

ORDINANCE 09-02
ORDER ESTABLISHING AN EMERGENCY MANAGEMENT PROGRAM

An ordinance establishing a program response and recovery phases of comprehensive emergency management; acknowledging the Office of Emergency Management; Director, authorizing the appointment of an Emergency management Coordinator; and providing for the duties and responsibilities of those offices; identifying an operational organization; granting necessary powers to cope with all phases of Emergency Management which threaten Life and Property in the City of Newton; authorizing cooperative and mutual aid agreements for relief work between this and other cities or counties and for related purposes.

WHEREAS, the City Council of the City of Newton finds that the identification of potential hazards and the prevention or mitigation of their effects must be an ongoing concern of the City if the lives and property of the populace are to be protected; and

WHEREAS, the City Council hereby declares that the preparation of a Comprehensive Emergency Management plan, and the means for its implementation for the protection of lives and property in the City of Newton from natural or man caused disasters or threat thereof is immediately essential; and

WHEREAS, the City Council further finds that in times of disasters which may imperil the safety of the inhabitants of the City, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the City Council finds, therefore, that the preparation, implementation of such plans are now imperative, **BE IT ORDAINED BY THE CITY COUNCIL FO THE CITY OF NEWTON:**

Section 1. ORGANIZATION

There exists the office of Emergency management Director of the City of Newton, which shall be held by the Mayor in accordance with State Law.

- a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director;
- b) The Director shall be responsible for a program of comprehensive emergency management within the City and for carrying out the duties and responsibilities set forth in this ordinance. He/she may delegate authority for execution shall remain with the Director.
- c) The operational Emergency management organization of the City of Newton shall consist of the officers and employees of the City so designated by the Director in the Emergency management plan, as well as organized volunteer

groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the Emergency Management plan.

Section 2. EMERGENCY MANAGEMENT DIRECTOR-POWERS AND DUTIES

The duties and responsibilities of the Emergency Management Director shall include the following:

- a) Surveying actual or potential hazards which threaten life and property within the City and identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- b) Supervision of the development and approval of an emergency management plan for the City of Newton, and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan.
- c) Authority to declare a local stat of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent to the City Council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- d) Issuance of necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of this ordinance. Such proclamations, regulations, or directives shall be disseminated promptly by which means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary.
- e) Direction and control of the operations of the Emergency Management organization as well as the training of Emergency Management personnel.
- f) Determination of all questions of authority and responsibility that may arise within the Emergency Management Organization of the City.
- g) Maintenance of liaison with other Municipal, County, District, State, regional or federal Emergency Management Organizations.
- h) Marshalling of all necessary personnel, equipment, or supplies from any department of the City to aid in the carrying out of the provisions of the emergency management plan.
- i) Supervision of the drafting and execution of mutual aid agreements in cooperation with the representatives of the State and of other local political subdivisions of the State, and the drafting an execution, if deemed desirable of an agreement with the county in which said City is located and with other municipalities within the County, for the County-Wide coordination of Emergency efforts.
- j) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which

may be offered for the purpose of improving Emergency Management within the City.

- k) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.
- l) Surveying the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein.
- m) Other requirements as specified in the Texas Disaster Act (chapter 418 of the Government Code).

Section 3. EMERGENCY MANAGEMENT PLAN

A comprehensive Emergency Management Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization; establish and designate divisions and functions; assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this ordinance. As provided by State law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization titles, and terminology shall approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this ordinance and have the effect of law during the time of disaster.

Section 4. INTERJURISDICTIONAL PROGRAM

The Mayor is hereby authorized to join the County Judge of the County of Newton and the mayors of the other cities in said County in the formation of an interjurisdictional emergency management program for the County of Newton, and shall have the authority to cooperate in the preparation of an interjurisdictional emergency management plan and in the appointment of a joint Emergency Management Coordination, as well as all powers necessary to participate in a County-wide program of emergency management insofar as said program may affect in the City of Newton.

Section 5. OVERRIDE

At all times when the orders, rules, and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 6. LIABILITY

This ordinance is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety and neither the City of Newton, the

agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Newton a license of privilege, or otherwise permits the City to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack or natural or man-made disaster shall together with its successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission on for loss of, or damage to, the property of such person.

Section 7. COMMITMENT OF FUNDS

No person shall have the right to expend any public funds of the City in carrying out any Emergency Management activity authorized by this ordinance without prior approval of the City Council, nor shall any person have any right to bind the City by contract, agreement, or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the City when deemed prudent and necessary for the protection of health, life or property.

Section 8. OFFENSES: PENALTIES

- a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this ordinance.
- b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia, or any other means of identification as a member of the Emergency Management organization of the City of Newton, unless authority to do so has been granted to such person by the proper officials.
- c) Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed 500.00 dollars.

Section 9. SEVERABILITY

If any portion of this ordinance shall, for any reason be declared invalid such, invalidity shall not affect to remaining provisions thereof.

Section 10. LIMITATIONS

This ordinance shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule or regulation.

Section 11. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

READ AND APPROVED on the first reading this the ____ day of _____, 20__.

READ AND APPROVED AND ADOPTED on second reading this the 10th day of September, 2002.

Charles Glover, Mayor, City of Newton

Attest:

Mertice Weeks, City Secretary, City of Newton

JOINT RESOLUTION FOR EMERGENCY MANAGEMENT

Establishing the operating agreement between the County of Jasper, City of Jasper, City of Kirbyville, City of Brownell, County of Newton, City of Newton, County of Sabine, City of Hemphill and the City of Pineland for the Jasper, Newton and Sabine County Interjurisdictional Emergency Management Program; Allocation of costs to support the Program; Obligations and each member to the program.

BE IT RESOLVED BY THE COUNTY OF JASPER, CITY OF JASPER, CITY OF KIRBYVILLE, AND THE CITY OF BROWNEDELL, THE COUNTY OF NEWTON, THE CITY OF NEWTON, THE COUNTY OF SABINE, THE CITY OF HEMPHILL AND THE CITY OF PINELAND:

Section 1. AUTHORIZATION

Under the terms and conditions of Joint Resolution No. ___ the Counties of Jasper, Newton Sabine, and the Cities of Jasper, Kirbyville, Brownell, Newton, Hemphill and Pineland (collectively referred to herein as the Directory) established the program which became known as the Jasper, Newton and Sabine County interjurisdictional Emergency Management Program (herein known as the “program”).

Section 2. PHYSICAL/PRINCIPAL LOCATION

- a) The physical/principal location of the Emergency Management Coordinator (EMC) shall be at a place determined to be most advantageous to the EMC in being responsive to the Directory and the Public.**
- b) The physical/principal location of the Emergency Operating Center shall be located as specified in the Basic Plan.**

Section 3. MEMBER SERVICES AND OBLIGATIONS

- a) The County of Jasper shall, acting as an agent, employ the Emergency Management Coordinator and such shall provide:
 - 1) Salary, Insurance**
 - 2) Vehicle or Allowance**
 - 3) Physical/Principal location**
 - 4) Supplies and equipment deemed necessary by the EMC and the Directors for effective management of the program.****
- b) The remaining members of the Directory shall be responsible for reimbursing the agent (County) for each entity's pro-rate share of the costs of maintaining**

and operating the program on a per capita basis as determined by the most recent census or Census Bureau estimates (whichever is the most recent).

- c) The agent shall be the recipient of all reimbursements from the State of Texas for cost reimbursable by the State to the program.

Section 4. BUDGET REQUIREMENTS

- a) The fiscal year of the Emergency Management Program shall commence October 1st. of each year and shall end on September 30th of the subsequent year to coincide with the annual budget of the Federal Emergency Management Agency.
- b) An annual budget shall be developed by the Emergency Management Coordinator for submission to the Directory.
- c) The annual budget as submitted shall contain all of the following:
 - 1) A plan of operation for the year in sufficient detail to provide the Directory with a complete understanding of missions and goals for the program during the proposed fiscal year;
 - 2) A schedule of anticipated revenues from all sources;
 - 3) A schedule of anticipated expenditures by functions, activity and class.
- d) The proposed expenditures shall be reimbursable under the regulations promulgated by the Emergency Management Assistance Program, except for Capitol Expenditures approved by the Directory.
- e) The budget shall be approved by all members of the Directory.

Section 5. RECORDKEEPING AND REPORTING

- a) The EMC shall be responsible for maintaining the records of the Program and shall be responsible to FEMA, the Division of Emergency management (State of Texas) and the Directory for reporting the activities of the program as prescribed by law and this resolution.
- b) The EMC shall on a quarterly basis submit to the Directory a report containing the program activities and expenditures.
- c) At such time as the quarterly report is submitted the members of the Directory shall be responsible to the agent member for the pro-rata share of the operating costs of the program as prescribed in Section 3 (b) above.
- d) The records and results of operations of the program shall be subject to audit annually along with the records of the agent member's independent auditor.

Section 6. Effective Date

The terms and conditions of this document shall be effective upon acceptance by all Members of the Directory

RESOLVED THIS THE 28TH DAY OF AUGUST, 2002.

ATTEST: _____

COUNTY JUDGE-JASPER CO.

JASPER COUNTY CLERK

TRUMAN DOUGHARTY
COUNTY JUDGE-NEWTON CO.

MARY COBB
NEWTON COUNTY CLERK

COUNTY JUDGE-SABINE CO.

SABINE COUNTY CLERK

MAYOR-CITY OF JASPER

JASPER CITY SECRETARY

MAYOR-CITY OF KIRBYVILLE

KIRBYVILL CITY SECTETARY

MAYOR-CITY OF BROWNDELL

BROWNDELL CITY SECRETARY

MAYOR-CITY OF NEWTON

NEWTON CITY SECRETARY

MAYOR-CITY OF HEMPHILL

HEMPHILL CITY SECRETARY

MAYOR-CITY OF PINELAND

PINELAND CITY SECRETARY

**JOINT RESOLUTION RESABLISHING AN INTERJURISDICTIONAL
EMERGENCY MANAGEMENT PROGRAM**

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WHEREAS, the City of Newton, by City Ordinance No. 09-02, and Newton County Commissioner's Court order dated August 28, 2002, have established similar programs of comprehensive emergency management which includes the mitigation, preparedness, response and recovery phases of emergency management; and

WHEREAS, the City and County find that vulnerability to may potential hazards is shared by the residents of Newton and the unincorporated portions of Newton, County; and

WHEREAS, the City and County further finds that the common goal of emergency management can best be achieved through an organization which shares the combined resources of the City and the County; and

WHEREAS, the contemplated action is specifically authorized by the aforementioned Ordinance and Court Order;

THEREFORE, BE IT RESOLVED that there is hereby established the Newton County Emergency Management organization which shall consist of the officers and employees of the City and of the County designated in an interjurisdictional emergency management plan, together with such organized volunteer groups as that plan may specify; and

BE IT FURTHER RESOLVED that the Mayor of Newton and the County Judge of Newton shall mutually appoint an Emergency Management Coordinator to coordinate all aspects of the City of Newton/Newton County program of comprehensive emergency management, including the preparation and maintenance of an interjurisdictional emergency management plan for the City of Newton and Newton County in accordance with this resolution.

RESOLVED THIS THE 28TH DAY OF AUGUST, 2002

Attest:

**Truman Dougharty
County Judge – Newton County**

**Mary Cobb
Newton County Clerk**

**Charles Glover
Mayor – City of Newton**

**Mertice Weeks
Newton City Secretary**