

RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

RESOLUTION NO. 2020-R- 004

A RESOLUTION AMENDING THE DELTA COUNTY DISASTER POLICIES

WHEREAS, the Delta County Board of County Commissioners on October 15, 2018 adopted by Resolution 2018-R-023 the Delta County Emergency Operations Plan; and

WHEREAS, the Resolution, recorded at Reception # 706627, incorporated The Delta County Disaster Policies as Exhibit B; and

WHEREAS, Exhibit B of the Emergency Operations Plan, Delta County Disaster Policies – 2018, was recorded on November 9, 2018 at Reception # 707142; and

WHEREAS, The Delta County Disaster Policies are in need of amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delta County, Colorado that the attached Delta County Disaster Policies, Exhibit B to Delta County Operations Plan is hereby approved and adopted effective immediately.

BE IT FURTHER RESOLVED that that any previous Delta County Disaster Policies, including but not limited to, the policy adopted November 9, 2018, are hereby nullified and replaced.

BE IT FURTHER RESOLVED that the attached, Delta County Disaster Policies, Exhibit B to Delta County Emergency Operations Plan, is incorporated into the Delta County Emergency Operations Plan as Exhibit B.

ADOPTED this 25th day of March, 2020.

ATTEST:

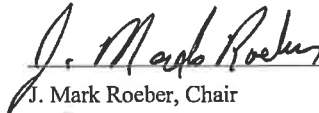

Teri A. Stephenson
Delta County Clerk and Recorder

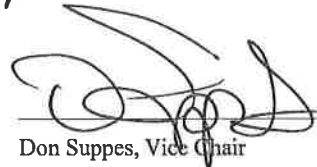
BOARD OF COUNTY COMMISSIONERS
OF
DELTA COUNTY, COLORADO

By:

[SEAL]




J. Mark Roeber, Chair


Don Suppes, Vice Chair


Mike Lane, Commissioner

DELTA COUNTY DISASTER POLICIES
Exhibit B to Delta County Emergency Operations Plan

Pursuant to resolution of the Board of County Commissioners for Delta County Colorado (BoCC), the following policies take effect upon declaration of a local disaster emergency pursuant to § 24-33.5-709, Colorado Revised Statutes (C.R.S.) and as referred to in the Delta County Emergency Operations Plan:

I. Definitions

- a. "Disaster Declaration" is a declaration of a local disaster emergency pursuant to § 24-33.5-709, C.R.S.
- b. "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 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 paramilitary action, or a condition of riot, insurrection, or invasion existing in the state or in any county, city, town, or district in the state.
- c. "Emergency" means an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures.

II. Purpose

- a. It is the intent and purpose of this Delta County Disaster Policy to facilitate the continuity of government and the timely and effective utilization of all available Delta County resources to prepare for, respond to and recover from disaster emergencies, whether natural or man-made, that are likely to affect the health, security, safety, or property of the citizens of the County.
- b. The intent and purpose of the resolution to provide for the coordination of emergency and disaster response functions of this County with all other public agencies, businesses, non-profit organization and affected persons as provided by the Colorado Disaster Emergency Act, § 24-33.5-701, C.R.S., *et seq.*

III. Declaration of Local Disaster Emergency

- a. The County is authorized to declare a local disaster emergency if the County finds that the County or any of its cities, municipalities, special districts, or other parts thereof is suffering from, or is in imminent danger of suffering, a natural or man-made emergency or disaster.
- b. The Principal Executive Officer of the County has the statutory authority to make the declaration. Under normal circumstances the Principal Executive Officer of the County is the Chair of the BoCC.
- c. When the BoCC Chair is not available, any one of the BoCC's successors, in descending order, mentioned in § V.b. of these policies has the authority to declare a local disaster emergency.
- d. A declaration may be given through fax, email, or verbally, if necessary to the County Office of Emergency Management.
- e. Upon declaring a local disaster emergency, and unless the circumstances of the disaster emergency prevent or impede, such declaration shall be promptly filed with the Delta County Clerk and Recorder and the Delta County Office of Emergency Management. It is the responsibility of the Delta County Office of Emergency Management to ensure the declaration is forwarded to the State Office of Emergency Management.
- f. A declaration may activate the Delta County EOP and shall be the authority for the deployment, use, and/or distribution of any finances, supplies, equipment, and materials assembled, stockpiled, or arranged to be made available pursuant to this article or any other provision of law or intergovernmental agreement relating to disaster emergencies.
- g. The public shall be notified of such a declaration through general dissemination to the news media, posting on the County's or Emergency Management's websites, social media, or other means of publicity as intended to advise the general public. All members of the public shall be deemed to have been given notice of the information contained within a declaration upon its dissemination to the news media or publication on the City/Town and/or County website or social media or other means of publicity.
- h. Pursuant to § 24-33.5-709, C.R.S. the BoCC may continue or terminate a declared disaster emergency. In the event the BoCC cannot assemble to approve a continuance of the declaration, such declaration shall remain in effect until such time as a quorum can be assembled.
- i. Recovery should begin as soon as possible. These policies are defined in the Delta County recovery policy.

IV. Powers and Authority of Delta County in a Declared Local Disaster Emergency

- a. Any decisions made by the BoCC or successors during a local disaster emergency can be made from any location inside or outside of their jurisdictional boundary.
- b. Any decisions made by the BoCC, County Administrator, or successors can be made utilizing communications technology (Skype, telephone, text messaging, etc.) during a local disaster emergency to ensure county functionality and decision making.
- c. In addition to any other authorized powers; during a disaster emergency, the BoCC may exercise the following powers, including but not limited to:
 - i. An order closing or canceling the use of any county owned building, facility, public park, or other public place.
 - ii. Suspend County business operations as necessary and, in conjunction with elected officials, suspend and/or close other County offices.
 - iii. Suspend or change department policies regarding timelines for service to citizens and customers.
 - iv. Suspend or change times and locations of public meetings as necessary and suspend any public notice requirement for public board meetings, agenda notices or during any decision making times by the BoCC or their successor. All decisions will be documented, recorded, and properly disseminated as necessary.
 - v. Utilize all available resources of the County as may be reasonably necessary to cope with the disaster or emergency whether in preparation for, response to, or recovery from the disaster.
 - vi. Compensate employees for overtime worked in relationship to the disaster or emergency in accordance with County policies and state and federal law.
 - vii. At the BoCC's discretion and during a local disaster emergency the BoCC may pay any 'exempt' status employee, who as a result of the local disaster emergency is required to work more than 125% of their normally scheduled hours in any given work week (50 hours for a full-time employee) at an amount of 1.5 times what would be their hourly rate until such time as the local disaster emergency is concluded.
 - viii. Make application for state or federal assistance.

- ix. During a local disaster emergency any Delta County employee may be reassigned by their department head and/or County Administrator, to fill a role during the event that is not part of their daily duties.
- x. Enter into such reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements or other compacts or plans with other governmental entities for the protection of life and property. Such agreements may include the temporary furnishing or exchange of supplies, equipment, facilities, finances, personnel and/or services.
- xi. When a required competency or skill for a needed function is not available within the County government, the County may seek assistance from specialist teams or agencies and delegate such authority or responsibility for such period of time and to the extent necessary to successfully manage the disaster. This is also available without a declaration.
- xii. Any expenditure made in connection with the local disaster emergency, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County.
- xiii. During a declared local disaster emergency all purchases for the incident will follow the Emergency Procurement Policy as written below. This policy during a local disaster emergency supersedes non-disaster procurement policies of the Delta County Procurement Policy but complies with 2CFR regulations and the Delta County EOP to ensure potential reimbursement if available.
 - Purchases up to \$10,000 are free from any bidding or quote process.
 - Purchases from \$10,001 to \$150,000 require at least 2 quotes if available. The only exception is for imminent lifesaving needs.
 - Any purchase above \$150,000 must go thru the counties RFP Process.
- xiv. In the event of a local disaster emergency, the County's Emergency Procurement Policy and the Delta County EOP will be in effect. This policy includes, but is not limited to:
 - Delta County authorizes the sole source purchase of goods and services only for immediate threats to loss of life. Any other situations require 2 quotes on all purchases from \$10,001 to \$150,000.
 - Procurement purchasing limits during a local disaster emergency, shall be \$500,000 for the County Administrator, \$25,000.00 limits for each of the following: The Delta County Sheriff, the Delta County Health Department Director, The Delta County Finance Manager, and the Delta County Emergency Manager, or their designees, per incident. A declaration grants the above named, or their successors, the ability to access county

emergency reserve funds, and/or reallocate their own departments current budgets if costs exceed response or reserve budgets. These purchases are still required to follow all procurement rules as set forth in this document.

- The Delta County Administrator has the ability to move funds within the Delta County budget to address the needs of the incident to the limits set above, which must be ratified at the earliest possible opportunity by the BoCC.
 - If any monies from any County fund or account are spent during a disaster emergency, the party spending the funds is responsible for maintaining detailed records of all items/services procured during the declaration and must present records, invoices, and any other information related to those procurements to the Finance Department and the County Administrator no later than ten (10) days after the disaster or emergency is declared to be over. The BoCC may extend this reporting period as needed.
 - All county department heads, elected officials and contractors shall be responsible for maintaining and reporting accurate records of hours worked by employees during the declaration and the assigned task of those employees if related to the declaration.
- xv. Modify specific financial restraints, development regulations, planning and access permit requirements to facilitate the efficient restoration of buildings and property within the County.
- xvi. Issue any and all other orders or undertake such other functions and activities as the County reasonably believes is necessary to protect the health, safety, and welfare of persons or property or environment within the County or to otherwise preserve county operations, public peace or abate, clean up, or mitigate the effects of any disaster.
- xvii. This policy will not relieve or alter any County departments of the responsibilities or authority otherwise given to them by the Board of Commissioners.

V. Succession of Authorities during a Local Disaster Emergency

County Administrator:

- If the County Administrator is made unavailable due to or during a disaster emergency, the County Administrator's successor may act on their behalf as prescribed herein. The successor shall have all rights, abilities and authority afforded any County Administrator during their charge to include any and all authorities within this policy.

- In the event the County Administrator is unavailable, the line of succession of authority shall be in the following order:
 1. County Attorney
 2. Human Resources Director
 3. County Finance Director
 4. Assistant County Attorney

- b. Board of County Commissioners:
 - If the BoCC is made unavailable due to or during a disaster emergency, the BoCC's successor may act on their behalf as prescribed herein. In this order, the following officials have the authority to execute the powers of the entire Board of County Commissioners if a quorum is not made.
 1. BoCC Chairperson
 2. BoCC Vice Chair
 3. Single BoCC Commissioner
 4. County Administrator
 5. County Attorney
 6. Finance Manager

 - In the event none of the above is available, the designee of each department listed in the line of succession will then, as specified in the department's Continuity of Operations Plan, shall serve in such capacity.

 - The successor shall have all rights, abilities and authority afforded the sitting BoCC during their charge to include any and all authorities within this policy.

 - Vacancies in the office of county commissioner shall be filled in accordance with § 1-12-206, C.R.S.