



## Legislation Text

**File #:** 16-0610, **Version:** 1

An Ordinance to Amend Sections 1:326, 1:328, and 1:333 of Chapter 15, Emergency and Disaster Management, of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-16-10)  
Section 5.1(b)(1) of the Ann Arbor City Charter provides it is the duty of the City Administrator to direct, supervise and coordinate the work of the administrative departments as designated by City Council. City Council, by enactment of Chapter 15 of the Ann Arbor City Code, established the Office of Emergency Management. At the time of enactment, the Office of Emergency Management was assigned as a component unit of the Police Department within the Safety Services Area.

Under the provisions of City Council Resolution R 191-5-04 the City Administrator may, at his discretion, reorganize and reassign the services and functions assigned to and within each Service Area under the direction of the City Administrator. For administrative function and services provided by the City internally, or partnered with other communities and regional and State agencies externally, it is recommended that the Office of Emergency Management remain within the Safety Services Service Area but be assigned at the discretion of the City Administrator for administrative purposes to either the Police or Fire Department.

The attached Ordinance amendments

- Delete the reference to the Office of Emergency Management being a component unit of the Police Department
- Add an additional appointment to the minimum required for line of succession consistent with best practices for emergency management
- Revise the appointment process language for consistency in the ordinance
- Revise the surplus property acceptance language for consistency in the ordinance.

The proposed amendments have been reviewed with the Chiefs of Police and Fire.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney  
Reviewed by: Chief James Baird, AAPD and Chief Larry Collins, AAFD  
Approved by: Tom Crawford, Interim City Administrator  
ORDINANCE NO. ORD-16-10

First Reading: May 2, 2016  
Public Hearing: May 16, 2016

Approved: May 16, 2016  
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Effective: May 29, 2016

### EMERGENCY AND DISASTER MANAGEMENT

AN ORDINANCE TO AMEND SECTIONS 1:326, 1:328, AND 1:333 OF CHAPTER 15, EMERGENCY AND DISASTER MANAGEMENT, OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1: That Section 1:326 of Chapter 15, of Title I of the Code of the City of Ann Arbor be amended to read as follows:

### 1:326. Definitions

For the purpose of this chapter certain terms and words are herewith defined as follows:

#### 1:326. Definitions.

For the purpose of this chapter certain terms and words are herewith defined as follows:

- (1) Council shall mean the City Council for the City of Ann Arbor.
- (2) Disaster. An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including but not limited to, fire, flood, snow storm, ice, ice storm, windstorm, wave action, oil spill, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous material incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.
- (3) Emergency. Any occasion or instance in which the Mayor determines that assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in the city.
- (4) Emergency Management Director. A person appointed by the Mayor who shall act for and at the direction of the Mayor in the coordination of all emergency services, disaster or emergency planning, response and recovery activities within the City of Ann Arbor. The Mayor shall submit for approval of Council a prioritized list of successor Emergency Management Directors to perform the duties of the office in the absence or unavailability of the appointed Emergency Management Director.
- (5) Governor's state of emergency. An executive order or proclamation by the Governor of the State of Michigan that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.
- (6) Governor's state of disaster. An executive order or proclamation made by the Governor of the State of Michigan pursuant to the Emergency Preparedness Act, Act 390 of the Public Acts of 1976, as amended, which activates the disaster emergency plans and authorizes the deployment and use of any forces to which the plan or plans apply.
- (7) Disaster relief forces. All agencies of the state, county and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons having duties or responsibilities as identified in the City of Ann Arbor Emergency Action Guidelines (EAG) or those called into duty or working at the direction of a party identified in the plan to perform a specific disaster or emergency related task during a local state of emergency or disaster under the Emergency Management Act or pursuant to this chapter.
- (8) Local state of emergency or disaster. A declaration by the Mayor pursuant to the Act and this chapter which activates the emergency or disaster response and recovery aspects of the City of Ann Arbor Emergency Action Guidelines and authorizes the deployment and use of any municipal forces to which the plan applies and certain actions described in this chapter.
- (9) Emergency Response Plan. The City of Ann Arbor's Emergency Response Plan, of which the city's Emergency Action Guidelines are a part, and which has been prepared under section 1:328 of this chapter, for the purpose of coordinating emergency or disaster planning, response and recovery within the city for all emergency or disaster situations by identifying

and organizing the disaster relief force.

- (10) Mayor. The chief elected official of the City of Ann Arbor.
- (11) State District coordinator. The Michigan Department of State Police District Emergency Services Coordinator or his/her authorized representative who serves as the liaison between local emergency management programs and the Michigan State Police, Emergency Management Division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency or disaster situation.
- (12) Emergency services volunteer. Any person duly registered and appointed by the American Red Cross or other recognized nonprofit relief organization and assigned to participate in the emergency services activity.
- (13) Act. The Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.
- (14) Vital records. Those records that contain information needed to continue the effective functioning of a government entity (jurisdiction, agency, department) and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.
- (15) Office of Emergency Management. An office established to coordinate planning, mitigation, response and recovery activities for all local emergency and disaster situations and coordinate local emergency activity support in county, state or federal emergency or disaster situations. The office shall be a component unit of the Ann Arbor Police Department [the Safety Services Area](#) under the supervision of the Emergency Management Director. The Emergency Management Director shall prepare recommendations on a period basis concerning the staffing needs of the office which shall be presented to the Mayor and City Administrator for joint approval. Program(s) facilitated by the office shall meet standards and requirements as established by the department of the state police, emergency management division and this chapter. The City of Ann Arbor is an established emergency management program made up of 1 municipality.

Section 2: That Section 1:328 of Chapter 15, of Title I of the Code of the City of Ann Arbor be amended to read as follows:

1:328. - Duties and powers of the coordinator Emergency Management Director.

The Emergency Management Director will maintain this position for the period of time [from appointment](#) until he/she vacates the position or the Mayor appoints a new director. The Mayor and Council shall appoint, [with the approval of Council](#), a minimum of [1two persons as successors](#) to the position of the Emergency Management Director. The line of succession shall be as established in the appointing resolution and shall be listed in the emergency response plan.

The Emergency Management Director shall comply with the standards and requirements as established by the department of state police, emergency management division, under the authority of the Act, and this chapter. The Emergency Management Director shall be the administrative head of the office of emergency management. In addition to having responsibility for the development and coordination with the City Safety Services of all emergency [response](#) services and disaster preparedness within the city, shall have the specific duties, when authorized by the Mayor, including, but not limited to, the following:

- (1) Directing and coordinating the development of emergency operations plans in accordance to the Michigan Emergency Management Plan and programs in accordance with the policies and plans established by the Emergency Preparedness Management Act,

appropriate federal and state authorities and agencies, and this chapter for the immediate use of all the facilities, equipment, employees, and other resources of the city for the purpose of minimizing or preventing damage to persons or property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and general welfare.

- (2) If a state of disaster is declared by the Governor, assigning and making available for duty the employees, property or equipment of the city relating to firefighting; engineering; rescue; health, medical and related services; police; transportation; construction; and similar items or services for disaster relief purposes within or without the physical limits of the city as requested by the Governor or the director of the Michigan State Police.
- (3) Appointing or employing, with or without compensation as determined by the Mayor and Council, rescue teams, disaster workers, and auxiliary fire and police personnel subject to existing ordinance and collective bargaining agreements.
- (4) Coordinating the use and activities of volunteer personnel and public and private agencies engaged to augment the personnel facilities and/or emergency or disaster relief programs of the city.
- (5) Through public information programs, educating the civilian population as to actions necessary and required for the protection of persons and property in case of emergency or disaster.
- (6) Conducting practice alerts, exercises and training to insure the efficient operation of the city's emergency organization and to familiarize disaster relief forces of the city with disaster regulations, procedures and operations.
- (7) Assisting the Mayor and Council in the negotiation of mutual aid agreements.
- (8) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters.
- (9) Coordinate property accountability procedures for federal surplus property acquired by the city, federal excess property on loan to the city, or any other property or equipment loaned to the city for use in disaster or emergency situations.
- (10) Coordinating municipal emergency management activities with those at the federal, state, and county levels and adjacent jurisdictions.
- (11) In the event a emergency or disaster occurs which has not yet been declared a state of disaster or state of emergency by the Governor, but is deemed by the Mayor to be beyond the control of the city, immediately making contact with the district coordinator as provided in the Emergency Management Act, and in conjunction with the district coordinator assessing the nature and scope of the emergency or disaster and the personnel, services and equipment which will be required for its prevention, mitigation and relief.
- (12) Preparing and submitting an emergency response plan and annexes for review by the emergency services divisions, department of the state police.
- (13) Develop and maintain a city resource manual for use in emergency or disaster response activities.
- (14) Assure the emergency management program meets eligibility requirements for state and federal aid.
- (15) Oversee implementation of all functions necessary during an emergency or disaster in accordance with the emergency response plan.
- (16) Coordinate all preparedness activities, including maintaining primary and alternate emergency operations centers.
- (17) Identify mitigation opportunities within the city and encourage departments/agencies to

implement mitigation measures.

Section 3: That Section 1:333 of Chapter 15, of Title I of the Code of the City of Ann Arbor be amended to read as follows:

1:333. - Government surplus property.

The Emergency Management Director is hereby designated as the person responsible for accepting government surplus property **obtained for emergency purposes** with the power and full authority to sign for that surplus property. The Mayor shall provide a written statement to appropriate officials designating the current name of the Emergency Management Director as responsible for complying with the provisions of this section. The Emergency Management Director is accountable for and will maintain the necessary records for all surplus property obtained for emergency purposes until relieved from accountability by state and federal authorities. The Emergency Management Director is further authorized to direct payment of service charges for surplus property to complete all transactions.

Section 4: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 5: This Ordinance shall take effect on the tenth day following legal publication.

## **CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of May 16, 2016.

Jacqueline Beaudry, City Clerk

Date

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the Ann Arbor City Clerks Webpage on May 19, 2016.

Jacqueline Beaudry, City Clerk