

THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN: respectfully recommends the adoption of the following:

RESOLUTION

WHEREAS, Michigan Public Act 390 of 1976 authorizes and vests the power in the Chairperson of the Board of Commissioners “[t]o declare a local state of emergency if circumstances within the county or municipality indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists.”; and

WHEREAS, on April 30, 2020, the Chairman of the Board of Commissioners of Berrien County extended the originally declared local state of emergency (March 26, 2020) under Berrien Co. Emergency Order (B.C. E.O. 2020-2) for the response to a pandemic emergency causing deadly respiratory illness in Michigan (COVID-19); and

WHEREAS, Michigan Public Act 390 of 1976, Section 10, explains the term of a local state of emergency declared by the chief executive official county [s]hall not be continued or renewed for a period in excess of 7 days except with the consent of the governing body of the county or municipality; and

WHEREAS, the Berrien County Emergency Operations Plan (“Plan”) details the actions taken when an emergency occurs in Berrien County including but not limited to declaring a Local State of Emergency; “as necessary, appropriate and expend funds” (Annex A of the Plan); and organize and direct local and county disaster relief forces; and

WHEREAS, the conditions described in the previously written declarations of emergency still exist in Berrien County and it is expected that Berrien County will need to expand the number of days under the Local State of Emergency until at least Friday, June 19, 2020; and

WHEREAS, internet and technical difficulties prevented the scheduled board meeting from taking place on May 28, 2020, although it was understood that the extension of the declaration would be signed on that day by the Chairman, to avoid any gap in the civil liability protection.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners authorizes and ratifies the action taken by the Chief Executive Officer to renew and extend the local state of emergency declaration issued on March 26, 2020, then extended on April 2, 2020 and again on April 30, 2020; and execute all of the powers delegated to the Chief Executive under Michigan Public Act 390 of 1976 and all duties enumerated in the Berrien County Emergency Operations Plan; to include but not be limited to expending funds, through June 19, 2020, if not before, by action of this Board.

Respectfully submitted,
Berrien County Board of Commissioners

William J. Chickering, PHS Chair

R. McKinley Elliott, Chair

Ezra A. Scott, Vice Chair

Mamie L. Yarbrough, Finance Chair

Jim Curran, Admin Chair

Don Meeks

Michael J. Majerek

Teri Sue Freehling

Robert P. Harrison

Chris Heugel

David Vollrath

Jon Hinkelman

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| RESOLUTION APPROVED AS TO FORM | |
| Administered for <u>W</u> | Date <u>6/3/20</u> |
| Comments Attached _____ | |
| Corporate Counsel <u>J/A</u> | Date <u>6/3/2020</u> |
| Comments Attached <u>He changed</u> | |