

**COUNCIL BILL NO. 2005-004**

**ORDINANCE NO. 2005-021**

**AN ORDINANCE** amending Article II., Emergency Preparedness, of Chapter 38, Civil Emergencies, of the Joplin City Code, by repealing Article II. in its entirety and enacting a new Article II., Emergency Management, in lieu thereof.

WHEREAS, the City's Office of Emergency Preparedness was initially created in 1950 in conjunction with nation-wide civil defense initiatives; and,

WHEREAS, the City's Office of Emergency Preparedness has evolved over the years, and in 1962, became a joint City/Jasper County agency; and,

WHEREAS, the City of Joplin has determined that the City's community risks, concerns, and needs have changed dramatically over the years, as have emergency management strategies, tactics, and responsibilities, which changes necessarily establish the need to bring the City of Joplin into line with updated community needs; and,

WHEREAS, the City Council has determined a need for Article II., of Chapter 38 of the Joplin City Code to be amended to address the changes by re-establishing the office of Emergency Preparedness, and setting forth the duties, responsibilities, and authority of that office.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Article II., Emergency Preparedness, of Chapter 38, Civil Emergencies, of the Joplin City Code, is hereby repealed in its entirety, and a new Article II., Emergency Management., be enacted in lieu thereof, to read as follows:

**"ARTICLE II. EMERGENCY MANAGEMENT.**

**Sec. 38-31. Defined.**

As used in this article, the term "emergency management" shall mean the preparation and implementation of emergency functions, other than functions for which military forces or other state or federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from incidents of natural or human cause and origin. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, communications, radiological, chemical and explosives services, emergency transportation, plant protection, temporary restoration of public utility services, and all other functions related to civilian protection, together with all other activities necessary or incidental to the mitigation, response and recovery of such issues.

Sec. 38-32. Emergency management organization established; duties.

There is hereby created within the City Fire Department an emergency management organization to be known as the Joplin-Jasper County Emergency Management Division, which is responsible for the preparation and implementation of emergency preparedness functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with R.S.Mo., Ch. 44 and the State of Missouri Emergency Operations Plan adopted thereunder.

Sec. 38-33. Composition of office of emergency management.

The office of emergency management shall consist of a coordinator, a senior clerk, and other members appointed by the Fire Chief to conform to the state organization and procedures for the conduct of emergency operations as outlined in the State of Missouri Emergency Operations Plan, or needs identified locally.

Sec. 38-34. Performance of emergency management functions inside and outside territorial limits.

The emergency management organization shall perform emergency management functions within the territorial limits of the City and Jasper County, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of R.S.Mo., Ch. 44.

Sec. 38-35. Appointment of coordinator.

The emergency management coordinator shall be a classified position appointed by the Fire Chief.

Sec. 38-36. Duties of Coordinator.

(a) The Emergency Management Coordinator shall have direct responsibility for the organization, administration, and operations of local emergency management activities, subject to the discretion and control of the Fire Chief. The Coordinator shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Office.

(b) The Coordinator shall be responsible for the preparation and administration of the annual budget for the Emergency Management Office.

Sec. 38-37. Compensation of personnel.

Persons appointed to positions or volunteering services relative to an emergency/disaster shall receive no compensation from public funds of the City for the performance of such duties, unless specifically approved by the Council. With the approval of the Council, any person performing emergency response or recovery duties under this article may be reimbursed from City funds for reasonable and necessary expenses incurred in the performance of such duties. Inasmuch as proper functioning of emergency response/recovery requires the services of existing city officers and offices, the compensation of any officer or employee of the city called upon to perform duties in connection with an emergency shall not be reduced by reason of any provision contained in this article.

Sec. 38-38. Oath of personnel.

No person shall be employed or associated in any capacity in any organization established under this article who advocates or has advocated a change by force or violence in the constitutional form of the government in the United States or in this state or the overthrow of any government in the United States by force or violence, or has been convicted of, or is under indictment for information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which 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 Missouri, 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, nor have I been, a member of any political party or organization that advocates the overthrow of the government of the United States or this state by force or violence; and that during such a time as I am a member of the Joplin-Jasper County Emergency Management Division, 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." .

Sec. 38-39. Office facilities for office of emergency management.

The City Manager is authorized to designate space in a City-owned or City-leased building for the Emergency Management Office.

Sec. 38-40. Expenditures to be approved by council.

No public funds of the City shall be expended for emergency management without prior approval of the City Council, nor shall any person performing any duties under this

article have the right to bind the City by contract without prior authorization from the City Council.

Sec. 38-41. Powers and duties of city manager.

The City Manager shall be responsible for the execution of this article, and in performing his duties under this article he is authorized and empowered to:

(1) Prepare a comprehensive plan and program for the emergency operations and disaster control of the city, and integrate and coordinate such plan and program with the emergency preparedness plan of the federal government and other municipalities and political subdivisions.

(2) Ascertain the requirements of the city for food, clothing and other necessities in the event of attack or disaster; plan for and procure supplies, medicines, materials, and equipment and, in the event of attack or disaster, use and employ from time-to-time, any of the property, services, and resources within the city for the purposes set forth in this article; institute training programs and public information programs and make all other preparations to ensure furnishing of adequately trained and equipped forces of emergency response personnel in time of need; direct, mobilization of emergency response forces, and other tests and exercises; prescribe warnings and signals emergency notification and mechanical devices to be used in connection therewith. Shall have authority upon local declaration of an emergency, to impose travel and access restrictions, curfews, and other temporary mandates, to provide for community order and safety.

(3) Establish agencies and offices and appoint executive, technical, clerical, and other personnel as may be necessary to carry out the provisions of this article.

(4) Delegate any authority vested in him/her under this article, and provide for the sub delegation of any such authority.

Sec. 38-42. Shelter managers.

(a) In case of a declared emergency, either local, natural, state or national, public shelter managers, duly appointed by the Emergency Management Coordinator, shall open public shelters, take charge of all stocks of food, water, and other supplies stored or brought into the shelter, admit the public according to the city's shelter use plan, and take whatever control measures are necessary for the protection and safety of the occupants.

(b) Shelter managers are authorized to use reasonable restraint against those who refuse to cooperate with the routine of shelter living under emergency conditions. Refusal to carry out the orders of the shelter manager and his appointed staff shall be deemed a misdemeanor, punishable as provided in Section 1-5.

Sec. 38-43. Authority of mayor during period of emergency.

In accordance with RSMo., Ch. 44, the mayor, or his designee, as executive director, may, upon notice of impending disaster or upon occurrence of such event:

- (1) Declare that an emergency situation exists within the city, placing in effect the emergency operations and disaster control plan required by this article.
- (2) Expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency preparedness purposes, provide for the health and safety of persons, including emergency assistance to victims of an enemy attack, and the safety of property, and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of federal and state disaster and emergency planning.
- (3) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation.
- (4) With the approval of the Governor and consistent with the State of Missouri Emergency Operations Plan, enter into Mutual Aid Agreements with other public and private agencies within and without the state for reciprocal emergency aid.
- (5) Accept services, materials, equipment, supplies or funds granted or loaned by the federal government for operations or other purposes.

Sec. 38-44. Waiver of purchasing requirements.

In the event of enemy attack or natural disaster, the Mayor, City Manager, or City Council may waive any time-consuming procedures and formalities otherwise required by statute pertaining to the advertisement for the performance of public work or entering into contracts.

Sec. 38-45. Disaster emergency response powers of department of public works.

The Director of Public Works, or the highest ranking member of the public works department, may render aid to any requesting public safety agency in the state or in a bordering state at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident, or other such disaster. The director of public works, or the highest-ranking member of the public works department, may render aid to any requesting agency as long as he is acting in accordance with the policies and procedures set forth by the governing body of that public safety agency. "

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 21st day of February, 2005.

Phil G. Stinnett, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney