

ORDINANCE No.

AN ORDINANCE ESTABLISHING THE 040797 ^{FULTON} COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT AND OTHER RELATED MATTERS CONCERNING EXERCISE OF EMERGENCY POWERS

FULTON BE/IT ORDAINED THAT a new ordinance be added to the FULTON County Code. The attached Exhibit "A" Containing the text of the new Ordinance (Sections 1 through 4) shall be incorporated into said Code, in accordance with 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All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.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 Fulton State of Indiana on the 21st day of April, 1997: effective upon Passage.

Stephan G. Hester
Commissioner
Robert J. ...
Commissioner
Kenneth Gentry
Commissioner

Attest:

Julia A. Reed
County Auditor

FILED

APR 28 1997

Julia A. Reed
AUDITOR FULTON COUNTY, INDIANA

The Principal Executive Officer of the county selected by the above procedure, if not a member of the County Commission, shall exercise all powers and fulfill all duties of the Principal Executive Officer under IC 10-4-1-23(a) until such time as a County Commissioner shall no longer be unavailable or incapacitated, at which time the County Commissioner, or the regularly designated President of the Board if he is no longer unavailable or incapacitated, shall assume all the powers and duties associated with the office of President of the Board. The Principal Executive Officer of the county selected by the above procedure, if a member of the County Commission, shall exercise all powers and fulfill all duties of the Principal Executive Officer under IC 10-4-1-23(a) until such time as the regularly designated President of the Board shall no longer be unavailable or incapacitated, at which time the regularly designated President of the Board shall resume all the powers and duties associated with his office.

2. "Advisory Council" means the _____ County Emergency Management Advisory Council as established under this Chapter, pursuant to IC 4-1-10.
3. "Board" means the Board of County Commissioners, as elected pursuant to IC 36-2-2.
4. "Chairman" means the Chairman of the _____ County Emergency Management Advisory Council as established under this Chapter, pursuant to IC 4-1-10.
5. "Emergency Management" means the preparation for and the execution of all emergency functions, to include mitigation, preparedness, response and recovery.
6. "Department" means the Department of Emergency Management as established under this Chapter, pursuant to IC 4-1-10.
7. "Director" means the County Director of Emergency Management as established and appointed pursuant to this Chapter.
8. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire,

flood, earthquake, wind, storm, wave action, oil spill, other water contamination requiring emergency action to avert danger or damage, hazardous materials spill or contamination requiring emergency action to avert danger or damage, air contamination, drought, explosion, riot or hostile military or paramilitary action which cannot be handled by normal operating personnel, procedures, resources or facilities.

9. "Emergency Management Volunteer" means any person who serves without compensation in the Department of Emergency Management, being first duly rostered, identified 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. "Man-made Disaster" means any incidents including, but not limited to, riots, strikes, insurrections, terrorist acts, civil disturbances, threats to national security or other man-made cause.
11. "Natural Disaster" means any incidents affecting or threatening public health, welfare, safety or security including, but not limited to, flood, tornado, earthquake, wind, storm, winter storm or other natural cause.
12. "Participating Emergency Service" means:
 - (a) any county department or agency designated in the emergency operations plan to participate in emergency management activities pursuant to Section 3 (E) (1) (d), 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 IC 10-4-1-10 and Section 3 (G) (5) of this chapter.
13. "Personnel" means county officers and employees and emergency management volunteers, unless otherwise indicated.

14. "Plan" or "Emergency Plan" means the current local emergency plan whose preparation and updating are mandated by IC 10-4-1-10(j).
15. "SEMA" means the State Emergency Management Agency established under IC 10-8-2-1.
16. "Technological Disaster" means any incidents including, but not limited to, severe fire, explosions, hazardous material spills, radiological problems or other technological cause.

B. GENERAL SCOPE AND INTENT: LIBERAL CONSTRUCTION OF POWERS

The general intent of this chapter 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 and shall be construed as intending to supplement and augment, and 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 chapter is intended to supersede or delimit any statutory powers of the County Sheriff to request assistance of the national guard under the circumstances delineated in IC 10-2-4-6 and 7.

D. LIMITATIONS: NONSUPERSESSION OF EMERGENCY POWERS OF INCORPORATED MUNICIPALITIES: CONFORMANCE OF MUNICIPAL REGULATION WITH COUNTY REGULATIONS

Nothing in this chapter is intended to supersede or delimit the powers of any incorporated municipality under IC 10-4-1-10 to adopt and implement emergency plans, and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting such municipality. However, Pursuant to IC 10-4-1-15, such regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the _____ County emergency regulations and procedures as established in this chapter.

III. SECTION 3 COUNTY EMERGENCY MANAGEMENT PROGRAM: ORGANIZATION AND ADMINISTRATION OF DEPARTMENT OF EMERGENCY MANAGEMENT

A. _____ COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL ESTABLISHED: APPOINTMENT AND TERMS OF MEMBERS.

In accordance with IC 10-4-1-10(d), there is established the _____ County Emergency Management Advisory Council which shall consist of the following persons or their designees.

1. The president of the county executive.
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. 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.
6. One (1) commander of a local civil air patrol unit in the county or the commander's designee.

B. The Advisory Council shall have a Chairman, a Vice Chairman, and a Recording Secretary. These officers shall be elected by the Advisory Council for one (1) year terms.

C. DUTIES OF EMERGENCY MANAGEMENT ADVISORY COUNCIL: AS ESTABLISHED IN IC 10-4-1-10(f):

1. The Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the county, and shall select, with the approval of the County Executive, a county Emergency Management Director, who shall have direct responsibility for the organization, administration and operation of the emergency management program in the county and shall be responsible to the chairman of the Advisory Council. The Emergency Management Director shall not hold any other local or state government office.

2. The Advisory Council shall have the power to terminate, with the approval of the County Executive, a county Emergency Management Director, under the circumstances delineated in Section 3.E.2 hereof.
3. The Advisory Council shall meet at least once biannually; the frequency, time and place being determined by the Council.
4. Any and all meetings of the Advisory Council shall be open meetings and shall be posted in accordance with IC 5-14-1.5.

D. DEPARTMENT OF EMERGENCY MANAGEMENT ESTABLISHED:
ORGANIZATION AND CONSTITUENCY OF THE DEPARTMENT

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 chapter. The County Commissioners and Director of Emergency Management shall be responsible for its organization, administration and operation. The department shall consist of the following:
 - a. an executive head of the Department of Emergency Management, who shall be known as the Director of Emergency Management appointed in accordance with Section 2;
 - b. a Deputy Director, who shall be appointed by the Director with the approval of the Advisory Council;
 - c. emergency management volunteers, as deemed necessary and appointed by the Director in accordance with Section 4.G. and in accordance with the plan;
 - d. the employees, equipment and facilities of all county departments and agencies suitable for, or adaptable to emergency management and designated by the plan to participate in emergency management activity;
 - e. staff officers with responsibility for Warning and Communications, Radiological, Health, Emergency Care, Police, Fire and Rescue,

Public Works and Public Information in accordance with the plan; and

- f. such assistants, clerical help, and other employees as deemed necessary to the proper functioning of the Department who may be appointed by the Director in accordance with the plan.
2. Notwithstanding any other provision of this chapter, no compensated position may be established within the Department of Emergency Management nor any person appointed to such position without:
 - a. the authorization of the County Council pursuant to IC 36-2-5-3(a); and
 - b. the making of sufficient appropriations to pay such compensation.
 3. 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.
 4. It is the intent of this section that emergency management and disaster assignments under the plan shall be as nearly consistent with normal duty assignments as possible.

E. DIRECTOR OF EMERGENCY MANAGEMENT: APPOINTMENT, QUALIFICATIONS AND TENURE

1. The Director of Emergency Management shall be appointed by the County Emergency Management Advisory Council with the approval of the county executive. The Director may hold no other local, state or federal office.
2. The appointment of the Director shall be permanent unless the Advisory Council, pursuant to Section 3.C.2. hereof, determines the Director to be:
 - a. incapable of fulfilling his duties due to physical or mental disability, or
 - b. unwilling to perform his duties as mandated below.

3. The Advisory Council shall consult with the Executive Director of SEMA to obtain his/her opinion on the abilities and competence of the Director prior to the Advisory Council's termination of the Director under Section 3.E.2. The SEMA Executive Director's opinion hereunder shall be advisory only.
4. Additional qualifications for Director may be determined by the Advisory Council, with input from the County Commissioners pursuant to IC 10-4-1-10(d).

F. 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 shall have responsibility for the organization, administration and operation of the emergency management organization, including the following specific powers and duties:

1. submitting 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;
2. keeping the county commissioners fully informed on emergency management activities;
3. writing and implementing the plan, which shall conform to the guidelines contained in the most current state and federal guidance documents if the county wishes to receive state and/or federal matching funds;
4. assuring that all county employees and rostered volunteers with responsibilities as part of the plan receive training in the functions which they are to perform under the plan;
5. designing and conducting exercises of the plan, as required by SEMA;
6. assuring that the plan addresses all hazards and includes all cities, towns and other population centers within the county;

7. updating the plan as needed to keep it current, as required by IC 10-4-1-10(j);
8. identifying and analyzing the effects of hazards that threaten the jurisdiction;
9. working 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;
10. inventorying manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency;
11. identifying resource deficiencies and working with appropriate officials on measures to correct them;
12. developing an emergency operating center ("EOC") as a site from which key officials can direct and control operations during a disaster or emergency;
13. developing and maintaining emergency communications systems;
14. establishing a system to alert key officials in event of a disaster or emergency;
15. developing continuity of government procedures and systems;
16. establishing and maintaining a shelter and reception and care system;
17. developing a training program for emergency response personnel;
18. developing a tests and exercise program;
19. coordinating with industry to develop and maintain industrial emergency plans and capabilities in support of the plan;
20. making rapid and accurate assessment of:
 - a. property damage;
 - b. personal injuries;
 - c. fatalities;
 - d. basic needs; and
 - e. special needs

as soon as an emergency or disaster declaration has been made;

21. submitting to SEMA the assessment specified in section 3.F.7. in SEMA's required:
 - a. format; and
 - b. time frame for submission.
22. providing to the SEMA Director annual reports and documentation as mandated by SEMA;
23. competently managing the department's various functions, including among others financial, personnel, and logistic;
24. timely responsiveness to the Chairman of the Advisory Council, as mandated by IC 10-4-1-10(f);
25. timely obedience to the directives of superior state authorities;
26. assuring that the activities of the Department at all times comport with IC 10-4-1 and other applicable statutes and county ordinances;
27. attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one (1) year of first assuming the position of Director;
28. attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years;
29. assuring the Deputy Director's attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one (1) year of first assuming the position of Deputy Director;
30. assuring the Deputy Director's and all paid emergency management staff's attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years;
31. assuring ongoing attendance by the Director, the Deputy Director and all paid emergency management staff at further emergency management courses

presented by the Public Safety Training Institute to assure continued knowledge of the latest information on emergency management;

32. responsibility for public relations, information and education regarding all phases of emergency management;
33. assuring coordination, within _____ County, of all activities for emergency management;
34. maintaining liaison and coordination with all other affected agencies, public and private;
35. coordination of the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes;
36. seeking, negotiating and entering into (with the approval or ratification of the Commissioners and to the extent 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;
37. accepting 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 such offer has been approved by the Governor;
38. seeking and accepting 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;
39. issuing proper insignia and papers to emergency management workers and other people directly concerned with emergency management;
40. assuring that all volunteers meet the criteria set forth below at section I.1. prior to accepting them as members of the Department; and

41. 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 IC 10-4-1. 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 SEMA under IC 10-4-1.

G. DEPUTY DIRECTOR: GENERAL POWERS AND DUTIES

1. If a Deputy Director has been appointed pursuant to Section E(1)(b) of this chapter, he shall during normal times, assist the Director in the performance of his duties.
2. During an emergency, the Deputy Director shall assist the Director and shall fulfill the duties of the Director in the absence or incapacity of the Director to serve.

H. PRINCIPAL EXECUTIVE OFFICER AND BOARD OF COMMISSIONERS:
GENERAL ADMINISTRATIVE POWERS AND DUTIES; TESTS OF
EMERGENCY OPERATIONS PLAN

1. In time of normal county operations, powers and duties of the Principal Executive Officer pertaining to emergency management shall be:
 - a. seeking the advice and input of the Director as to the advisability of declaring a local disaster emergency; and
 - b. declaring, pursuant to IC 10-4-1-23(a), a local disaster emergency.
2. In time of normal county operations, powers and duties of the County Commissioners pertaining to emergency management shall be:
 - a. maintaining general supervision over the planning and administration for the Department;
 - b. adoption of the plan;
 - c. coordinating emergency management activities consistent with the plan;

- d. making assignments of county personnel to emergency management activities consistent with the plan;
 - e. 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 plan;
 - f. taking all necessary action in co-ordination with the Department to conduct tests of the plan; and
 - g. educating themselves as to their responsibilities under the plan.
3. Emergency management tests may be conducted at any time with or without prior notification to persons other than the Director. All emergency tests conducted within the boundaries of _____ County shall be coordinated with the Department.

I. QUALIFICATIONS AND APPOINTMENT OF EMERGENCY MANAGEMENT VOLUNTEERS:

1. The Director shall assure that all volunteer personnel meet the following qualifications before being placed on the roster as a member of the Department:
 - a. be at least eighteen (18) years of age or older;
 - b. not be convicted of a felony; and
 - c. have completed and have on file with the Department an application form.
2. Upon satisfaction of the above requirements and formal entry upon the Department's roster of volunteers, the applicant is officially a member of the _____ County Department of Emergency Management.

J. DEPARTMENTAL BUDGETING 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.

K. EMERGENCY OPERATIONS PLAN: FORMULATION, CONTENT AND ADOPTION OF PLAN

1. A _____ COUNTY EMERGENCY OPERATIONS PLAN shall be adopted by resolution of the _____ County 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 plan shall have, at minimum, the following contents:
 - a. Basic Plan -- to include:
 - (1) Purpose;
 - (2) Situation/Assumptions;
 - (3) Concept of Operations;
 - (4) Assignment of Responsibilities;
 - (5) Direction and Control;
 - (6) Continuity of Government;
 - (7) Administration and Logistics; and
 - (8) Execution.
 - b. Annexes -- to include:
 - (1) Direction and Control (Warning and Communications);
 - (2) Radiological Protection;
 - (3) Law Enforcement;
 - (4) Fire and Rescue;

- (5) Health and Medical;
 - (6) Hazardous Materials Response for SARA Title III releases (to be drafted by the Local Emergency Planning Committee, pursuant to IC 13-7-37-12);
 - (7) Hazardous Materials Response for non-SARA Title III releases;
 - (8) Welfare and Human Services;
 - (9) Shelter;
 - (10) Evacuation;
 - (11) Public Works; and
 - (12) Resource and Supply.
3. In addition, all emergency services within the county shall:
- a. if they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;
 - b. coordinate internal plans with the Department of Emergency Management;
 - c. assure inclusion of internal plans within the county plan;
 - d. perform the functions and duties assigned by the county plan; and
 - e. maintain their portion of the plan in a current state of readiness at all times.

L. COUNTYWIDE JURISDICTION OF DEPARTMENT OF EMERGENCY MANAGEMENT; COUNTY EMERGENCY OPERATIONS PLAN; AND RELATED OFFICIAL POWERS

1. Except as provided by Section 2.C. and Section 2.D. of this chapter, the jurisdiction of the county Department of Emergency Management shall be:
- (1) comprehensive and inclusive countywide, and
 - (2) effective in both the incorporated and unincorporated areas of the county.

2. The jurisdiction and applicability of the county's comprehensive emergency management and disaster plan as adopted pursuant to Section 3.L., and the exercise of any powers of the Principal Executive Officer of the county and the County Commissioners under Section 4, shall be:
 - (1) comprehensive and inclusive countywide, and
 - (2) effective in both the incorporated and unincorporated areas of the county.
3. All incorporated areas of the county shall:
 - a. if they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;
 - b. coordinate internal plans with the Department of Emergency Management;
 - c. assure inclusion of internal plans within the county plan;
 - d. perform the functions and duties assigned by the county plan; and
 - e. maintain their portion of the plan in a current state of readiness at all times.

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

A. APPLICABILITY OF CHAPTER

This section shall apply whenever:

1. a state of emergency affecting all or part of the county has been declared by the Governor pursuant to IC 10-4-1-7;
2. a state of emergency affecting all or part of the county has been declared by the Principal Executive Officer of the County pursuant to IC 10-4-1-23(a) and Section 4.C. hereof;
3. a presumptive state of emergency is deemed to exist affecting all or part of the county causing the Director to invoke and implement emergency plans and procedures in accordance with Section 4.H. hereof; or

4. when the Board of Commissioners has implemented a test of the county's emergency plan and procedures in accordance with and to the extent necessary or dispensable to such test.

B. RESPONSIBILITIES OF DEPARTMENT OF EMERGENCY MANAGEMENT PRIOR TO DECLARATION OF LOCAL DISASTER EMERGENCY

The Department of Emergency Management shall have the following responsibilities prior to declaration of a disaster:

1. the warning function as prescribed in the portion of the plan;
2. assuring proper functioning of emergency communications throughout the county, including all cities and towns, as prescribed in the communications portion of the plan; and
3. assuring that mitigation, training and exercising have been performed.

C. SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; DECLARATION OF LOCAL DISASTER EMERGENCY

1. In the event of actual or threatened enemy attack or disaster affecting the county, the Principal Executive Officer of the county may:
 - a. declare a local disaster emergency,
 - b. pursuant to IC 10-4-2-3(a),
 - c. for any period,
 - d. not to exceed 7 days.
2. The declaration shall:
 - a. be in writing;
 - b. indicate the nature of the disaster;
 - c. indicate the conditions which have brought the disaster about;
 - d. indicate the area or areas threatened;
 - e. indicate the area or areas to which the state of emergency applies (which may include the entire county or only designated parts thereof); and
 - f. be announced or disseminated to the general public by the best means available.
3. The declaration shall be filed in the offices of:
 - a. the County Clerk;

- b. the County Auditor; and
 - c. the clerk of any incorporated municipality included in the declared disaster area.
4. The declaration shall not be invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.
5. Upon a declaration, the county's comprehensive emergency management and disaster control plan which has been adopted pursuant to Section 3.L. or such several component parts thereof as may be relevant to the emergency shall be:
- a. activated; and
 - b. implemented.
6. Such a declaration shall not be necessary if the Governor, pursuant to IC 10-4-1-7, has already proclaimed a statewide or areawide state of emergency including the county.
- D. SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; CONVENTION OF EMERGENCY MEETING OF BOARD OF COMMISSIONERS; SPECIAL MEETING PROCEDURES
1. As soon as possible after a disaster emergency affecting the county is declared either by the Governor or by the Principal Executive Officer of the county, the Principal Executive Officer of the county shall convene a meeting of the County Commissioners to perform their legislative and administrative functions as the situation may demand.
2. If the Principal Executive Officer fails or is unable to convene a meeting as mandated above, the meeting shall be convened in accordance with IC 36-2-2-3(A).
3. Any such meeting of the Commissioners shall:
- a. be deemed an emergency meeting;
 - b. be subject only to such procedural provisions of law as govern emergency meetings of County Commissioners;
 - c. include relaxation of any applicable notice requirements pursuant to IC 5-14-1.5-5(d);
 - d. be held in any convenient and available place;
 - e. continue without adjournment for the duration of the disaster emergency; and

- f. be recessed for reasonable periods of time as necessary and permitted by the circumstances.

E. SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; PLENIPOTENTIARY POWERS IN ABSENCE OF BOARD QUORUM

- 1. In the event that a quorum of the Board of Commissioners cannot be assembled for purposes of the meeting required under Section 4 (D), the Principal Executive Officer of the county shall:
 - a. be considered a plenipotentiary representative of the Board;
 - b. have all powers of the full Board; and
 - c. take all actions of the full Board.
- 2. When a quorum is assembled, such plenipotentiary powers shall cease.

F. SPECIAL EMERGENCY POWERS AND DUTIES OF BOARD OF COMMISSIONERS

- 1. At the meeting convened under Section 4.D., the 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 F.1., the Board may also exercise any of the following special and extraordinary powers:
 - a. The Commissioners may extend the period of a state of emergency declared by the chief executive officer pursuant to Section 4.C., to last more than 7 days if necessary.
 - b. The Commissioners may terminate the state of emergency, except for a state of emergency declared by the Governor.
 - c. The Commissioners may assemble and utilize emergency management forces, including:
 - (1) personnel of the Department of Emergency Management;
 - (2) participating emergency services; and

- (3) any other forces at the disposal of the Commissioners hereunder for emergency management purposes.
- d. The Commissioners may order volunteer forces which have been activated pursuant to the 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 Commissioners may, to the extent permitted by IC 10-41-25 and subject to its provisions, command services and/or requisition the use of:
 - (1) equipment;
 - (2) facilities;
 - (3) supplies; or
 - (4) other property.
- f. The Commissioners may order the evacuation of all or part of the population from stricken areas of the county, and prescribe:
 - (1) routes;
 - (2) modes of transportation; and
 - (3) evacuation destinations.
- g. The 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. The Commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by ordinances of the county if they:
 - (1) would be impractical during the emergency;
 - (2) would interfere with the implementation and carrying out of emergency plans; or
 - (3) would be inimical to actions necessary to protect the public safety and welfare.

- i. Except in accordance with subsection 4.F.2.m. hereinafter the Commissioners shall not suspend any provisions of ordinances or procedures which are mandated by statute.
- j. In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the Commissioners, in accordance with IC 10-4-1-10(j)(5), may waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, and pertaining to:
 - (1) the appropriation and expenditure of public funds;
 - (2) the incurring of obligations;
 - (3) the performance of public works;
 - (4) the entering into contracts;
 - (5) the employment of workers whose employment may be either:
 - (a) permanent or
 - (b) temporary
 - (6) the utilization of volunteer workers;
 - (7) the rental of equipment;
 - (8) the purchase and distribution of:
 - (a) supplies,
 - (b) materials, and
 - (c) facilities.
- k. The Commissioners may assign any special emergency duties and functions to county:
 - (1) offices;
 - (2) departments; and
 - (3) agencies.
- l. 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.

- m. The Commissioners may make and promulgate such emergency regulations as may be deemed necessary implement and carry out the provisions of the county's or state's plans.

- (1) Such regulations shall not be effective until promulgated, through either:

- (a) written filing in this offices of the County Clerk and County Auditor as required by IC 10-4-1-15(B); or

- (b) if filing is impossible, through conspicuous posting at two (2) public locations within the county.

- (2) Such regulation shall have the full force of law and shall be enforceable by any police officer in accordance with IC 10-4-1-17.

- n. The Commissioners may, in accordance with the 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 and regulations under this section shall be:

- a. adopted by ordinance or resolution;
- b. consistent with, and subordinate to, any actions, orders, or regulations made by the Governor or a state agency implementing the state Emergency Operations Plan.

G. SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR EMERGENCY MANAGEMENT

- 1. The Director shall make recommendations and advise the Board of Commissioners or the Principal Executive Officer on any actions which it would be necessary or desirable to take under Section 4.F. in the event of any emergency.
- 2. In the event that an emergency clearly exists or is imminent within the county, and a state of

emergency has not been declared by the Governor nor is any person having the powers of the Principal Executive Officer of the county present to declare such an emergency pursuant to Section 4.C., the Director may temporarily presume the existence of a state of emergency.

3. When Director temporarily presumes the existence of a state of emergency, the Director shall:
 - a. put into effect those portions plan as necessary:
 - (1) to cope with the emergency; and
 - (2) protect the public safety and welfare;
 - b. be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until such time as a chief executive officer becomes available;
 - c. have his functions performed by the Deputy Director to the extent that the Deputy Director is required to assume the duties of the Director, as provided by Section 3 (H). in the latter's absence or incapacitation during the emergency.
4. Assistance from the Department of Emergency Management may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.

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

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

1. cooperate with and give active support to:
 - a. the County Commissioners; and
 - b. the county Emergency Management Director.
2. comply with all orders issued pursuant to this chapter by:
 - a. the Commissioners; and
 - b. the county Emergency Management Director.

I. PRIORITY OF EMERGENCY ORDERS, RULES AND REGULATIONS

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing inconsistent:

1. ordinances;
2. orders;
3. rules; and
4. regulations.

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

1. Whenever this chapter applies it shall be unlawful and a penal ordinance violation for any person to:
 - a. willfully obstruct, hinder or delay the Commissioners, the Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing emergency plans and procedures;
 - 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 the State 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.

K. LIMITATION OF LIABILITY DURING STATE OF EMERGENCY OR EMERGENCY OR EMERGENCY MANAGEMENT TESTS

During an emergency management test or declared emergency, the following shall be immune from liability, to the extent provided by I.C. 10-4-1 and any other applicable law:

1. the county;
2. its assigned personnel;
3. participating emergency services; and
4. rostered volunteers.

L. REIMBURSEMENT FOR USE OF PROPERTY COMMANDEERED DURING EMERGENCY

Owners of property commandeered for the use in any emergency by any county official shall be reimbursed for its use by the county as the County Council shall approve with regard to:

1. manner of compensation; and
2. amount of compensation.