

DEPARTMENT OF STATE POLICE

EMERGENCY MANAGEMENT DIVISION

STATE ASSISTANCE TO COUNTIES AND MUNICIPALITIES

(By authority conferred on the director of the department of state police by section 19 of Act No. 390 of the Public Acts of 1976, as amended, being S30.419 of the Michigan Compiled Laws)

R 30.51 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 390 of the Public Acts of 1976, as amended, being S30.401 et seq. of the Michigan Compiled Laws.

(b) "Applicant" means a county or municipality of the state that submits an application for a grant pursuant to the provisions of section 19 of the act.

(c) "Applicant's agent" means a person who is authorized by the governing body of an applicant to act on behalf of the applicant in applying for grants pursuant to the provisions of section 19 of the act.

(d) "Division" means the emergency management division of the department of state police.

(e) "Emergency management program" means any of the following:

(i) A program of a county or a combination of not more than 3 adjoining counties, as provided for in the act, that has all of the following elements:

(A) An emergency management coordinator who is appointed pursuant to the provisions of section 9 of the act.

(B) An ordinance or resolution that creates an emergency management organization to provide for disaster mitigation, preparedness, response, and recovery activities.

(C) An emergency operations plan which is approved by the division, which is on file with the division, and which is in compliance with the standards set forth in R 30.52.

(D) An exercise that tests the emergency operations plan at least once each fiscal year (October 1 to September 30).

(E) An annual local emergency management work agreement form that is filed with, and approved by, the division. This agreement shall, at a minimum, identify the actions to be taken to improve the mitigation, preparedness, response, and recovery activities of the county.

(F) Designated personnel to staff the emergency/disaster functions as identified in the emergency operations plan.

(ii) With respect to a municipality that has a population of 10,000 or more persons, a program that has all of the following elements:

(A) An emergency management coordinator who is appointed pursuant to the provisions of section 9 of the act.

(B) An ordinance or resolution that creates an emergency management organization to provide for disaster mitigation, preparedness, response, and recovery activities.

(C) An approved emergency operations plan which is on file with the division and which is in compliance with the standards set forth in R 30.52.

(D) An exercise that tests the emergency operations plan at least once each fiscal year (October 1 to September 30).

(E) An annual local emergency management work agreement form that is filed with, and approved by, the division. This agreement shall, at a minimum, identify the actions to be taken to improve the mitigation, preparedness, response, and recovery activities of the municipality.

(F) Designated personnel to staff the emergency/disaster functions as identified in the emergency operations plan.

(iii) A municipality which has a population of 10,000 or more persons and which has incorporated into the county emergency management program. A municipality shall be considered to be incorporated into the county emergency management program if the municipality has a support emergency operations plan that meets the following criteria:

(A) The support emergency operations plan describes the relationship between the county emergency management program and the municipality.

(B) The support emergency operations plan identifies the municipality's response procedures in relation to the county response procedures.

(C) The support emergency operations plan shall be maintained in accordance with the standards of currentness of the county's emergency operations plan and shall be consistent with the county plan.

(D) The support emergency operations plan shall contain the signature of the chief executive official of the municipality and be forwarded to the county.

(iv) A county emergency management program that incorporates, into the program, a municipality which has a population that is less than 10,000 persons and which does or does not have an emergency management coordinator. If a municipality meets the criteria of this subdivision, the municipality is considered to be incorporated into the county emergency management program.

(f) "Emergency operations plan" means the emergency operations plan that is developed and maintained according to standards established by the division.

(g) "Support emergency operations plan" means a plan developed by a municipality that has elected to be incorporated within the county emergency management program. The support emergency operations plan will become part of the county emergency operations plan and shall be compatible with the county plan.

History: 1994 AACS.

R 30.52 Emergency operations plan standards.

Rule 2. (1) A county or municipality shall continuously update its emergency operations plan. The chief executive official shall review and approve the emergency operations plan by signing and dating the document.

(2) An emergency operations plan shall be reviewed and be determined, by the division, to be current and adequate. A current plan is a plan that is in compliance with federal emergency management requirements. An adequate emergency operations plan is one that is determined to be in compliance with the planning requirements contained in forms provided by the division.

(3) Plans that are determined to be current and adequate shall be approved by the division and placed on file.

History: 1994 AACS.

R 30.53 Assistance eligibility.

Rule 3. (1) An applicant that applies for assistance pursuant to the provisions of section 19 of the act shall meet all of the following eligibility requirements:

(a) Maintain an emergency management program or be incorporated into a county emergency management program that is established before an emergency or disaster, as defined in the act, is declared.

(b) The applicable emergency operations plan shall have been implemented in a timely manner at the beginning of the disaster or emergency.

(c) Certify the exhaustion of local effort. Exhaustion of local effort means utilizing all available and applicable disaster relief forces as identified in the emergency operations plan and applicable support emergency operations plan.

(d) Experience an extraordinary financial burden. During the period of emergency or disaster, extraordinary financial burden shall be demonstrated by the applicant's incurring expenses, over a consecutive 5-day period, for the allowable expenditures specified in R 30.56, in an amount that is not less than \$30,000.00 or 1% of the applicant's affected agencies' annual general fund operating budget, whichever is less.

(e) Conduct an assessment of damages that are incurred in the disaster or emergency and forward an assessment report to the division in accordance with standard procedures as published by the division.

(2) In addition to the requirements specified in subrule (1) of this rule, to be eligible for assistance, a local state of emergency shall have been declared for the applicant's area in a timely manner. A copy of the declaration shall have been immediately forwarded to the division by the most expeditious method available.

History: 1994 AACCS.

R 30.54 Application process.

Rule 4. After the governor's declaration of a disaster or an emergency and within 20 days of notification that applications are being accepted, an applicant shall do both of the following:

- (a) Provide a resolution that certifies all of the following:
 - (i) That the county or municipality emergency operations plan was implemented.
 - (ii) The purpose for which the assistance is being requested.
 - (iii) That local efforts were exhausted.
 - (iv) That an extraordinary financial burden was experienced.
 - (v) The name of the applicant agent who is appointed to act for and on behalf of the applicant.
- (b) Complete form EMD-19 entitled "Application for Section 19 Assistance" and submit the application to the division.

History: 1994 AACCS.

R 30.55 Review process.

Rule 5. Upon receipt of the resolution and form EMD-19 specified in R 30.54, the division shall, within 15 days, review the package to ensure that it is complete. The division shall determine that all applicant and assistance eligibility requirements have been met. The division shall verify disaster or emergency damages. The division shall return applications with a request for additional information if evidence of eligibility is lacking or if information is insufficient. An applicant shall respond to a request for additional information within 10 days of receipt of the request. Applications that are determined by the division to meet eligibility requirements and contain all necessary information shall be forwarded to the governor for review.

History: 1994 AACCS.

R 30.56 Allowable expenditures.

Rule 6. An eligible applicant for assistance may request reimbursement for resources that are used for the mitigation of the effects of, or in response to, a disaster or emergency, including any of the following:

- (a) Overtime for employees of any of the following:
 - (i) Police department.
 - (ii) Fire department.
 - (iii) Public works department.
 - (iv) County road commission.
 - (v) Emergency medical services.
 - (vi) Other employees who are normally paid overtime.
- (b) Contracts with other political jurisdictions, private enterprise, or other persons, over and above normal contracts, that are required for disaster or emergency response.
- (c) Shelter supplies that are used during a disaster or emergency.
- (d) Gasoline and fuel for equipment that is used for disaster or emergency response.
- (e) Repair costs for equipment that is damaged as a result of use during a disaster or emergency.
- (f) Necessary costs to support designated disaster relief worker volunteers.
- (g) Costs to repair public buildings, road systems, or other facilities that are damaged as a result of the disaster or emergency.
- (h) Other expendable supplies.

History: 1994 AACCS.

R 30.57 Substantiation of claims.

Rule 7. An applicant shall maintain financial records, including all of the following, and make them available to the division upon request:

- (a) Payrolls.
- (b) Time sheets.
- (c) Purchase orders.
- (d) Invoices.
- (e) Checks.
- (f) Vouchers.
- (g) Requisitions.
- (h) Repair estimates and repair bills.
- (i) Other documents that will substantiate claims for reimbursement. These records shall be maintained for not less than 3 years from the date of the disaster or emergency.

History: 1994 AACCS.

R 30.58 Assistance to applicants.

Rule 8. Assistance pursuant to the provisions of these rules may be provided upon a proclamation of a state of disaster or state of emergency and shall be limited to \$30,000.00 or 10% of the total annual operating budget of the applicant for the preceding year, whichever is less. The amount of financial assistance shall not be more than the expenses that are incurred as a result of the disaster or emergency. Financial assistance from other state or federal programs or from insured costs shall not be duplicated by assistance pursuant to the provisions of these rules.

History: 1994 AACCS.

R 30.59 Availability of funds.

Rule 9. Contingent upon the appropriation of necessary funds by the legislature and upon the governor's approval, the division shall process the approved applications for payment.

History: 1994 AACCS.

R 30.60 Assistance payment.

Rule 10. (1) Approved applicants shall submit proof of payment of all allowable expenditures for which reimbursement is requested to the division.

(2) Upon the division review and approval, and upon approval by the governor, payment shall be authorized.

History: 1994 AACCS.

R 30.61 Rescission.

Rule 11. R 30.1 to R 30.19 of the Michigan Administrative Code, appearing on pages 327 to 332 of the 1979 Michigan Administrative Code, are rescinded.

History: 1994 AACCS.