

WAUPACA COUNTY CODE OF ORDINANCES
Chapter 5
Emergency Management

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5.01 WISCONSIN EMERGENCY RESPONSE PLAN ADOPTED

The State of Wisconsin "Emergency Response Plan" is adopted by the Waupaca County Board of Supervisors, July 12, 2012, as the official program of the County for Emergency Management.

5.02 COUNTY EMERGENCY MANAGEMENT DEPARTMENT: PURPOSE

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 Department is created to carry out the purposes set out in Chapter 323, Wisconsin Statutes. Furthermore, Chapter 323.14 (1) (a) mandates each county board shall develop and adopt an emergency management plan and program that is compatible with the state plan of emergency management; that each county board shall designate a head of emergency management; that each county board shall designate a committee of the board as a county emergency management committee; and that the chairperson of the county board shall serve as the chairperson of the committee.

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 and 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.** The Committee on Committees shall appoint the Emergency Management Committee, on even numbered years, at the April County Board Organizational Session. The Emergency Management Committee shall consist of the Chair of the County Board, Vice Chair of the County Board, the Chair of the Health & Human Services Board, and the Chairs of the Law Enforcement, Finance, and Highway Committees. The County Board Chair shall hold the position of Chair of the Emergency Management Committee.
- B.** The Emergency Management Committee shall be an advisory, policy, and oversight body 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.** There is hereby created the Office of Emergency Management. The Emergency Management Director shall have the duties and responsibilities as set forth in

Chapter 323 of the Wisconsin Statutes, this Chapter and in the position job description maintained by the Human Resources Department.

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

5.06 EMERGENCY MANAGEMENT PROGRAM COST

- A. The County Board shall provide the funding necessary to carry out the functions of the Emergency Management Department.
- B. 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 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 (i.e., Vice Chair, Chair of Finance Committee, then Chair of Legislative, Judicial, Ethics, Safety and Security Committee) in conjunction with the 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.
- 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 other individuals in line of succession, to order an evacuation of part or all of Waupaca County and have access to all real 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.

5.08 COUNTY'S AGENT FOR EMERGENCY ASSISTANCE

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 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 requires the immediate execution of these duties in light of applicable federal standards.

5.09 NATIONAL INCIDENT MANAGEMENT SYSTEM and INCIDENT COMMAND SYSTEM

- A. Waupaca County shall comply with the National Incident Management Systems ("NIMS") requirement in all phases (i.e., mitigation, preparedness, response, and 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 to remain eligible for funding.
- B. Waupaca County hereby adopts the approved Incident Command System ("ICS") for use in all emergency operations.
- C. The Waupaca County Emergency Management Director shall provide County and municipal agencies with the information necessary to aid each entity with complying with NIMS requirements.

5.10 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 its 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 an existing County policy, resolution or ordinance in order to expedite the hiring and/or bidding process for the duration of this specifically declared event. If the County Board Chair is not available for approval of the implementation of emergency procurement and hiring

protocols, approval may be made by the following persons in line of succession: the County Board Vice-Chair, Waupaca County Clerk, Waupaca County Emergency Management Director, and finally Waupaca County Corporation Counsel.

5.11 VIOLATION – PENALTIES

It is unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management Department in the enforcement of any order, rule, regulation or plan issued pursuant to this Chapter, or to take any action prohibited 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, he or she shall forfeit \$200.00 for the first offense and \$500.00 for each and every subsequent offense, together with the costs of prosecution and court costs. Each unlawful act is a separate offense.