

EMERGENCY PROCLAMATION Resolution No. 2020-7

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BIG HORN COUNTY, MONTANA PROCLAIMING AN EMERGENCY RESULTING FROM THE IMMINENT THREAT OF A DISASTER CAUSING IMMEDIATE PERIL TO LIFE OR PROPERTY THAT TIMELY ACTION CAN AVERT OR MINIMIZE

WHEREAS, Section 10-3-103(4), M.C.A. defines “disaster” as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or artificial cause, including outbreak of disease or bioterrorism; and

WHEREAS, the World Health Organization has declared the worldwide outbreak of COVID-19 Novel Coronavirus a pandemic; and

WHEREAS, as of March 10, 2020, the United States Centers for Disease Control and Prevention (CDC) indicates there are over 125,000 confirmed cases of COVID-19 worldwide with over 900 confirmed cases in the United States; and

WHEREAS, most states in the United States are experiencing confirmed cases of COVID-19; and

WHEREAS, the Montana Department of Public Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana; and

WHEREAS, the Montana DPHHS, local health departments, health and medical departments and local jurisdictions have activated response plans and protocols to prepare for the arrival of the virus in Montana; and

WHEREAS, these partners have also worked to identify, contact, and test individuals in the State of Montana who have been potentially exposed to COVID-19 in coordination with the CDC; and

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of the State of Montana, Big Horn County and its people; and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by SARS-CoV-2 Virus, which is a new strain of Coronavirus that had not been previously identified in humans and can easily spread from person-to-person; and

WHEREAS, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high," and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services (DHHS) Secretary Alex Azar, declared a public health emergency for COVID-19 beginning on January 27, 2020; and

WHEREAS, on March 3, 2020, Governor Bullock of the State of Montana formed a Multi-Agency Executive Task Force to prepare the State for COVID-19; and

WHEREAS, on March 3, 2020, Governor Bullock activated the Montana Disaster and Emergency Services State Emergency Coordination Center; and

WHEREAS, the Montana State Emergency Coordination Center is coordinating resources across state government to support the Montana DPHHS and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude of the incident within the State; and

WHEREAS, the circumstances of this outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of any single jurisdiction and the combined forces of a mutual aid region or regions to combat; and

WHEREAS, the availability and utilization of all necessary county government services, equipment, and suppliers under this declaration will further the efforts to protect health and safety and to preserve the lives, property, and resources of the people of the County of Big Horn; and

WHEREAS, Section 10-3-402(1), M.C.A. provides that a local emergency proclamation may be issued only by the principal executive officer of a political subdivision; and

WHEREAS, Section 10-3-402(2), M.C.A. provides that an emergency proclamation may be issued by order or resolution whenever the principal executive officer determines there is an emergency; and

WHEREAS, Section 10-3-103(11), M.C.A. defines “principal executive officer” as the presiding officer of the county commissioners; and

WHEREAS, Section 10-3-404(1), M.C.A. provides that an order or resolution declaring a state of emergency shall indicate the nature of the emergency, the area threatened, and the conditions which have brought about the proclamation; and

WHEREAS, Section 10-3-404(2), M.C.A. provides that the effect of an emergency proclamation is to activate applicable parts of the local or interjurisdictional disaster and emergency plan and program and to authorize the furnishing of aid and assistance in accordance with such plans and programs; and

WHEREAS, Section 10-3-406(1) M.C.A., upon the proclamation of an emergency and the issuance of an order as required by 10-3-404, authorizes the principal executive officer to compel evacuations, control ingress and egress to and from an emergency area, and control the movement of persons within the area; and

WHEREAS, the principal executive officer of Big Horn County, Montana, contemporaneously herewith, determines there is an emergency (10-3-402(2)), as set forth verbatim in this resolution; and

WHEREAS, the principal executive officer of Big Horn County, Montana, contemporaneously herewith, issues a local emergency proclamation (10-3-402(1)), as set forth verbatim below; and

WHEREAS, in addition to the disaster/emergency authorities specified in Title 10 of the Montana Code Annotated, Montana law also authorizes the County to direct a public health response to communicable disease outbreaks as specified in Title 50; and

WHEREAS, the area threatened includes the entirety of Big Horn County, Montana; and

WHEREAS, the conditions which have brought about the proclamation are the pandemic as set forth above; and

WHEREAS, recovery and restoration from the damage is essential to ensure the health, safety, and welfare of people of Big Horn County; and

WHEREAS, Section 10-3-405, M.C.A. provides that the governing body of the county shall estimate expenditures and levy an emergency millage to cover the expenditures not exceed 2 mills on the taxable valuation of the county outside the municipalities; and

WHEREAS, Big Horn County has committed all available resources, taken all possible action to combat and to alleviate the situation and local resources are not adequate to cope with the situation;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Big Horn County, State of Montana this ____ day of March, 2020, that:

1. Emergency Proclamation. The principal executive officer having determined there is an emergency, by this resolution an emergency proclamation is issued.
2. Nature of the Emergency. The nature of the emergency is: the occurrence or imminent threat of widespread, injury, or loss of life resulting from, outbreak of disease, or bioterrorism.

3. Area Threatened. The area threatened includes: the entirety of Big Horn County, Montana.

4. Conditions Bringing Emergency About. The conditions which have brought about the emergency and the proclamation is the spread of the Covid 19 Novel Coronavirus, a disease which can result in serious illness or death, which the CDC identifies as a high public health threat and which the Montana Department of Public Health and Human Services recognizes as a threat to Montana Residents.

5. Emergency Millage. An emergency millage hereby is levied to cover expenditures relating to the emergency and which are estimated to be Forty-Five Thousand Dollars (\$45,000.00), as follows:

A. Amount. The millage shall be 2 mills on the taxable valuation of the county outside the municipalities.

B. Approval for Expenditure. No expenditure of revenue received from the millage shall be made without approval of the Board of County Commissioners.

C. Unanimous Vote. The levy hereby is passed by a unanimous vote of the Board of County Commissioners.

D. Separate Fund. Funds levied hereby and remaining when no further expenditures are necessary shall remain in a separate emergency fund and shall be used only for expenditures arising from future emergencies.

6. Filing of Copies. Copies of this resolution and the determination and declarations of the principal executive officer set forth verbatim below shall be filed with the County Clerk and Recorder, the County Assessor, and the Montana Disaster and Emergency Services Division in Helena, Montana.

7. Dissemination. Pursuant to Section 10-3-404(1), M.C.A., this resolution shall be disseminated promptly by means calculated to bring its contents to the attention of the general public.

8. Effective Date. This resolution shall be immediately effective upon passage, approval, and adoption.

9. Citation Format. This resolution may be cited as BHCR 2020-_____.

/s/
George Real Bird III, Presiding Officer

/s/ _____
Sidney Fitzpatrick, Member

/s/ _____
Larry Vandersloot, Member

Votes: 3 for 0 against 0 absent 0 abstaining

Resolutions revoked, amended, replaced, extended, or renewed: None

Relevant state statutes: Section 10-3-103, M.C.A. Section 10-3-402, M.C.A.
Section 10-3-403, M.C.A. Section 10-3-404, M.C.A. Section 10-3-405, M.C.A.
Section 10-3-406, M.C.A.

PRINCIPAL EXECUTIVE OFFICER'S DETERMINATION AND PROCLAMATION
OF EMERGENCY

KNOW ALL PERSONS BY THESE PRESENTS, that I, George Real Bird III, Presiding Officer of the Board of County Commissioners of Big Horn County, Montana, the principal executive officer of Big Horn County, Montana, hereby: ISSUE a local emergency proclamation; and DETERMINE there is an emergency.

Nature of the Emergency. The nature of the emergency is: the occurrence or imminent threat outbreak of disease or bioterrorism, specifically the Covid-19 Novel Coronavirus.

Area Threatened. The area threatened includes: the entirety of Big Horn County, Montana.

Conditions Bringing Emergency About. The conditions which have brought about the emergency and the proclamation is the spread of the Covid-19 Novel Coronavirus, a disease which can result in serious illness or death, which the CDC identifies as a high public health threat and which the Montana Department of Public Health and Human Services recognizes as a threat to Montana Residents.

This PRINCIPAL EXECUTIVE OFFICER'S DETERMINATION AND PROCLAMATION OF EMERGENCY is effective immediately and expires at the end of the declared State of Emergency.

This PRINCIPAL EXECUTIVE OFFICER'S DETERMINATION AND PROCLAMATION OF EMERGENCY shall be implemented in consistency with applicable law.

This PRINCIPAL EXECUTIVE OFFICER'S DETERMINATION AND PROCLAMATION OF EMERGENCY is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the County Big Horn, its departments, agencies, it entities, its officers, employees

ISSUED, PROCLAIMED AND DECLARED this 17th day of March, 2020 at the hour of 10:30 a m.

/s/ _____

George Real Bird III

Presiding Officer

Big Horn County Commissioners