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Saguache County Government
**Civil Emergency, Emergency, or Local
Disaster Regulations**

Resolution Number:
2021 - 07

Adopted by Resolution:
September 21, 2021

Saguache County Government Civil Emergency, Emergency, or Local Disaster Regulations

Purpose:

To provide the basic governmental functions of maintaining the public peace, health, and safety before, during, and after, an emergency or disaster, including prevention, mitigation, preparedness, response, and recovery, as intended by the Colorado Disaster Emergency Act (C.R.S. 24-33.5-701) as amended.

A. Definitions

1. "Disaster" means the occurrence of a natural catastrophe, technological accident, or human- caused event that has resulted in severe property damage, deaths, and/or multiple injuries, including, but not limited to: fire, plague, spill, or any water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, civil disturbance or hostile military, or para-military action.

2. "Emergency" means any occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural catastrophe, technological accident, or human- caused event 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.

3. "Emergency Management" means the marshaling of all resources available to meet all potential disasters or emergencies under coordinated management. The phases of emergency management are prevention, mitigation, preparedness, response, and recovery.

4. "Prevention" means actions to avoid an incident or to intervene to stop an incident from occurring. Prevention involves actions to protect lives and property. It involves applying intelligence and other information to a range of activities that may include such countermeasures as deterrence operations; heightened inspections; improved surveillance and security operations; investigations to determine the full nature and source of the threat; public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and, as appropriate, specific law enforcement operations aimed at deterring, preempting, interdicting, or disrupting illegal activity, and apprehending potential perpetrators and bringing them to justice.

4. "Mitigation" means any activities designed to reduce or eliminate risks to persons or property or to lessen the actual or potential effects or consequences of an incident. Mitigation measures may be implemented prior to, during, or after an incident. Measures may include zoning and building codes, floodplain buyouts, and

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analysis of hazard related data to determine where it is safe to build or locate temporary facilities. Mitigation can include efforts to educate governments, businesses, and the public on measures they can take to reduce loss and injury.

5. "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.

6. "Recovery" means the development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private sector, non-governmental and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents.

7. "Continuity of Operations Plan" (COOP) means the development and maintenance of a plan to relocate operations without the loss of basic government functions.

B. Authority

1. Spending authority granted to the County Emergency Manager:

a. The Board of County Commissioners (BOCC) has delegated contractual and spending authorities to the Board Chair, County Administrator and/or in the absence of the BOCC and County Administrator the County Emergency Manager for up to 72 hours in the event of an emergency as described in Section A, paragraph 2 of this document. If the Board of County Commissioner and County administrator is un-available to make a disaster declaration and make contractual or spending decision on behalf of Saguache County, the County Emergency Manager is authorized to make the contractual and spending decision until such time that a Board of County Commissioner and County Administrator can be reached to declare the emergency.

b. The spending authority of the Board Chair/County Administrator/County Emergency Manager in the absence of the Board of County Commissioners is as follows:

(1) \$100,000 may spent in the first twenty-four hours of the emergency starting at the dispatch time of onset.

(2) \$50,000 may be spent every twelve hours starting at the end of the first twenty-four hours.

(3) The spending limits are not to exceed \$300,000.

c. This delegation of authority will remain current until a change of County Emergency Manager at which time this delegation will be terminated.

d. The Board of County Commissioners may elect by resolution to delegate these spending authorities to the succeeding County Emergency Manager at the discretion of the Board.

2. The duties and powers of the Chair of the BOCC shall Include, but shall not be limited to the following:

a. The Chair of the BOCC may declare that a disaster or emergency exists within Saguache County. Such declaration shall continue for a period not to exceed seventy-two (72) Hours. Such declaration may be continued or renewed with the consent of the majority of the Board of County Commissioners.

b. Allocate emergency funds when costs of the disaster exceed authorized emergency response budgets.

c. The Chair of the BOCC shall have access to the County emergency funds mandated by the Taxpayer's Bill of Rights (TABOR) as set forth in article X, section (5) entitled Emergency Reserves, of the Colorado Constitution. Funds utilized pursuant to this chapter shall be replenished no later than the conclusion of the following fiscal year.

d. The Chair of the BOCC during a state of disaster, may, on behalf of the County, enter into reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements, or other compacts or plans with other entities as appropriate for the protection of life and property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel and/or services, and any other topics relevant to planning and response to a disaster.

(1) Upon the issuance of civil emergency, emergency, or local disaster declaration, the Chair of the BOCC may exercise the following powers, including, but not limited to: An order establishing a curfew during such hours of the days or nights and affecting such categories of persons as may be designated.

(2) An order to direct and compel the evacuation of all or a part of the population from any stricken or threatened areas within the county if the Chair of the BOCC deems this action is necessary for the preservation of life, property, or other civil emergency, emergency, or local disaster mitigation,

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response, or recovery activities and to prescribe routes, modes of transportation, and destination in connection with an evacuation.

- (3) An order controlling, restricting, allocating or regulating the use, sale, production or distribution of food, water, clothing, and other commodities, materials, goods, services, and resources.
- (4) An order requiring the closing of businesses deemed nonessential by the Chair of the BOCC.
- (5) An order suspending or limiting the sale, distribution, dispensing, or transportation of alcoholic beverages, firearms, explosives, and/or combustible products and requiring the closing of those businesses or parts of businesses insofar as the sale, distribution, dispensing or transportation of these items is concerned.
- (6) An order prohibiting the sale or distribution within the county of any products which, the Chair of the BOCC determines, could be employed in a manner that would constitute a danger to public health or safety.
- (7) An order closing any streets, alleys, sidewalks, public parks, public ways, or other public places.
- (8) An order closing the access to any buildings, streets, alleys, sidewalks or other public or private places.
- (9) An order establishing control routes of transportation ingress or egress.
- (10) An order imposing traffic restrictions to control ingress and egress from a civil emergency, emergency, or local disaster, including prohibiting all traffic except for vehicles operated by individuals deemed essential by the Chair of the BOCC to assist in the emergency operations and prohibiting any person to stop, stand, park or abandon any vehicle in a right-of-way that in the discretion of a police officer obstructs emergency operations or snow removal operations and such vehicle shall be subject to removal.
- (11) Subject to any applicable requirements for compensation, commandeering, or use any private property if the Chair of the BOCC finds this action necessary to cope with the civil emergency, emergency, or local disaster.
- (12) Appropriate and expend funds, execute contracts, authorize the obtaining and acquisition of property, equipment, services, supplies, and materials without the strict compliance with procurement regulations or

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procedures.

(13) Transfer the direction, personnel, or functions of county departments and agencies for the purposes of performing or facilitating civil emergency, emergency, or local disaster services.

(14) Utilize all available resources of the county as may be reasonably necessary to cope with the civil emergency, emergency, or local disaster whether in preparation for, response to, or recovery from a civil emergency, emergency, or local disaster.

(15) Suspend or modify the provisions of any resolution if strict compliance thereof would in any way prevent, hinder, or delay necessary action in coping with any civil emergency, emergency, or local disaster.

(16) Accept services, gifts, grants and loans, equipment, supplies, and materials whether from private, nonprofit, or governmental sources.

(17) Suspend or limit the use of the county's water resources.

(18) Require emergency services of any county officer or employee. If regular county forces are determined to be inadequate, then to acquire the services of such other personnel as are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities provided by state law.

(19) Hire or contract for construction, snow removal, engineering, architectural, building, electrical, plumbing, and/or other professional or construction services essential to continue the activities of the county without the advertising of bids or compliance with procurement requirements.

(20) Make application for local, state, or federal assistance.

(21) Terminate or suspend any process, operation, machine, device, or event that is or may negatively impact the health, safety, and welfare of persons or property within the county.

(22) Delegate authority to such county officials as the Chair of the BOCC determines reasonably necessary or expedient.

(23) Require the continuation, termination, disconnection, or suspension of natural gas, electric power, water, sewer, or other public utilities.

(24) Close or cancel the use of any county owned or operated building or

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other public facility.

(25) Prescribe routes, modes of transportation, and destination in connection with any evacuation.

(26) Exercise such powers and functions considering the exigencies of civil emergency, emergency, or local disaster including the waiving of compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto.

(27) Issue any and all other order or undertake such other functions and activities as the Chair of the BOCC reasonably believes is required to protect the health, safety, or welfare of persons or property within the county, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of any civil emergency, emergency, or local disaster. The declaration of emergency shall list the restrictions applicable to that circumstance by reference to the individual subsections of this section. The restrictions may be changed during the period of the declaration based upon the discretion of the Chair of the BOCC.

3. Succession of Authority

If the Chair of the BOCC is unavailable, the line of succession of authority shall be delegated by seniority of office of the remaining two Commissioners. If none of the three BOCC members are available the County Administrator shall be delegated this authority. In the event all members of the BOCC and the County Administrator are unavailable or absent, the County Emergency Manager will be delegated this authority.

4. Authority to enter property

During the period of a declared civil emergency, emergency, or local disaster, a county employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that there is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto the private land will allow the person to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize danger to lives or property from the declared civil emergency, emergency, or local disaster.

5. The Office of Emergency Management is hereby empowered to:

- a. Prepare and keep current a plan to be known as the Saguache County Emergency Operations Plan (EOP). The Emergency Operations Plan will be consistent with the standards and principles of the National Incident

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Management System endorsed by the Department of Homeland Security.

b. Seek, obtain, or assist in obtaining supplies, equipment, and services needed for the protection of the life and property of the people of Saguache County in accordance with the emergency funds allocated by the Board of County Commissioners

c. Direct disaster preparedness coordination and cooperation between the divisions, services, and staff of Saguache County, and resolve questions of authority and responsibility that may arise between such divisions, services, and staff, except as expressly authorized by the Saguache County Sheriff and the Board of County Commissioners.

d. Represent Saguache 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.

e. Receive on behalf of Saguache 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 Saguache County Sheriff.

f. Negotiate on behalf of Saguache 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 Saguache 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 officials who may be involved in performance of any obligations contained in any such agreement.

g. In the event of a declared disaster or emergency, act under the direction of the County Emergency Manager, Board of County Commissioners, and Sheriff, or the designated representative, in the interests of mitigation and recovery from such disaster or emergency.

6. The duties and powers of the elected officials, appointed officials and Department Heads shall include, but shall not be limited to the following:

a. During a disaster, each elected official, appointed official, and Department Head will participate when requested by providing resources under their

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control, filling any statutory requirement they may have, and ensuring appropriate representation at the Emergency Operations Center (EOC).

b. Prior to a disaster, develop and maintain a Continuity of Operations Plan (COOP) to ensure operations continue without the loss of basic government functions.

7. Declaration of Disaster or Emergency

a. The effect of a declaration of an emergency or a disaster shall be to activate the response and recovery aspects of all applicable disaster or emergency plans of Saguache County. Such a declaration shall also authorize the furnishing of all aid and assistance provided for under such plans.

b. Any order or proclamation declaring, continuing, or terminating a disaster or emergency shall be filed promptly with the Colorado Department of Public Safety Office of Homeland Security and Emergency Management and filed with the Clerk to the Board under the Clerk and Recorder of Saguache County. Such order or proclamation shall be promptly distributed to the county public information officer (PIO) for information sharing purposes.

8. Location of Governing Body Meetings and Departments

a. Whenever a civil emergency, emergency, or local disaster makes it imprudent or impossible to conduct the affairs of the county at its regular locations, the governing body may meet at any place, inside or outside the county limits or may meet via the telephone or other electronic means. Any temporary civil emergency, emergency, or local disaster meeting location for the governing body shall continue until a new location is established or until the civil emergency, emergency, or local disaster is terminated and the governing body is able to return to its normal location.

b. When a civil emergency, emergency, or local disaster makes it imprudent or impossible to conduct the affairs of any department of the county at its regular location, such department may conduct its business at any place, inside or outside the county limits, or may meet via the telephone or other electronic means, and may remain at the temporary location until the civil emergency, emergency, or local disaster is declared ended or until the department is able to return to its normal location.

c. The Board of County Commissioners may request the use of the Saguache County Road and Bridge Office, Public Health Office, and or the San Luis Valley Regional Emergency Operations Center during a disaster declaration in which County offices become either overwhelmed requiring expansion, the County Courthouse has been deemed unsafe for human occupation, or additional

facilities are required to effectively manage the emergency. The Saguache County Road and Bridge Office, Public Health Office, and or the San Luis Valley Regional Emergency Operations Center will do their best to provide assistance. The nature of the situation, associated needs, available alternatives, and Public Health and SLV Regional Emergency Operations Center needs at that time will all be considered by the respective parties in their determination of the level of assistance that they can offer.

d. When a civil emergency, emergency, or local disaster makes it imprudent or impossible for the Board of County Commissioners, or any county committee, board, or authority to meet at a previously scheduled date and time, such meeting shall be deemed to be postponed until a quorum of the Board of County Commissioners, county committee, board or authority is able to meet.

e. Any official act or meeting required to be performed at any regular location of the governing body or of its departments is valid when performed at any temporary location, in person or via electronic means, under this section.

f. The provisions of this section shall apply to all executive, legislative and judicial branches, powers, and functions conferred upon the county and its officers, employees, and authorized agents by the Colorado Constitution and Colorado Statutes.

9. Severability

The provisions of this chapter are declared to be severable, and if any section, sentence, clause, or phrase of this chapter shall for any reason be held to be invalid or unconstitutional or if the application of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the validity of the remaining sections, sentences, clauses and/or phrases of this chapter.


WHEREAS, the **County of Saguache** and Board of County Commissioners has considered said Saguache County Civil Emergency, Emergency, or Local Disaster Regulations and determined that it is in the best interest of the citizens of Saguache County to approve said regulations.

APPROVED AND ADOPTED at a regular meeting of the Board of County Commissioners, County of Saguache, State of Colorado held this 21st day of September, 2021.


COUNTY OF SAGUACHE, STATE OF COLORADO
By and through its
BOARD OF COUNTY COMMISSIONERS

By: 
Tim Lovato, Chairperson


Thomas McCracken, Commissioner


Lynne Thompson, Commissioner

- The Saguache County Emergency Manager has reviewed and approved this document in its entirety.


Robert "Bobby" Woelz, CO-CEM®
Director, Saguache County Office of Emergency Management

ATTEST:


Trish Gilbert, Clerk & Recorder



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