g) Assists Park Township municipal liaison with the development of municipal standard operating procedures which are consistent with the county Emergency Operations Plan.
- (h) Oversees the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan.
- (i) Coordinates county emergency management activities with those municipalities included in the county emergency management program, other municipalities, the state, and adjacent counties.
- (j) Coordinates all preparedness activities, including maintaining primary and alternate Emergency Operations Centers.
- (k) Identifies mitigation opportunities within the county and encourages departments/agencies to implement mitigation measures.

¹ Act 390, as amended, sec. 7a (4) gives the Emergency Management Division the authority to promulgate several standards and requirements.

Article 5 - Emergency Management Liaison: Duties

Section 501. By the authority of this resolution Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager has appointed Scott Gamby Fire Chief as a liaison for the purpose of assisting the county Emergency Management Director in coordinating the emergency management activities within the municipality. The duties of the liaison are as follows:

- (a) Coordinate municipal emergency management activities with those of the county jurisdictions.
- (b) Direct and coordinate the development of the Park Township Support Emergency Operations Plan, which shall be consistent in content with the Ottawa County Emergency Operations Plan.
- (c) Identify municipal departments and agencies to be included in the Support Emergency Operations Plan as part of the disaster relief force.
- (d) Assist the county Emergency Management Coordinator with administering training programs.
- (e) Coordinate municipal participation in exercises conducted by the county.
- (f) Assist in the development of mutual aid agreements.
- (g) Assist in educating the population as to actions necessary for the protection of life and property in an emergency or disaster.
- (h) Encourage departments/agencies within the municipality to identify and implement procedures to mitigate the effects of potential disasters.
- (i) Assist in the assessment of the nature and scope of the emergency or disaster and collect damage assessment information and forward to the county.
- (j) Coordinate the vital records protection program.
- (k) Develop municipal standard operating procedures for disaster response which are consistent with the county Emergency Operations Plan.

Section 502. Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager shall appoint a minimum of two persons as successors to the position of the municipal liaison. The line of succession shall be supplied to the county Emergency Management Coordinator.

Article 6 - Powers: Duties

Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager

Section 601. When circumstances within the township 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 cause exists, the Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager may declare a local state of emergency.¹ Such a declaration shall be promptly filed with the Ottawa County Office of Emergency Management, who will forward it to 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 township board.²

² Act 390, as amended, sec. 10 (1) (b) provides for the 7 day limit and disposition of the declaration.

Section 602. If Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager invokes such power and authority, he/she shall, as soon as reasonably expedient, convene the township board 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. Nothing in this resolution shall be construed as abridging or curtailing the powers of the township board unless specifically provided herein.

Section 603. Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager may do one or more of the following under a Local State of Emergency:

- (a) Direct the Emergency Management Coordinator to implement the Support Emergency Operations Plan.
- (b) Issue directives as to travel restrictions on local roads within the municipality.
- (c) Relieve township employees of normal duties and temporarily reassign them to other duties.
- (d) Activate mutual aid agreements.
- (e) Direct the municipal disaster relief effort in accordance with the Support Emergency Operations Plan and municipal standard operating procedures.
- (f) Notify the public and recommend in-place sheltering or evacuation or other protective measures.
- (g) Request a declaration of a state of disaster or emergency from the Governor via the county as described in Article 7.
- (h) When obtaining normal approvals would result in further injury or damage, Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager may, until the township 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 and resources to the aid of other communities as provided by mutual aid agreements.
 - (2) For a period of up to 7 days, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposes.
 - (3) Employ temporary workers.
 - (4) Purchase and distribute supplies, materials, and equipment.
 - (5) 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 termination of the Governor's declaration of a state of disaster or state of emergency, shall no longer be in effect.³

Section 604. 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 township within or without the physical limits of the township as ordered by the Governor or the Director of the Department of State Police in accordance with the Act.⁴

³ Act 390, as amended, sec.12 (2) provides this authority.

⁴ Act 390, as amended, sec. 10 (1) (h) provides this authority.

Article 7 - Governor Declaration Request

Section 701. 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 Jerry Hunsburger Township Supervisor and/or Howard Fink Township Manager determines that the situation is beyond control of the municipality, he/she may request that the Governor declare a State of Disaster or State of Emergency exists in the municipality in accordance with the Act. This shall be done via the Ottawa County Emergency Management Director who will in turn contact the District Coordinator. The District Coordinator, together with the Emergency Management Director, will assess the nature and scope of the disaster or emergency and they will recommend the state personnel, services, and equipment that will be required for its prevention, mitigation, or relief.⁵

Article 8- Volunteers: Appointment: Reimbursement

Section 801. Each municipal department, commission, board, or other agency of municipal government is authorized to appoint volunteers to augment its personnel in time of emergency to implement emergency functions assigned in the Support Emergency Operations Plan. 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, and may be reimbursed for all actual and necessary travel and subsistence expenses.⁶

Article 9 - Rights of Disaster Relief Force

Section 1001. In accordance with the Act, personnel of the disaster relief force while on duty shall have the following rights:

- (a) If they are employees of the municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.
- (b) If they are not employees of the municipality, or other governmental agency be entitled to the same rights and immunities as are provided for by law.

Article 10 - Temporary Seat of Government

Section 1201. The township board shall provide for the temporary movement and reestablishment of essential government offices in the event that existing facilities cannot be used.

⁵Act 390, as amended, sec.12 states that the "chief executive official" (see definitions in act) of a county or any municipality may make this request. However, he/she must do this utilizing the procedures set forth in sec. 14 of the act which states that the appointed emergency management coordinator and the district coordinator must jointly assess the situation and make recommendations.

⁶Act 390, as amended, sec. 11 (1) (a-c) discusses disaster relief force rights and duties.

Article 11 - Liability

Section 1301. As provided for in the Act and this resolution, the municipality, or the agents or representatives of the municipality, 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 of 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.⁷

Section 1302. As provided for in the Act, any person owning or controlling real estate or other premises who voluntarily and without compensation grants the municipality 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.⁸

Article 12- Sovereignty

Section 1401. 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

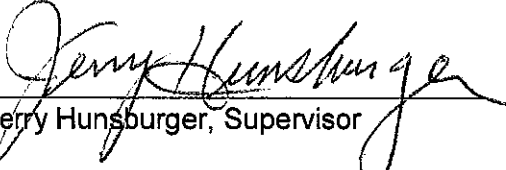
Section 1501. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

Article 14 - Review

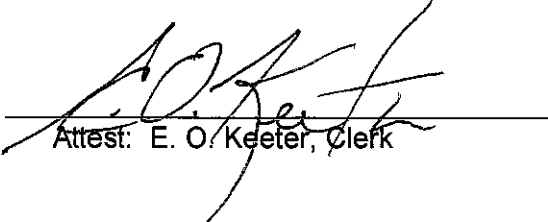
Section 1601. This resolution shall be reviewed and updated every four years along with the update to the Support Emergency Operations Plan.

Article 15 - Effective Date

Section 1701. This resolution shall have immediate effect.



Jerry Hunsburger, Supervisor



Attest: E. O. Keeter, Clerk

⁷ Act 390, as amended, sec. 11 (2-8) discusses liability.

⁸ Act 390, as amended, sec. 11 (7-8)

CERTIFICATE

I, E. O. Keeter, the Clerk for the Township of Park, Ottawa County, Michigan, certify that the foregoing Resolution was adopted at a regular meeting of the Township Board held on June 8, 2017. The following members of the Township Board were present at that meeting: _____

Jerry Hunsburger, Skip Keeter, Jan Steggerda, Jim Gerard, George Jacob, Denise Nestel

The following members of the Township Board were absent: Dan DeLeeuw

The Resolution was adopted by the Township Board with members of the Board _____

Jerry Hunsburger, Skip Keeter, Jan Steggerda, Jim Gerard, George Jacob, Denise Nestel

voting in favor, and No members of the Board voting in opposition.



E.O. Keeter, Clerk

6/9/2017
Date