

RESOLUTION 2012- 014

A RESOLUTION CREATING THE GALLATIN COUNTY EMERGENCY MANAGEMENT DEPARTMENT AND AUTHORIZING ITS DIRECTOR TO ACT PURSUANT TO LAW

This Resolution was introduced by Patrick Lonergan; moved by Commissioner Skinner and seconded by Commissioner White. The Resolution was adopted unanimously. Commissioner Murdock was excused.

WHEREAS, Title 10, Chapter 3, Montana Code Annotated (MCA) creates law and public policy regarding the management and administration of incidents, emergencies and disasters in the State of Montana;

WHEREAS, §10-3-201, MCA requires that a political subdivision designate a “local or inter-jurisdictional agency responsible for emergency and disaster prevention and preparedness and coordination of response and recovery;”

WHEREAS, §10-3-202, MCA allows political subdivisions to “conclude mutual aid arrangements with other public and private agencies within this state or any other state or the United States pursuant to Title 10, chapter 3, part 11, for reciprocal aid and assistance in coping with incidents, emergencies, and disasters;”

WHEREAS, Gallatin County now has and in the past had departments designated by the County Commissioners with the responsibility of coordination and administration of incidents, emergencies and disasters as set forth in Montana law;

WHEREAS, the Montana Response to Hazardous Material Incidents Act (Title 10, Chapter 3, Part 12, MCA) requires the Board of County Commissioners designate a local emergency response authority for coordination of local emergency operations planning, training and response pursuant to that Act; and

WHEREAS, it is necessary to formally establish a department within the governmental structure of Gallatin County to carry out the responsibilities under Montana law to be responsible for emergency and disaster prevention and preparedness and provide the ability for effective response, aid and assistance in coping with incidents, emergencies and disasters.

NOW THEREFORE BE IT RESOLVED:

1. Gallatin County establishes its Emergency Management Department which shall be administered by one Director and any other persons employed or designated by the Director. The Gallatin County Emergency Management Department is designated Gallatin County’s exclusive agency for emergency and disaster prevention, preparedness and coordination under Title 10, Chapter 3, Parts 1 through 4, MCA.
2. The Emergency Management Department is designated as the local emergency response authority under the Montana Response to Hazardous Material Incidents Act and is responsible for

all duties set forth under that Act as well as local emergency operations planning and other requirements to satisfy the Act and the federal Emergency Planning and Community Right-to-Know Act of 1986. Local emergency operations plans may delegate certain authority to other jurisdictions consistent with law.

3. The Gallatin County Emergency Management Department has further authority necessary as Gallatin County's agency responsible for emergency and disaster prevention and preparedness and coordination of response and recovery and to respond to incidents, emergencies and disasters pursuant to any Montana Law.

4. The Director of the Gallatin County Emergency Management Department (Director) is authorized to negotiate mutual aid agreements with other public and private agencies within this state or any other state or the United States pursuant to Title 10, chapter 3, part 11, for reciprocal aid and assistance in coping with incidents, emergencies, and disasters (as defined §10-1-103, MCA) and present such agreements to the Board of Gallatin County Commissioners for approval.

5. The Director is authorized to administer performance for Gallatin County pursuant the terms and conditions of any mutual aid agreement for reciprocal aid and assistance for incidents, emergencies and disasters under Montana law.

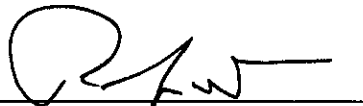
6. In an emergency the Director is designated to request assistance from another public or private agency where no mutual aid agreement exists pursuant to §10-3-209, MCA.

7. Any Director shall be appointed by and serve at the pleasure of the Board of Gallatin County Commissioners and take an oath pursuant to §10-3-112, MCA. Such appointment shall be in effect until removal or resignation of the Director. The Board of Gallatin County Commissioners shall inform the state authorities of the formation of the Gallatin County Emergency Management Department and any Director's appointment.

8. The Director shall assist the principal executive officer with any other of his or her duties pursuant to Title 10, Chapter 3, Parts 1 through 4, MCA.


DATED this 21 day of FEB, 2002

GALLATIN COUNTY COMMISSION



R. Stephen White, Chairman

ATTEST:



Charlotte Mills, Clerk & Recorder