

**THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN ADOPTS THE FOLLOWING RESOLUTION:**

**R E S O L U T I O N**

**WHEREAS**, Michigan Public Act 390 of 1976 authorizes and vests the power in the Chairman of the Board of Commissioners “[t]o declare a...state of emergency if circumstances within the county...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 March 24, 2021 the Chairman of the Board of Commissioners of Berrien County declared a state of emergency to prevent losses or damages which could result from the interruption of governmental operations due to the expiration of the authorization for virtual governmental board, council or commission meetings, and did so under Berrien Co. Emergency Order B.C. E.O. 2021-1 (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 officer of the 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; and

**WHEREAS**, the conditions described in the written declaration of emergency still exist in Berrien County and it is expected that Berrien County will need to extend the State of Emergency until at least Wednesday, June 30, 2021:

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Berrien County Board of Commissioners:

1. Confirms, authorizes, and ratifies the action taken by the Chief Executive Officer to declare a state of emergency for Berrien County, all local municipal subdivisions and all public bodies in the County;
2. Permits the extension the state of emergency declaration issued on March 25, 2021 through June 30, 2021.
3. Will enable the continuation of virtual public meetings in a manner consistent with the current Open Meetings Act modifications on the dates publically posted.
4. Directs the Chief Executive and Emergency Management Coordinator to execute all of the responsibilities delegated to them under Michigan Public Act 390 of 1976 and the Berrien County Emergency Operations Plan; to include, but not limited to expending funds.
5. This emergency declaration shall have immediate effect after the adoption of this resolution, and may be terminated prior to June 30 if circumstances warrant.

**Respectfully submitted,  
Berrien County Board of Commissioners**

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R. McKinley Elliott, Chair

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Ezra A. Scott, Vice Chair

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Robert P. Harrison, PHS Chair

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Mamie L. Yarbrough, Finance Chair

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Jim Curran, Admin Chair

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Don Meeks

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Michael J. Majerek

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Teri Sue Freehling

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Rayonte D. Bell

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Julie Wuerfel

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David Vollrath

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Jon Hinkelman



# BERRIEN COUNTY SHERIFF'S OFFICE

## EMERGENCY MANAGEMENT & HOMELAND SECURITY DIVISION

919 Port Street, Saint Joseph, Michigan 49085  
Phone (269) 983-7141 x4915 • Email [bcoem@berriencounty.org](mailto:bcoem@berriencounty.org)

**R. MCKINLEY ELLIOTT**

CHAIRMAN

BOARD OF COMMISSIONERS

**L. PAUL BAILEY**

SHERIFF

**CPT. ROCKEY J. ADAMS**

COORDINATOR

### Emergency Order Berrien Co.

**E.O. 2020-1**

### PROCLAMATION OF LOCAL STATE OF EMERGENCY (COVID-19)

TO: The Honorable Gretchen Whitmer, Governor, State of Michigan;  
Michigan State Police EMHSD 5<sup>th</sup> District Coordinator;

CC: The People of the State of Michigan;  
Commanding Officer - Emergency Management and Homeland Security Division (EMHSD), Department of State Police.

FM: County of Berrien Board of Commissioners;  
Berrien County Emergency Operations Center.

RE: Local State of Emergency Declaration COVID-19 (BC EO 2021-1)

WHEREAS, the Michigan Emergency Management Act (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.”

WHEREAS, on March 06, 2020 Berrien County became directly threatened by the SARS-Cov-2 virus, the virus causing COVID-19 disease. The Berrien County Health Department responded as the County’s lead operations agency to protect the health and welfare of the public within the County of Berrien from COVID19. As a result of what led to a world-wide pandemic, a declaration of a “local State of Emergency” was made March 26, 2020 by the Chairman of the Board of Commissioners. This declaration was affirmed and extended by the Board of Commission until July 10, 2020.

FURTHERMORE, Michigan Department of Health and Human Services has declared and continued a declaration of a Public Health Emergency that remains in effect to date. Emergency Public Health Orders pursuant to MCL 333.2253 remain effective since they began being issued on March 23, 2020. These orders are widely published on the [MDHHS website](#). The information and belief recited in the MDHHS COVID-19 orders, relative to describing the COVID-19 emergency and/or disaster conditions are all also incorporated in this local declaration by reference to describe the widespread nature of this emergency.

WHEREAS, the original local state of emergency declaration proclaimed by Berrien County was intentionally allowed to expire on July 10, 2020 after an assessment of the Health Department’s ability to continue to respond using their normal policies, practices, and resources. Further, requests from the emergency response community for scarce PPE and other resources began to normalize as these items became more abundant on the open marketplace. Hospitalizations for COVID-19 were trending downward for a sustained period of time and remained consistently below 5 patients. The Emergency Management Division, Health Department, Sheriff’s Office, and the County Commission established a policy group for COVID19 that has met weekly since July 10.

WHEREAS, the ability for the Berrien County Health Department and the above mentioned policy group to operate effectively is contingent upon the ability for the County Board of Commission to meet and conduct regular business. On March 31, 2021, it is expected that the ability to conduct an open, public meeting in a virtual manner using video and computer broadcasting feeds will no longer be allowed under the Open Meetings Act. Conversely, the ability to conform to the MDHHS public health emergency orders for gatherings and distancing while conducting an "in-person" public meeting is impossible.

WHEREAS, it is necessary to declare a local state of emergency to continue the efficient operation of local and county government for our emergency response organization while maintaining an open and transparent environment for conducting governmental business.

WHEREAS, the Chairman of the Berrien County Board of Commissioners has determined that extraordinary measures must be taken to respond to the conditions described herein.

NOW, THEREFORE, as the Chairman of the County Board of Commissioners of Berrien County, in accordance with Section 10 of Act 390, P.A. 1976, as amended, I declare that a local state of emergency exists in Berrien County and all governmental subunits therein, and I order the following actions to be implemented; if not already so done:

1. This local state of emergency shall continue for a period of not more than seven (7) days from the date of this proclamation unless continued or renewed by the Berrien County Board of Commissioners.
2. The Board of Commission will continue to meet using a virtual meeting that conforms to the Michigan Open Meetings Act (Public Act 267 of 1976).
3. The Berrien County Emergency Management Coordinator (BCEOC) shall continue to monitor and assess the emergency and provide advice related to the need to activate the Emergency Operations Center.
4. County department directors and county offices shall implement any department or office level emergency plans or procedures in response to COVID-19 to include any continuity of operations plans.
5. The County Administrator will remain the County's COVID19 coordinator of occupational health and safety as identified in the Berrien County COVID19 workplace plan.
6. The COVID19 response and recovery aspects of the County shall continue to operate at their fullest, most reasonable extent, and local municipality and county resources shall be utilized to the fullest extent practicable, as determined by the Chief Elected Official of the local subunit(s) of government.
7. The Multiagency Coordination Policy Group assigned and known as the "COVID-19 Committee" shall continue to serve in the manner consistent with activities they have conducted weekly since July 10, 2020 and shall serve the administrative needs of the health department.
8. This declaration of a local state of emergency shall be promptly disseminated to local media providers through press release. It shall be transmitted promptly to the Michigan State Police Emergency Management Division and the Berrien County Clerk by the Emergency Management Coordinator.
9. This order shall not be construed to relieve any state or local official, department head, or agency of its normal responsibilities.
10. This declaration shall take effect immediately from and after its issuance.

ORDERED this 25<sup>th</sup> day of March, 2021.

Deputy Clerk  
Sign (if needed): \_\_\_\_\_

Date: \_\_\_\_\_

CLERK

CHAIRPERSON

Print: \_\_\_\_\_

Print: \_\_\_\_\_

Sign: \_\_\_\_\_

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_