

**RESOLUTION ADOPTING AMENDMENTS TO THE LARIMER COUNTY CODE
REGARDING EMERGENCY PREPAREDNESS**

WHEREAS:

1. The Larimer County Office of Emergency Management has proposed to amend the Larimer County Code, Chapter 18 (Civil Emergencies), Article II (Emergency Preparedness), Division 2 (Local Emergency Planning Committee) and Division 3 (Plans and Procedures).

2. Division 2 and Division 3 of Article 2, Chapter 18 of the Larimer County Code establish the Local Emergency Planning Committee and Office of Emergency Management. Since the adoption of these provisions, the titles of State agencies involved in emergency management have changed and need to be updated. In addition, a more precise organizational structure for the Office of Emergency Management and Local Emergency Planning Committee will aid Larimer County in any future emergency or disaster event. The remaining proposed changes are minor in nature and clarify the existing Code language.

3. The proposed amendments were presented to the Board of County Commissioners of Larimer County at a public hearing on September 2, 2014, in the hearing room of the Larimer County Courthouse, which public hearing was advertised in a newspaper of general circulation.

4. The Board finds the amendments shown on Exhibit "A" attached hereto are consistent with and in furtherance of Larimer County's obligations under the Colorado Disaster Emergency Act of 1992, as amended, and will promote the health, safety and welfare of the citizens of Larimer County.

NOW, THEREFORE BE IT RESOLVED:

That the Larimer County Code shall be and is hereby amended as shown on Exhibit "A" attached hereto, said amendments to be effective as of November 18, 2014.

Dated: November 18, 2014



ATTEST:

Melissa Cookman
Deputy Clerk to the Board

BOARD OF COUNTY COMMISSIONERS,
LARIMER COUNTY, COLORADO

By: [Signature]

Chair

Date: 11-13-14
Approved as to form:

[Signature]
County Attorney
Deputy

PART I - GENERAL CODE
Chapter 18 - CIVIL EMERGENCIES
ARTICLE II. - EMERGENCY PREPAREDNESS

DIVISION 2. LOCAL EMERGENCY PLANNING COMMITTEE

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Sec. 18-46. Membership.

Sec. 18-47. Attendance; compensation.

Sec. 18-48. Appointment.

Sec. 18-49. Quorum.

Sec. 18-50. Bylaws and rules.

Sec. 18-51. Chair and vice-chair.

Sec. 18-52. Subcommittees; executive board.

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Sec. 18-56. Public disclosure.

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Sec. 18-59. Annual report.

Sec. 18-60. Delegation of responsibility.

Sec. 18-61. Approval of bylaws.

Secs. 18-62—18-80. Reserved.

Sec. 18-46. Membership.

The members of the local emergency planning committee ("LEPC") ~~should~~^{shall} consist of members from the following groups or organizations: emergency management ~~coordinator~~, county commissioner, designated emergency response authority (D.E.R.A.), county health, county sheriff's office, county schools, Colorado State University, American Red Cross, Colorado State Patrol, business/industry, emergency medical facilities, media, transportation, environmental, and public at large.

(Res. No. R95-122g, § 1, 8-16-1995)

Sec. 18-47. Attendance; compensation.

Members will be designated by name to be members, but may designate other employees or persons associated with organizations to attend and act as voting members at local emergency planning committee functions. Members of the local emergency planning committee shall serve without compensation.

(Res. No. R95-122g, § 2, 8-16-1995)



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Sec. 18-48. Appointment.

Upon determination of the members, the board of county commissioners will refer the list of nominees to the state emergency planning commission for official appointment, in accordance with C.R.S. § 24-32-2604(2).

(Res. No. R95-122g, § 3, 8-16-1995)

Sec. 18-49. Quorum.

A quorum for the local emergency planning committee shall consist of eight members. With a quorum of the local emergency planning committee present, only a vote of the majority of these present shall be necessary to take action. [Teleconference voting is permitted.](#)

(Res. No. R95-122g, § 4, 8-16-1995)

Sec. 18-50. Bylaws and rules.

Bylaws and related rules establishing the procedures, organization and operation of the local emergency planning committee shall be adopted by the local emergency planning committee and approved by the board of county commissioners. All bylaws and rules of the local emergency planning committee shall be consistent with this division, SARA Title III and the state act, C.R.S. § 24-32-2601 et seq.

(Res. No. R95-122g, § 5, 8-16-1995)

Sec. 18-51. Chair and vice-chair.

The local emergency planning committee shall elect a chair and vice-chair, and secretary/treasurer (one or two persons), along with any other officers or subcommittee heads the local emergency planning committee deems prudent and necessary.

(Res. No. R95-122g, § 6, 8-16-1995)

Sec. 18-52. Subcommittees; executive board.

The local emergency planning committee may create and run any subcommittees it deems prudent and necessary. The local emergency planning committee may establish an executive board which must be made up of the officers and the county commissioner liaison. No action of the executive board shall be final unless approved by the local emergency planning committee.

(Res. No. R95-122g, § 7, 8-16-1995)

Sec. 18-53. Administrative support.

The county Office of Emergency Management (OEM) shall provide administrative support for the local emergency planning committee. This includes providing all required notifications, preparing agenda and minutes for local emergency planning committee meetings, maintaining local emergency planning committee records, receiving all public comments and inquiries directed to the local emergency planning committee, and handling all correspondence and other paperwork for the local emergency planning

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committee. Annually, the Office of Emergency Management shall include in its budget requests a line item to cover these costs. The board of county commissioners does not warrant, by this division, that it will provide the funds necessary to finance all duties or other activities of the local emergency planning committee that may be mandated by SARA Title III or its implementing regulations.

(Res. No. R95-122g, § 8, 8-16-1995)

Sec. 18-54. Legal advisor.

The county attorney's office is hereby authorized to act as legal advisor for the local emergency planning committee.

(Res. No. R95-122g, § 9, 8-16-1995)

Sec. 18-55. Open meetings.

All meetings of the local emergency planning committee, its subcommittees and its executive board shall be open to the public. The local emergency planning committee shall comply with all requirements of the Colorado Sunshine Act, C.R.S. § 24-6-401 et seq.

(Res. No. R95-122g, § 10, 8-16-1995)

Sec. 18-56. Public disclosure.

Except as otherwise provided by law, the local emergency planning committee shall comply with the public disclosure requirement under SARA Title III, Section 324, and the Colorado Open Records Act, C.R.S. § 24-72-201 et seq. The local emergency planning committee shall withhold any "trade secrets" as prescribed by SARA Title III, Section 322, and its implementing regulations. Upon request of the owner or operator of any reporting facility, the local emergency planning committee shall withhold, as prescribed in SARA Title III, Section 324(a), from public disclosure the location of any specific chemical required by Section 312(d) (2) of SARA Title III.

(Res. No. R95-122g, § 11, 8-16-1995)

Sec. 18-57. Duties.

As set forth in C.R.S. § 24-32-2604(3), the local emergency planning committee shall perform the duties described in SARA Title III and its implementing regulations, including the preparation, updating and public dissemination of an emergency plan and the handling of all notification, reporting, and public inquiry requirements, in accordance with SARA Title III. The local emergency planning committee shall coordinate its activities, as needed, with the state office of emergency management within the division of local government and other pertinent federal and state agencies.

(Res. No. R95-122g, § 12, 8-16-1995)

Sec. 18-58. Grants and funding.

Whenever possible and appropriate, the local emergency planning committee shall make reasonable efforts to obtain federal and/or state grants or other moneys to help finance the costs of engaging in activities prescribed under section 18-57. Where the state requires that such funds be deposited into

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county accounts for expenditure by the local emergency planning committee, they must be processed through the county treasurer's office and the accounting services department. Whenever the expenditure of such federal or state grants or other moneys involves the use of private services or goods, the procurement of such services or goods shall comply with any applicable federal or state regulations or guidelines; however, when appropriate, the services of the county purchasing department may be utilized.

(Res. No. R95-122g, § 13, 8-16-1995)

Sec. 18-59. Annual report.

At least once annually, the local emergency planning committee shall present a report to the board of its past year's activities, and its upcoming year's goals. Along with the report, a written accounting of all moneys spent, from whatever source, shall be given. This shall be done by the time schedule and means prescribed by established county procedures.

(Res. No. R95-122g, § 14, 8-16-1995)

Sec. 18-60. Delegation of responsibility.

SARA Title III, under Section 301(a), appears to delegate all responsibility for the creation and operation of local emergency planning committees to the state emergency response commissions. However, the state act is less clear as to the responsibilities of the state emergency planning commission and the [State Division of Homeland Security and Emergency Management](#)~~state office of emergency management~~ within the [Department of Public Safety](#)~~division of local government~~ with respect to the local emergency planning committees. The board of county commissioners does not, by the adoption of this division, assume or accept any more responsibility and liability for the operation of the local emergency planning committee than has been actually delegated to it by law. This division is intended only to provide direction the local emergency planning committee in the performance of its duties under federal and state law.

(Res. No. R95-122g, § 15, 8-16-1995)

Sec. 18-61. Approval of bylaws.

The bylaws of the county local emergency planning committee, on file in the county offices, are hereby approved.

(Res. No. R95-122g, § 16, 8-16-1995)

Secs. 18-62—18-80. Reserved.

FOOTNOTE(S):

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Cross reference— Boards, committees and commissions, § 2-171 et seq. [\(Back\)](#)

State Law reference— Local emergency planning committee, C.R.S. § 24-32-2604. [\(Back\)](#)

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[Sec. 18-81. Purposes.](#)

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Sec. 18-81. Purposes.

The purposes of this division are to provide for the basic government functions of maintaining the public peace, health and safety during an emergency or disaster, including mitigation, preparedness, response and recovery. It is the purpose and intent of this division to bring the county into full compliance with appropriate sections of the Colorado Disaster Emergency Act of 1992, C.R.S. § ~~24-33.5-70124-32-2404~~ as amended October 18, 2013. et seq.

(Res. No. R81-95g, § 1, 7-8-1981)

Sec. 18-82. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disaster means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, 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 paramilitary action.

Emergency means any occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or ~~human-cause~~~~manmade cause~~ that is less severe than a disaster, but of such severity that it cannot be handled by the regular employees of the county, acting prudently within the scope of their employment.

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 mitigation, preparedness, response and recovery.

Mitigation means any activities that actually eliminate or reduce the probability of occurrence of disaster.

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.

Response means the activities that address the short-term, direct effects of an incident and includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans.

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Recovery means those actions, both short-term and long-term, that result in the planned redevelopment of the county after a disaster consistent with disaster experience and with measures available for hazard reduction.

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(Res. No. R81-95g, § 2, 7-8-1981)

Cross reference— Definitions generally, § 1-2.

Sec. 18-83. Organization.

The emergency management program for the county shall be organized as follows:

- (1) The board of county commissioners hereby creates an organization for emergency management, which shall be known as the county Office of Emergency Management (OEM). The county office of emergency management shall have such professional, technical, secretarial and clerical employees as are deemed necessary by the board of county commissioners for the proper functioning of the organization.
- (2) The board of county commissioners shall ~~maintain~~ appoint a director of emergency management as an appointed position who shall be the executive head of the county office of emergency management. The director of emergency management will be responsible for the administration, organization and operations of the county office of emergency management.
- (3) The Sheriff's Office shall designate an emergency management coordinator who shall work for the Sheriff's Office but whose primary duties will be emergency management. The emergency management coordinator will work in coordination with the director of emergency management.
- (4) The director of emergency management shall designate and appoint deputy directors to assume the emergency duties of the director in the event of his or her absence or inability to act.

(Res. No. R81-95g, § 3, 7-8-1981)

Sec. 18-84. Duties and powers of the director.

The director of emergency management is hereby empowered to:

- (1) Prepare and keep current a plan to be known as the county Emergency Operations Plan (EOP) disaster and emergency plan. The plan will conform to the standards and requirements for such plans as promulgated by the Division of Homeland Security and Emergency Management division of disaster emergency services of the state.
- (2) Direct coordination and cooperation between the divisions, services and staff of the county office of emergency management, and resolve questions of authority and responsibility that may arise between such divisions, services and staff.
- (3) Represent the county office of emergency management in all dealings with public or private agencies pertaining to emergency management and disasters.
- (4) Prepare an annual budget for the county office of emergency management and submit such budget to the board of county commissioners for consideration.

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- (5) Receive on behalf of the county from any duly constituted governmental agency or any approved private person or agency, any services, equipment, supplies, materials or funds, by way of gift, grant or loan, for emergency or disaster purposes.
- (6) Negotiate on behalf of the county with other duly constituted governmental agencies for the establishment of such mutual aid agreements as may be deemed necessary by the board of county commissioners and such other governmental agencies. The scope of such mutual aid agreements may encompass all facets of the emergency management and disaster plan, and may pledge the assistance and cooperation of the county to all emergency and disaster situations in return for similar pledges from such other governmental agencies.
- (7) In the event of a declared disaster or emergency, act under the direction of the board of county commissioners, or its designated representative commissioner, in the interests of mitigation, response and recovery from such disaster or emergency.

(Res. No. R81-95g, § 4, 7-8-1981)

Sec. 18-85. Duties and powers of the board of county commissioners.

The duties and powers of the board of county commissioners shall be as follows:

- (1) It shall be the duty of the chairman of the board of county commissioners to declare that a disaster or emergency exists within the county. Such declaration shall continue for a period not to exceed seven days. Such declaration may be continued or renewed for a period in excess of seven days with the consent of a majority of the members of the board of county commissioners.
- (2) Any order or proclamation declaring, continuing or terminating a disaster or emergency shall be filed promptly with the Division of Homeland Security and Emergency Management~~division of disaster emergency services within the Department of Public Safety~~ of the state and with the clerk and recorder of the county. Such order or proclamation shall be promptly distributed to the appropriate representatives of the news media.
- (3) In the event of a declared disaster or emergency the board of county commissioners may obtain vital supplies, equipment and services found lacking and needed for the protection of the life and property of the people of the county.
- (4) The board of county commissioners may delegate the duties and powers provided for in subsections (3) and (4) of this section to any member of the board of county commissioners or to the director of emergency management.

(Res. No. R81-95g, § 5, 7-8-1981)

Sec. 18-86. Declaration of disaster or emergency.

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 the county. Such a declaration shall also authorize the furnishing of all aid and assistance provided for under such plans.

(Res. No. R95-122g, § 6, 8-16-1995)