

The information contained in this Executive Summary has been taken directly from the Nueces County Emergency Management which has been designated as a CONFIDENTIAL document. The below information should be handled accordingly.

NUECES COUNTY ANNEX U- Legal Commissioners Court Executive Summary

The purpose of this annex is to make provision for legal services when emergencies occur or when such situations appear imminent and to provide guidance for invoking the emergency powers of government when necessary.

Assumptions

- Local emergency preparedness plans and programs should have a sound legal basis.
- In responding to major emergencies and disasters, local officials may have to take extraordinary measures to protect public health and safety and preserve property and they will probably require timely advice regarding the legality of proposed measures.
- Measures taken to protect public health, safety, and preserve property during an emergency and during recovery and mitigation activities after a disaster generally require issuance of appropriate legal documents. Competent legal service professionals will prepare the documents.

Activities by Phases of Emergency Management

Prevention

- Brief the elected officials and department heads on possible liabilities arising from disaster operations, procedures for invoking the emergency powers of government, and legal documents relating to emergency powers.
- Maintain current copies of existing disaster-related laws, regulations, and orders.
- Develop local procedures for invoking emergency powers.
- Prepare sample legal documents (included in this annex) for approval by elected officials.

Preparedness

- Ensure County emergency call-out rosters include the County Attorney, who should maintain current telephone numbers and addresses for the legal staff.
- Review plans and procedures.

- Review mutual aid agreements submitted to the jurisdiction for approval and prepare mutual aid agreements to submit to other jurisdictions for approval.

Response

- Advise the County Judge and emergency services staff on legal implications of response activities.
- If required, prepare, have approved and signed, and disseminate legal documents declaring a disaster, terminating a disaster declaration, or invoking emergency powers.
- Advise the Incident Commander (IC) on legal matters, such as emergency proclamations, legality of evacuation orders, and legal rights and restrictions pertaining to media access.

Recovery

- Advise County officials on legal aspects of recovery operations.
- Assist County officials in preparing emergency ordinances, permits, applications for state or federal assistance, grant applications, and, if necessary, litigation.

Organization & Assignment of Responsibilities

General.

Overall, responsibility for providing legal services to the County Judge, the Commissioner's Court, department heads, and other local officials during an emergency rests with the County Attorney. The County Attorney's subordinates will assist him or her.

Task Assignments

County Judge
County Attorney
County Clerk