

ORDER REGARDING EMERGENCY MANAGEMENT FOR CHRISTIAN COUNTY, MISSOURI

WHEREAS, the Missouri Revised Statutes Chapter 44.080 gives authority for organization of local emergency management agencies to be organized and perform emergency management functions; and

WHEREAS, to protect the health and safety of persons and property during an emergency or disaster resulting from man-made or natural causes.

There is hereby created within and for the territory of Christian County, Missouri, an emergency management agency to be known as the Christian County Office of Emergency Management.

Section 1. Regulations Continued in Effect

All ordinances, resolutions, motions, and orders pertaining to civil defense, emergency management, and disaster relief, which are not in conflict with this chapter, are continued in full force and effect. Such ordinances, etc., are on file in the office of the County Clerk.

Section 2. Emergency Management and Response Powers

I) Departmental Standards

- A) *Functions of the Office of Emergency Management.* The Christian County Office of Emergency Management (OEM) shall perform emergency management functions as directed by local procedural standards, orders, and ordinances as directed by the County Commission.
- B) *Membership of the Office of Emergency Management.* The Christian County OEM shall consist of a director and additional members sufficient to carry out departmental duties. These additional members will be appointed by the director.
- C) *Oath.* No person shall be employed or associated, in any capacity, with the Christian County OEM who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence. No person shall be employed or associated with the Christian County OEM who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in a capacity with the Christian County OEM shall, before entering upon his/her duties, take an oath, in writing, before the Clerk of Christian County. The 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 a member of a 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 a time as I am a member of the Christian County Office of Emergency Management, I will not advocate the overthrow of the government of the United States or of this state by force or violence.

D) Appointment and Duties of the Emergency Management Director. The Director of the Christian County OEM will be appointed by the Christian County Commission. Duties of the Director include, but are not limited to:

- 1) Coordinate daily community mitigation and preparedness activities, localized emergency response activities, recovery coordination efforts, and the participation in regional emergency management activities.
- 2) Direct responsibility for the organization, administration, and operation of all local emergency management activities and coordination of those activities with all county departments.
- 3) Develop and promulgate emergency plans for the County, including planning for joint action with municipalities consistent with the state plan of emergency management.
- 4) Coordinate and assist in the development of joint action municipal emergency management plans within the County and integrate such plans with the County plan.
- 5) Direct the County and joint action municipality emergency management planning programs.
- 6) Coordinate the County and joint action municipalities emergency actions and coordinate the non-joint action municipal emergency actions within the County.
- 7) Maintain all relevant disaster preparedness planning documents for the community.
- 8) Activate the Emergency Operations Plan (EOP), as deemed necessary for the community-wide coordination of resources in the event of a threatened or actual incident.

- 9) Maintain continual state of readiness of the central disaster community coordination center known as the Emergency Operations Center (EOC).
- 10) Activate the EOC as deemed necessary for the community-wide coordination of resource in the event of a threatened or actual incident.
- 11) Maintain liaison and cooperate with emergency management agencies and organizations both governmental and non-governmental in other cities, counties, states, and the federal government.
- 12) Maintain records and the accounting for the use and disposal of all equipment placed under the jurisdiction of the Christian County OEM.
- 13) Maintain records and the accounting of grants placed under the jurisdiction of the Christian County OEM.
- 14) Serve as the County Coordinator for implementation of the National Incident Management System (NIMS), which is the federal system to coordinate emergency preparedness and response for all levels of government.
- 15) Perform such other duties related to emergency management as may be required by the Christian County Commission or any municipality acting under a joint action municipal emergency management ordinance which has appointed the County's emergency management director as its Director of Emergency Management.

E) Declaration of Local Emergency

- 1) *Grant of Authority.* In the event of a threatened or actual disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction, or major disruption of the routine community affairs, businesses, or governmental operations in Christian County, and which is sufficient in severity and magnitude to warrant extraordinary assistance by federal, state, and/or local departments and agencies to supplement the efforts of available public and private resources the Presiding Commissioner or designee may declare a local emergency for Christian County, Missouri. The form of the declaration shall be similar to that provided in subsection (2C) of this document.
- 2) *Commission Line of Succession.* In the event that the Presiding Commissioner is unavailable or incapacitated by the emergency event, the Associate Commissioners, in order of seniority, shall serve as the designee. If both Associate Commissioners are available, the declaration will be made in concurrence from both Associate Commissioners. If there are no Commissioners available to make a local emergency declaration, the responsibility will be that of the Sheriff. If there are no Commissioners or Sheriff available to make a local

emergency declaration, then the responsibility will be that of the Director of the Christian County Office of Emergency Management.

- 3) *Request for State Assistance.* Consistent with a declaration of local emergency, the Presiding Commissioner or designee may request the Governor to provide assistance. This may be done provided the disaster or emergency is beyond the capacity of the County to adequately meet and State assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.
- 4) *Continuance.* The declaration of local emergency shall continue until the Presiding Commissioner or designee finds that emergency conditions no longer exist. No state of local emergency shall continue for longer than 30 days, unless renewed by the Presiding Commissioner or designee. The County Commission may end a state of local emergency at any time.
- 5) *Effect of Declaration of Local Emergency*
 - (a) *County Business.* Upon declaration of an emergency or disaster by the Presiding Commissioner, the affairs and business of the county may be conducted at places other than the regular location, when it is not prudent, expedient, or possible to conduct business at the regular location.
In accordance with Missouri Revised Statutes 610.020, if the incident prevents posting notice 24 hours in advance or prevents the meeting from being held at a convenient time or in a place reasonably accessible to the public, the reasons should be stated in the meeting's minutes. When such meetings occur, all actions taken by the County Commission shall be as valid and binding as if performed at or during regular proceedings. Such meetings may be called by the Presiding Commissioner or any two members of the County Commission.
 - (b) *Purchasing.* Upon declaration of an emergency and in accordance with Missouri Revised Statute 50.780, the County Commission may waive the requirement of competitive bid or proposals for supplies when immediate expenditure is necessary. Emergency procurements shall be made with as much competition as practicable during the emergency incident. As soon as possible, a record of each emergency procurement shall be made and include the contractor's name, the amount and type of the contract, and a listing of the item(s) procured under the contract.
 - (c) *Code Enforcement.* Upon declaration of a state of emergency or disaster by the Presiding Commissioner, the County Commission may temporarily suspend the enforcement of the orders of the county, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public

health, safety and welfare, and such suspension is not contradictory with any deferral or state statutes or regulations.

- (d) *Fees.* Upon declaration of a state of emergency or disaster by the Presiding Commissioner, the County Commission may temporarily reduce or suspend any permit fees, application fees, or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits, and other fees relating to the reconstruction, repair, and clean up the areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the county on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation.
- (e) *Temporary Dwellings.* Upon the declaration of a state of emergency or disaster by the Presiding Commissioner, the county or its designees may issue temporary permits for a mobile home, trailer, recreational vehicle, or other temporary dwelling structures in any zoning district, even though not otherwise permitted by county regulations, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.
- (f) *Emergency Management Director.* Following a declaration of emergency, the Emergency Management Director or designee is authorized to have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:
- Coordinate the County and joint action Municipalities emergency actions and coordinate the non-joint action municipal emergency actions within the County.
 - To implement local emergency measure which protect life and property or to bring the emergency situation under control. In exercising this authority, the Emergency Management Director or designee may cause to become effective the authorities of this order as appropriate.
 - To activate the local EOP and shall be the authority for the deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to Chapter 44, RSMo., or any other laws, orders, or ordinances applicable to emergencies or disasters.

- To enter at a reasonable time upon any property, for the purpose of damage assessment and inspecting sites involved in or damaged by a declared disaster.
- To arrange agreements to use property for the purposes of emergency management activities on behalf of the County; however, any such document shall be later presented for ratification by the County Commission.
- To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response, or recovery.
- To prescribe routes, modes of transportation, and destinations in connections with evacuation.
- To make provision for the availability and use of temporary emergency housing, emergency shelters, and/or emergency medical shelters.
- To transfer the direction, personnel, or functions of any county departments and agencies, or units thereof, for the purpose of performing or facilitating emergency services.
- To utilize all available resources of the county and subordinate agencies over which the county has budgetary control as reasonably necessary to cope with the emergency or disaster.
- To obtain or utilize public or private property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare, and/or the property of citizens.
- To suspend any order, code provision, or regulation prescribing the procedures for conduct of county business, or the orders, rules, or regulations of any county agency, if strict compliance with any ordinance, resolution, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when possible, specialists shall be assigned to avoid adverse effects resulting from such suspension.
- To provide welfare benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related, necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or

families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes.

- To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster of emergency.

II) Form of Declaration

Upon the declaration of local emergency, an official "Declaration of Local Emergency," in substantially the same form set forth below, shall be signed and filed in the office of the County Clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The Declaration shall state the nature of the emergency or disaster and the conditions that require the Declaration.

DECLARATION OF LOCAL EMERGENCY

WHEREAS, the County of Christian, State of Missouri has experienced an event of critical significance as a result of [Description of Event] on [Date]; and

WHEREAS, in the judgment of the Presiding Commissioner of the County of Christian, there exists emergency circumstances located in [Describe Geographic Location] requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of the County of Christian, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event.

NOW, THEREFORE, pursuant to the authority vested in my by local and state law.

IT IS HEREBY ORDERED:

- 1) That the local Emergency Operations Plan is hereby activated;
- 2) That all necessary sections of the County of Christian Emergency Management Order will be implemented; and
- 3) That the following measures also be implemented: [If deemed appropriate, add items.]

ENTERED at [Time] on [Date].

[Signed]

Presiding Commissioner, County of Christian, State of Missouri or designee

III) Contracts with Local Government

In addition to the normal agreements embodied in the local EOP for mutual emergency assistance, municipalities within Christian County may adopt joint action emergency management ordinances for the administration of a joint action emergency plan and response with Christian County's Office of Emergency Management.

Section 3. Closed or Restricted Areas and Curfews During an Emergency

- I) To preserve, protect, and sustain the life, health, welfare, or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander, or stroll in or upon the public streets, highways, roads, lanes, parks, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any other place during a declared emergency between hours specified by the Presiding Commissioner until curfew is lifted.
- II) To promote order, protect lives, minimized the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Presiding Commissioner shall have discretion to impose re-entry restrictions on certain areas. The Presiding Commissioner shall exercise such discretion in accordance with the local EOP, which shall be followed during emergencies.
- III) The provisions of the section shall not apply to persons acting in the following capacities:
 - A) Authorized and essential law enforcement personnel;
 - B) Authorized and essential health care providers;
 - C) Authorized and essential personnel of the County as approved by the County Commission or Emergency Management Director;
 - D) Authorized National Guard or federal military personnel;
 - E) Authorized and essential firefighters;
 - F) Authorized and essential emergency response personnel;
 - G) Authorized and essential personnel or volunteers working with or through an Emergency Management Agency;

H) Authorized and essential utility repair crews;

I) Other authorized and essential persons as designated on a list compiled by the Christian County OEM.

Section 4. Special Events

I) Definition

Special events are defined as an event, or series of related events, of cultural, civic, economic, social, recreational, or educational in nature, sponsored by an individual or individuals, a non-profit organization or community group, charitable organization or for-profit organization or group, that is (1) held wholly or partially on property owned or maintained by the County; or (2) held on any other property, and that requires, for its successful execution, the partial or complete closure of streets or sidewalks or the provision and coordination of government services to a degree over and above the level that the County normally provides. Special events also include any other organized activity that involves the use of, or has a direct or indirect impact on, public property or facilities or that can reasonably be foreseen to have such an impact on, or to require a higher level of public safety services or other municipal services, including advance planning services, that are normally provided by the County.

II) Authority of the Office of Emergency Management

Any special event, as defined above, shall require the OEM to conduct an evaluation of the need for coordinated planning and the potential for on-site public safety coordination operations during such and event organizational authority is mandated to participate and utilize the following:

A) Pre-event planning, to include but not limited to meetings and planning sessions.

B) On-site public safety resource coordination during the duration of the event as determined by the pre-event planning process.

C) Post-event after action planning.

III) Funding Reimbursement

All activities related to planning, coordination, and response to the special event may be changed (using established departmental cost specifications) to the event organizational authority to be reimbursed to appropriate Christian County departmental budgets.

Section 5. Registration of Building and Repair Services

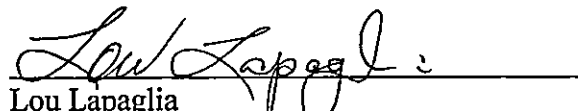
In accordance with County regulations, before building, constructing, repairing, renovating, or making improvements to any real property, including dwellings, homes, buildings, structures, or

fixtures within an area in the county designated in a declared emergency or disaster, any person, firm, partnership, corporation, or other entity must follow County protocols and regulations.


BE IT FURTHER ORDERED that is this document shall become effective upon its approval.

SO ORDERED this 12 day of January, 2012 County of Christian, State of Missouri.


CHRISTIAN COUNTY COMMISSION



Lou Lapaglia
Presiding Commissioner




Tom Huff
Commissioner, Eastern District



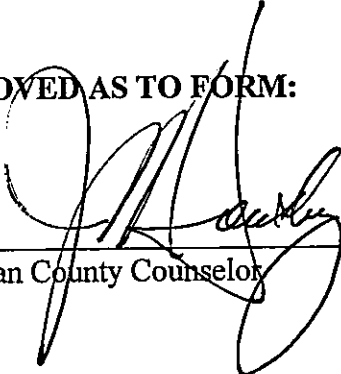
Bill Barnett
Commissioner, Western District

ATTEST:



Christian County Clerk

APPROVED AS TO FORM:



Christian County Counselor

JJJ/Christian County/OEMOrder.REVISED 1.5.2012.434517.doc

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