AMEND CHAPTER 5 SECTIONS 5.02 AND 5.04 AS FOLLOWS OF THE WAUPACA COUNTY CODE OF ORDINANCES EMERGENCY MANAGEMENT

5.00 EMERGENCY MANAGEMENT – SECTIONS:

5.01 Wisconsin Emergency Operation Plan adopted.
5.02 County-Emergency Management Organization -- Created -- Purpose
5.03 Definitions
5.04 Emergency Management Committee
5.05 Emergency Management Director
5.06 Emergency Management program costs
5.07 Duties of the Emergency Management Director
5.08 Other emergencies
5.09 Applicants agent
5.10 Violation - Penalties

5.01 WISCONSIN EMERGENCY OPTIONS PLAN ADOPTED

The State of Wisconsin "Emergency Operations Plan" is adopted by the Waupaca County Board of Supervisors, December, 1993, as the official program of the County for Emergency Management.

5.02 COUNTY-EMERGENCY MANAGEMENT ORGANIZATION – CREATED - PURPOSE (Created May 10, 2010)

A. To ensure that the County will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from technological (man-made) and natural disasters, a County Emergency Management organization is created to carry out the purposes set out in Chapter 323, Wisconsin Statutes. Furthermore, Chapter 323.14 (1) (a) and (b) states: (**1**) (a) 1. Subject to subd. 3., each county board shall develop and adopt an emergency management plan and program that is compatible with the state plan of emergency management under s. 323.13 (1) (b). 2. Each county board shall designate a head of emergency management. In counties having a county executive under s. 59.17, the county board shall designate the county executive or confirm his or her appointee as county head of emergency management. Notwithstanding sub. (2) (b), an individual may not simultaneously serve as the head of emergency management for 2 or more counties. 3. Each county board shall designate a committee of the board as a county emergency management committee. The chairperson of the county board shall designate the chairperson of the committee. In counties having a county executive under s. 59.17, the committee shall retain policy−making and rule−making powers in the establishment and development of county emergency management plans and programs.

(b) 1. The governing body of each city, village, or town shall develop and adopt an emergency management plan and program that is compatible with the state plan of emergency management adopted under s. 323.13 (1) (b).

5.03 DEFINITIONS

A. "Civil defense" means all measures undertaken by or on behalf of the State and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.

B. "Disaster" means any event which threatens to, or actually does, cause or inflict great damage to people, property or the environment and includes all other extraordinary misfortunes affecting the County, natural or man-made, not included in the term "enemy action".

C. "Emergency" means a sudden, generally unexpected occurrence demanding immediate action.

D. "Emergency Management" includes "civil defense" and means all measures undertaken by or on behalf of the State and its subdivisions:

1. To prepare for and minimize the effect of enemy action, natural or man-made disaster upon the civilian population.

2. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

E. "Enemy Action" means hostile action by a foreign power which threatens the security of this State or a portion thereof.

F. "Management" means an organized effort to mitigate against, prepare for, respond to or recover from a disaster or emergency.

G. "Natural Disaster" includes all other extraordinary misfortunes affecting the County, natural or man-made, not included in the term "enemy action".

5.04 EMERGENCY MANAGEMENT COMMITTEE

A. How constituted. The Committee on Committee shall appoint the Emergency Management Committee, on even numbered years, at the April Organizational Session. The Emergency Management Committee shall consist of the Chair from the County Board, Health & Human Services, Law Enforcement, Finance and

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Amended March 16, 2004
Amended December 20, 2005 Sec. 5.10 & 5.11
EM Committee approval March 19, 2010 Sec 5.02
Amended May 18, 2010

Personnel, Lakeview Manor Chair and Highway Committees. The County Board Chair shall hold the position of Chair on the Emergency Management Committee.

B. Duties of the Emergency Management Committee. The Emergency Management Committee shall be an advisory, policy and oversight group and shall inform the County Emergency Management Director and the County Board on all matters pertaining to emergency management.

5.05 EMERGENCY MANAGEMENT DIRECTOR

A. Director. There is hereby created the Office of Emergency Management. The Emergency Management Director shall have the duties and responsibilities as set forth in Chapter 166 Wisconsin Statutes and Chapter Five of the Waupaca County Code of Ordinances.

B. Appointment. When vacant the County Board Chair shall appoint an Emergency Management Director subject to approval by the Emergency Management Committee and the County Board of Supervisors. Once appointed and approved, the Emergency Management Director's term of office is subject to all rules and regulations of the Waupaca County Personnel and Policy Manual.

5.06 EMERGENCY MANAGEMENT PROGRAM COST

A. Office and Staff. The County Board shall provide the funding necessary to carry out the functions of the Emergency Management Director.

B. Major equipment and services. Costs of equipment and services shall be born 100% by the municipal government requiring such procurement with federal matching funds procured by the Emergency Management Director when applicable. Federal matching fund reimbursement shall be returned to the treasurer of the municipality procuring the equipment or services.

5.07 DUTIES OF THE EMERGENCY MANAGEMENT DIRECTOR

A. The Director, subject to the policy, oversight and direction of the Emergency Management Committee shall:

See current position description for details. Position descriptions are located in both the Personnel and Emergency Management offices. Position description is updated annually.

B. The Director, in assuming the functions of the Emergency Management Coordinator for the Local Emergency Planning Committee (LEPC) and designated as Coordinator of Information and Community Emergency Coordinator shall:

See current position description for details. Position descriptions are located in both the Personnel and Emergency Management Offices. Position description is update annually.

5.08 AUTHORITY TO DECLARE DISASTERS OR EMERGENCIES

A. The Governor of the State of Wisconsin, the Waupaca County Board of Supervisors, by proclamation the Waupaca County Board Chair or identified line of succession (Vice-Chair and County Clerk) and Waupaca County Emergency Management Director have the authority to declare disasters or emergencies for all or parts of Waupaca County consistent with applicable State Statutes. State Statutes provide also for chief elected officials of all Waupaca County towns, villages and cities to have the authority to declare their municipality of a disaster area.

B. In the event the Governor, the Waupaca County Board of Supervisors, the Waupaca County Board Chair or Emergency Management Director determines that an emergency or disaster exists growing out of natural, man-made or enemy action, any expenditures for services rendered in participating municipalities shall be paid by such municipalities.

C. The Waupaca County Emergency Management Director, and support personnel, shall have the authority, after consultation with the Waupaca County Board Chair or line of succession, to order an evacuation of part or all of Waupaca County and have access to all property and/or enter dwellings and/or buildings in carrying out all functions, duties and responsibilities assigned to the Waupaca County Office of Emergency Management.

5.09 APPLICANT'S AGENT

The County Emergency Management Director shall have the authority to execute, for and on behalf of the County, applications, assurances and agreements as and for emergency federal financial assistance available through the Federal Disaster Assistance Administration, the Department of Housing and Urban Development, the President's Disaster Relief Fund and other sources. The Director shall be referred to in this capacity as "the applicant's agent". The authority granted to the said Director in this section shall be subject to the Director procuring prior approval for her/his actions from the Emergency Management Committee except where the nature of the emergency, disaster or enemy action is such as to create an exigency which requires the immediate execution of the aforesaid duties in light of applicable federal standards.

5.10 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)/INCIDENT COMMAND SYSTEM (ICS)

Waupaca County will comply with the National Incident Management Systems (NIMS) requirement in all phases (i.e., mitigation, preparedness, response, recovery) of its emergency management program, as detailed by the federal and state government, in order to facilitate an effective and coordinated emergency management system and in order to remain eligible for funding. As part of becoming compliant with the NIMS, Waupaca County hereby adopts the approved Incident Command System (ICS) for use in all emergency operations. The Waupaca County Emergency Management Director will provide county and municipal agencies with the information necessary to aid each entity with complying with the NIMS requirement(s.)

5.11 EMERGENCY BIDDING AND HIRING

In order to meet the needs of the community in a county-declared disaster in a timely manner while still meeting the federal guidelines for competitive purchasing, request for contractors may be released in the most expeditious form of legal notice and the open period may close no less than three (3) days after the request is publicly released. The County will review the submissions for both price and quality to select a bidder. In order to achieve economies of scale or to simplify the bidding process, municipalities may, at the time of disaster, submit a written letter requesting that the County hire contractors on the municipality's behalf. The municipality will remain responsible for the costs of their portion of the contract unless other arrangements are detailed in writing beforehand. The County may also implement an expedited hiring process. The intent of this process is to bring into County service temporary employees that may be needed on a limited-term basis specifically to aid in the recovery from a County declared disaster. In a formally declared County disaster, this provision of the ordinance would supersede existing County policy, resolution or ordinance in order to expedite the hiring and/or bidding process(es) only during this specifically declared event. If the County Board Chairperson is not available for approval, the First Vice-Chairperson of the Board, Waupaca County Clerk, Waupaca County Emergency Management Director then Corporation Council may approve the implementation of this process.

5.12 VIOLATION – PENALTIES

It is unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Management Organization in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter, or to any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this chapter. For a violation of any of the provisions of this chapter, the sanctions shall be forfeitures of $200.00 for the first offense and $500.00 for each subsequent offense. Each unlawful act is a separate offense.