

ORDINANCE NO.: 2007-01

ADOPTED: April 3, 2007

Fillmore County Emergency Management Ordinance

Section 1. Policy and Purpose

Subdivision 1. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this County will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this County, it is hereby found and declared to be necessary:

- (a) To establish a Fillmore County emergency management organization responsible for Fillmore County planning and preparation for emergency government operations in time of disasters.
- (b) To provide for the exercise of necessary powers during emergencies and disasters.
- (c) To provide for the rendering of mutual aid between this County and other political subdivisions of this State and of other states with respect to the carrying out of emergency preparedness functions.
- (d) To comply with provisions of Minnesota Statutes, Chapter 12, Section 12.25, which requires that each political subdivision of Minnesota shall establish a local organization for emergency management.

Section 2. Definitions

Subdivision 1. "Emergency Management" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency management includes those activities sometimes referred to as "Civil Defense" functions.

Subdivision 2. "Disaster" means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Subdivision 3. The term "emergency" means a set of circumstances which demand immediate action to protect life, preserve public safety, health and essential services, or protect property and the environment.

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Subdivision 4. "Emergency Management Forces" are the total personnel resources engaged in county/city/township-level emergency management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from departments, authorized volunteers, and private organizations and agencies.

Subdivision 5. "Emergency Management Organization" means the staff element responsible for coordinating Fillmore County planning and preparation for disaster response. This organization provides County liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

Section 3. Establishment of an Emergency Management Organization

Subdivision 1. MN Statute, Chapter 12, Section 12.25, states that "each county emergency management organization must have a director and one or more deputy directors. They must be appointed by the county board." There is hereby created within the County government an emergency management organization that shall be under the supervision and control of the County Emergency Management Director, hereinafter called the "director". The director and one deputy shall be appointed by the Board of Fillmore County Commissioners for a renewable 4-year term and may be removed by them at any time with just cause. They shall serve at a salary determined by the Board of Commissioners and shall be paid necessary expenses. The director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Board of County Commissioners. The county organization for emergency management has jurisdiction throughout the county outside of a city or of a town that has a local emergency management organization.

Section 4. Powers and Duties of the Director

Subdivision 1. The director, with the consent of the Board, shall represent the County on any regional or state conference for emergency management. The director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the Board for its action. Such arrangements shall be consistent with the State Emergency Plan.

Subdivision 2. The director shall make studies and surveys of the manpower, industries, resources and facilities of the County as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The director of Emergency Management shall establish the economic stabilization systems and measures, service staffs, boards and sub-boards required, in accordance with state and federal plans and directions subject to approval of the board.

Subdivision 3. The director shall prepare a comprehensive emergency plan for the emergency preparedness of the County including municipal and unincorporated areas and shall present such plan to the board for its approval. When the board has approved the plan by resolution, it shall be the duty of all Fillmore County agencies and all emergency preparedness forces of the County to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the emergency management activities of the County to the

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end that they shall be consistent and fully integrated with Federal and State emergency plans and coordinated with emergency plans of other political subdivisions within the State. The county plan must be in compliance with all federal and state requirements.

Subdivision 4. In accordance with the State and Fillmore County Emergency Plan, the director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as necessary to assure prompt and effective operation of the County Emergency Plan when a disaster occurs.

Subdivision 5. The director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the County to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the County Emergency Management organization and to the Governor upon request. The head of each department or agency in cooperation with the director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

Subdivision 6. The director shall, in cooperation with existing Fillmore County departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the County and state. To the extent that such emergency personnel are recruited to augment a regular Fillmore County department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said department or agency.

Subdivision 7. Consistent with the state emergency services law, the director shall coordinate the activity of municipal emergency management organizations within the County and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services (Minnesota Statutes, Chapter 12, Sec. 12.25).

Subdivision 8. The director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

Subdivision 9. The director shall act as principal aide and advisor to the County official responsible for direction and control of all Fillmore County emergency operations during an emergency. The director's main responsibility is to assure coordination among the operating departments, non-governmental groups, and with higher and adjacent governments. Upon instructions from the County Board of Commissioners, the director may be ordered to direct and coordinate the general operations of all county emergency management forces during the time of an impending disaster as well as during the time that disaster relief operations are necessary. The director shall carry out all orders, rules, and regulations issued by the county board to alleviate the disaster situation.

Subdivision 10. Consistent with the county emergency management plan, the director shall provide and equip at some suitable place in the county for an emergency operations center (EOC) and an alternate EOC to be used during an emergency management emergency as headquarters for direction and coordination of emergency management forces. He/She shall arrange for representation at the EOC as laid out in the County's Emergency Operations Plan (EOP). He/She shall arrange for communication with and between heads of emergency management services, and operating units of

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county services and other agencies concerned with emergency management and for communication with other communities and control centers within the surrounding area and with the federal and state agencies concerned.

Subdivision 11. The director shall prepare and submit such reports on emergency preparedness activities as may be requested by the County Board of Commissioners.

Subdivision 12. The deputy director shall report to the director and will assume all responsibilities of the director in his/her absence. The deputy will support and assist the director in completing all duties as stated above.

Section 5. Local Emergencies

Subdivision 1. A local emergency may be declared only by the Mayor of a municipality or Chair of a Fillmore County Board of Commissioners or their legal successors. It shall not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the chief of the local records-keeping agency of the subdivision.

Subdivision 2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

Subdivision 3. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Section 6. Emergency Regulations

Subdivision 1. Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor, the Board may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

Subdivision 2. Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the County Coordinator, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the Coordinator's Office shall be conspicuously posted at the front of the County Courthouse Building or at such other places in the affected area as the Board shall designate in the resolution. By like resolution, the Board may modify or rescind any such regulation.

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Subdivision 3. The County Board may rescind any such regulation by resolution at any time. If not rescinded sooner, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Board shall be suspended during the period of time and to the extent such conflict exists.

During a declared emergency, the County is, notwithstanding any statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the County, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The County may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for budgets.

Subdivision 4. When implementing instructions (such as standard operating procedures (SOPs) or other operating plans) are written or updated by departments, cities, townships, or other entities covered by the Fillmore County EOP, a copy of these plans are to given to the Emergency Management Director who will place a copy in the Fillmore County EOC to enhance coordination.

Section 7. Emergency Management A Governmental Function

All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

Section 8. Participation in Labor Dispute or Politics

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

Section 9. Effective Date

This state shall take effect upon approval by the Board of Commissioners of Fillmore County.