

CHAPTER 24

EMERGENCY GOVERNMENT

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EMERGENCY GOVERNMENT 24.0

24.0 POLICY AND PURPOSE. (Rep. & Rec. #8-91) (1) To ensure that the County of La Crosse will be prepared to cope with emergencies resulting from enemy action and natural or man-made disasters, an emergency government organization is created to carry out the purposes set forth in Chapter 166 of the Wisconsin Statutes.

(2) DEFINITIONS. (a) "Adjutant general" means the adjutant general of the department of military affairs.

(b) "Civil defense" means all measures undertaken by or on behalf of the state and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.

(c) "Emergency government" includes "civil defense" and means all measures undertaken by or on behalf of the state and its subdivisions:

1. To prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population.

2. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

3. "Enemy action" means hostile action by a foreign power which threatens the security of this state or a portion thereof.

(3) COUNTY EMERGENCY GOVERNMENT COMMITTEE. (a) The Law Enforcement Committee of the county board as created under its rules is hereby designated as the county emergency government committee. The chairperson of the county board shall designate a chairperson from one of the members of the committee.

(b) Duties. The county emergency government committee shall be an advisory and planning group with policy-making and rule-making powers in the establishment and development of county emergency government planning programs. The committee shall advise the head of emergency government services and the county board on all matters pertaining to emergency government.

(4) HEAD OF EMERGENCY GOVERNMENT SERVICES. (a) The office head of emergency government services for La Crosse County is hereby created. In addition to the duties as outlined herein, the head shall have the duties and responsibilities as provided in s. 166.03(5), Wis. Stats.

(b) Term, Appointment and Staff. 1. Term. The term of the head of emergency government services shall be at the pleasure of the county board.

2. Appointment. The La Crosse County Board shall appoint the head of emergency government services in accordance with County standard employment procedures.

3. Staff. The provisions of s. 166.03(8), Stats. relating to personnel shall apply to the selection of the head and his/her staff. The head of emergency government services shall be considered a County employee and he/she shall report to the county emergency government committee.

(5) OFFICE AND STAFF. (a) The La Crosse County Board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the head of emergency government services. The costs shall be borne by the County of La Crosse.

(b) Major Equipment and Service. The cost of equipment and services shall be borne completely by the municipal government requiring such procurement with federal matching funds procured by the head of emergency government services when applicable. Federal matching fund requirement shall be returned to the treasurer of the municipality procuring the equipment and service.

(6) COUNTY-MUNICIPALITY COOPERATION. Counties, towns and municipalities may cooperate under s. 66.30, Stats. to furnish services, combine offices and finance emergency government services.

(7) DUTIES OF HEAD OF EMERGENCY GOVERNMENT SERVICES. (a) The head of emergency government services shall develop and promulgate emergency government plans consistent with state plans, direct the emergency government program and perform such other duties related to emergency government as required by the La Crosse County Board and La Crosse County emergency government committee when applicable.

(b) The head of emergency government services shall coordinate and assist in developing town and municipal emergency government plans within the county, integrate such plans with the county plan, advise the department of military affairs of all emergency government planning in the county and submit to the adjutant general such reports as he or she requires, direct and coordinate emergency government activities throughout the county during the state of emergency, and direct county-wide emergency government training programs and exercises.

(c) During the continuance of a state of emergency proclaimed by the governor, he or she, on behalf of the county, may contract with any person to provide equipment and services on a cost basis to be used in disaster relief.

(8) RESOURCES. (a) The implementation of the county emergency government program and organization shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the county to the maximum extent practicable.

(b) Powers of Peace Officers. During any state of emergency proclaimed by the governor or during any training program or exercises authorized by the adjutant general, any peace officer or traffic officer of the state or of a county, city, village or town, when legally engaged in traffic control, escort duty or protective service, may carry out such functions at any point within the state, but shall be subject to the direction of the adjutant general through the sheriff of the county in which an assigned function is performed.

(9) RESPONSIBILITY. In order to assure that in the event of an emergency, all of the facilities of the existing county government are expended to the fullest extent to meet such an emergency, all department heads will fulfill emergency and non-emergency duties as assigned under the county emergency operations plan. The head of emergency government services will assist them in organizing and planning for the expansion of their departments prior to and during an emergency and for recruiting necessary emergency government volunteers to supplement regular department employees.

(10) PENALTIES. It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this ordinance, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this ordinance. Penalties shall be provided by s. 25.04 of the La Crosse County Code of Ordinances.

24.01 HAZARDOUS DISCHARGE RESPONSE AND REIMBURSEMENT (Cr. #6/5-97).

(1) Definitions.

(a) "Discharge" has the meaning given in s. 292.01(3), Stats., or any amendments thereto.

(b) "Hazardous substance" has the meaning given in s. 292.01(6), Stats., or any amendments thereto.

(c) "Local Agency" means an agency of a county, city, village or town, including a municipal police or fire department, a municipal health organization, a county office of emergency management, a county sheriff, an emergency medical service or a public works department. The City of La Crosse Fire Department has been designated as the local agency to respond to level "B" hazardous materials spills in La Crosse County.

(2) A person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.

(3) If action required under sub.(2) is not being adequately taken or the identity of the person responsible for a discharge of a hazardous substance is unknown and the discharge threatens public health or safety or damage to property, a local agency may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous substances established by the Department of Natural Resources under s. 292.11(5) and that it considers appropriate under the circumstances.

(4) A person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall, as provided under sub.(5), reimburse a local agency for actual, reasonable and necessary expenses incurred under sub.(3).

(5) (a) The Local Emergency Planning Subcommittee Consisting of the Emergency Management Coordinator and the Chairperson of the Local Emergency Planning Committee is hereby designated as the reviewing entity under this subsection.

(b) A local agency seeking reimbursement under sub.(4) shall submit a claim stating its expenses to the reviewing entity for the County in which the discharge occurred.

(c) The Local Emergency Planning Subcommittee and/or designees shall review claims submitted under par.(5)(b) and determine the amount of reasonable and necessary expenses incurred. The Local Emergency Planning Subcommittee and/or designees shall provide a person who is liable for reimbursement under sub.(4) with a notice of the amount of expenses it has determined to be reasonable and necessary that arise from one discharge and are incurred by all local agencies from which the Local Emergency Planning Subcommittee receives a claim.

(d) If a person receiving a notice under par.(c) objects to the amount of expenses in the notice, the person may request the Local Emergency Planning Subcommittee to review its determination. Such request must be in writing, must contain the reasons for the objection to the expenses, and must be made within 10 days of receipt of notice of the amount of expenses provided in par.(c) above. The Local Emergency Planning Subcommittee may modify the determination and shall notify the person of the result of its review in writing.

(e) A person liable for reimbursement under sub.(4) shall pay the reimbursement directly to each local agency.

24.02 DECLARATION OF EMERGENCY

(1) The County Board Chair may declare a state of emergency for La Crosse County or any portion thereof if he or she determines that an emergency resulting from any enemy action or natural or man-made disaster exists.

(2) If the County Board Chair is unavailable, the first vice chair, the second vice chair, and the Administrative Coordinator shall in the order named if the proceeding named officers are unavailable, exercise the powers and discharge the duties of the office of the County Board Chair until a new chair is elected and qualified, or until a proceeding named officer becomes available.