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2023-01039
SCOTT JUDD
CLINTON COUNTY RECORDER
CLINTON, IA
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Recorder's Cover Page
(Clinton County Emergency Management Commission 2023 Bylaws)

Preparer Information: Chance Kness, 241 7th Ave North, Clinton, IA 52732, (563)242-5712

Return Address: Same as preparer

Taxpayer Information: N/A

Return Address: Same as preparer

Grantors: Clinton County Emergency Management Agency, by: Chance Kness, Coordinator
Emergency Management Commission Chairperson, by: Steve Hasenmiller, Mayor, City of DeWitt
Clinton County Sheriff's Office, by: Bill Greenwalt, Sheriff
City of Andover, by: Jason Johnson, Mayor
City of Calamus, by: Lance Goettsch, Mayor
City of Camanche, by: Austin Pruett, Mayor
City of Charlotte, by: Kelly Snyder, Mayor
City of Clinton, by: Scott Maddasion, Mayor
City of Delmar, by: Patty Hardin, Mayor
City of DeWitt, by: Steve Hasenmiller, Mayor
City of Goose Lake, by: Kendell Schoon, Mayor
City of Grand Mound, by: Kurt Crosthwaite, Mayor
City of Lost Nation, by: Ramon Gilroy, Councilperson
City of Low Moor, by: Karna Rehr, Councilperson
City of Toronto, by: Brenda Kay, Mayor
City of Welton, by: Ashley Paulsen, Mayor
City of Wheatland, by: Paul Stankee, Councilperson
Clinton County Board of Supervisors, by: Jim Irwin, Supervisor

Grantees: N/A

Legal Description: N/A

Document or instrument number, if applicable: N/A

BYLAWS

Clinton County Emergency Management Commission

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

ARTICLE I. NAME

SECTION 1. The official name of this administration shall be the Clinton County Emergency Management Commission (hereafter referred to as the Commission). The name used by the office of the Commission shall be Clinton County Emergency Management Agency (hereafter referred to as the Office of the Commission).

ARTICLE II. LEGAL STATUS

SECTION 1. This Commission shall be a joint undertaking of Clinton County and all its incorporated municipalities and is established, created and operates under the authority and with the powers set forth in the Federal Civil Defense Act of 1950 as amended, 44 CFR Part 302, Presidential Executive Order 12656 of November 18, 1988, National Security Directive #259 of 1988, Chapter 29C of the Code of Iowa, and the Iowa Administrative Code of the Iowa Administrative Emergency Management Department promulgated pursuant to Chapter 29C of the Code of Iowa, and all acts amendatory.

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 Clinton County Recorder.

ARTICLE III. MEMBERSHIP

SECTION 1. The Commission shall be composed of a member of the Board of Supervisors or its appointed representative, the Sheriff or the Sheriff's representative, and the Mayor or the Mayor's representative for each city within the county. The Commission members shall be the operations liaison officers between their jurisdiction and the Commission. For any activity relating to section 29C.17,

subsection 2, or chapter 24 of the Iowa Code, participation shall only be by a Commission Member or a designated alternate who is an elected official from the same designating 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 sharing in the costs of establishing and maintaining the Commission and its agency is still considered a defacto member of the Commission subject to the liabilities and obligations of the Commission wherever litigation may be brought against the Commission.

ARTICLE IV. OPERATION

SECTION 1. Commencement: Commencement of operations shall be perpetual in recognition of continued operations since original resolution forming a Civil Defense Organization in Clinton County in 1962.

SECTION 2. Duration: 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.

SECTION 3. Dissolution: 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 process of emergency management. Upon dissolution of this administration, all assets of the Commission shall be liquidated and distributed according on the decisions and/or recommendations of the Commission.

SECTION 4. Severability: Invalidation of any provision or application of these bylaws shall not affect other provisions or applications.

ARTICLE V. PURPOSE

SECTION 1. The Commission is established for the protection of lives and property in time of emergency, and for providing planning and coordination of Emergency Management services to elected county and municipal officials.

SECTION 2. 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 Clinton County.

SECTION 3. The Commission promotes emergency management preparedness programs among emergency response agencies and communities within Clinton County.

SECTION 4. The Commission appoints an Emergency Management Coordinator to act as agent of the Commission to develop and maintain a county-wide emergency management program including comprehensive hazard identification, capability assessments and planning for natural, technological, and manmade disasters affecting this county.

ARTICLE VI. COMMISSION POWERS AND DUTIES

SECTION 1. Powers: The Commission shall have those powers set out in the Federal Civil Defense Act of 1950 as amended, 44 CFR Part 302, Presidential Executive Order 12656 of November 18, 1988, National Security Directive #259 of 1988, Chapter 29C of the Code of Iowa and the provision of the Iowa Administrative Code promulgated pursuant to Chapter 29C of the Iowa Code that are necessary to carry out the guiding purpose and specific duties of the emergency management program, including risk management and crisis management as developed within limitations of the mitigation, preparedness, response and recovery emergency management concepts, as set forth in Chapter 29C of the Code of Iowa and Section 2 of this Article.

SECTION 2. Duties: The Commission shall provide the county and its cities with an emergency management program equal to the best program found in Iowa for comparable counties. An office of the Commission shall be established and staffed adequately to fulfill this duty.

During non-emergency periods, the Commission membership 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 coordinate operations.
2. Development of EOC staffing and internal procedures to permit key executives to conduct coordinated operations in emergencies.
3. Arranging for exercises to give key officials practice in directing coordinated operations under simulated emergency conditions.
4. Providing expert knowledge and advice to operating departments on special conditions and operating requirements that would be imposed by natural or human caused disasters (e.g., effects of tornadoes, blizzards, floods, or hazardous materials incidents).

5. Coordinating and leading in development of local government emergency operations plans, outlining which local resources and supporting organizations are available for both natural or human caused disasters, and coordinating local organization for major emergencies.
6. Establishing a system to warn the public of natural or human caused disasters.
7. Establishing a system to alert key government officials.
8. Organizing a hazardous materials monitoring and analysis system, including procurement of instruments and training and exercising of personnel.
9. Coordinating and leading emergency communications planning, securing necessary equipment, and exercising emergency communications.
10. Coordinating with public and private sector medical personnel to develop emergency medical plans and capabilities as part of local emergency plans.
11. Establishing and maintaining a local shelter system in cooperation with local support organizations.
12. Establishing, training and exercising the emergency public information system to get advice and information to the public before, during and after natural or human caused disasters (including establishing relationships with local news media: radio, TV, and newspapers).
13. Coordinating with local human services offices, support organizations and other voluntary groups to develop emergency welfare capabilities to care for people needing mass care as a result of natural or human caused disaster.
14. Coordinating and maintaining relationships with industry to develop industrial emergency plans and capabilities related to local government emergency plans.
15. Assisting local operating departments (e.g., fire, police, and public works) with hazardous materials and other training needs.
16. Coordinating and participating in training programs for the public on disaster preparedness.
17. Preparing, submitting, and justifying annual emergency management commission budgets.
18. Securing-matching funds and other assistance available through state and federal grant programs.
19. Coordination of resource management within political jurisdictions of the county and with other state and federal agencies.

20. Provide for procedures to coordinate Federal Disaster Assistance programs with regard to disaster aid for the public and private sector.
21. 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.
22. Provide for mutual use of resources (personnel, facilities, equipment) between political jurisdictions of Clinton County and other counties in Iowa.

ARTICLE VII. FINANCE

SECTION 1. The Commission shall determine a method to apportion the costs of establishing and operating the agency among its membership. The Commission may request the County Board of Supervisors and each municipality to provide in their budgets for their apportioned share of the budget of this Commission.

SECTION 2. The Commission or the Coordinator 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 or the Coordinator 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 laws 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 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 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 checks drawn by the county auditor and supported by claims signed by the Chair, or the Vice Chair of the Commission or the Coordinator.

4. Withdrawals of money for the Joint Emergency Management Commission or its agency shall be made on checks drawn by the county auditor and supported by claims signed jointly by the Chair or Vice Chair of the Commission **and** the Coordinator for a warrant that exceeds \$10,000.

SECTION 5. A disaster contingency fund has traditionally been maintained in the fund balance of the Emergency Management fund. In order to streamline access to these funds in times of disaster these funds may be accessed by the Office of the Commission if the following conditions are met.

1. A local jurisdiction makes a formal disaster declaration.
2. And the Chair or Vice Chair of the Commission give written authorization to begin using the disaster contingency fund. Both the Chair and Vice Chair shall be notified as soon as possible.

SECTION 6. During the third quarter of each fiscal year, the Coordinator and the Commission shall consider a budget for the Commission and its agency for the ensuing fiscal year and shall propose and adopt a budget no later than February 28.

ARTICLE VIII. RULES OF CONDUCT

SECTION 1. Procedural rules: Other than those rules stated in this document, the business meetings of the Commission shall be governed by Robert's Rules of Order, Newly Revised insofar as possible.

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. The Chair, Vice Chair, or Sheriff may act interchangeably in terms of signature authority in all matters including grant applications, acceptance and related documents.

SECTION 3. Secretary: The Coordinator shall serve as secretary to the Commission and shall be 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 Commission business.

SECTION 4. Meetings: The Commission shall meet not less than once a year to elect officers, consider and adopt a budget, and carry on the business of the Commission. The Commission shall also meet when called by the Chair or Vice-Chair. Meetings of the Commission may be held in-person, or by means of conference call, video conference, or other such means or combination thereof that allow for each participant to hear and be heard by each other participant at the same time. Any business may be transacted at such a meeting that could have been transacted at an in-person meeting 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 5. The Commission has adopted all applicable policies of Clinton County, Iowa with the following exceptions for; additional policies required by the Commission not available through the County, additional policy specificity required for operations not available in County policies, or specific exemptions, or modifications to Clinton County policies as approved by the Commission.

SECTION 6. Voting and Quorum: Each participating member (as defined in Article III of these Bylaws) shall be entitled to one vote, non-participating members shall not be entitled to a vote. A quorum shall consist of a majority of all participating members of the Commission. A majority of the quorum present shall be sufficient to pass all motions, resolutions, or other matters proposed. There will be no voting by proxy or by representatives that have not been designated.

SECTION 7. Amendments: The terms of these bylaws may be amended by a three-fourths vote of the Commission, at any regular meeting provided that, under the Chair's authority and at least one (1) calendar month prior to the meeting, each individual member shall have been mailed or emailed an exact copy of each proposed amendment.

ARTICLE IX. EMPLOYMENT PRACTICES

SECTION 1. The Chair, Vice Chair, and Sheriff also known as the EMA Executive Committee shall supervise the position of Coordinator on a day-to-day basis. Formal action on Coordinator appointing, hiring, discipline, termination and annual performance evaluations require a Quorum vote.

SECTION 2. The Coordinator will supervise all other position(s) within the Emergency Management Agency. Formal action on appointing, hiring, discipline, termination and annual performance evaluations require the approval of the EMA Executive Committee.

SECTION 3. All positions within the Clinton County Emergency Management Agency are employees of the Commission. The administrative offices of Clinton County facilitate the administration of the Commission employee salaries and benefits. The salary and benefit structures will parallel those of Clinton County. Human resource practices of Clinton County will be followed.

ARTICLE X. JOINT EMERGENCY RESPONSE COMMISSION SERVICES UNDER 28E.

SECTION 1. Emergency Management Levy: The Clinton County Emergency Management Commission hereby delegates all its powers to the Communications Commission with respect to the provision of joint emergency response communications services and that portion of the emergency management levy budgeted for emergency communications services. The Clinton County Emergency Management Commission shall submit to the Clinton County Board of Supervisors a budget that includes the budget adopted by the Communications Commission. Clinton County Emergency Management Commission agrees to certify the emergency management levy necessary to fund the operations of the Communications Commission as determined by the budget adopted by the Communications Commission. The Clinton County Emergency Management Commission shall transfer to the Communications Commission that portion of the emergency management levy budgeted for emergency communications services. The Clinton County Emergency Management Commission acknowledges that it retains no independent authority over the emergency management levy funds delegated herein.

These bylaws are hereby adopted by a majority vote of the Clinton County Emergency Management Commission, and Joint Administration under Chapter 29C, Code of Iowa, as of this 15th day, of February 2023.

ATTEST: Sheriff, Mayors and Board of Supervisors (or representatives of the Sheriff, Mayors and the Board of Supervisors)

Clinton County Emergency Management Agency


Coordinator


Printed name

2/15/23
Date Signed

Emergency Management Commission Chairperson


EM Commission Chairperson

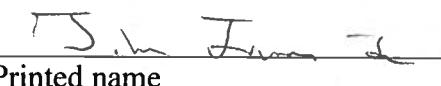

Printed name

2/15/23

Date Signed

Emergency Management Vice-Chairperson


EM Commission Vice-Chairperson


Printed name

2/15/23

Date Signed

Clinton County Sheriff's Office

2-15-23

Date Signed

Bill Greenwalt
Sheriff

Bill Greenwalt
Printed name

Board of Supervisors, Clinton County

2-15-23

Date Signed

Tom Town Jr
Signed name

Tom Town Jr
Printed name

City of Andover

2-15-23

Date Signed

Jason Johnson
Signed name

Jason Johnson
Printed name

City of Calamus

2/15/23

Date Signed

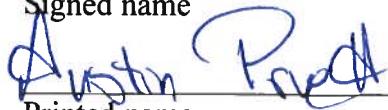
Lance Goetsch
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Lance Goetsch
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City of Camanche



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2/15/23

Date Signed

City of Charlotte

2-27-23

Date Signed



Signed name



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City of Clinton

2/15/23

Date Signed



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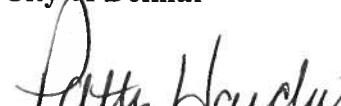


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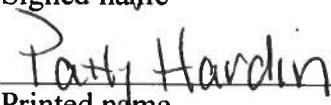
City of Delmar

2/15/23

Date Signed



Signed name



Printed name

City of DeWitt

2-15-23

Date Signed

John Kneller

Signed name

Steve Hasenauer

Printed name

City of Goose Lake

2-15-2023

Date Signed

Kenell R. Schoon

Signed name

Kenell R. Schoon

Printed name

City of Grand Mound

2-15-2023

Date Signed

Kurt Crosthwaite

Signed name

Kurt Crosthwaite

Printed name

City of Lost Nation

2/23/23

Date Signed

R. Gilroy

Signed name

Ramon Gilroy

Printed name

City of Low Moor

2-15-23

Date Signed

Karna Rehr

Signed name

Karna Rehr

Printed name

City of Toronto

2-24-23

Date Signed

Brenda K. Key

Signed name

Brenda K. Key

Printed name

City of Welton

2/17/23

Date Signed

Ashley Paulsen

Signed name

Ashley Paulsen

Printed name

City of Wheatland

2/15/23

Date Signed

Paul STANKEE

Signed name

Paul STANKEE

Printed name