

Disaster Policy



LARIMER COUNTY POLICIES AND PROCEDURES

ADMINISTRATIVE POLICY AND PROCEDURE 380.11C

SUBJECT: DISASTER POLICY

DATE: March 2, 2021

EFFECTIVE PERIOD: Until Superseded

REVIEW SCHEDULE: Every three years in December, or as needed

CANCELLATION: Administrative Policy and Procedure 380.11B; November 26, 2019

ENCLOSURE: None

REFERENCES:

- A. Larimer County Comprehensive Emergency Management Plan
- B. Larimer County Land Use Code, Chapter 11: Disaster Re-Build Program
- C. Administrative Policy and Procedure 100.2: Signature Authority for County Expenditure and Revenue Commitments
- D. Financial Policy and Procedure 300.1, Section IV; Purchasing Policy (Thresholds)
- E. Title 44 Code of Federal Regulations (CFR). – Contains policies and procedures for implementing the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act).
- F. Title 2 CFR Part 200 : Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Super Circular” or “Omni Circular”)
- G. FEMA Public Assistance Program and Policy Guide , January 2016
- H. Governing Policies Manual, 3.7 – Emergency Preparedness

I. COLORADO DISASTER EMERGENCY ACT, Part 7 of Article 33.5 of Title 24 , Colorado Revised Statutes

J. Human Resources Policy and Procedure, 331.6 – Benefits (Section V, D, 3).

DEFINITIONS:

For the purposes of this document, certain terms or words used herein shall be interpreted as defined in this Section.

DECLARED DISASTER: When the Board of County Commissioners determines that an emergency or disaster exceeds the County's ability to respond without outside assistance, in either the form of resource support or financial support.

DIRECTOR means the Director of the Larimer County Office of Emergency Management appointed by the Board of County Commissioners or person designated by the Board of County Commissioners to act in place of the Director of the Larimer County Office of Emergency Management.

DISASTER means a severe or prolonged incident which threatens life, property, environment or critical systems.

DISASTER WORKER PAY is straight time hourly pay given to exempt employees for all hours worked over 40 in a workweek after a disaster is declared, subject to the conditions below. Each eligible employee will be given one hour of pay at the employee's regular hourly wage for each hour worked over 40 in a workweek.

EMERGENCY means an incident, natural or human caused, that requires responsive actions to protect life, property, environment or critical systems.

EMERGENCY WORK is work that must be completed immediately to save lives, protect improved property, protect public health and safety, or avert or lessen the threat of a major disaster.

EXIGENCY of the emergency means an urgent need or demand. With regard to procurement, the public exigency or emergency will not permit a delay resulting from competitive solicitation.

PUBLIC INFORMATION OFFICER (PIO) is someone who works directly with the public and the media on messaging and information management regarding an event or disaster.

PURPOSE: Larimer County government action in the immediate aftermath of a disaster or emergency begins with a declaration of a disaster emergency by the Board of Larimer County Commissioner's, pursuant to the Colorado Disaster Emergency Act (reference I).

Such a declaration, which can be made verbally or formalized in an executive order, sets into motion a variety of county actions in the locations specified in the declaration.

The purpose of this Policy is to provide direction to all offices, departments and divisions in Larimer County on emergency actions and changes to existing day-to-day policies in the event of a locally declared disaster or emergency.

SCOPE: Emergencies and disasters can occur at any time within unincorporated Larimer County and any of its municipalities. Local government has the primary responsibility for emergency and disaster management activities (reference H) that eliminate or reduce hazardous events and for the preparation for, response to, and recovery from, significant emergency and disaster events that can and do occur. In recognition of the risk that such disasters pose to life and property, the Board of Larimer County Commissioners has created the Office of Emergency Management (OEM) pursuant to the authority granted in Section 24-33.5-707, C.R.S. (reference I), and appointed a Director. This Policy outlines specific actions to be taken when a local emergency or disaster declaration is issued by the Larimer County Commissioners and in support of municipal areas with emergency management programs.

REVISION LOCATOR:

1. Minor housekeeping where necessary
2. Definitions #4 (*added*)
3. Section IV

POLICY AND PROCEDURE:

I. POLICY AND PLAN

- A. This Disaster Policy incorporates policies and procedures from a number of offices/departments/divisions for use during and after locally declared disasters.
- B. This Disaster Policy:
 1. Authorizes, in advance of a disaster, the establishment and maintenance of an ongoing response / recovery management organization within the County to plan, prepare for, direct, and coordinate orderly and expeditious post-disaster response and recovery (reference A);
 2. Establishes, in advance of a disaster, powers to be implemented upon declaration of a local emergency or disaster by which staff of County offices, departments, and divisions can take extraordinary action to reasonably assure safe and healthy response and post-disaster recovery;

3. Identifies methods by which the County may take cooperative action with other governmental entities to facilitate response and recovery;

II. DELEGATION OF AUTHORITY

- A. The Board of Larimer County Commissioners directs and authorizes the Director of Emergency Management or designee to provide and coordinate emergency and disaster prevention, preparedness, response and recovery services within unincorporated Larimer County and in support of the various municipalities within Larimer County.
- B. The Director shall be responsible for planning and coordinating local emergency and disaster services, preparing and keeping current a local disaster emergency plan (reference A), and preparing and distributing to all appropriate officials a clear and complete written statement of the emergency responsibilities of all local agencies and officials and of the emergency and disaster response chain of command.
- C. The Director is authorized to act as the coordinating official with the Colorado Division of Homeland Security and Emergency Management, the Federal Emergency Management Agency, and other State and Federal departments involved in emergency response and recovery (reference E).

III. LARIMER COUNTY EMERGENCY OPERATIONS CENTER (EOC)

The Board of Larimer County Commissioners directs and authorizes the Director or his/her designee to activate the EOC during emergencies or disasters to assist with response and recovery efforts. Activation and operation of the EOC will be in accordance with National Incident Management System principles.

- A. The Director is authorized to utilize appropriate Larimer County and non-Larimer County personnel necessary to operate the EOC to the level needed to support emergency response and recovery efforts.
- B. Resource ordering through the EOC will follow EOC ordering procedures determined by the EOC Manager. Resources ordered through the EOC must be approved utilizing existing procedures outlined in the Resource Management Annex as part of the Comprehensive Emergency Management Plan (reference A).
- C. The Director is authorized to enter into agreements for the purposes of responding and recovering from emergencies and disasters pursuant to Administrative Policy 100.2: Signature Authority for County Documents (reference C).

IV. REASSIGNMENT OF DUTIES

EOC ACTIVATION: Upon activation of the EOC, the Director and/or the EOC Manager may reassign any County personnel, as a condition of employment, to facilitate the operation of the EOC and to support incident command operations,

response support and recovery activities. This will be done in coordination with the Decision Maker.

CONTINUITY OF OPERATIONS: The Director of Emergency Management or County Manager may reassign County personnel, as a condition of employment, to support implementation of the Continuity of Operations Plan. Such reassignment may include working virtually (work from home or other location). This will be done in coordination with the Decision Maker.

The Information Technology Department is authorized to enable or deny access and make critical decisions with regard to radio, network and systems, systems security, and use of hardware/software for the protection of Larimer County data assets, information technology and radio infrastructure.

PERFORMANCE OF DUTIES:

- If an employee is unable to perform work because of damage to County facilities (reference J), the employee shall be paid as follows:
 - All employees, exempt and non-exempt, shall be paid his or her regular pay for up to three (3) full days during times when damage to County facilities prevents work by that employee. Following the three (3) days of paid emergency leave, the employee will be on unpaid leave. The employee may choose to use vacation or holiday leave in place of the unpaid leave with approval of the Decision Maker or designee. Virtual work, such as telework, is encouraged to continue based upon departmental policies.
- During a locally-declared disaster, exempt employees will be disaster worker pay if 1) the incident exceeds two weeks (14 days) in duration, 2) their duties are disaster related, and 3) other criteria detailed below are satisfied.
 - The employee must be a disaster worker and the work performed as a disaster worker must be primarily, but not exclusively, related to the declared disaster to qualify for this provision.
 - A Local Declaration of Disaster will trigger this provision and disaster worker pay will begin following a fourteen (14) day waiting period from that declaration.
 - Sheriff's Office sworn exempt staff disaster worker pay will not be subject to the 14-day waiting period. Disaster Worker pay eligibility will begin upon a local disaster declaration. This provision includes all Lieutenants, Captains, and the Undersheriff who would not normally be overtime eligible.

- Exempt employees described above shall be paid hourly disaster worker pay only for those hours actually worked in excess of forty (40) hours during their normal work week.
 - All County departments and offices are covered under this policy.
 - Elected Official, Department Heads or the County Manager will notify HR of the employees that are working the disaster and who qualify for the disaster worker overtime provision. Workload requirements will differ between departments, as will the timeframe in which overtime is necessary. For example, the workload for Road and Bridge may immediately increase upon a disaster, but the workload for Engineering may not increase until later in the recovery. Therefore, disaster worker pay provision will be prompted by an unusual spike in workload for the Office/Department/Division, and the time period for this disaster work pay provision will be set by the County Manager for each department or work group following the disaster.
 - In the event of simultaneous disaster declarations in Larimer County, the 14-day waiting period described above will be waived and the disaster worker pay provision of this policy will begin immediately for any disaster worker who is working multiple disasters and has exceeded the initial 14-day waiting period for the initial disaster declaration. For example, Disaster 1 begins on September 1st with a local disaster declaration. An employee works that disaster throughout the month of September. After the first two weeks, the employee begins to receive disaster work pay. On October 1st, Disaster 2 begins with a declaration. The employee will not need to wait two additional weeks for disaster worker pay to begin in this case.
 - The disaster worker pay provision of this policy will automatically end at the expiration of the disaster declaration. This disaster worker pay provision for exempt employees may be extended through action by the County Manager when conditions and continued support of the disaster and/or recovery warrant such an extension.
- If an exempt employee is deployed outside of Larimer County to assist on an emergency or disaster, the exempt employee will be paid overtime for all hours exceeding forty (40) hours per week for the duration of the deployment.
 - If a Larimer County employee is deployed outside of Larimer County in a **volunteer** capacity through another organization, they will not be paid through Larimer County under this provision. For example, if a Larimer County employee also works for the American Red Cross as a volunteer and is asked to

deploy, the worker is not acting as an employee of Larimer County and will therefore not be reimbursed for their time.

V. PROCUREMENT AND CONTRACTING

A. All disaster-related procurement shall be conducted providing full and open competition if public exigency is not a factor. To ensure this occurs, the following steps should be taken:

1. Utilize on-call contracts procured pre-disaster through a full and open competitive procurement process for any known activities necessary for successful response and recovery, including, but not limited to:
 - a. Debris Management
 - b. Public Assistance and Emergency Management Consulting Services (reference G)
 - c. Engineering Design and Construction Services
 - d. Contracts for equipment and supplies
 - e. Contracts for County Facilities
2. Upon a local disaster declaration:
 - a. Activate on-call contracts as appropriate and provide a clear scope of work for all work orders associated with the disaster.
 - b. For areas in which no contract exists, and exigency is not a factor, County personnel will follow the table under Procurement Thresholds within the Purchasing Policy, 300.1 (reference D) to determine appropriate procurement procedures.
 - c. County personnel will begin the formal competitive procurement process as soon as practical before the emergency work period lapses.
3. Noncompetitive procurement may be used under certain circumstances, one of which is when the public exigency or emergency will not permit a delay resulting from competitive solicitation (2 CFR 200.320(f)) (reference F). Simply stated, non-competitive contracts can be awarded only if the emergency is such that the contract award cannot be delayed by the amount of time required to obtain competitive bidding. For exigent work, County personnel will seek all means to obtain necessary resources.

B. Procurement Thresholds: Once a local emergency or disaster has been declared, Larimer County will increase the County's procurement thresholds to expedite the purchase of supplies and equipment immediately following a disaster. Once disaster thresholds are met for a Federal Disaster Declaration, Larimer County will be required to follow the most restrictive of local and federal rates. Please see the table located in the Purchasing Policy 300.1

(reference D) for details.

These thresholds will be in effect until rescinded by the Board of Commissioners following an emergency or disaster. This will be dependent upon the scope and nature of the emergency and a LOCAL DISASTER DECLARATION.

VI. LAND USE CODE

For any emergency or disaster requiring a local declaration, employees should refer to the Larimer County Land Use Code, Chapter 11: Disaster Re-Build Program, for specific information on building, permitting and other land use or planning considerations for those affected by the disaster (reference B).

VII. WAIVING OF FEES

Upon a local declaration of emergency or disaster, the Board of Commissioners reserves the right to waive any and all fees or fines outlined in policy to those affected by the disaster. This may include, but is not limited to, building and permitting fees, abatement fees, and debris / rubbish fees. The waiver will be valid for a specified period of time following the disaster as approved by the Board of Commissioners.

VIII. NEWS RELEASES

All news releases concerning issues regarding emergencies or disasters will be coordinated with the OEM and the lead PIO. Inquiries for information about the response to an emergency or disaster and the activation of the EOC shall be referred to the lead PIO for response.

- A. Incidents where the Sheriff's Office is the lead will be referred to the Sheriff's Office lead PIO.
- B. Incidents where the Department of Health and Environment is the lead will be referred to the Health PIO.
- C. Incidents where the County is supporting an incident within a municipality or special district will be referred to the lead jurisdiction's PIO.
- D. All other incidents will be referred to the County Public Affairs Manager or EOC lead PIO as needed.
- E. Once a local disaster declaration has been signed by the Board of Commissioners, the Lead PIO will coordinate with the EOC. All news conferences from that point forward will be coordinated between the Joint Information Officer and the EOC PIO.

IX. POLICY GROUP COORDINATION

Once a local disaster declaration has been signed by the Board of Commissioners, a Policy Group is formed to discuss, coordinate and execute all policy-level decisions

that will need to be made for the disaster. The Policy Group consists of the following people:

- Board of County Commissioners
- County Sheriff and/or Undersheriff
- County Attorney and/or designee
- Office of Emergency Management
- Other elected offices and department heads as appropriate for the disaster
- Municipal elected and key officials affected by the disaster

The Policy Group will be briefed by the Director of Emergency Management or designee as needed on the status of the incident and on policy-level considerations.

X. EMERGENCY AND DISASTER REVIEW AND AFTER ACTION REPORT

Upon deactivation of the EOC after an emergency or disaster, the Director shall be responsible for reviewing the incident and submitting an after-action report to the Board of County Commissioners.

XI. IMPLEMENTATION

This Policy will become effective immediately. It is intended to meet all requirements of the County and be updated every three years or as needed to remain current.

John Kefalas

Chair, Board of County Commissioners

(BOCC approval and signature – Consent Agenda – 03/02/2021)

(Signature on original filed in Records Management)

Distribution:

All County Department and Elected Officials

Records Management SOP Manual (original)

LH/vl