

Otter Tail County
EMERGENCY MANAGEMENT ORDINANCE

Section 1. Policy and Purpose

**POLICY AND
PURPOSE**

Subdivision 1. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from natural causes, or from hazardous material mishaps of catastrophic proportions, or from hostile action or sabotage; and in order to insure that preparations of this County are adequate to deal with such disasters and, generally, to protect the public peace, health, and safety, to provide for the common defense, and to preserve the lives and property of the people of this County, it is hereby found and declared to be necessary:

- a) To comply with provisions of Minnesota Statutes, Chapter 12, Section 12.25, which requires that each political subdivision of Minnesota shall establish a local organization for emergency management.
- b) To provide for the exercise of necessary powers during emergencies and disasters.
- c) To provide for the rendering of mutual aid between this County and other political subdivisions of this County and State and other Counties and States with respect to the carrying out of emergency preparedness functions.
- d) To establish a County emergency management organization responsible for County planning and preparation for emergency government operations in time of disasters.

Section 2. Definitions

DEFINITIONS

Subdivision 1. "Disaster" means a situation that creates an actual or imminent serious threat to the health and safety of persons, or a situation which has resulted or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Subdivision 2. "Emergency" means an unforeseen combination of circumstances which calls for immediate action to prevent a disaster from developing, occurring, or worsening.

Subdivision 3. "Imminent" means clear and present danger to life and/or property rights as a result of an emergency or disaster.

Subdivision 4. "Emergency Management" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from natural or man-made disasters, from acute shortages of energy, or from incidents that pose radiological or other health hazards. These functions include, without limitation: communications, warning services, fire-fighting services, police services, medical and health services, rescue, engineering, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, establishing special travel routes and no travel zones, emergency transportation, emergency human services, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions.

Subdivision 5. "Minnesota Incident Management System", known also as the Incident Command System, means the manner in which each of the specific and specified problems or incidents resulting from the disaster are managed. Normally location specific, each incident is managed by an on-scene incident commander responsible for the coordinated, all agency direction at that location.

Subdivision 6. "The Emergency Management Organization", created in accordance with Minnesota Statutes, Chapter 12, means the staff element responsible for County planning and coordination for disaster preparedness, response, recovery, and mitigation activities; for coordinating for and providing support to the on-scene incident commander(s) and supporting engineering and human services elements; and for conducting County liaison and coordination with state, federal, and local jurisdictions relative to accomplishing the above and assures implementation of state and federal program requirements.

Subdivision 7. "Hazard mitigation" means an action taken to reduce or eliminate the long-term risk to human life and property from natural and other types of hazards.

Section 3. Establishment of an Emergency Management Organization

ESTABLISH AN EMERGENCY MANAGEMENT ORGANIZATION

Subdivision 1. There is hereby created by and with the government of Otter Tail County an emergency management organization which shall be under the supervision and control of the County Director of Safety and Emergency Services, hereinafter called the "director." The director shall be appointed by the Board of County Commissioners for an indefinite term and may be removed by them at any time. The

director shall serve at a salary determined by the Board of Commissioners and shall be paid his/her necessary expenses. Working within the office of the County Coordinator, the director shall have direct responsibility for the organization, administration, and operation of the emergency management organization, subject to the direction and control of the Board of County Commissioners.

(Minnesota Statutes Chapter 12.25, Subdivision 1)

Subdivision 2. The Otter Tail County emergency management organization shall have jurisdiction throughout the county outside of a city or of a town that has a local emergency management organization established as per Minnesota Statutes, Chapter 12.25, Subdivision 1.

(Minnesota Statutes Chapter 12.25, Subdivision 2(b))

Subdivision 3. In addition, in accordance with Chapter 12.25, Subdivision 2(c), the Otter Tail County emergency management organization shall:

- (a) coordinate the activities of and assist in the training of emergency management organizations of political subdivisions throughout the county;
- (b) plan for the emergency operations of county government in cooperation with the county attorney, who shall give legal advice to the county organization, and with other appropriate county government officials and private sector representatives;
- (c) acquire equipment necessary in conjunction with these activities;
- (d) expend funds provided by the county board out of general revenue funds for such purposes.

(Minnesota Statutes Chapter 12.25, Subdivision 2(c))

Section 4. Powers and Duties of the Director

POWERS AND DUTIES OF THE DIRECTOR

Subdivision 1. The director shall make studies and surveys of the manpower, industries, resources, and facilities of the County as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The director of Emergency Services shall establish those economic stabilization systems and measures, service staffs, boards and sub-boards required in accordance with state and federal plans and directions subject to approval of the County Board.

(Minnesota Statutes Chapters 12.21, Subdivision 3(4); 12.25, Subdivision 2(c)(2))

Subdivision 2. The director shall prepare a comprehensive Emergency Plan for the emergency preparedness of the County including municipal and unincorporated areas and shall present such plan to the Board for its approval. When the Board has approved the plan by resolution, it shall be the duty of all County agencies and all emergency preparedness of the County to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the emergency management activities of the County to the end that

they shall be consistent and fully integrated with the emergency plan of the State and Federal Governments and correlated with emergency plans of neighboring and other political subdivisions within the State.

(Minnesota Statutes Chapter 12.25, Subdivision 2(c)(1),(2); Subdivision 5)

Subdivision 3. Consistent with the state emergency services law, the director shall coordinate the activity of municipal emergency management organizations within the County and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services.

(Minnesota Statutes Chapter 12.25, Subdivision 2(c)(1))

Subdivision 4. The director shall additionally plan for the emergency operations of County government in cooperation and coordination with the county attorney and, in accordance with the State and County Emergency Plans, shall institute such training programs, public information programs, and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the County Emergency Plan when a disaster occurs.

(Minnesota Statutes Chapter 12.25, Subdivision 2(c)(1),(2))

Subdivision 5. The director shall acquire equipment necessary in connection with the duties and activities outlined in this ordinance and shall expend the funds provided by the County board out of the general revenue funds for such purposes. The director shall make every effort to first utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the County. The officers and personnel of all such departments and agencies shall cooperate with and make every effort to extend services and facilities to the County Emergency Management organization and to the Governor upon request. The head of each department or agency in cooperation with the director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of facilities of the department or agency.

(Minnesota Statutes Chapters 12.23; 12.25, Subdivision 2(c)(3),(4); 12.26)

Subdivision 6. The director, with the consent of the Board, shall represent the County on any regional or state conference for emergency management. The director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the Board for its action. Such arrangements shall be consistent with the State Emergency Plan.

(Minnesota Statutes Chapters 12.03, Subdivision 1(3); 12.25, Subdivision 2(c)(1); 12.27; 12.33)

Subdivision 7. The director shall, in cooperation with the affected County departments and agencies, assist in the recruiting, organizing, and training of such emergency management personnel that may be required on a volunteer basis to carry out the emergency plans of the County and State. To the extent that such emergency personnel are

recruited to augment a regular County department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said department or agency. *(Minnesota Statutes Chapters 12.22, Subdivision 2a; 12.34; 12.35)*

Subdivision 8. The director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management. *(Minnesota Statutes Chapter 12.28)*

Subdivision 9. The director shall act as principal staff officer, aide, and advisor to the Chairperson of the County Board or such other official to whom responsibility has been delegated for the direction and control of all County operations during an emergency, assuring coordination among the operating departments, non-governmental groups, and with State, Federal, and local governments and jurisdictions. *(Minnesota Statutes Chapter 12.25)*

Subdivision 10. The director shall prepare and submit such reports on emergency preparedness activities as may be requested from time to time by the County Board. *(Minnesota Statutes Chapter 12.25, Subdivision 1)*

Section 5. Local Emergencies

**LOCAL
EMERGENCIES**

Subdivision 1. A local emergency may be declared only by the Chair of the County Board of Commissioners or, in his or her absence, the Vice-Chair, and thereafter the next senior members of the Board as determined by length of tenure in office. A local emergency shall not be continued in excess of three days except by or with the consent of the County board. Any order or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the County Auditor and Recorder. *(Minnesota Statutes Chapter 12.29, Subdivision 1)*

Subdivision 2. A declaration of local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance under these plans. *(Minnesota Statutes Chapter 12.29, Subdivision 2)*

Subdivision 3. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. Interjurisdictional agencies, however, will provide aid and services in accordance with the agreement under which they function. *(Minnesota Statutes Chapter 12.29, Subdivision 3)*

Section 6. Emergency Regulations.

**EMERGENCY
REGULATIONS**

Subdivision 1. Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations

have not been adopted by the Governor or the County Board, the Board may by resolution promulgate regulations, consistent with applicable State or Federal law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(Minnesota Statutes Chapter 12.02, Subdivision 1(2); 12.21)

Subdivision 2. Every resolution of emergency regulations shall be in writing, dated, and shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the County Coordinator, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the County Coordinator's Office shall be conspicuously posted at the front of the County court house or at other headquarters of the County or at such other places in the affected areas as the Board shall designate in the resolution.

(Minnesota Statutes Chapter 12.29, Subdivision 1)

Subdivision 3. The County Board may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of thirty days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Governor or by the Board shall be suspended during the period of time and to the extent such conflict exists. In all instances, the health and safety of the public and preservation of life and property are of highest precedence.

(Minnesota Statutes Chapter 12.31, Subdivision 2)

Subdivision 4. During a declared emergency and notwithstanding any statutory prohibition, the County Board is empowered to enter into contracts and incur obligations within or without the boundaries of the County that are necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The County may exercise such powers in the light of the exigencies of the disaster without compliance and with the time consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for budgets.

(Minnesota Statutes Chapters 12.37)

Section 7. Emergency Management A Governmental Function

**EMERGENCY
MANAGEMENT A**

Subdivision 1. All functions thereunder and all other activities relating to emergency management are declared government functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this ordinance or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of the Congress of the United States.
(Minnesota Statutes Chapter 12.35, Subdivision 2)

**GOVERNMENT
FUNCTION**

Section 8. Participation in Labor Disputes or Politics

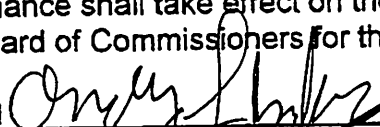
Subdivision 1. The emergency management organization shall not be a political entity or participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.
(Minnesota Statutes Chapter 12.44)

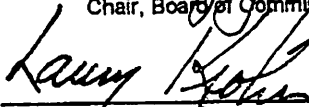
**PARTICIPATION
IN LABOR DISPUTE
OR POLITICS**

Section 9. Effective Date

EFFECTIVE DATE

This ordinance shall take effect on the date of approval and adoption by the Board of Commissioners for the County of Otter Tail, Minnesota.

Approved  date _____ **APPROVAL**
Chair, Board of Commissioners

Attest  date _____
County Coordinator

Signed and enacted as the Otter Tail County Emergency Management Ordinance, March 18, 1997