

EMERGENCY PROCLAMATION



Resolution No. 2020-06

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RICHLAND COUNTY, MONTANA PROCLAIMING AN EMERGENCY RESULTING FROM CORONAVIRUS DISEASE 2019 (COVID-19)

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 air contamination, requiring emergency action to avert danger, infestations, or outbreak of disease; 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 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, the Coronavirus Disease 2019 (COVID-19) has caused the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting air contamination requiring emergency action to avert danger or damage, infestations, or outbreak of disease; and

WHEREAS, the area threatened includes all of Richland County based on the declaration of COVID-19 as a worldwide pandemic by the World Health Organization and on determinations announced by the Governor of the State of Montana; and

WHEREAS, the conditions which have brought about the proclamation are:

- The World Health Organization has declared that Coronavirus Disease 2019 (COVID-19) is a global pandemic.
- The Secretary of the U. S. Department of Health and Human Services declared a public health emergency for the entire United States on January 31, 2020, beginning on January 27, 2020.
- The Governor of the State of Montana formed a Multi-Agency Executive Task Force to prepare the state for COVID-19 on March 3, 2020, Executive Order No. 2-2020.
- The Governor of Montana activated the Montana Disaster and Emergency Services State Emergency Coordination Center on March 3, 2020.
- As of March 10, 2020, the U. S. Centers for Disease Control and Prevention stated there were over 125,000 confirmed cases of COVID-19 worldwide and over 900 confirmed cases in the United States.
- The President of the United States declared an ongoing emergency because of COVID-19 on March 12, 2020.

- The Governor of the State of Montana declared a state of emergency in Montana related to COVID-19 on March 13, 2020 pursuant to Sections 10-3-103 and 10-3-102, M.C.A.
- The Governor of the State of Montana ordered all K-12 schools in Montana closed for a period of two weeks.
- The Montana Department of Public Health and Human Services recognizes COVID-19 as a threat to the residents of Montana.
- As of 8:15 a.m. Mountain Daylight Time on March 18, 2020, the official website of the State of Montana disseminating information on COVID-19 (<https://dphhs.mt.gov/publichealth/cdepi/diseases/coronavirusmt>) stated that there were 11 reported COVID-19 cases in Montana, 30 individuals monitored by public health agencies, 26 individuals who have completed a monitoring process, 4 persons remaining under monitoring, 509 persons tested for COVID-19 by the Montana Public Health Laboratory or the Centers for Disease Control and Prevention, 499 persons with negative results, and 10 persons with positive results.
- The Montana Supreme Court issued recommendations on March 17, 2020 for the courts of Montana to protect jury pools, witnesses, the public, parties, and judicial staff by such measures as delaying trials, bringing in prospective jurors for jury selection in waves of no more than 10 at a time with six feet between each person, conducting hearings by telephone or video conference, and numerous other measures.
- The Montana Seventh Judicial District Court which covers Richland County, Montana entered an order on March 13, 2020 providing for the conduct of proceedings by telephone or video conference to the extent possible.
- The Richland County Health Department recognizes COVID-19 as a threat to the residents of Richland County, Montana.
- The Epi Team of the Richland County Health Department activated our ICS structure on Friday, March 13.
- The Richland County Health Department has been developing messaging continuously during this time. Several of these messages are sitting in waiting should the situation in Richland County progress. These have also been sent to the newspapers. The Department will continue to send out information to staff, partners, and the public via email, Facebook, the newspapers, and any other methods.

- The Richland County Health Department launched an Information Line this week and receives calls regularly. The calls are forwarded to a cell phone, which the Epi Team members take turns carrying. The phone number is 406-433-6947.
- There has been cause for testing four individuals connected with Richland County.

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

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Richland County, State of Montana this 18th 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 or severe damage, injury, or loss of life or property resulting from air contamination, infestations, or outbreak of disease.

3. **Area Threatened.** The area threatened includes all of Richland County, Montana.

4. **Conditions Bringing Emergency About.** The conditions which have brought about the emergency and the proclamation are: the outbreak of Coronavirus Disease 2019 (COVID-19) as a global pandemic recognized by the Governor of Montana, the Montana Department of Public Health and Human Services, and the Richland County Department of Health as a threat to the residents of Richland County, Montana.

5. **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.

6. **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 2020- 06 .

Attest



 Stephanie Verhasselt
 County Clerk & Recorder



 Duane Mitchell
 Chairman

(county seal)

Votes: 3 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, Duane Mitchell, 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 air contamination, infestations, or outbreak of disease.

Area Threatened. The area threatened includes all of Richland County, Montana.

Conditions Bringing Emergency About. The conditions which have brought about the emergency and the proclamation are: the outbreak of Coronavirus Disease 2019 (COVID-19) as a global pandemic recognized by the Governor of Montana, the Montana Department of Public Health and Human Services, and the Richland County Department of Health as a threat to the residents of Richland County, Montana.

ISSUED AND DECLARED this 18th day of March, 2020.



Duane Mitchell, Chairman
Board of Richland County Commissioners