

TAB A - BASIC PLAN (RESOLUTION No.79-5)

A RESOLUTION RELATING TO COCHISE COUNTY CIVIL DEFENSE AND EMERGENCY SERVICES, THE EMERGENCY POWERS AND AUTHORITY OF THE BOARD OF SUPERVISORS AND IMPLEMENTING THE PROVISIONS OF A.R.S., SECTION 26-301 et seq. (CHAPTER 51, LAWS OF 1971, FIRST REGULAR SESSION).

WHEREAS, the rendition of civil defense and emergency services is the responsibility of Cochise County acting unilaterally and in conjunction with the State of Arizona, other political subdivisions and municipalities of the State, the United States of America, and agencies of the private sector, and

WHEREAS, the Board of Supervisors recognizes its responsibility to be prepared to cope with the effects of natural, war caused or other man-made disasters which endanger the life, property and resources of this County, and to provide for the health, welfare and safety of the people of this County, and for the preservation of property, and thus deems it necessary and expedient to adopt this resolution, and

WHEREAS, the authority to make, amend and rescind orders, rules and regulations necessary for emergency functions, including mutual aid, not inconsistent with those promulgated by the Governor of this State, is contained in A.R.S., Section 26-301 et seq. (Chapter 51, Laws of 1971, First Regular Session), in the emergency plans and programs promulgated thereunder, in the Federal Civil Defense Act of 1950, as amended, (Public Law 81-920), in the Federal Civil Defense Guides, rules and regulations, and in the Disaster Relief Act of 1970, (Public Law 91-606,) and

WHEREAS, it is apparent that civil defense and emergency services activities can primarily be undertaken and discharged most efficiently by existing departments and agencies of County government whose normal activities and capabilities are related to civil defense and emergency requirements, and

WHEREAS, the State of Arizona has promulgated emergency plans, programs and procedures which are in effect in each political subdivision of the State, including Cochise County, and the governing body of each such political subdivision is required to take such action as is necessary to carry out the provisions thereof, including the development of additional emergency plans in support of the state emergency plans, and

WHEREAS, it is the purpose of this resolution to define the emergency powers and authority of the Board of Supervisors and the duties of the Director of the Cochise County Department of Civil Defense and Emergency Services, to create plans and programs related to emergency services, to provide the necessary cooperation and coordination, to the extent possible with similar services of the State, political subdivisions of the State, various agencies of and departments of the federal government and agencies of the private sector,

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COCHISE COUNTY BOARD OF SUPERVISORS:

Section 1. Definitions

In this resolution, unless the context otherwise requires,

- a) "Emergency Functions" include warning and communications services, relocation of persons from stricken areas, radiological defense, temporary restoration of utilities, plant protection,

transportation, welfare, engineering, search, rescue, health law enforcement, fire fighting and other activities necessary or incidental thereto.

b) "Emergency Services" means the preplanning and preparation necessary to carry out emergency functions, other than functions for which military forces or federal agencies are primarily responsible, to prevent or minimize the loss of lives or property by disasters of every kind.

c) "Local Emergency" means the existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of Cochise County, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this County as determined by the Board of Supervisors and which require the combined efforts of other political subdivisions.

d) "State of Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the State caused by air pollution, fire flood or flood water, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the control of the services personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the State and the political subdivisions.

e) "State of War Emergency" means the condition which exists immediately whenever this nation is attacked or upon receipt by this state of warning from the federal government indicating that such an attack is imminent.

f) "Private Sector" means all industry, commerce, business or banking; all services other than those provided by the government; and all persons other than those in governmental agencies at any level.

Section 2. Powers

a) The Board of Supervisors, pursuant to the provisions of A.R.S., Section 26-307, has the power to make, amend and rescind orders, rules and regulations necessary for emergency functions and regulations but such shall not be inconsistent with orders, rules and regulations promulgated by the Governor of this State. Such orders, rules or regulations shall be effective when a copy is filed in the Office of the Clerk of the Board of Supervisors of Cochise County. Existing resolutions, rules and regulations in conflict with Chapter 51, Laws of 1971, First Regular Session, are suspended during the time of emergency and to the extent that they may conflict.

b) In a state of war emergency, the Board of Supervisors may waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when the Board of Supervisors determines and declares that strict compliance with such procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency. The County shall be exempt during such emergency from budget limitations prescribed by A.R.S., Section 42-303.

c) In the absence of specific authority in state emergency plans and programs, the Board of Supervisors will take emergency measures as deemed necessary to carry out the provisions of Chapter 51, Laws of 1971, First Regular Session.

d. This resolution, upon its adoption, constitutes authority, subject only to the absence or unavailability of one or more other Board of Supervisors members, either in person, by telephone or by radio, pursuant to the provisions of A.R.S., Section 26-311, for the Chairman of the Board of Supervisors to declare an emergency and, during such emergency, to govern by proclamation and to impose all necessary regulations to preserve the peace and order of the unincorporated areas of Cochise County, including, but not limited to:

1. Imposition of curfews in all, or portions of, the County.
2. Ordering the closing of any business.
3. Closing to public access any public building, street, or other public area.
4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the County for assistance.

In periods of local emergency, including an emergency declared by chairman of the Board of Supervisors, pursuant to A.R.S., Section 26-311 (A), the County has full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefore.

Section 3. Duties of Director

The Director of the Cochise County Civil Defense and Emergency Services Department [sic - now referred to as Cochise County Emergency Services] , subject to the direction and control of the Board of Supervisors, shall be responsible for the organization, administration and operation of Cochise County Emergency Services. In accordance with the provisions of A.R.S., Section 26-312, the Director may, with approval of the Board of Supervisors, accept for purposes of emergency services an offer of the Federal government or an agency thereof, or an offer of any person, firm or corporation of services, equipment, supplies, material or funds, whether by gift, grant or loan.

There is hereby granted to the Director the authority

a) During non-emergency periods

1. To coordinate County emergency services plans, procedures, programs and other civil defense and emergency services activities with Federal agencies, State of Arizona adjoining County agencies, political subdivisions and municipalities of the State and with the private sector.
2. To insure compliance with the provisions of A.R.S., Section 26-301 et seq. (Chapter 51, Laws of 1971, First Regular Session).
3. To insure conformance with State emergency plans and procedures.
4. To achieve adequate operational readiness, adequacy of training programs and proper utilization of civil defense, emergency equipment and supplies.
5. To make such studies and surveys of the private sector as may be necessary to ascertain the capabilities of the County for civil defense and emergency services, and to plan for the most efficient use thereof.

6. To recommend to the Board of Supervisors for delegation to the various departments and agencies of the County, appropriate civil defense and emergency services responsibilities; and to coordinate the emergency activities of all such departments and agencies.
- b. During declared emergencies:
1. To coordinate the emergency activities of all Cochise County Departments and agencies.
 2. To coordinate the emergency activities of Cochise County with Federal agencies, State of Arizona, adjoining county agencies, political subdivisions and municipalities of the State, and with the private sector, to achieve the most effective use of personnel, equipment, services, facilities, and other existing available resources.
 3. To utilize the services, resources and facilities of existing departments and agencies of County Government; and, when necessary, to recommend to the Board of Supervisors the creation of new agencies or call upon the private sector to perform emergency tasks and functions unavailable in departments and agencies of the county.

Section 4. Enforcement

The law enforcement authorities of the county shall enforce all orders, rules and regulations issued pursuant to this resolution.

Section 5. Immunity

Cochise County, its officers, agents, employees and volunteers duly enrolled or registered with the Department of Civil Defense and Emergency Services, and unregistered persons placed into service during a state of war emergency, are immune from liability as provided in A.R.S., Section 26-314.

Section 6. Severability

It is intended that the provision of this Resolution are severable. If any part thereof is declared invalid for any reason, such determination shall not affect the remaining provisions, thereof.

Section 7. Repeal

The County Civil Defense Resolutions of October 11, 1966 and May 11, 1971 are to continue to be in effect and where, if any, conflict exists, this Resolution is to be controlling.
Passed in open session this 26th day of February, 1979.

BOARD OF SUPERVISORS
Cochise County, Arizona

By Signed
Judith A. Gignac, Chairman

 Signed
Madeline M. Corrin, Clerk

Approved as to Form:

Signed Jody N. Klein
County Attorney