CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: July 15, 2019

ITEM: Adopt the bylaws of the Dallas County Emergency Management Commission.

FINANCIAL IMPACT: NONE

BACKGROUND: Although Polk County Emergency Management Commission is the City of West Des Moines's provider for all County Emergency Management functions, the City is a member of the Dallas County Emergency Management Commission.

Each County Emergency Management Commission must have all its members adopt the bylaws set forth by the commission. This is pursuant to Iowa Code Chapter 605-7.3(2) which states, "the bylaws, as adopted, shall be signed by each member of the commission. The commission shall record the signed bylaws with the county recorder and shall forward a copy of the bylaws to the director of the homeland security and emergency management department."

OUTSTANDING ISSUES (if any): NONE

RECOMMENDATION:

Adoption of the Dallas County Emergency Management Commission bylaws and authorize the Mayor to sign the bylaw adoption signature page.

Lead Staff Member: Craig A. Leu, Fire Chief

STAFF REVIEWS

Department Director	Craig Leu, Fire Chief
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety Sub-Committee		
Date Reviewed			
Recommendation	Yes	No	Split

BYLAWS

DALLAS COUNTY EMERGENCY MANAGEMENT COMMISSION

The following Bylaws shall establish and govern the operation of the Emergency Management Commission for Dallas County.

MISSION: The mission of the Dallas County Emergency Management Agency is to promote whole community preparedness through a collaborative, comprehensive effort to prepare, mitigate, respond and recover from all hazards.

ARTICLE I. NAME

SECTION 1. This official name of this administration shall be the Dallas County Emergency Management Commission. The office of the Commission shall be called the Dallas County Emergency Management Agency.

ARTICLE II. LEGAL STATUS

SECTION 1. This administration shall be a joint undertaking of Dallas County and all its incorporated municipalities as authorized and established by the Federal Civil Defense Act of 1950 as amended, federal rule 44 CFR Part 302, Presidential Executive order 12656 of November 18, 1988, National Security Directive #259 of 1988, by the administrative rules of the Iowa Homeland Security Emergency Management Division and by Code of Iowa, Chapter 29C. And all acts are mandatory.

SECTION 2. It is the intention of the parties to this agreement that this Commission shall be a legal entity according to Code of Iowa, Chapter 29C, and shall be recorded with the Dallas County Recorder.

ARTICLES III. MEMBERSHIP

SECTION 1. The membership of the Commission shall be a member of the Board of Supervisors, the Sheriff, and the Mayor from each municipality within the county. Member jurisdictions shall appoint members & alternates to the Emergency Management Commission annually in January. For any activity relating to section 29.C17, subsection 2, or chapter 24, participation shall only be by a commission member or a designated alternate that is an elected official from the same designated entity.

SECTION 2. This provision is a "Notice of Information" to the political jurisdictions of the County and its substance or consequence is not changed whether it is struck from or remains in the Bylaws because the consequences of neglect of the duties of care and trust for the protection of the people imposed by federal and state law for public officials are not revoked by its presence or absence.

Any political jurisdiction not participating as an active member of the Commission or not share in the costs of establishing and maintaining the Commission and its agency, is still considered a member of the Commission subject to the liabilities and obligations of the Commission wherever litigation may be brought against the Commission.

ARTICLES IV. COMMENCEMENT OF OPERATIONS

SECTION1. The operations of the Commission shall be in accordance with the bylaws upon its adoption by the Commission.

ARTICLE V. DURATION

SECTION 1. The duration and existence of this Commission shall be perpetual or until provision for termination is provided by the Code of Iowa and acted upon by this Commission.

ARTICLE VI. PURPOSE

SECTION 1. The Commission is established for the protection of lives and property in time of emergency, providing planning and coordination of emergency management services countywide.

Paid and volunteer emergency response units are formed and trained under the direction and control of the jurisdictions to which they respond. The Commission promotes and coordinates cooperative agreements for mutual aid among these units and among municipalities and Dallas County.

The Commission promotes emergency management preparedness programs among emergency response agencies and communities in Dallas County.

The Commission appoints an Emergency Management Coordinator to act as an agent of the Commission to develop and maintain a County-wide emergency management program including comprehensive hazard identification, capability assessment and planning for natural, technological and manmade disasters affecting this County

ARTICLE VII. COMMISSION POWERS AND DUTIES

SECTION 1. Powers: The Commission shall have the power to do all things necessary to carry out the guiding purpose and specific duties of the emergency management program for its members. This shall include risk and crisis management, as developed within limitations of the mitigation, preparedness, response and recovery emergency management concepts.

SECTION 2. Duties: The Commission shall provide the County and its cities with an emergency management program. An office of the Commission shall be established and staffed adequately to fulfill this duty.

During non-emergency periods, the Commission shall provide guidance and policies concerning the development of readiness for operating in emergencies as outlined below:

1. Development of an Emergency Operations Center (EOC) facility, a protected site from which key officials control operations.

2. Development of an EOC staffing and internal procedures to permit key executives to conduct coordinated operations in emergencies.

3. Arranging for exercises to give key officials and emergency response agencies practice in directing coordinated operations under simulated emergency conditions.

4. Providing expert knowledge and advice to operating departments on special conditions and operating requirements. (e.g., effects of tornadoes, blizzards, floods,).

5. Coordinating and leading in development of local government emergency operations plans.

6. Promote systems to warn the public of emergency or disaster situations.

7. Establishing a system to alert key government officials.

8. Participates with local agencies in the Coordination of emergency communications plans, securing necessary equipment, and exercising emergency communications.

9. Coordinating with doctors, hospitals, Dallas County Public Health and private sector medical personnel to develop emergency medical plans and capabilities as part of local emergency plans.

10. Coordinates with jurisdictions on establishment of local shelters.

11. Promotes training in the use of emergency public information system to get survival advice and information to the public, (including establishing relationships with local news media: radio, TV and newspapers).

12. Coordinating with local human services offices, the Red Cross and other voluntary groups to develop emergency welfare capabilities to care for people needing mass care as a result of disasters.

13. Coordinating and maintaining relationship with private sector business to assist with emergency plans and capabilities related to local government emergency plans.

14. Coordinating and participating in training programs for the public on disaster preparedness.

15. Coordinating and participating in U.S. Department of Agriculture programs.

16. Preparing, submitting and justifying annual emergency management Commission budgets.

17. Securing matching funds and other assistance (e.g., excess property) available through the disaster services program and through other federal programs, including preparing the annual performance partnership agreement and other documents required for federal assistance programs.

18. Coordination of resource management within political jurisdictions of the County and with other state and federal agencies.

19. Provide for procedures to coordinate Federal Disaster Assistance programs in regard to disasters or disaster aid for the public and private sector.

20. Provide for any other emergency operations deemed necessary by the state, County and city governments, which are within the policy and scope of the Commission's responsibility as judged by the Commission.

21. Provide for mutual use of resources (manpower, facilities, equipment) between political jurisdictions of the County and other counties.

ARTICLE VIII. FINANCE

SECTION 1. Consistent with provisions of Iowa Code, section 29C.17 and Chapter 24 the Commission shall determine a method for financing the cost of establishing and operating the Dallas County Emergency Management Agency and conducting disaster response and recovery operations. The agency's approved budget shall be funded by one or any combination of the following options, as determined by the commission;

1. A Countywide special levy pursuant to section 331.424, subsection 1.

2. Per Capita allocation funded from the city and county general funds or by a combination of city and county special levies that may be apportioned among the member jurisdictions.

3. An allocation computed as each jurisdictions relative share of the total assessed valuation within the county.

4. A voluntary share allocation.

5. Other funding sources as allowed by law.

SECTION 2. The Commission may enter into contracts and make expenditures for services, administration or planning in order to carry out the purposes of this agreement.

SECTION 3. The Commission may cooperate with, contract with, and accept and expend funds from federal, state or local associations, public or semi-public corporations or private individuals for emergency management projects and activities consistent with federal, state and local law and these bylaws.

SECTION 4. The County Board of Supervisors shall establish in the office of the County Treasurer a Joint Emergency Management Commission Fund. The fund shall be for the purpose of paying expenses relating to all emergency management matters of the Commission and its Emergency Management Agency.

1. All funds in the Commission account remaining at the end of the fiscal year shall carry over into the next fiscal year either as reserve funds, encumbered funds or for general expenditure.

2. Any reimbursement, matching funds, or money received from the sale of property obtained through the surplus property program, or monies obtained from any source whatever in connection with the emergency management planning and preparedness program shall be deposited in the joint emergency management fund.

3. Withdrawals of money for the Joint Emergency Management Commission or its agency shall be made on warrants drawn by the county auditor and supported by claims signed by the Chair, the Vice Chair or the Coordinator.

4. Withdrawals of money for the Joint Emergency Management Commission or its agency shall be made on warrants drawn by the county auditor and supported by claims signed by the Chair or Vice Chair and the Coordinator for a warrant that exceeds $500.00.

SECTION 5. During second quarter of each year, the Emergency Management Coordinator and the Commission shall consider a budget for the Commission and its agency for the ensuing fiscal year and shall adopt, certify, and provide a budget on or before February 28th of each year to funding entities. The form of the budget shall be as prescribed by the department of management. Any portion of the tax levied by a county or city to support the local emergency management agency shall be identified separately on tax statement issued by the county treasure.

1. The Commission's fiscal year shall be from July 1 through June 30 annually.

SECTION 6. Financial and operational procedures, policies and practices of the Commission shall parallel those of Dallas County unless otherwise distinguished through official action of the Commission or its Executive Committee.

SECTION 7. The Commission's general policy regarding finance is to retain at least 25% of the normal operating budget in the end of fiscal year balance.

ARTICLE IX. RULES OF CONDUCT

SECTION 1. Procedural rules: Other than those rules stated in this document, the business meeting of the Commission shall be governed by Robert's Rules of Order.

SECTION 2. Officers: The Commission shall elect each year from its membership, a chair and vice-chair to serve for a period of one (1) year.

SECTION 3. Secretary: The Emergency Management Coordinator shall serve as secretary to the Commission, responsible for records, minutes, documents and all other matters pertaining to the operation of the business meetings. The Coordinator may delegate duties to other personnel appropriate to the conduct of the Commission's business.

SECTION 4. Meetings: The Commission shall hold its Annual meeting in January, with regular meetings to be held as needed. All meetings of the Commission shall be in accordance with Chapter 21 of the Iowa Code. The Commission shall also meet when called by the chair, coordinator or a majority of the commission.

SECTION 5. The Commission may employ such employees, staff, and firms or consultants as it may deem necessary to carry out the purpose of this agreement and for which it has arranged funding.

SECTION 6. Voting and Quorum: Every member of the Commission shall be entitled to one vote. A quorum shall consist of (5) members of the Commission. A majority of the quorum present shall be sufficient to pass all motions, resolutions or other matters proposed. If any member of the Commission is unable to attend a regular Commission meeting the members alternate shall constitute as a voting member of the Commission. Voting shall be permitted via phone.

SECTION 7. Executive Committee: The Commission shall have an Executive Committee whose composition shall be the Chairperson, Vice-chairperson, and the Secretary. The Executive Committee may meet at the call of the chairperson and Emergency Management Coordinator to review budget, and overall management of the Emergency Management Agency, and shall provide a report of proceedings to Commission members at the next Commission meeting.

SECTION 8. Amendments: The terms of these bylaws may be amended by a simple majority vote of the Commission at any annual or regular meeting provided that, under the Chair's authority and at least thirty (30) days prior to the meeting, each individual member shall have received an exact copy of each proposed amendment.

ARTICLE X. EMPLOYMENT PRACTICES

SECTION 1. The Executive Committee on a day-to-day basis will supervise the position of Coordinator. Formal action on appointing, hiring, discipline, termination require a Quorum vote. Annual performance evaluations will be performed by the Executive Committee, subject to the review of all Commission Members.

SECTION 2. All positions within the Dallas County Emergency Management Agency are employees of the Commission. The administrative offices of Dallas County facilitate the administration of Commission employee salaries and benefits. The salary and benefit structures will parallel those of Dallas County. Human resource practices of Dallas County will be followed.

ARTICLE XI. SEVERABILITY

SECTION 1. Invalidation of any provision or application of these bylaws shall not affect other provisions or applications.

ARTICLE XII. DISSOLUTION

SECTION 1. The Commission shall not be dissolved by any action other than that caused by changes in federal and state laws dissolving or significantly reorganizing the organization, structure and operational processes of emergency management.

SECTION 2. Upon dissolution of this administration, all assets of the Commission shall be liquidated and distributed among the member jurisdictions according to the percentage share of funds paid to the Commission by the County and the municipalities. Liquidation and distribution of assets will be completed within 24 months of dissolution.

These bylaws are hereby adopted by a majority vote of the Dallas County Emergency Management Commission, a Joint Administration under Chapter 29C, Code of Iowa,
on this 17th day January, 2019.

Signature Page of the Dallas County Emergency Management Commission Bylaws, Adopted January, 17th, 2019

City of Adel	_____
City of Bouton	_____
City of Clive	_____
City of Dallas Center	_____
City of Dawson	_____
City of De Soto	_____
City of Dexter	_____
City of Granger	_____
City of Grimes	_____
City of Linden	_____
City of Minburn	_____
City of Perry	_____
City of Redfield	_____
City of Van Meter	_____
City of Urbandale	_____
City of Waukee	_____
City of West Des Moines	_____
City of Woodward	_____
Dallas County Sheriff	_____
Dallas County Board of Supervisors	_____

Attest: _____ Date: _____

Austen Seely, Coordinator

Signature Page to the Dallas County Emergency Management Commission Bylaws

Adopted January, 17, 2019

Pursuant to Iowa Code Chapter 605-7.3(2) which states, "the bylaws, as adopted, shall be signed by each member of the commission. The commission shall record the signed bylaws with the county recorder and shall forward a copy of the bylaws to the director of the homeland security and emergency management department."

This signature attachment to the Bylaws shall serve as record to fulfil the purpose set forth in Iowa Code Chapter 605-7.3(2).

Jurisdiction: _____
(Print Jurisdiction Name)

X _____
(Print) Name
(Print) Title

Attest:

X _____
Austen Seely
Emergency Management Coordinator

Date: _____