

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA**

**IN THE MATTER OF AUTHORIZING)
THE CHAIR, VICE CHAIR, AND OTHER)
COMMISSIONERS TO DECLARE A)
DISASTER OR EMERGENCY PURSUANT)
TO NEB. REV. STAT. § 81-829.50)**

RESOLUTION No. R-19-0068

WHEREAS, Neb. Rev. Stat. § 81-829.50 provides that a local emergency may be declared only by a person who by resolution has been authorized and designated by the governing board of a local government to determine that an emergency within the scope of his or her authorization exists;

WHEREAS, for purposes of the Emergency Management Act, Neb. Rev. Stat. §§ 81-829.36 through 81-829.75 (“Act”), local government means a county, village, or city of any class;

WHEREAS, for purposes of the Act, an “Emergency” means any event or the imminent threat thereof causing serious damage, injury, or loss of life or property resulting from any natural or manmade cause which, in the determination of the person authorized by resolution by the governing board of a local government, requires immediate action to accomplish the purposes of the Act and to effectively respond to the event or threat of the event;

WHEREAS, for purposes of the Act, a “Disaster” means any event or the imminent threat thereof causing widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause;

WHEREAS, pursuant to Neb. Rev. Stat. §§ 22-155 and 23-101, the County of Lancaster is a county of the State of Nebraska;

WHEREAS, Neb. Rev. Stat. § 23-103 provides that the powers of a county as a body corporate or politic shall be exercised by a county board;

WHEREAS, the Lancaster County Board of County Commissioners (“Board”) is the governing board of the County of Lancaster (“County”);

WHEREAS, the Board wishes to authorize the Chair, Vice Chair, or other Commissioner of the Board, as provided herein, to declare a disaster or emergency for purposes of the Act when the Chair, Vice Chair, or other Commissioner of the Board, as the case may be, finds that conditions defined as a Disaster or an Emergency exist in the County;

WHEREAS, the Board previously adopted County Resolution R-19-0037 in the Matter of Authorizing the Chair, Vice Chair, and Other Commissioners to Declare a Disaster or Emergency Pursuant to Neb. Rev. Stat. § 81-829.50;

WHEREAS, Neb. Rev. Stat. § 81-829.50 provides that a declaration of a Disaster or Emergency shall continue in effect until the Board finds that the Disaster or Emergency has been dealt with to the extent that those conditions no longer exist; and

WHEREAS, the Board wishes to adopt additional procedures regarding monitoring a Disaster or Emergency and terminating a declaration adopted pursuant to this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Chair of the of the Board shall be authorized to declare that a local emergency exists in the County pursuant to Neb. Rev. Stat. § 81-829.50 when the Chair finds that conditions defined as a Disaster or an Emergency exist in the County. If, after reasonable attempts to contact the Chair of the Board have failed, then the Vice Chair of the Board shall be authorized to act in lieu of the Chair of the Board for purposes of this Resolution. If, after reasonable attempts to contact both the Chair of the Board and the Vice of the Board have failed, then any Commissioner of the Board shall be authorized to act in lieu of the Chair of the Board for purposes of this Resolution. The Commissioner so authorized shall be referred to as the “Authorized Commissioner” for purposes of this Resolution.
2. A declaration that a local emergency exists shall be embodied in a written declaration signed by the Authorized Commissioner. The declaration shall be given prompt and general publicity and shall be filed promptly with the Lancaster County Clerk and the Nebraska

Emergency Management Agency. The declaration shall be brought before the Board for ratification at the Board's next regularly scheduled meeting.

3. A declaration adopted pursuant to this Resolution shall be effective to:
 - a. Activate the response and recovery aspects of any and all applicable County emergency operations plans and to authorize the furnishing of aid and assistance under such plans; and
 - b. Allow emergency expenditures, entering into contracts, and incurring obligations for emergency management purposes regardless of existing statutory limitations and requirements pertaining to appropriation, budgeting, levies, or the manner of entering into contracts, PROVIDED that any such expenditure, contract, or obligation in excess of or in violation of existing statutory limitations or requirements first shall be approved by a vote of the Board before any such expenditure, contract, or obligation is undertaken. For purposes of attaining the approval of the Board for any such expenditure, contract, or obligation, the Authorized Commissioner may convene an emergency meeting of the Board pursuant to Neb. Rev. Stat. § 84-1411(5).
4. A declaration adopted pursuant to this Resolution shall continue in effect until the Board finds that the local emergency has been dealt with to the extent that the local emergency conditions no longer exist. The Board may terminate the declaration at any time.
 - a. In order for the Board to find whether the local emergency emergency has been dealt with to the extent that the local emergency conditions no longer exist, the Board shall conduct a public meeting at least once every thirty days while the declaration of local emergency remains in effect for the purposes of:
 - i. Gathering information on the status of the local emergency conditions;
 - ii. Identifying the local emergency conditions that obtained at the time of the declaration of the local emergency;

- iii. Identifying the progress that has been made to deal with those local emergency conditions;
 - iv. Identifying the local emergency conditions that persist; and
 - v. Taking appropriate steps to effectively respond to the local emergency by dealing with the persisting local emergency conditions.
- b. Once the Board finds that the local emergency has been dealt with to the extent that the local emergency conditions no longer exist, the declaration of local emergency shall terminate.
 - c. The termination of the local emergency shall be embodied in a declaration adopted by the Board finding that the local emergency conditions no longer exist and declaring that the local emergency is terminated.
 - d. The declaration terminating the local emergency shall be given prompt and general publicity and shall be filed promptly with the Lancaster County Clerk and the Nebraska Emergency Management Agency.

5. County Resolution R-19-0037 is hereby repealed.

DATED this ____ day of _____, 2019.

BY THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this ____ day of _____, 2019.

For PATRICK F. CONDON
Lancaster County Attorney

