

WASHINGTON COUNTY CODE

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CHAPTER 9

EMERGENCY MANAGEMENT

9.01 DECLARATION OF POLICY. To ensure that Washington County, and participating municipalities thereof, will be prepared to cope with emergencies resulting from enemy action, natural and man-made disasters, a county emergency management organization is created to carry out the purposes set out in Ch. 323, Wis. Stats.

9.02 DEFINITIONS. Terms used in this chapter mean:

(1) "Emergency." Any event which threatens to or actually does, inflict damage to property or people.

(2) "Management." An organized effort to mitigate against, prepare for, respond to, or the recovery from, an emergency.

(3) "Emergency Management." All measures, including Civil Defense undertaken by or on behalf of the County and municipalities within the County to any of the following:

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

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

(4) "Civil Defense." All measures undertaken by or on behalf of the state and the County and the municipalities within the County to prepare for and minimize the effects of enemy action upon the civilian population.

(5) "Enemy Action." Hostile action by a foreign or domestic power which threatens the security of this County or a portion thereof.

(6) "Natural Disaster." Includes all other extraordinary misfortunes affecting the county, natural or man made, not included in the term "enemy action."

9.03 COUNTY EMERGENCY MANAGEMENT COMMITTEE. (1) **Creation.** The Emergency Management Committee is created pursuant to sec. 2.44 of this Code and fulfilled by the Public Safety Committee.

(2)(AM 03-42) **Duties.** The County Emergency Management Committee shall be an advisory and planning group and shall advise the County Emergency Management Coordinator and the County Board of Supervisors on all matters pertaining to Emergency Management.

(3) **Hazardous Substances Information and Emergency Planning.** As authorized by §59.54(8), Wis. Stats., the County Emergency Management Committee may implement programs and undertake activities which are designed to prepare the County to cope with emergencies involving the accidental release of hazardous substances which are consistent with, but in addition to the minimum requirements of §323.60, Wis. Stats., and 42 U.S.C. §§11000 to 11050, within the budget of the Committee, subject to approval of the County Board.

9.04(AM 03-42) COUNTY EMERGENCY MANAGEMENT COORDINATOR. (1) **Creation.** There is hereby created the office of County Emergency Management Coordinator.

(2)(AM 03-42) **Appointment.** The County Emergency Management Coordinator shall be appointed by the County Board, pursuant to §323.14(1), Wis. Stats. The County Administrator shall recommend to the County Board one candidate for said appointment. It shall be the responsibility of said County Administrator to recruit, examine and evaluate candidates.

(3)(AM 03-42) **Personnel.** The provisions of §323.25, Wis. Stats., relating to personnel, shall apply to the selection of the Emergency Management Coordinator and staff.

(4)(AM 03-42) **Deputy Emergency Management Coordinator.** In the absence of the Emergency Management Coordinator, the Deputy Emergency Management Coordinator shall perform all duties of the Emergency Management Coordinator. In the absence of both the Emergency Management Coordinator and the Deputy Emergency Management Coordinator, the Sheriff or Sheriff's designee shall perform all duties of the Emergency Management Coordinator as set forth in this chapter.

9.05(AM 03-42) DUTIES OF COUNTY EMERGENCY MANAGEMENT COORDINATOR. The Emergency Management Coordinator, subject to the policy, oversight and direction of the County Emergency Management Committee and under the general supervision of the County Administrator shall have all the duties and powers set forth in §323.15, Wis. Stats., including:

(1)(AM 03-42) Prepare, promulgate and implement County emergency management plans, consistent with State and Federal plans, rules and procedures.

(2)(AM 03-42) Direct the Emergency Management Program for the County and perform such other duties related to Emergency Management as are required by the County Board and the County Emergency Management Committee.

(3)(AM 03-42) Coordinate and assist in developing town and municipal Emergency Management plans within the County, and integrate such plans with the County plan.

(4)(AM 03-42) Advise the State Division of Emergency Management of all Emergency Management planning in the County and submit such reports as may be required.

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(5)(AM 03-42) Direct and coordinate all County emergency management activities and advise/assist town and municipal emergency management activities throughout the County during a state of emergency.

(6)(AM 03-42) Coordinate and facilitate County-wide Emergency Management training programs and exercises.

(7)(AM 03-42) To ensure that all emergency management tasks are carried out within the legal authority as guided by the Federal, State and County laws and regulations. Participate in, and contribute to, the legislative and regulatory process as it relates to emergency management.

(8) In the event of an officially declared emergency, coordinate, activate or implement emergency plans and procedures as directed.

(9) In the event of a public health emergency, to assist and coordinate emergency efforts with the County Health Department.

(10)(AM 03-42) Such other duties as may be included in a job description as developed and amended from time to time by the County Emergency Management Committee.

9.06 SHARING OF COSTS. (1)(AM 03-42) **Office and Staff.** The County Board shall provide offices, office furniture, equipment and support staff assistance and such office supplies as may be necessary to carry out the functions of the Emergency Management Coordinator and the cost thereof shall be defrayed by Washington County, with the Emergency Management Performance Grant and any and all available state or federal emergency management related grants.

(2)(AM 03-42) **Major Equipment and Services.** Costs of equipment and services shall be borne 100% by the municipal government requiring such procurement with Federal financial assistance procured by the County/Municipal Emergency Management Coordinator when applicable. Federal financial assistance reimbursements shall be returned to the treasurer of the municipality procuring the equipment or services.

9.07 JOINT MEETINGS.(AM 03-42) Whenever it is deemed necessary by either the County Public Safety Committee or the emergency management committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

9.08 UTILIZATION OF EXISTING SERVICES AND FACILITIES. (1) **Policy.** In preparing and executing the Emergency Management Program, the services, the equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent practicable; and the heads and personnel of all such departments and agencies are directed to cooperate, and extend such services and facilities as are required of them.

(2) **Responsibility.** In order to assure that in an emergency all of the facilities of the existing County Government are expanded to the fullest to meet such emergency, department and agency heads assigned to specific responsibilities under the Comprehensive Emergency Management Plan (CEMP) will fulfill emergency and non-emergency duties as prescribed in the plan. Municipalities requesting assistance from Washington County will provide for maximum utilization of its existing services, equipment, supplies and facilities of the municipality by including a section parallel to this in the municipal ordinance.

9.09 LOCAL EMERGENCY PLANNING COMMITTEE. (1) **Appointments.** As required by §59.54(8)(a), Wis. Stats., the County Board shall appoint the membership of a Local Emergency Planning Committee to serve within the Emergency Planning District which is contiguous with the County.

(2) **Membership.** Appointments for membership to the LEPC shall include those representatives required by 42 U.S.C. §11001(c) and §15.105, Wis. Stats., where not inconsistent with the Federal legislation.

(3) **Duties.** The LEPC shall exercise those duties established in 42 U.S.C. §§11000 to 11050 and §323.60(3), Wis. Stats., except that any and all grant applications shall require advanced approval by the County Board as required in sec. 4.27 of this Code.

(4) **LEPC Budget Process.** The LEPC shall submit a budget on an annual basis to the County Administrator to permit the County Board to monitor and control all expenditures made by the committee as required by §59.54(8)(a), Wis. Stats. Nothing in this section shall be construed to require the County Board to make a direct or indirect appropriation to the LEPC nor shall the LEPC be authorized in any way to bind Washington County beyond any express authority granted to the LEPC.

(5) **Relationship of LEPC to County Board.** As defined in §893.82, Wis. Stats., the members of the LEPC are State officers, employees or agents, and shall never be construed to be officers, agents or employees of Washington County. The LEPC is not a committee, board, institution, agency or department of the County in any fashion, except to the extent that Washington County is required to monitor and control all expenditures by the LEPC, and there, Washington County's responsibility is solely to properly control expenditures to assure compliance with Federal and State laws and regulations.

(6)(AM 03-42) **Relationship of LEPC to Public Safety Committee.** The Public Safety Committee of the County Board shall serve as a liaison between the LEPC and the County Board. The Public Safety Committee shall monitor the expenditures of the LEPC as required by §59.54(8)(a), Wis. Stats., and to that end shall review in coordination with the County Administrator, the annual budget of the LEPC and make a recommendation to the County Board. The Public Safety Committee shall also review and make a recommendation as to approval of any grant applications submitted by the LEPC. These applications shall further be submitted in compliance with sec. 4.27 of this Code.

(7)(AM 03-42) **Emergency Management Coordinator.** In the event that the Emergency Management Coordinator shall be appointed to serve on the LEPC, the Emergency Management Coordinator shall be a State officer, employee or agent as defined by §893.82, Wis. Stats. Only those duties performed by the Emergency Management Coordinator, as directly necessary to assist the County Board in discharging its obligation to control expenditures of the LEPC, shall be construed actions of the Emergency Management Coordinator in his or her capacity as a County employee or agent.

(8) **Construction.** Nothing in this section shall be construed to ratify or adopt any action taken by the LEPC which is and shall remain an agency totally independent of Washington County government.

(9) **Enforcement.** Nothing in this section shall be construed to require Washington County to take any enforcement action under 42 U.S.C. §11046 or §323.60(9), Wis. Stats.

(10) **Accounts.** The LEPC shall maintain such accounts as directed by the County Board or as required by State and Federal law. The County Board shall be permitted to audit the books and accounts of the LEPC at any reasonable time and without notice in order to discharge the County Board's responsibility under §59.54(8)(a), Wis. Stats.

(11) **Contracts and Grants.** In view of the fact that the LEPC is a State agency, LEPC shall not represent itself to be a County committee or otherwise connected with County government. Any grants or contracts signed by or on behalf of the Committee shall be in the name of the Committee or of the State of Wisconsin and shall in no way represent any relationship to Washington County other than to the geographical limits of the County. In addition, any actions taken by Washington County under §59.54(8)(a), Wis. Stats., shall be deemed the activities of the County and shall be performed solely by County officers, employees and agents, except where delegated to the LEPC by specific written contract signed on behalf of the County and the LEPC.

9.10 HAZARDOUS SUBSTANCE REIMBURSEMENT. (1) **Definitions.** As used in this section, words and phrases shall be as defined in §323.70, Wis. Stats.

(2) A person who possessed or controlled a hazardous substance that was discharged or caused the discharge of a hazardous substance shall, as provided under sub. (3) below, reimburse a local agency for actual, reasonable and necessary expenses incurred under §323.70(4) or 323.71(4), Wis. Stats.

(3)(AM 03-42) (a) The Emergency Management Coordinator is hereby designated as the reviewing entity under this subsection and §323.71(5), Wis. Stats.

(b) A local agency seeking reimbursement under this section or §323.71, Wis. Stats., shall submit a claim stating its expenses to the Emergency Management Coordinator.

(c) The Emergency Management Coordinator shall review the claims submitted under par. (b) above and determine the amount of reasonable and necessary expenses incurred. The Emergency Management Coordinator shall provide a person who is liable for reimbursement under this section or §166.22, Wis. Stats. with a notice of the amount of expenses which he or she has determined to be reasonable and necessary that arise from one discharge and are incurred by all local agencies from which the reviewing entity receives a claim.

(d) If a person receiving a notice under par. (c) above objects to the amount of the expenses in the notice, the person may ask the Emergency Management Coordinator to review his or her determination. The Emergency Management Coordinator may modify the determination and shall notify the person of the result of his or her review.

(e) A person liable for reimbursement under sub. (2) above or §323.71, Wis. Stats., shall pay the reimbursement directly to each local agency.

9.11 EMERGENCY DECLARATION. (1) Emergency Conditions Defined. Emergency conditions include, without limitation because of enumeration: conditions arising by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot, civil commotion, acts of God and conditions which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the County.

(2) **Declaration of Emergency by County Board.** The County Board may declare, by resolution, a state of emergency for the County or any portion thereof if the County Board determines that an emergency resulting from enemy action or natural or man-made disaster exists. The duration of such state of emergency shall not exceed 60 days as to an emergency resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disasters, unless either is extended by resolution of the County Board. The duration of a declared state of emergency may not exceed the length of time beyond when emergency conditions exist. A copy of the resolution may be revoked at the discretion of the County Board Chairperson, or in his/her absence, the Vice Chairperson of the County Board, or in his/her absence the 2nd Vice Chairperson of the County Board, by written order or by the County Board by resolution.

(3) **Proclamation of Emergency.** If, because of such emergency conditions, the County Board is unable to meet with promptness, the County Board Chairperson, or in his/her absence, the Vice Chairperson of the County Board, or in his/her absence, the 2nd Vice Chairperson of the County Board, shall exercise by proclamation all of the powers enumerated in sub. (2) above conferred upon the County Board. Such proclamation shall be confirmed by resolution of the County Board at the next regularly scheduled or special meeting.

(4) **General Powers.** The emergency powers conferred herewith include the general authority to order, by ordinance, resolution or proclamation, whatever is necessary and expedient for the health, safety, welfare and good order of the County during such emergency.

(5)(AM 01-8) **Authority of County Board Chairperson.** To facilitate recovery following a disaster, the County Board Chairperson, or in his/her absence, the Vice Chairperson of the County Board, or in his/her absence, the 2nd Vice Chairperson of the County Board may suspend required permits, price controls or other restrictions pursuant to the authority granted in Chapter 323, Wis. Stats., and §59.52(2a), Wis. Stats., consistent with the procedure outlined in §4.04(24) of this Code.

9.12 PENALTIES. Whoever intentionally fails to comply with the directives of Emergency Management authorities promulgated under this chapter during a state of emergency or during any training program or exercise may be subject to a forfeiture of not more than \$200 and upon default of payment of such forfeiture shall be imprisoned not more than 90 days.