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ORDINANCE # 2016-02

AN ORDINANCE ESTABLISHING THE GIBSON COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT AND OTHER RELATED MATTERS CONCERNING THE EXERCISE OF EMERGENCY POWERS

BE IT ORDAINED THAT a new ordinance be added to the Gibson County Code. The attached Exhibit A, Sections 1 through 4, containing the substantive provisions of this Ordinance is incorporated into said Code as part of this Ordinance.

All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

Should any Section, Paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid the remainder of said Ordinance shall continue in full force and effect.

Adopted by the Board of Commissioners of the County of Gibson State of Indiana on the 2nd day of February 2016 effective upon Passage.

Gerald L Bledsoe
Commissioner

Allan Doyle
Commissioner

Stephen E. Bottoms
Commissioner

Attest:

Sheri Smith
County Auditor

AUDITOR GIBSON COUNTY SEAL INDIANA

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.

Name Sheri Smith

EXHIBIT A

GIBSON COUNTY CODE
EMERGENCY MANAGEMENT

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SECTION 1: PURPOSE

To establish in Gibson County a Department of Emergency Management and to provide for the exercise of necessary powers during disaster emergencies.

SECTION 2 COUNTY EMERGENCY MANAGEMENT PROGRAM; DEFINITIONS AND GENERAL PROVISIONS

A. DEFINITIONS

As used in this chapter hereinafter the following words and terms have the meanings indicated.

1. "**Advisory Council**" means the Gibson County Emergency Management Advisory Council as established under this Chapter, pursuant to Indiana Code 10-14-3-17.

2. "**Board**" means the Board of County Commissioners, as elected pursuant to Indiana Code 36-2-2.

3. "**Chairman**" means the Chairman of the Gibson County Emergency Management Advisory Council as established under this Chapter, pursuant to Indiana Code 10-14-3-17.

4. "**County**" means Gibson County

5. "**Department**" means the County Department of Emergency Management as established under this Chapter, pursuant to Indiana Code 10-14-3-17.

6. "**Director**" means the County Emergency Management Director as established and appointed pursuant to this Ordinance in accordance with Indiana Code 10-14-3-17.

7. **"Disaster"** has the meaning established in Indiana Code 10-14-3-1; which at the time this ordinance is adopted means:
   (a) An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural phenomenon or human act.
   (b) The term includes any of the following:
      (1) Fire.
      (2) Flood.
      (3) Earthquake.
      (4) Windstorm.
      (5) Snowstorm.
      (6) Ice storm.
      (7) Tornado.

(8) Wave action.
(9) Oil spill.
(10) Other water contamination requiring emergency action to avert danger or damage.
(11) Air contamination.
(12) Drought.
(13) Explosion.
(14) Technological emergency.
(15) Utility failure.
(16) Critical shortages of essential fuels or energy.
(17) Major transportation accident.
(18) Hazardous material or chemical incident.
(19) Radiological incident.
(20) Nuclear incident.
(21) Biological incident.
(22) Epidemic.
(23) Public health emergency.
(24) Animal disease event requiring emergency action.
(25) Blight.
(26) Infestation.
(27) Riot.
(28) Hostile military or paramilitary action.
(29) Act of terrorism.
(30) Any other public calamity requiring emergency action.

8. **"Emergency Management"** " has the meaning established in Indiana Code 10-14-3-2; which at the time this ordinance is adopted means the preparation for and the coordination of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. The functions include the following:
(1) Firefighting services.
(2) Police services.
(3) Medical and health services.
(4) Rescue.
(5) Engineering.
(6) Warning services.
(7) Communications.
(8) Radiological, chemical, and other special weapons defense.
(9) Evacuation of persons from stricken areas.
(10) Emergency welfare services.
(11) Emergency transportation.
(12) Plant protection.
(13) Temporary restoration of public utility services.
(14) Other functions related to civilian protection.

(15) All other activities necessary or incidental to the preparation for and coordination of the functions described in subdivisions (1) through (14).

9. "**Emergency Management Volunteer**" means any person who serves without compensation in the Department of Emergency Management, being first duly given the Loyalty Oath mandated by Indiana Code 10-14-3-27 and rostered and appointed by the Director, including persons and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.

10. "**Participating Emergency Service**" means:

    (a) Any County department or agency designated in the emergency operations plan to participate in emergency management activities, and,

    (b) Any department or agency of the state, another county, a municipal corporation, or a volunteer organization designated to participate in the county's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to Indiana Code 10-14-3-17.

11. "**Personnel**" means county officers and employees and emergency management volunteers, unless otherwise indicated.

12. "**Plan" or "Emergency Plan"** means the current local Comprehensive Emergency Management Plan whose preparation and updating are mandated by Indiana Code 10-14-3-17(h).

13. "**Principal Executive Officer**" of the County as referred to in Indiana Code 10-14-3-29(a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the County Board of Commissioners established under Indiana Code 36-2-2. If a quorum of the County Board of Commissioners (two of the three Commissioners) is unavailable or is incapacitated, then the following establishes the line of succession for the Principal Executive Officer:

    (a) Regularly Designated President of the County Board of Commissioners
    If a quorum of the County Board of Commissioners (two of the three Commissioners as established under Indiana Code 36-2-4-3) is unavailable or is incapacitated, then the regularly designated President of the County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that a quorum of the County Board of Commissioners is no longer unavailable or incapacitated.

    (b) President Pro-Tem of the Board of County Commissioners
    If both a quorum of the County Board of Commissioners and the regularly designated President of the County Board of Commissioners are

unavailable or are incapacitated, then the President Pro-Tem of the County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that either the regularly designated President or a quorum of the County Board of Commissioners is no longer unavailable or incapacitated.

(c) Remaining Commissioner of the Board of County Commissioners
If a quorum of the Board of County Commissioners, the regularly designated President of the Board of County Commissioners, and the President Pro-Tem of the County Board of Commissioners are all unavailable or are incapacitated, then the remaining Commissioner of the County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that the President Pro-Tem, the regularly designated President, or a quorum of the County Board of Commissioners is no longer unavailable or incapacitated.

(d) Director of Emergency Management
If all of the County Commissioners are unavailable or incapacitated, then the Director of Emergency Management shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that the Counter Recorder, the County Auditor, the County Clerk or a County Commissioner is no longer unavailable or incapacitated.

14. "**IDHS**" means the Indiana Department of Homeland Security established under Indiana Code 10-19-2-1.

B. GENERAL SCOPE AND INTENT: LIBERAL CONSTRUCTION OF POWERS

The general intent of this Ordinance is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions. To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed to supplement and augment, not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department, and agencies.

C. LIMITATIONS: NONSUPERSESSION OF EMERGENCY POWERS OF COUNTY SHERIFF

Nothing in this Ordinance is intended to supersede or delimit any statutory powers of the County Sheriff.

D. LIMITATIONS: NONSUPERSESSION OF EMERGENCY MANAGEMENT POWERS OF POLITICAL SUBDIVISIONS; CONFORMANCE OF POLITICAL SUBDIVISION EMERGENCY MANAGEMENT RULES AND REGULATIONS WITH COUNTY'S EMERGENCY MANAGEMENT PROGRAM AND EMERGENCY PLAN

Nothing in this Ordinance is intended to supersede or delimit the powers granted under Indiana Code 10-14-3-17 to any political subdivision to adopt and implement emergency plans and promulgate and enforce emergency management rules and regulations in the advent of an actual emergency affecting such political subdivision. However, pursuant to Indiana Code 10-14-3-22, such regulations and procedures as promulgated by the political subdivision may not be inconsistent with the County emergency management program and emergency plan established in accordance with this ordinance.

SECTION 3 COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL; COUNTY EMERGENCY MANAGEMENT DIRECTOR; ORGANIZATION AND ADMINISTRATION OF DEPARTMENT OF EMERGENCY MANAGEMENT

A. COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL: ESTABLISHMENT

The County Emergency Management Advisory Council is established by Indiana Code 10-14-3-17(c) and under this statute consists of the following individuals or their designees.

1. The president of the Board of County Commissioners or, if the Board of County Commissioners does not have a president, a member of the Board of County Commissioners appointed from the membership of the Board of County Commissioners.

2. The president of the County fiscal body.

3. The mayor of each city located in the County.

4. An individual representing the legislative bodies of all towns located within the County.

5. One (1) commander of a local civil air patrol unit in the County or the commander's designee.

6. Representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the County Emergency Management Advisory Council.

B. COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL: POWER AND DUTIES

The powers and duties of the County Emergency Management Advisory Council are established by Indiana Code 10-14-3-17 (d) and under this statute consist of the following:

1. The Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the County.

2. The Advisory Council shall select, or cause to be selected, with the approval of the Board of County Commissioners, a County Emergency Management Director.

2. The statute establishing the powers and duties of the Advisory Council does not describe the procedure to be used to terminate a County Emergency Management Director. However, the statute does require the Advisory Council to select the Director and obtain approval for the Board for this selection before a Director can be appointed. Therefore, an Advisory Council may make a determination to terminate a Director, but this determination is subject to the approval of the Board before the termination is final.

C. DIRECTOR OF EMERGENCY MANAGEMENT: GENERAL POWERS AND DUTIES

The Director, subject to the direction and control of the Advisory Council, shall be executive head of the Department, and pursuant to Indiana Code 10-14-3-17(d)(2)(A) has direct responsibility for the organization, administration and operation of the Department, including the following specific powers and duties:

1. The Director, pursuant to Indiana Code 10-14-3-17(d)(2)(B),is responsible to the chairman of the Advisory Council, and as such shall keep the chairman fully informed on emergency management activities and shall provide such reports to the Advisory Council if so directed by the chairman of the Advisory Council.

2. The Director shall keep the Board fully informed on emergency management activities.

3. The Director shall submit to the Advisory Council and the County Commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year and planned and recommended for the year to come.

4. The Director shall ensure that all of the duties and responsibilities of the Emergency Management Agency are completed.

5. The Director shall ensure that all county employees and rostered volunteers with responsibilities as part of the Comprehensive Emergency Management Plan receive training in the functions that they are to perform under the Plan.

6. The Director shall design and conduct exercises of the Comprehensive Emergency Management Plan, as required by the Indiana Department of Homeland Security.

7. The Director shall ensure that the Comprehensive Emergency Management Plan addresses all hazards and includes all cities, towns and other population centers within the county.

8. The Director shall submit to Indiana Department of Homeland Security the assessment specified in IDHS's required format and within IDHS's required time frame for submission.

9. The Director shall provide to the Indiana Department of Homeland Security Executive Director annual reports and documentation as mandated.

10. The Director shall competently manage the department's various functions, including among others financial, personnel, and logistic.

11. The Director shall timely obey to the directives of superior state authorities.

12. The Director shall ensure that the activities of the Department at all times comport with Indiana Code 10-14-3 and other applicable statutes, rules and County ordinances.

13. The Director shall develop an emergency operating center ("EOC") as a site from which key officials can direct and control operations during a disaster or emergency.

14. The Director shall attain certification as a Basic Professional Emergency Manager from the Indiana Department of Homeland Security within two (2) years of first assuming the position of Director; except that an individual appointed as a Director prior to January 1, 2005 shall attain this certification by no later than January 1, 2009. After the Director attains this certification, the Director shall complete the continuing emergency management education required by the Indiana Department of Homeland Security to maintain this certification.

15. The Director shall ensure that the Deputy Director attains certification as a Basic Professional Emergency Manager from the Indiana Department of Homeland Security within four (4) years of first assuming the position of Deputy Director. After the Deputy Director attains this certification, the Director shall ensure that the Deputy Director completes the continuing emergency management education required by the Indiana Department of Homeland Security to maintain this certification.

16. The Director shall attend, and shall ensure that the Deputy Director and all paid emergency management staff attend, emergency management training courses as needed to stay up-to-date on the latest advances in emergency management.

17. The Director shall assume responsibility for public relations, information and education regarding all phases of emergency management.

18. The Director shall assure coordination within the County of all activities for emergency management.

19. The Director shall maintain liaison and coordinate with all other affected agencies, public and private.

20. The Director shall coordinate the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.

21. The Director shall seek, negotiate and enter into (with the approval or ratification of the County Commissioners and consistent with the State Emergency Operations Plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties;

22. The Director shall accept any offer of the Federal Government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant or loan, when the Governor has approved such offer.

23. The Director shall seek and accept from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses or privileges to use real estate or other premises, to the county for emergency management purposes.

24. The Director shall issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

25. The Director shall ensure that all volunteers meet the criteria set forth in this Ordinance prior to accepting them as members of the Department.

26. As soon as an emergency or disaster declaration has been made, the Director shall make rapid and accurate assessment of:
    (a) Property damage;
    (b) Personal injuries;
    (c) Fatalities;
    (d) Basic needs; and
    (e) Special needs

27. In addition to the powers and duties expressly provided above, the Director shall be construed to have all powers and duties of a local emergency management Director as provided under Indiana Code 10-14-3. In particular, but not by limitation, the Director, through the Department, may perform or cause to be performed with respect to the county, any function parallel or analogous to those performed on a statewide basis by IDHS under Indiana Code 10-14-3.

28. The Director shall coordinate the activities of emergency management volunteers during emergency and non-emergency situations.

29. The Director shall coordinate and develop the necessary agreements with the State, other Indiana political subdivisions, political subdivisions in adjoining states, and private businesses to ensure that the County will have access to the resources and personnel that may be needed during an emergency or disaster.

30. The Director shall write grant proposals and/or assist with the writing of grant proposals to promote emergency management, public safety, and homeland security objectives.

D. DEPARTMENT OF EMERGENCY MANAGEMENT: ESTABLISHMENT; STAFFING; OATH; AND PROHIBITION OF POLITICAL ACTIVITY

1. There is hereby established a Department of Emergency Management within the executive branch of the County government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster as defined in this ordinance. The Director of Emergency Management shall be responsible for its organization, administration and operation.

2. The Department shall consist of the following:

   (a) The Director of Emergency Management.

   (b) A Deputy Director appointed by the Director with the approval of the Advisory Council. The Deputy Director shall fulfill the duties of the Director in the absence or incapacity of the Director to serve; and assist the Director in the performance of Director's duties.

   (c) Emergency management volunteers, as deemed necessary and appointed by the Director. In addition to the other requirements in this Section, the Director shall ensure that all volunteer personnel meet the following qualifications before being placed on the roster as a member of the Department:

      (i) Be at least eighteen (18) years of age or older;

(ii) Not be convicted of a felony; and

(iii) Have completed and have on file with the Department an application form.

(d) The employees, equipment and facilities of all county departments and agencies suitable for, or adaptable to emergency management and designated by the Emergency Plan to participate in emergency management activity.

(e) Staff officers with responsibility for Communications and Warning, Radiological, Health and Medical Care, Law Enforcement, Fire and Search and Rescue, Public Works and Public Information in accordance with the Comprehensive Emergency Management Plan.

(f) Such assistants, clerical help, and other employees as deemed necessary as deemed necessary and appointed by the Director in accordance with the Comprehensive Emergency Management Plan.

3. Pursuant to Indiana Code 10-14-3-27(a), no person shall be employed or associated in any capacity in any emergency management organization established under this Ordinance who:

(a) advocates a change by force or violence in the constitutional form of the government of the United States or the overthrow of any government in the United States by force or violence; or

(b) has been convicted of or is under indictment or information charging any subversive act against the United States.

4. Pursuant to Indiana Code 10-14-3-27(b), each individual who is appointed to serve in an organization for emergency management shall, before entering upon the individual's duties, take a Loyalty Oath, in writing, before a person authorized to administer oaths in Indiana.

(a) The loyalty oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of

the County Department of Emergency Management I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(b) In accordance with Indiana Code 10-14-3-27(c), the Executive Director of the Indiana Department of Homeland Security and the County Emergency Management Director may administer this Loyalty Oath and may delegate the authority to administer the Loyalty Oath to designated deputies and assistants approved by the Executive Director of the Indiana Department of Homeland Security.

5. Pursuant to Indiana Code 10-14-3-26, the Department shall not:

(a) Participate in any form of political activity; or

(b) Be employed directly or indirectly for political purposes.

6. The County Council shall not have any power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the numbers of officers, deputies, and employees of county departments, classify positions, and adopt schedules of compensation pursuant to Indiana Code 36-2-5-3(a). Notwithstanding any other provision of this Ordinance, with the exception of the Director, a compensated position may not be established within the Department of Emergency Management nor shall any person be appointed to such position without authorization and sufficient funding from the County Council.

E. DEPARTMENT OF EMERGENCY MANAGEMENT: DUTIES

The Department, subject to the direction and control of the Director, shall prepare and implement the Comprehensive Emergency Management Plan, including the following specific duties:

1. Prepare and distribute to all appropriate officials a clear and complete written statement of the emergency responsibilities of all local agencies and officials and the disaster chain of command in accordance with Indiana Code 10-14-3-17(i).

2. Work closely with officers and employees of incorporated and unincorporated areas of the County to develop a hazard mitigation program to eliminate or reduce potential hazards.

3. Write and implement the Comprehensive Emergency Management Plan, which shall conform to the guidelines contained in the most current state and federal guidance documents (The County cannot receive state and/or federal matching funds unless this is done), and the requirements established in this Ordinance. As

part of the preparation of this Plan, the Department shall:

(a) Identify and analyze the effects of hazards that threaten the County.

(b) Inventory manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency.

(c) Establish a system to alert key officials in event of a disaster or emergency.

(d) Identify resource deficiencies and work with appropriate officials on measures to correct them.

(e) Develop and maintain an emergency communications system, thus assuring proper functioning of emergency communications throughout the county, including all cities and towns.

(f) Take all actions necessary to ensure the continuity of government procedures and systems in the event of a disaster.

(g) Establish and maintain a shelter and reception and care system for both people and animals.

(h) Develop a training program for emergency response personnel ensuring that mitigation, training and exercising have been performed for all such personnel.

(i) Coordinate with industry to develop and maintain industrial emergency plans and capabilities in support of the Comprehensive Emergency Management Plan.

4. Update the Comprehensive Emergency Management Plan as needed to keep it current, as required by Indiana Code 10-14-3-17(h).

5. Develop a program to test and exercise the Emergency Plan.

F. DEPARTMENT OF EMERGENCY MANAGEMENT: BUDGET AND FINANCE

1. The Advisory Council shall advise the Director in the preparation of the budget.

2. The County Council shall appropriate such funds, as it may deem necessary for the purpose of emergency management.

3. All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director.

G. COMPREHENSIVE EMERGENCY MANAGEMENT PLAN: FORMULATION; CONTENT AND

ADOPTION

1. A County Comprehensive Emergency Management Plan, referred to as the interjurisdictional disaster emergency plan by Indiana Code 10-14-3-17(h), shall be adopted by resolution of the County Board of Commissioners. In the preparation of this Plan, as it pertains to county organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.

2. The Comprehensive Emergency Management Plan shall include, at minimum, the following:

   (a) An Administrative Section which includes
   - (i) Authorities and Directives.
   - (ii) Terms and Definitions.
   - (iii) Acronyms/Abbreviations.
   - (iv) Financial Management.

   (b) A Hazards Specific Section which includes:
   - (i) Unique hazards.
   - (ii) Special Events.

   (c) An Operations Section which includes:
   - (i) Coordination and Control Emergency Support Function
   - (ii) Communications and Warning Emergency Support Function
   - (iii) Public Information Emergency Support Function
   - (iv) Resource Management Emergency Support Function
   - (v) Information and Planning Emergency Support Function

   (d) An Emergency Services Section which includes:
   - (i) Military Emergency Support Function
   - (ii) Law Enforcement Emergency Support Function
   - (iii) Firefighting Emergency Support Function
   - (iv) Transportation Emergency Support Function
   - (v) Health and Medical Emergency Support Function
   - (vi) Search and Rescue Emergency Support Function
   - (vii) Public Works/Engineering Emergency Support Function

   (e) A Consequent Effects Section which includes:
   - (i) Evacuation Emergency Support function
   - (ii) Shelter/Mass Care Emergency Support Function
   - (iii) Damage Assessment Emergency Support Function
   - (iv) Hazardous Materials Emergency Support Function
   - (v) Radiological Protection Emergency Support Function
   - (vi) Energy Emergency Support Function

3. In addition, all emergency services within the county shall:
   (a) Develop Standard Operating Procedures, Standard Operating Guides and checklists that are drafted subject to the requirements of the Comprehensive Emergency Management Plan;

   (b) Coordinate Standard Operating Procedures, Standard Operating Guides and checklists with the Department of Emergency Management;

   (c) Assure inclusion of the Standard Operating Procedures, Standard Operating Guides and checklists within the county Comprehensive Emergency Management Plan;

   (d) Perform the functions and duties assigned by the County Comprehensive Emergency Management Plan; and

   (e) Maintain their portion of the Comprehensive Emergency Management Plan in a current state of readiness at all times.

H. JURISDICTION: DEPARTMENT OF EMERGENCY MANAGEMENT; COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; AND POLITICAL SUBDIVISIONS

1. Except as provided by Sections 2.C. and 2.D., the jurisdiction of the County Department of Emergency Management shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.

2. The jurisdiction and applicability of the County Comprehensive Emergency Management Plan, as adopted pursuant to Section 3.G., and the exercise of any powers of the Principal Executive Officer of the County and of the County Board of Commissioners under Section 4, shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.

3. All political subdivisions in the County shall:

   (a) If they develop a plan for their political subdivision:
      (i) Ensure that the plan is consistent with the requirements of the County Comprehensive Emergency Management Plan;
      (ii) Coordinate the development of the plan with the Department of Emergency Management; and
      (iii) Ensure inclusion of the plan within the County Comprehensive Emergency Management Plan.

   (b) Perform the functions and duties assigned by the County Comprehensive Emergency Management Plan.

(c) Maintain their portion of the Comprehensive Emergency Management Plan in a current state of readiness at all times.

I. TESTS OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; OTHER EMERGENCY TESTS

1. Tests of the Comprehensive Emergency Management Plan may be conducted at any time with or without prior notification to persons other than the Director.

2. All emergency tests conducted within the boundaries of the County shall be coordinated with the Department.

J. COUNTY BOARD OF COMMISSIONERS: GENERAL ADMINISTRATIVE POWERS AND DUTIES

In time of normal county operations, powers and duties of the County Commissioners pertaining to emergency management shall be:

1. Maintaining general supervision over the planning and administration for the Department;

2. Adopting the Comprehensive Emergency Management Plan;

3. Coordinating emergency management activities consistent with the Comprehensive Emergency Management Plan;

4. Making assignments of county personnel to emergency management activities consistent with the Comprehensive Emergency Management Plan;

5. Making assignments of County personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent with the Comprehensive Emergency Management Plan;

6. Taking all necessary action in coordination with the Department to conduct tests of the Comprehensive Emergency Management Plan; and

7. Educating themselves as to their responsibilities under the Comprehensive Emergency Management Plan.

SECTION 4 COUNTY EMERGENCY MANAGEMENT PROGRAM: EMERGENCY POWERS, REGULATIONS AND PROCEDURES

A. APPLICABILITY OF SECTION

This Section shall apply whenever:

1. The Governor, pursuant to Indiana Code 10-14-3-12 has declared a disaster emergency affecting all or part of the county.

2. The Principal Executive Officer of the County, pursuant to Indiana Code 10-14-3-29(a) and Section 4.C. hereof, is preparing to, or has declared a local disaster emergency affecting all or part of the County.

3. The County Board of Commissioners has implemented a test of the County's Comprehensive Emergency Management Plan and procedures in accordance with and to the extent necessary or dispensable to such test.

B. SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER: DECLARATION OF LOCAL DISASTER EMERGENCY

1. In the event of an actual or threatened disaster emergency affecting the County, if feasible, the Principal Executive Officer of the County shall seek the advice and input of the Director as to the advisability of declaring a local disaster emergency.

2. If the County Board of Commissioners, acting as the Principal Executive Officer of the County, is the entity declaring the local disaster emergency, then the statutory requirements contained in Indiana Code 36-2-2-8 and Indiana Code 5-14-1.5-5(d) regarding special and emergency meetings of the County Board of Commissioner must be met.

3. The Principal Executive Officer of the County may, in the event of an actual or threatened disaster emergency affecting the County declare a local disaster emergency, pursuant to Indiana Code 10-14-3-29(a). This declaration shall:

   (a) Be in writing.

   (b) State the nature of the disaster.

   (c) State the conditions that have brought the disaster about.

   (d) State the area or areas threatened.

   (e) State the area or areas to which the local disaster emergency declaration applies (this may include the entire County or only designated parts thereof).

   (f) State the effective period of the local disaster emergency declaration. The disaster declaration shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the County Board of Commissioners.

4. The declaration of a local disaster emergency, as well as any continuation or

termination of such declaration shall be:

(a) Announced or disseminated to the general public by the best means available.

(b) Filed promptly in the offices of the County Clerk; the County Auditor, and the Clerk of any incorporated municipality located in the declared disaster area.

5. The declaration shall not be invalidated or ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.

6. Upon a declaration, the County's Comprehensive Emergency Management Plan or such component parts thereof as may be relevant to the emergency shall be activated and implemented.

C. COUNTY BOARD OF COMMISSIONERS; CONVENTION OF SPECIAL EMERGENCY MEETING

1. As allowed by Indiana Code 36-2-2-8 and Indiana Code 5-14-1.5-5(d), a special meeting of the County Board of Commissioners shall be called as soon as possible after the disaster emergency that affects the county has been declared, either by the Governor or by the Principal Executive Officer of the County, to perform their legislative and administrative functions as the situation may demand.

2. As required by Indiana Code 36-2-2-8(b) and Indiana Code 5-14-1.5-5(d), the following conditions must be met for this meeting:

(a) The notice for the meeting must include a specific statement of the purpose of the meeting.

(b) News media that have requested notice of meetings must be given the same notice as is given the members of the County Board of Commissioners.

(c) The public must be notified of this meeting by posting a copy of the notice at the principal office of the County Board of Commissioners, or if no such office exists, at the building where the meeting is to be held.

(d) The County Board of Commissioners may not conduct any business at this meeting that is unrelated to the disaster emergency declaration.

(e) All other such requirements that are applicable to a meeting that is called to deal with an emergency.

3. In addition, such a meeting may:

   (a) Be held in any convenient and available place.

   (b) Continue without adjournment for the duration of the disaster emergency.

   (c) Be recessed for reasonable periods of time as necessary and permitted by the circumstances.

D. PRINCIPAL EXECUTIVE OFFICER: SPECIAL EMERGENCY POWERS AND DUTIES

1. In the event that a disaster emergency has been declared that affects all or part of the County, and a quorum of the County Board of Commissioners cannot be assembled for purposes of the meeting needed under Section 4.C., the Principal Executive Officer of the County shall have, on an interim basis, all powers of the County Board of Commissioners and may take all such actions with respect to the disaster emergency declaration that the County Board of Commissioners would have been authorized to take.

2. When a quorum of the County Board of Commissioners is assembled, these interim powers of the Principal Executive Officer of the County shall cease.

E. COUNTY BOARD OF COMMISSIONERS: SPECIAL EMERGENCY POWERS AND DUTIES

1. At the meeting convened under Section 4.C., the County Board of Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.

2. In addition to the powers enumerated in Section 4.E.1., the Board may also exercise any of the following special and extraordinary powers:

   (a) The County Board of Commissioners may extend the period of a local disaster emergency declared by the Principal Executive Officer of the County, pursuant to Section 4.B., to last more than 7 days if necessary.

   (b) The County Board of Commissioners may terminate the local disaster emergency.

   (c) The County Board of Commissioners may assemble and utilize emergency management resources, including:
      (i) Personnel of the Department of Emergency Management;
      (ii) Participating emergency services; and
      (iii) Any other resources at the disposal of the Commissioners hereunder for emergency management purposes.

   (d) The County Board of Commissioners may order volunteer forces which

have been activated pursuant to the Comprehensive Emergency Management Plan to the aid of the county, state or political subdivisions thereof as soon as practicable. These volunteer forces shall be under the direction of the Department of Emergency Management.

(e) In order to control the local disaster emergency and provide for public health, safety and welfare, the County Board of Commissioners may, to the extent permitted by Indiana Code 10-14-3-31 and subject to its provisions, command services and/or requisition the use of:
(i) Equipment;
(ii) Facilities;
(iii) Supplies; or
(iv) Other property.

(f) The County Board of Commissioners may order the evacuation of all or part of the population from stricken areas of the county, and prescribe:

(i) Routes;
(ii) Modes of transportation; and
(iii) Evacuation destinations.

(g) The County Board of Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, etc., which would govern the use and location of premises for housing purposes during normal times.

(h) Except in accordance with Section 4.E.2.i., the County Board of Commissioners shall not suspend any provisions of ordinances or procedures, which are mandated by statute.

(i) In the event of a disaster emergency that has been declared by the Governor, the County Board of Commissioners, in accordance with Indiana Code 10-14-3-17(j)(5), may waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, pertaining to:
(i) The performance of public works.
(ii) The entering into contracts.
(iii) The incurring of obligations.
(iv) The employment of permanent and temporary workers.
(v) The utilization of volunteer workers.
(vi) The rental of equipment.
(vii) The purchase and distribution of supplies, materials and facilities.
(viii) The appropriation and expenditure of public funds.

(j) The County Board of Commissioners may assign any special emergency

duties and functions to county:
(i) Offices;
(ii) Departments; and
(iii) Agencies.

(k) Any unexpended and unencumbered monies budgeted and appropriated but not otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.

(l) Pursuant to Indiana Code 10-14-3-22, the County Board of Commissioners may make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of the provisions of this Ordinance. Such orders, rules, and regulations:
(i) Cannot be inconsistent with any orders, rules, or regulations promulgated by the Governor or by any State agency exercising a power delegated to it by the Governor.
(ii) Cannot be inconsistent with the County's emergency management program or Emergency Plan.
(iii) Shall have full force and effect of law when filed in the office of the County Clerk;
(iv) Are enforceable by any local or state law enforcing authority in accordance with Indiana Code 10-14-3-24.

(m) The County Board of Commissioners may, in accordance with the Emergency Plan, request the State or the United States or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.

3. All actions taken by the County Board of Commissioners under this Section shall be:

(a) Adopted by ordinance or resolution pursuant Indiana Code 10-14-3-22;
(b) Consistent with, and subordinate to, any actions, orders, or regulations made by the Governor or a state agency implementing the State Comprehensive Emergency Management Plan.

F. OFFICERS AND EMPLOYEES OF INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY: GENERAL DUTIES DURING EMERGENCY

During a declared disaster emergency, all officers and employees of incorporated and unincorporated areas of the County shall:

1. Cooperate with and give active support to the County Board of Commissioners and the County Emergency Management Director.

2. Comply with all orders, rules and regulations issued pursuant to this Ordinance by the County Board of Commissioners or the County Emergency Management Director.

G. NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES AND REGULATIONS: OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITIES; PENALTIES AND ENFORCEMENT

1. Whenever this Ordinance applies it shall be unlawful and a penal ordinance violation for any person to:

   (a) Willfully obstruct, hinder or delay the County Board of Commissioners, the Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing the Emergency Plan;

   (b) Fail to observe, abide by, and comply with any emergency management duties, orders, regulations and procedures as made applicable to such person by the appropriate authorities; or

   (c) Falsely wear or carry identification as a member of the County Department of Emergency Management or to otherwise falsely identify or purport to be a County emergency management authority.

2. Any person who commits an offense as described above shall be liable to a fine of $2,500.00; such fine to be subject, however, to the discretion of the court of jurisdiction.

3. Any regular or reserve police officer of Indiana or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above.

H. LIMITATION OF LIABILITY DURING DISASTER EMERGENCY OR EMERGENCY OR EMERGENCY MANAGEMENT TESTS

During an emergency management test or declared disaster emergency, the County, the County's assigned personnel, participating emergency services, and rostered emergency management volunteers shall be immune from liability to the full extent provided by Indiana Code 10-14-3 and any other applicable law.

I. COMPENSATION FOR PROPERTY COMMANDEERED OR USED DURING DISASTER EMERGENCY

Pursuant to Indiana Code 10-14-3-31, compensation for property shall be paid only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the Governor or a member of the disaster emergency forces of Indiana. Any person claiming compensation for the use, damage, loss, or destruction of such property shall make a claim for it. This claim shall be filed and adjudicated as provided in Indiana Code 32-24.