

2.36.070 Declared emergency.

A. Upon the recommendation of the emergency management coordinator, the chair of the county board is authorized to issue and file with the county clerk a written declaration of emergency in the county under the following circumstances:

1. Whenever conditions arise by reason of war, conflagration, flood, heavy snowstorm, blizzard, tornado, catastrophe, natural or man-made disaster, riot or civil commotion, acts of God, and including conditions, without limitation because of enumeration, which impair transportation, food or fuel supplies, medical care, health, human services, police protection or other vital functions or facilities of the county;

2. Whenever the Governor proclaims a state of emergency in the county or the President of the United States declares the county to be a disaster area and the chair of the county board determines that the emergency or disaster meets the conditions in this subsection.

B. The period of such declared emergency shall be limited to the time during which such emergency conditions exist or are likely to exist. The declaration of emergency shall be subject to ratification, alteration, modification or repeal by the county board or the emergency management committee as soon as either body can meet, but such subsequent action taken by the county board or committee shall not affect the prior validity of the declaration. (Ord.142-103 Sec.7, 1999; Ord. 138-83, Sec. 9, 1004; Ord. 130-16 Sec.7, 1986; Ord. 81-82/355 Sec.6, 1981: Res. (part) and Sec.7 of Ord. dated 11-13-62).

2.36.080 County board meetings in a declared emergency.

A. When the chair of the county board determines that the declared emergency warrants immediate county board action, he or she may convene the county board as provided by the rules of the county board.

B. If the chair determines that it is important, inexpedient or impossible to conduct the affairs of the county board at the courthouse, he or she shall convene the board at the emergency operations center or at any other site designated in the current emergency management plan, in which case the board shall proceed under Wis. Stat. § 323.52 (1), to designate an emergency temporary location of government.

C. When so convened, no business shall be transacted except as shall be necessary to accomplish the emergency purpose for which the board was convened. Any emergency meeting may be adjourned by a majority vote of those present.

D. The powers of the county board may be exercised in light of the existences of the emergency situation without regard to or in compliance with the formalities prescribed by law or rules of the county board which would prohibit immediate action, but all such acts shall be as valid as if performed in conformity thereto.

E. The powers of the chair, county clerk and sheriff as provided by rule shall be exercised by their emergency interim successors in their absence or disability.

F. The requirements of 2.04.040, regarding the affirmative vote of a specified proportion of the members elect for approval of an ordinance, resolution or other action, shall be suspended and substituted by a requirement that the proportion be of the members present. (Ord. 161-34, Sec. 5, 2017; Ord. 154-2, Sec. 16, 2010; Ord.142-103 Sec.8, 1999; Ord. 81-82/355 Sec.7, 1981).

Chapter 2.40

EMERGENCY MANAGEMENT

Sections:

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<u>2.40.110</u>	Mutual agreement to provide program.

2.40.010 Wisconsin Emergency Operations Plan adopted. The state of Wisconsin "Emergency Operations Plan" is adopted by the Eau Claire County board of supervisors as the official program of the county for emergency management. (Ord.142-103 Sec.10, 1999; Ord. 138-83, Sec. 10, 1994; Ord. 134-45, Sec. 1, 1990).

2.40.020 County-municipal emergency management organization--Created--Purpose. To ensure that the county and participating municipalities thereof will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from technological and natural disasters, a county-municipal emergency management organization is created to carry out the purposes set out in Wis. Stat. ch. 323. (Ord. 154-2, Sec. 17, 2010; Ord.142-103 Sec.11, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.030 Definitions. Refer to Wis. Stat. ch. 323.02 Definitions. (Ord. 165-34, Sec. 1, 2022; Ord. 161-34, Sec. 6, 2017; Ord. 142-43, Sec. 12, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.040 Emergency management committee. The committee on planning and development shall function as the emergency management committee. The committee shall have oversight of and advise the emergency management coordinator on policies and procedures in the Disaster Declaration and Emergency Operations Plan. (Ord. 161-34, Sec. 7, 2017; Ord.152-26, Sec. 6, 2008; Ord. 149-57, Sec. 4, 2006; Ord.142-103 Sec.13, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.050 Emergency management coordinator.

A. Coordinator. There is hereby created the office of emergency management coordinator. The emergency management coordinator shall have the duties and responsibilities for each participating municipality set forth in Wis. Stat. ch. 323.

B. Emergency Management Program Assistant. In the absence of the Emergency Management Coordinator, function as Emergency Management Coordinator and exercise all duties of the Emergency Management Coordinator contained in this chapter.

C. Director of Planning and Development. In the absence of the emergency management coordinator and the emergency management program assistant, function as emergency management coordinator and exercise all duties of the emergency management coordinator contained in this chapter.(Ord. 165-34, Sec. 2, 2022; Ord. 154-2, Sec. 18, 2010; Ord.142-103 Sec.14, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.060 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 coordinator.

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 coordinator when applicable. Federal matching fund reimbursement shall be returned to the treasurer of the municipality procuring the equipment or services.

C. Reimbursement to highway department for transporting Mobile Command Post (MCP): \$250.00/per event.(Ord. 165-34, Sec. 3, 2022; Ord.159-18, Sec. 1, 2015; Ord.142-103 Sec.15, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.070 Duties of the emergency management coordinator.

A. The coordinator, subject to the policy, oversight and direction of the emergency management committee shall perform all duties listed in the coordinator's position description and is authorized to make any and all decisions required to help insure stabilization of an incident and recovery of the community.

B. Municipalities in Eau Claire County shall develop and adopt an emergency management plan and program and designate a head of Emergency Management Services pursuant to Wis. Stats. Ch. 323.14 (1) (b.) (Ord. 165-34, Sec. 4, 2022; Ord. 161-34, Sec. 8, 2017; Ord. 160-15, Sec. 10, 2016; Ord.142-103 Sec.16, 1999; Ord.142-75, 1999; Ord. 135-27, 1991; Ord. 134-45, Sec. 1, 1990).

2.40.080 Authority to Declare Emergencies. In the event the Governor, the chair of the board, or the emergency management coordinator determines that an emergency exists growing out of natural or man-made disasters, any expenditures for services rendered in participating municipalities shall be paid by such municipalities. (Ord. 161-34, Sec. 9, 2017; Ord. 144-24, Sec. 8; 2000; Ord.142-103 Sec.17, 1999; Ord.135-27, 1991; Ord. 134-45, Sec. 1, 1990).

2.40.090 Applicant's agent. The emergency management coordinator shall have the authority to execute, for and on behalf of the county, applications, assurances and agreements for state and federal financial assistance as "the applicant's agent" subject to prior approval from the emergency management committee or county administrator except where the nature of the natural disaster or enemy action is such as to create an exigency which requires the immediate execution of these duties. (Ord. 161-34, Sec. 10, 2017; Ord. 144-24, Sec. 9; 2000; Ord.142-103 Sec.18, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.100 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 do 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 2.40.020 through 2.40.080 the sanctions in 1.16.010 shall apply. (Ord. 161-34, 11, 2017; Ord.142-103 Sec.19, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.110 Mutual agreement to provide program. Municipalities in Eau Claire County may execute an intergovernmental cooperative agreement with the county under Wis. Stat. § 66.0303. Execution of such agreement shall bind a municipality to participate in emergency management as set forth in this chapter. (Ord. 160-15, Sec. 9, 2016; Ord.142-102 Sec.20, 1999; Ord.0134-45, Sec. 1, 1990; Ord. 134-45, Sec. 1, 1990).