

To: Janna Young, Deputy Summit County Manager

From: Chris Crowley, Summit County Emergency Manager

Date: 6/14/18

Subject: Staff Report – Declaration of Emergency Procedures

Janna,

Please find below a summary version of how disasters are declared in Summit County and ultimately escalated to the State and FEMA.

The rationale behind a declaration is varied but often relies on the premise of enabling a broader level of resources and cost-sharing opportunities as well as priming Summit County for support during the Recovery Phase of a disaster.

In the case of a Wildland Fire, the DOE process does not interfere or preclude our request for a Fire Management Assistance Grant (FMAG) which may, in some cases, be easier and faster to enact than a State or Federal level disaster declaration. We are however, required to meet certain qualification thresholds as detailed below.

Each step in the process will require thorough vetting as well as training, review and exercises with staff, elected officials and other stakeholders. As changes in policy and procedures have occurred recently, we will also need to update our Emergency Operations Plan to reflect these differences. In addition, I feel it would be prudent to review the DOE Ordinance from 2013 to ensure it's policies, procedures and content are accurate and consistent with current NIMS, ICS and State and local methods.

Attached:

1. How Disasters are Declared – Overview
2. Example of a Declaration of Disaster Process
3. Summit County Declaration of Emergency Template (updated 2018 – requires Attorney approval)
4. Summit County Ordinance 805; 6-12-2013
http://www.sterlingcodifiers.com/codebook/index.php?book_id=522

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How Disasters are Declared - Overview

Guiding principle: All disasters are local first.

Cities have the primary authority to prepare for and respond to disasters. County, state and federal government partners (in that order) stand ready and willing to help when needed.

When an incident is expected to overwhelm resources at the local level, requests for assistance are made through mutual aid or to the County. The County then makes requests to the State, which can request help from other states or to the Federal Government through FEMA.

How it works: Three types of assistance can come from FEMA: [Individual Assistance \(IA\)](#) (to homeowners), [Public Assistance \(PA\)](#) (for infrastructure), and the [Hazard Mitigation Grant Program \(HMGP\)](#) (to lessen future disaster impacts).

For Federal Declarations to be approved, FEMA has established disaster thresholds based on population for each county and each state. For Utah, the State threshold is \$3.9 million. A specific threshold has to be met in each affected county and at the state level. Thresholds are met with consideration towards eligible damages to public facilities, infrastructure, and historical properties. Damages covered by insurance must first be deducted before figuring cost estimates against the threshold amount. Private property damages are not a considered cost towards the threshold.

If it appears that Utah would meet the threshold, the Governor can request a preliminary damage assessment from FEMA. A team would arrive and work with state and local partners to determine if the thresholds are met and are likely eligible.

If so, the Governor, through the [Utah Division of Emergency Management](#), would likely declare a state of emergency and request a disaster declaration to the President through FEMA Region VIII in Denver. If approved by the President in consultation with FEMA, eligible infrastructure damages are reimbursed by the federal government at a 75 percent share. The other 25 percent is a shared state and local cost. Hazard Mitigation Grant Program, is available **only** when the President has declared a disaster and is 15% of the total FEMA cost of the disaster.

State resources: The State of Utah maintains a disaster recovery restricted account (53-2a-603) that provides certain amounts of emergency reimbursement to state agencies that respond in disasters. A local declaration is needed to activate this account and reimbursement is available only to State agencies

who have responded to the incident. The costs may count toward the State's match if a federal declaration is awarded. Resources are coordinated through the Utah Department of Public Safety's Division of Emergency Management, Emergency Operations Center (EOC). Resource requests made to the EOC are filled by in-state available resources, by FEMA Region VIII, or through the [Emergency Management Assistance Compact](#).

Source: <http://www.fema.gov/declaration-process>

Example Declaration of Emergency

| Incident | EOC Activation | SC Activities |
|---|---|--|
| <ul style="list-style-type: none"> Incident reported | <p>Level III: Daily Operations/Monitoring Emergencies handled through normal response without reducing the available response to other events.</p> | <ul style="list-style-type: none"> Alert: County Manager, PIO & effected stakeholders. |
| <ul style="list-style-type: none"> Incident Command established | <p>Level III: Daily Operations/Monitoring Emergencies handled through normal response without reducing the available response to other events.</p> | <ul style="list-style-type: none"> Continue monitoring, IC update. UDEM liaison notified. PIO: Public alert per situation. |
| <ul style="list-style-type: none"> Escalation, additional resources | <p>If necessary...</p> <p>Level II: Community Emergency Emergencies that may require a major commitment of community resources including mutual aid from surrounding communities.</p> | <ul style="list-style-type: none"> EOC partial activation, County Manager/Asst. County Manager, responding County Agencies & Departments Continue monitoring, IC updates and direction. Prepare FMAG and/or Declaration of Emergency documentation. PIO: Public alert per situation. |
| <p>4. Unified Command, mutual aid, additional resources. FMAG and/or Local Declaration of Emergency</p> | <p>If necessary...</p> <p>Level II: Community Emergency Emergencies that may require a major commitment of community resources including mutual aid from surrounding communities.</p> | <ul style="list-style-type: none"> EOC activation, County Manager/Asst. County Manager, responding County Agencies & Departments Continue monitoring, IC/UC updates and direction. EOC Policy Group activated Decision: FMAG and/or Declaration of Emergency. DOE notice sent to Governor. UDEM EOC Level I, support teams available. PIO: Public alert per situation. |
| <p>5. Escalation to State/Federal Level – extended attack and recovery.</p> | <p>If necessary...</p> <p>Level I: Major Disaster Full Scale Activation – Any disaster likely to exceed local capabilities and require a broad range of state and federal assistance. FEMA notification. Federal assistance may be predominantly recovery-oriented.</p> | <ul style="list-style-type: none"> EOC full activation, County Manager/Asst. County Manager, responding County Agencies & Departments. Continue monitoring, UC updates and direction. EOC Policy Group activated Decision: Request for DOE funding/resources to Governor. UDEM EOC and personnel activated in support. Resources deployed as necessary. PIO: Public alert per situation. Recovery Phase Planning begins immediately. |



**DECLARATION OF EMERGENCY
SUMMIT COUNTY, UTAH**

WHEREAS, Summit County, Utah has experienced a *<<type of the emergency>>* within the community, specifically in *<< name of area(s) affected >>*; and

WHEREAS, persons and property are and will be threatened and damaged unless further efforts are taken to reduce the threat to life and property; and

WHEREAS, this disaster is causing an undesignated amount of damage within *<< name of area(s) affected >>*; and

WHEREAS, the severity and magnitude of this disaster is beyond the response and recovery capabilities of Summit County; and

WHEREAS, there is an emergency present, this may necessitate the activation of the Summit County Emergency Operations Plan and the utilization of emergency powers.

THEREFORE, BE IT PROCLAIMED BY *<<County Manager or Designee>>* THAT

SECTION 1 That it is hereby declared that there is a *<<type of emergency>>* affecting *<< name of area(s) affected >>* which exceeds the resources of summit County and assistance *<<is requested/is not requested>>* by Summit County to provide all necessary resources to combat such emergency to protect the community and provide emergency assistance to victims of such emergency.

SECTION 2 That this Local Declaration of Emergency shall expire thirty (30) days after its initial declaration unless it is reinstated in written form by the County Manager or designee requesting continued assistance.

<<County Manager or Designee>>

Date of Adoption

Approved as to form

Summit County Attorney's Office

Notarized @ Adoption

Chapter 4

EMERGENCY MANAGEMENT

5-4-1: LEGISLATIVE FINDINGS; PURPOSE:

5-4-2: DEFINITIONS:

5-4-3: ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS):

5-4-4: DECLARATION OF EMERGENCY:

5-4-5: DECLARATION OF "LOCAL EMERGENCY" BY POLITICAL SUBDIVISIONS OF THE COUNTY:

5-4-6: AUTHORITY AND DUTIES OF THE COUNTY MANAGER DURING A DECLARED EMERGENCY:

5-4-7: AUTHORITY OF THE COUNTY SHERIFF TO ORDER EVACUATIONS:

5-4-8: ROLE OF THE COUNTY EMERGENCY MANAGER:

5-4-9: ORDERS, RULES AND REGULATIONS HAVING THE FORCE OF LAW:

5-4-10: ACQUISITION OF PROPERTY FOR PUBLIC USE:

5-4-11: EMERGENCY CONTRACTS FOR REPAIR, REMOVAL OR CONSTRUCTION PROJECTS:

5-4-1: LEGISLATIVE FINDINGS; PURPOSE:

- A. The county council finds that existing and increasing threats of the occurrence of destructive disasters resulting from attack, internal disturbance, natural phenomenon, or technological hazard could greatly affect the health, safety and welfare of the residents of Summit County, and it is therefore necessary to grant to the county manager special emergency disaster authority.
- B. It is the purpose of this chapter to assist the county manager to effectively provide emergency disaster response and recovery assistance in order to protect the lives and property of the residents of Summit County. (Ord. 805, 6-12-2013)

5-4-2: DEFINITIONS:

ATTACK: A nuclear, conventional, biological, or chemical warfare action against the United States Of America, the state of Utah or Summit County.

COUNTY: Summit County, Utah.

COUNTY COUNCIL: The legislative body of Summit County under its optional "council-manager" form of government.

COUNTY MANAGER: The chief executive officer of Summit County under its optional "council-manager" form of government.

DECLARATION OF EMERGENCY: A formal proclamation or order issued by the county manager declaring an emergency within Summit County in accordance with Utah Code Annotated.

DISASTER: A situation causing, or threatening to cause, widespread damage, social disruption, or injury of loss of life or

property resulting from attack, internal disturbance, natural phenomenon or technological hazard.

EMERGENCY: A condition in the county which requires that emergency assistance be provided in order to save lives and protect property within the county in response to a disaster, or to avoid or reduce the threat of a disaster.

EMERGENCY MANAGER: The chief advisor to the county manager with respect to organizing resources and cooperators to prepare for, respond to, recover from, and mitigate the effects of emergencies and disasters.

EMERGENCY OPERATIONS CENTER OR EOC: A central command and control facility responsible for carrying out the principles of emergency preparedness and emergency management, or disaster management functions at a strategic level in an emergency situation, and ensuring the continuity of operations of the county.

EMERGENCY OPERATIONS PLAN: The formal plan providing emergency operations procedures to be used during a disaster, which plan shall be fully compliant with the national incident management system (NIMS). The emergency operations plan shall be reviewed and updated on a regular basis.

INCIDENT COMMAND SYSTEM: The combination of facilities, equipment, personnel, procedure and communications operating within a common organizational structure, with responsibility for the management of assigned resources to effectively accomplish stated objectives pertaining to an incident.

INTERNAL DISTURBANCE: A riot, jailbreak, terrorism or strike.

LOCAL EMERGENCY: Those emergencies specified in Utah Code Annotated or successor law.

MUTUAL AID AGREEMENT: An interlocal cooperation agreement between governmental entities entered into pursuant to Utah Code Annotated title 11, chapter 13, for the purpose of providing aid or assistance during a disaster or emergency.

NATURAL PHENOMENON: Any earthquake, tornado, storm, flood, landslide, avalanche, forest or wildfire, drought, epidemic, pestilence, or other natural disaster.

TECHNOLOGICAL HAZARD: Any hazardous materials accident, mine accident, train derailment, truck wreck, air crash, radiation incident, pollution, structural fire or explosion. (Ord. 805, 6-12-2013)

5-4-3: ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS):

Summit County hereby adopts the "national incident management system" (NIMS) as promulgated by the homeland security presidential directive (HSPD)-5, management of domestic incidents (February 2003), as amended. All county departments shall utilize NIMS in response to all disasters within the county. (Ord. 805, 6-12-2013)

5-4-4: DECLARATION OF EMERGENCY:

A. A "declaration of emergency" may be issued by the county manager if the manager finds a disaster has occurred or the occurrence or threat of a disaster is imminent in any area of the county in which county government response or recovery is required or assistance is required to supplement the response and recovery of any political subdivision of the county. Any order or proclamation declaring, continuing, or terminating an emergency shall be filed promptly with the county clerk.

1. In the event that the county manager is incapacitated or otherwise unavailable, the assistant county manager shall exercise the powers of the county manager as set forth in this chapter.
 2. In the event that the assistant county manager is incapacitated or otherwise unavailable, the emergency manager shall exercise the powers of the county manager as set forth in this chapter.
- B. A "declaration of emergency" shall not be continued or renewed for a period in excess of thirty (30) calendar days except by or with the consent of the county council.
- C. All proclamations or orders issued under this chapter shall include the following:
1. The nature of the emergency;
 2. The area or areas that are affected or threatened; and
 3. The conditions which caused the emergency.
- D. When the county manager issues a "declaration of emergency", the county's emergency response will operate as outlined in the emergency operations plan. The incident command system shall be utilized.
- E. If necessary, the county manager shall activate the EOC.
- F. Notice of the "declaration of emergency" shall be sent to the governor. (Ord. 805, 6-12-2013)

5-4-5: DECLARATION OF "LOCAL EMERGENCY" BY POLITICAL SUBDIVISIONS OF THE COUNTY:



- A. A declaration of a "local emergency" by any political subdivision of Summit County is official recognition that a disaster situation exists within the affected political subdivision and provides a legal basis for the county manager to request and obtain state or federal government disaster assistance as set forth in subsection [5-4-4D](#) of this chapter.
- B. Notice of any "local emergency" declared by any political subdivision shall be promptly conveyed to the county manager or emergency manager. Said notice may be conveyed verbally to the county manager and emergency manager so long as a written notification follows within twenty four (24) hours.
- C. The county manager may provide the requested assistance and resources based on an evaluation of the resources utilized by the political subdivision, the sufficiency of the political subdivision's emergency response plan and reserves, and Summit County's available resources.

- D. In the event that the county manager determines that the county is unable to provide the necessary assistance to the political subdivision, the manager may issue a "declaration of emergency" on behalf of the county and forward such to the governor in accordance with section [5-4-4](#) of this chapter. (Ord. 805, 6-12-2013)

5-4-6: AUTHORITY AND DUTIES OF THE COUNTY MANAGER DURING A DECLARED EMERGENCY:



- A. The county manager, during a declared emergency, is authorized and empowered to:
1. Enact rules and regulations or temporarily suspend ordinances, rules or regulations when necessary to save human life and protect property for a period not to exceed seven (7) calendar days unless approved by the county council;
 2. Utilize all available resources as reasonably necessary to cope with the emergency;
 3. Employ measures and give direction to county and local officials and agencies which are reasonable and necessary for the purpose of securing compliance with the provisions of this chapter and with orders, rules, and regulations made pursuant to this chapter;
 4. Order an evacuation of all or part of the population from any stricken or threatened area within the county, if necessary for the preservation of life;
 5. In connection with evacuation, suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles or other hazardous materials, except that the county manager may not restrict the lawful bearing of firearms;
 6. Establish curfews for the protection of life and property in the affected areas;
 7. Establish price freezes to prohibit the practice of "price gouging" for items in short supply or high demand in the affected area;
 8. Establish the ration of critical supplies necessary to sustain life;
 9. Approve routes, modes of transportation and destination in connection with an evacuation;
 10. Control ingress and egress to and from a disaster area, the movement of persons within the area, and approve the occupancy or evacuation of premises in a disaster area;
 11. Clear or remove from publicly or privately owned land or water, debris or wreckage which may threaten public health or public safety; however, where there is not an immediate threat to public health or safety, the county manager shall not exercise this authority in relation to privately owned land or waters unless: a) the owner authorizes the employees of designated local agencies to enter upon the private land or waters to perform any tasks necessary for the removal or clearance of debris or wreckage, and b) the owner provides an unconditional authorization for removal of the debris or wreckage and agrees to indemnify the local and state government entities against any claim arising from the removal;
 12. Establish temporary shelters for the housing of evacuated persons;
 13. Invoke the provisions of any mutual aid agreement or compact entered into by Summit County;
 14. Transfer the direction, personnel, or functions of any county department, agency or units thereof for the purpose

of performing or facilitating emergency services;

15. Consult with the county council within seventy two (72) hours of the "declaration of emergency" provided for in section [5-4-4](#) of this chapter, so as to inform the council of the nature of the emergency and actions being undertaken in response thereto.
16. Perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population during a declared emergency.

- B. The county manager shall keep the county council and other elected officials of the county reasonably informed as to the scope and duration of the emergency, as well as to the plan of operations to cope with the emergency. (Ord. 805, 6-12-2013)

5-4-7: AUTHORITY OF THE COUNTY SHERIFF TO ORDER EVACUATIONS:

- A. The county sheriff is hereby empowered to order an evacuation of all or part of the population from a stricken or threatened area within the county, if necessary for the preservation of life.
- B. The evacuation may not exceed a period of thirty six (36) hours without the express written consent of the county manager. (Ord. 805, 6-12-2013)

5-4-8: ROLE OF THE COUNTY EMERGENCY MANAGER:

- A. The emergency manager serves under the direction of the county manager and serves at his or her pleasure.
- B. The emergency manager shall have the following powers, duties and responsibilities:
 1. Budgeting, accounting, and documenting all areas pertaining to emergency management, including grants, training, and EOC operations;
 2. Applying for state and federal emergency management grants and programs;
 3. Coordinating resources that may be utilized during an emergency through mutual aid agreements or other methods;
 4. Advising the county manager and county council on emergency management issues;
 5. Training county employees, including planning practical exercises and the promotion of continuing emergency management education;
 6. Drafting the emergency operations plan for approval by the county manager and county council;

7. Managing records pertaining to emergencies;
8. Issuing an "after action report" with regard to all emergencies where the EOC has been activated.

C. During a "declaration of emergency", the emergency manager shall:

1. Exercise supervisory control over the EOC;
2. Coordinate resources from local, state and federal agencies;
3. Manage volunteers;
4. Assist the incident commander. (Ord. 805, 6-12-2013)

5-4-9: ORDERS, RULES AND REGULATIONS HAVING THE FORCE OF LAW:

All orders, rules and regulations promulgated by the county manager shall have the full force and effect of law during the declared emergency, provided a copy thereof is filed with the county clerk. (Ord. 805, 6-12-2013)

5-4-10: ACQUISITION OF PROPERTY FOR PUBLIC USE:

A. Upon a "declaration of emergency", the county manager may purchase or lease public or private property for public use including:

1. Food;
2. Medical supplies;
3. Clothing;
4. Shelter;
5. Means of transportation;
6. Fuels and oils; and
7. Building or land.

B. Such purchases under authority of this chapter may be used for any purpose to meet the needs of an emergency, including its use to relieve want, distress, and disease. (Ord. 805, 6-12-2013)

5-4-11: EMERGENCY CONTRACTS FOR REPAIR, REMOVAL OR CONSTRUCTION PROJECTS:



A. In the event of a "declaration of emergency", the county manager may contract for repairs, construction, removal of debris, or maintenance of public improvements or public improvement projects that may be reasonable and necessary as the result of the emergency in order to alleviate the emergency or its consequences without obtaining bids or bonds, subject to the following:

1. Emergency contracts shall be made with as much competition as practicable under the circumstances; and
2. A written determination of the basis for the emergency, the selection of the particular contractor, and the actions of the county manager in entering into the contract shall be submitted to the county council as soon as reasonably possible thereafter. (Ord. 805, 6-12-2013)