

Policy Title: Declaration of Disaster or Emergency

Policy Number: Part 1, County Administration; Chapter 3, County Operations; Section 4

Type of Policy: Administrative

Adopting Resolution(s): CC25-

References: Colorado Revised Statutes C.R.S. § 24-33.5-701 to -717; Resolutions CC83-176, CC88-788, CC07-095, CC11-151, CC20-091, CC21-300

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Administrative Revision Date: Not Applicable

Policy Custodian: Emergency Management

Compliance: All Elected and Appointed Official's Offices and Departments

Purpose:

To provide for the basic governmental functions of maintaining the public peace, health and safety before, during, and after, an emergency or disaster, including mitigation, preparedness, response and recovery, as contemplated by the Colorado Disaster Emergency Act, (Part 7 of Article 33.5, Title 24, Colorado Revised Statutes)

A. Definitions

1. "Continuity of Operations Plan" or "COOP" means the development and maintenance of a plan to relocate operations without the loss of basic government functions.
2. "Jefferson County Comprehensive Emergency Management Plan" or "CEMP", means a locally defined emergency management plan and shall include provisions for the preparation, prevention, mitigation, response, and recovery from emergencies and disasters.
3. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including, but not limited to, fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill, or any other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or para-

military action, or a condition of riot, insurrection, or invasion. See C.R.S. § 24-33.5-703(3); 42 U.S.C. § 5122(2).

4. "Emergency" means any occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause that is less severe than a disaster, but of such severity that it cannot be handled by emergency response agencies in conduct of their normal duties. See C.R.S. § 24-33.5-703(3.5).
5. "Emergency Management" means the actions taken to prepare for, respond to, and recover from emergencies and disasters and mitigate against current and future risk.
6. "Incident" means an occurrence, natural or manmade, that necessitates a response to protect life or property. In this document, the word "incident" includes planned events as well as emergencies and/or disasters of all kinds and sizes. See Glossary, 2017 National Incident Management System ("NIMS") at 64.
7. "Mitigation" means any activities that actually eliminate or reduce the probability of occurrence of disaster. See C.R.S. § 24-33.5-703(4.5); 2017 NIMS at 67.
8. "Preparedness" means the development of plans, the stockpiling and inventory of critical resources, the organization and training of response personnel, and the exercise of plans.
9. "Protection" means the capabilities necessary to secure the homeland against acts of terrorism and manmade or natural disasters.
10. "Prevention" means the capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism. For the purposes of the prevention framework, the term "prevention" refers to preventing imminent threats. See National Preparedness Goal (2d 2015) ("NPG") at A-2.
11. "Recovery" means those actions, both short-term and long-term, that result in the planned redevelopment of Jefferson County after a disaster, consistent with disaster experience and with measures available for hazard reduction. See C.R.S. § 24-33.5-703(7.3); NPG at A-2.
12. "Response" means the capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred. See C.R.S. § 24-33.5-703(7.7); NPG at A-2.
13. "Search and rescue" means the employment, coordination, and utilization of available resources and personnel in locating, relieving distress and preserving live of, and removing survivors from the site of a disaster,

emergency, or hazard to a place of safety in case of lost, stranded, entrapped, or injured persons. See C.R.S. § 24-33.5-703(8).

B. Declaration of Disaster or Emergency

1. *Authority.* Colorado law limits the authority to issue a local disaster declaration to the principal executive officer of a political subdivision. See C.R.S. § 24-33.5-709(1).
 - a. The Chairperson of the Board of County Commissioners (“BCC”) is the principal officer of the County for purposes of declaring disasters or emergencies. See C.R.S. § 24-33.5-707(7).
 - b. In the event that the BCC Chairperson is not available, the BCC delegates the Chairperson’s authority to declare disasters or emergencies to the Chairperson Pro Tem, and to the remaining Commissioner if the Chairperson Pro Tem is unavailable.
 - c. Such declaration must be continued, modified, or terminated by the BCC.
2. *Procedure.* The declaration of a Local Emergency or a Disaster:
 - a. Must be made by the principal executive officer of the County, as detailed in subsection B(1), above.
 - b. May only be continued or renewed for a period in excess of seven days by the consent of the BCC. See C.R.S. § 24-33.5-709(1).
 - c. Activates the response and recovery aspects of all applicable disaster or emergency plans for Jefferson County. See C.R.S. § 24-33.5-709(2).
 - d. Authorizes the Chairman to execute requests and agreements for aid and assistance. See C.R.S. § 24-33.5-709(2).
 - e. Activates the response and recovery aspects of any applicable County policies and procedures.
 - f. Under a local disaster declaration, the Chairperson and/or the BCC may additionally waive specific procedures and formalities otherwise required of the County as necessary for response to an Emergency or Disaster, including, but not limited to, the following activities:
 - 1) Performing public work and taking whatever prudent action is necessary to insure the health, safety, and welfare of the community.

- 2) Entering into contracts.
 - 3) Incurring obligations.
 - 4) Employing permanent and temporary workers.
 - 5) Using volunteer workers.
 - 6) Renting equipment.
 - 7) Acquiring and distributing, with or without compensation, supplies, materials, and facilities.
 - 8) Appropriating and expending public funds.
3. Any order or proclamation declaring, continuing, or terminating a Disaster or Emergency shall be filed promptly with the Colorado Division of Homeland Security & Emergency Management and the Clerk and Recorder of Jefferson County.
 4. Emergency and Disaster Assignment: During a Declared Disaster or Emergency, employees may be required to work overtime, work an alternative work schedule, or work at an alternate facility or site. If an exempt employee is required to work extraordinary hours during a declared disaster, with supervisor approval, the exempt employee may be deemed non-exempt and become eligible for overtime pay provided that all time is tracked, verified, and approved.

C. Preparing for a Disaster or Emergency

Under C.R.S. § 24-33.5-707, the Director of Emergency Management is hereby empowered to:

1. Prepare, keep current, and distribute the CEMP to all appropriate officials in written form with clear and complete statements of the emergency responsibilities of all local agencies and officials and of the disaster chain of command.
2. Seek, obtain, or assist in obtaining supplies, equipment, and services needed for the preparedness, prevention, mitigation, response, and recovery of an emergency in support of protecting the life and property of the people of Jefferson County in accordance with the budgeted funds. Direct disaster preparedness coordination and cooperation between the Jefferson County Elected Officials and any divisions, services and staff of Jefferson County, to include resolving questions of authority and responsibility that may arise between such divisions, services and staff, but this shall not constitute any right to direct or control any personnel of the Jefferson County Elected Offices or any other operating division of

Jefferson County, except as expressly authorized by the Jefferson County Sheriff, the Board of County Commissioners or other Elected Officials.

3. Represent Jefferson County in all dealings with public or private agencies pertaining to emergency management and disasters, except to the extent it involves the duties of another County elected official, and then only in coordination with that elected official.
4. Receive on behalf of Jefferson County from any duly constituted governmental agency or any private person or agency, any services, equipment, supplies, materials or funds, by way of gift, grant or loan, for emergency or disaster purposes in accordance with direction obtained from the Board of County Commissioners and the Jefferson County Sheriff.
5. Negotiate on behalf of Jefferson County with other duly constituted governmental agencies for the establishment of such mutual aid agreements as may be deemed necessary. The scope of such mutual aid agreements may encompass all facets of the Emergency Operations Plan, and may pledge the assistance and cooperation of Jefferson County in emergency and disaster situations in return for similar pledges from such other governmental agencies, provided any such mutual aid agreements shall be subject to approval by the Board of County Commissioners and by other elected official who may be involved in performance of any obligations contained in any such agreement.

D. Elected Officials, Appointed Officials, and Department Directors

1. Elected and Appointed Officials, Department Directors. All Elected Officials, Appointed Officials and Department Directors shall have the following nonexclusive powers and duties:
 - a. During a Disaster or Emergency, participate when requested by providing resources under their control, filling any statutory requirement they may have, and ensuring appropriate representation at the Emergency Operations Center if requested; and
 - b. Prior to a Disaster or Emergency, develop and maintain a Continuity of Operations Plan to ensure internally identified mission essential operations continue without the loss of basic government functions and to support any emergency functions specified within the CEMP.
2. Sheriff's Duties and Authority During an Emergency or Disaster. The Sheriff's duties and responsibilities shall include but shall not be limited to the following:
 - a. Act as the Jefferson County fire warden and take responsibility for the coordination of fire suppression efforts in case of prairie, forest, or

wildland fires or wildfires occurring in unincorporated areas of the county outside the boundaries of any fire protection district or that exceed the capabilities of the fire protection district to control or extinguish. See C.R.S. § 30-10-512.

- b. Ensure direction of the Emergency Management function.
 - c. Marshal appropriate resources as needed, including search and rescue resources.
 - d. Request mutual aid under Colorado law. See C.R.S. §§ 29-5-103 to - 111.
 - e. Request additional emergency funds from the Board of County Commissioners when costs for response to disasters goes beyond what has been previously budgeted.
 - f. Approve any purchase and sign all contracts, contract amendments, or contract terminations, upon approval of the County Attorney's Office. This authority may be delegated to the Emergency Management Manager.
3. Jefferson County Public Health Director's Authority During an Emergency or Disaster for a public health emergency. The Director's duties and powers shall include but shall not be limited to the following:
- a. Marshal appropriate resources as needed.
 - b. Request and negotiate aid agreements as needed.
 - c. Request additional emergency funds from the Board of County Commissioners when costs for response to disasters goes beyond what has been previously budgeted.
 - d. Approve any purchase and sign all contracts, contract amendments, or contract terminations, upon approval of the County Attorney's Office.