

EMERGENCY PROCLAMATION

Resolution No. 2019-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RICHLAND COUNTY, MONTANA PROCLAIMING AN EMERGENCY RESULTING FROM *FLOODING* [Replace the italicized language with language appropriate to the current emergency.]

WHEREAS, Section 10-3-103(8), M.C.A. defines “emergency” as the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize; and

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 tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, air or water contamination requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, accidents involving radiation byproducts or other hazardous materials, outbreak of disease, bioterrorism, or incidents involving weapons of mass destruction; and [All the options from 10-3-103(4) are shown for template purposes. In use, delete the inapplicable ones and retain the applicable ones.]

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 Richland County, Montana, contemporaneously herewith, determines there is an emergency (10-3-402(2)), as set forth verbatim below this resolution; and

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

WHEREAS, *heavy winter precipitation and ice jams in the Yellowstone and Missouri River* [Replace the italicized language with a description of the current conditions.] have caused the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, air or water contamination requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, accidents involving radiation byproducts or other hazardous materials, outbreak of disease, bioterrorism, or incidents involving weapons of mass destruction; and [All the options from 10-3-103(4) are shown for template purposes. In use, delete the inapplicable ones and retain the applicable ones.]

WHEREAS, the area threatened includes *the entire flood plain within Richland County, Montana*; and [Replace the italicized language with a description of the currently threatened area.]

WHEREAS, the conditions which have brought about the proclamation are *heavy winter precipitation, ice jams in the Yellowstone and Missouri Rivers, high water, flooding, actual evacuations of people from their homes, actual damage to or destruction of substantial amounts of property including but not limited to buildings, equipment, fields, livestock, wildlife, roads, and facilities and infrastructure of various kinds*; and [Replace the italicized language with the current conditions.]

WHEREAS, recovery and restoration from the damage is essential to ensure the health, safety, and welfare of people of Richland 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, Richland 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 Richland County, State of Montana this _____ day of March, 2019, 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 or severe damage, injury, or loss of life or property resulting from tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, air or water contamination requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, accidents involving radiation byproducts or other hazardous materials, outbreak of disease, bioterrorism, or incidents involving weapons of mass destruction. [All the options from 10-3-103(4) are shown for template purposes. In use, delete the inapplicable ones and retain the applicable ones.]

3. **Area Threatened.** The area threatened includes: *the entire flood plain within Richland County, Montana.* [Replace the italicized language with a description of the currently threatened area.]

4. **Conditions Bringing Emergency About.** The conditions which have brought about the emergency and the proclamation are: *heavy winter precipitation and ice jams in the Yellowstone and Missouri Rivers, high water, flooding, actual evacuations of people from their homes, actual damage to or destruction of substantial amounts of property including but not limited to buildings, equipment, fields, livestock, wildlife, roads, and facilities and infrastructure of various kinds.* [Replace the italicized language with the current conditions.]

5. **Emergency Millage.** An emergency millage hereby is levied to cover expenditures relating to the emergency, 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 for 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.

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

Citation Format. This resolution may be cited as RCR 2019-_____.

Attest

Stephanie Verhasselt
County Clerk & Recorder

Loren H. Young
Chairman

(c o u n t y s e a l)

Votes: _____ for
 _____ against
 _____ absent
 _____ 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 Declaration of Emergency

KNOW ALL PERSONS BY THESE PRESENTS, that I, Loren H. Young, Chairman of the Board of County Commissioners of Richland County, Montana, the principal executive officer of Richland 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 of widespread or severe damage, injury, or loss of life or property resulting from tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, air or water contamination requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, accidents involving radiation byproducts or other hazardous materials, outbreak of disease, bioterrorism, or incidents involving weapons of mass destruction. [All the options from 10-3-103(4) are shown for template purposes. In use, delete the inapplicable ones and retain the applicable ones.]

Area Threatened. The area threatened includes: *the entire flood plain within Richland County, Montana.* [Replace the italicized language with a description of the currently threatened area.]

Conditions Bringing Emergency About. The conditions which have brought about the emergency and the proclamation are: *heavy winter precipitation and ice jams in the Yellowstone and Missouri Rivers, high water, flooding, actual evacuations of people from their homes, actual damage to or destruction of substantial amounts of property including but not limited to buildings, equipment, fields, livestock, wildlife, roads, and facilities and infrastructure of various kinds.* [Replace the italicized language with the current conditions.]

ISSUED AND DECLARED this _____ day of March, 2019.

Loren H. Young, Chairman
Board of Richland County Commissioners