

2.22.090 Human services director. The position of human services director shall have all of the powers, duties and responsibilities designated in Wis. Stat. § 46.23(6m) and such other powers, duties and responsibilities, as are necessary to carry out the human services program. The director is empowered, on behalf of and in the name of Eau Claire County, to accept gifts and donations supporting the human services program of a value not to exceed \$10,000. (Ord. 152-17, Sec. 1, 2008; Ord.141-92 Sec.34, 1998).

2.22.100 Appointment of director. The director shall be appointed by the county administrator subject to confirmation by the county board. (Ord. 161-8, Sec. 17, 2017; Ord.141-92 Sec.35, 1998; Ord. 81-78 Sec.1(part), 1978).

2.22.130 Elder-Adult-At-Risk and Adult-At-Risk Agency Designation. The department of human services is hereby designated as the Elder-Adult-At-Risk Agency and the Adult-At-Risk Agency responsible for filling the duties and carrying out the purposes of Wis. Stat. §§ 46.90 and 55.043. (Ord. 150-29, 2006; Ord. 144-24, Sec. 5; 2000; Ord. 128-65 Sec.1, 1984).

(Ord. 161-8, Sec. 18, 2017 Repealed 2.22.125; Ord. 152-31, Sec. 7, 2008; Ord. 147-81, Secs. 2-5, 2003; Ord. 147-81, Sec. 3, 2003; Ord.140-117, Secs. 4-6, 1997; Ord. 137-117, Sec. 1; Ord. 137-94, Sec. 1-2, 1994; Ord. 135-67, 1991; Ord. 134-12, 1990; Ord. 129-65 Secs.1,2. 1986; Ord. 129-24 Sec.1, 1985).

(Ord. 157-3, Sec. 2, 2013)
(Ord. 161-13, Sec. 1, 2017 Repealed 2.28)

Chapter 2.36

CONTINUITY OF GOVERNMENT

Sections:

2.36.010	Authority.
2.36.020	Definitions.
2.36.030	Emergency interim successors.
2.36.070	Declared emergency.
2.36.080	County board meetings in a declared emergency.

2.36.010 Authority. This chapter is enacted under the authority of Wis. Stat. ch. 323, subch.V. (Ord. 161-34, Sec. 2, 2017)

2.36.020 Definitions. As used in this chapter, unless the context otherwise clearly indicates:

A. "Duly authorized deputy" means a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

B. "Emergency interim successor" means a person designated pursuant to this chapter for possible temporary succession to the powers and duties, but not the office, of a county officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office. (Ord. 138-83, Sec. 1-3, 1994; Res. (part) and Sec. 2 of Ord. dated November 13, 1962).

2.36.030 Emergency interim successors. Elective officers and the county administrator for appointive officers shall appoint not fewer than three qualified, duly authorized deputies or emergency interim successors or combination thereof to serve in the event of a declared emergency. Information required by the Continuity of Operations/Continuity of Government Plan ("Plan") will be provided to the emergency management staff who shall be responsible for maintaining and updating the Plan. (Ord. 168-33, Sec. 2, 2024; Ord. 161-34, Sec. 3, 2017; Ord.142-103 Sec.4, 1999; Ord. 138-83, Sec. 4-6, 1994; Res. (part) and Sec.3 of Ord. dated November 13, 1962).

(Ord. 161-34, Sec. 4, 2017 Repealed 2.36.040, 2.36.050 2.36.060, Res. (part) and Sec.6 of Ord. dated 11-13-62).

2.36.070 Declared emergency.

A. The emergency manager or their designee, the chair of the county board, or their designee are 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, natural or man-made disaster, riot or civil commotion, hazardous materials, and technological incidences, 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.

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. 168-33, Sec. 3, 2024; 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:

- [2.40.010](#) County-municipal emergency management organization -Created- Purpose.
- [2.40.020](#) Definitions.
- [2.40.030](#) Emergency management committee.
- [2.40.040](#) Emergency management coordinator.
- [2.40.050](#) Emergency management program cost.
- [2.40.060](#) Duties of the emergency manager.
- [2.40.070](#) Applicant's agent.
- [2.40.080](#) Violation--Penalties.
- [2.40.090](#) Mutual agreement to provide program.

2.40.010 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. 168-33 Sec. 11, 2024; Ord. 154-2, Sec. 17, 2010; Ord.142-103 Sec.11, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.020 Definitions. Refer to Wis. Stat. ch. 323.02 Definitions.

(Ord. 168-33 Sec. 11, 2024; Ord. 165-34, Sec. 1, 2022; Ord. 161-34, Sec. 6, 2017; Ord. 142-43, Sec. 12, 1999; Ord. 134-45, Sec. 1, 1990).

(Ord. 168-33 Sec. 4 repealed, 2024; Ord.142-103 Sec.10, 1999; Ord. 138-83, Sec. 10, 1994; Ord. 134-45, Sec. 1, 1990).

2.40.030 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 manager on policies and procedures in the Disaster Declaration and Emergency Operations Plan. (Ord. 168-33 Sec. 11, 2024; Ord. 168-33, Sec 5, 2024; 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).

2.40.040 Emergency manager.

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

B. Emergency Management Specialist. In the absence of the emergency manager, function as emergency manager and exercise all duties of the emergency manager contained in this chapter.

C. Director of Planning and Development. In the absence of the emergency manager and the emergency management specialist, function as emergency manager and exercise all duties of the emergency manager contained in this chapter.(Ord. 168-33 Sec. 11, 2024; Ord. 163-33 Sec. 6, 2024; Ord. 165-34, Sec. 2, 2022; Ord. 154-2, Sec. 18, 2010; Ord.142-103 Sec.14, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.050 Emergency management program cost.

A. Office and staff. The county board shall provide the funding necessary to carry out the functions of the emergency manager.

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. 168-33 Sec. 11, 2024; Ord. 168-33, Sec. 7, 2024; Ord. 165-34, Sec. 3, 2022; Ord.159-18, Sec. 1, 2015; Ord.142-103 Sec.15, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.060 Duties of the emergency manager.

A. Monitor and recommend any revisions to the county emergency operations plan, all hazards mitigation plan, and the integrated preparedness plan for county board action. The County Board shall review and approve these plans once every five years.

B. Implement the emergency operations plan adopted by the county board.

C. Perform other duties related to emergency management as required by the county board and emergency management committee.

D. Ensure that emergency operations plans system is utilized countywide during a state of emergency declared under § 323.10 or 323.11, Wis. Stats.

E. Provide guidance for municipal emergency operations plans within the county, maintain updated municipal plans, advise the department of military affairs of emergency incidents in the county and submit to Wisconsin Emergency Management disaster related reports.

F. In the event of a disaster refer to section 2.36.070 for the authority to declare a disaster. (Ord. 168-33 Sec. 11, 2024; Ord. 168-33 Sec 8, 2024; 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).

(Ord. 168-33 Sec 9, repealed, 2024; 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).

2.40.070 Applicant's agent. The emergency manager or their designee 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. 168-33 Sec. 11, 2024; Ord. 168-33 Sec 10, 2024; Ord. 161-34, Sec. 10, 2017; Ord. 144-24, Sec. 9; 2000; Ord.142-103 Sec.18, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.080 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. 168-33 Sec. 11, 2024; Ord. 161-34, 11, 2017; Ord.142-103 Sec.19, 1999; Ord. 134-45, Sec. 1, 1990).

2.40.090 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. 168-33 Sec. 11, 2024; Ord. 160-15, Sec. 9, 2016; Ord.142-102 Sec.20, 1999; Ord.0134-45, Sec. 1, 1990; Ord. 134-45, Sec. 1, 1990).