

# CITY OF БЕЛОIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** AN ORDINANCE TO AMEND THE TITLE TO SECTION 1.10(4), SECTIONS 1.10(4)(a), 1.10(4)(b)6, 1.10(7), 1.10(9)(b), 1.10(9)(c)1, TO REPEAL AND RECREATE SECTION 1.10(6) AND TO REPEAL SECTIONS 1.10(4)(b)2, 1.10(5), AND 1.10(10) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO EMERGENCY MANAGEMENT

**Date:** March 15, 2021

**Presenter:** Fire Chief Pease

**Department:**

Fire Department

### Overview/Background Information

Before I was formally appointed as Fire Chief in May 2020, I began conversations with the Police Chief and City Manager in regard to the future of emergency management. Shortly thereafter, COVID-19 became a global and local threat and our attention turned to addressing the pandemic. The proposed amendments to the ordinance are in keeping with Federal Emergency Management Agency (FEMA) guidelines and provide increased flexibility to deal with a number of non-traditional emergencies such as cyber-attacks, domestic terrorism, etc.

### Key Issues

1. The City Manager, or his/her designee, shall be the Director of Emergency Management for the City of Beloit.
2. The Emergency Management Coordinator position, held by Patti Miller, and approved in the 2021 Budget is memorialized in the ordinance.
3. Reference to an Emergency Management Committee is removed. This is likely a carry over from pre-FEMA directed emergency responses. No city records identify this committee previously meeting.
4. The City Council will be the governing body approving plans. Revised plans will be presented within 3 years for adoption and 3 years thereafter.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- Goal #2 - Create and Sustain a High Performing Organization
- Goal #3 - Create and Sustain Economic and Residential Growth
- Goal #4 - Create and Sustain a High Quality of Life
- Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

### Sustainability

(If applicable, briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

Appropriate emergency management functions enable the City to maintain business continuity regardless of natural or man-made disasters it may encounter.

### Action Required/Recommendation

Staff recommends approval.

### Fiscal Note/Budget Impact

No impact

### Attachments

Proposed Ordinance

**ORDINANCE NO. 3691**

**AN ORDINANCE TO AMEND THE TITLE TO SECTION 1.10(4), SECTIONS 1.10(4)(a), 1.10(4)(b)6, 1.10(7), 1.10(9)(b), 1.10(9)(c)1, TO REPEAL AND RECREATE SECTION 1.10(6) AND TO REPEAL SECTIONS 1.10(4)(b)2, 1.10(5), AND 1.10(10) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO EMERGENCY MANAGEMENT**

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

**Section 1. The title for Section 1.10(4) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:**

**“(4) DIRECTOR OF EMERGENCY MANAGEMENT ~~SERVICES~~”**

**Section 2. Section 1.10(4)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:**

“(a) Appointment. The City Manager ~~Fire Chief~~, or his/her designee, shall be the Director of Emergency Management for the City of Beloit. For the purposes of this section, any reference to the Director of Emergency Management shall mean the director or his/her designee.”

**Section 3. Section 1.10(4)(b)2 of the Code of General Ordinances of the City of Beloit is hereby repealed.**

**Section 4. Section 1.10(4)(b)6 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:**

“6. In preparing and executing the emergency management plan, the Director of Emergency Management ~~SERVICES~~ shall utilize the services, equipment, supplies, and facilities of the City to the maximum extent practicable. All City personnel are directed to cooperate with and extend such services and facilities to the Director of Emergency Management ~~SERVICES~~.”

**Section 5. Section 1.10(5) of the Code of General Ordinances of the City of Beloit is hereby repealed.**

**Section 6. Section 1.10(6) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:**

“(6) EMERGENCY MANAGEMENT COORDINATOR. The Emergency Management Coordinator shall be under the supervision of the Director of Emergency Management and shall perform such day to day duties as are necessary to support planning, training and coordination of emergency management activities and other duties as assigned.”

**Section 7. Section 1.10(7) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:**

“(7) EMERGENCY MANAGEMENT PLAN. The Director of Emergency Management ~~Services~~ shall prepare a comprehensive plan for the emergency management of the City of Beloit. Each department of the City shall collaborate with the Director of Emergency Management ~~Services~~ for the purpose of creating an emergency management plan. ~~The emergency management plan created hereunder is hereby approved and adopted by the City Council.~~ The plan shall be filed with the City Clerk and shall be reviewed, updated and submitted to the City Council for approval at least once every 3 years.”

**Section 8. Section 1.10(9)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:**

“(b) Emergency Operations ~~Incident Commander~~ Center Manager. The Emergency Operations Incident Commander ~~Center Manager shall~~ will be ~~the member of the Emergency Management Committee and will be~~ appointed by the City Manager and generally determined by whose response discipline would be the primary responder to the emergency (i.e. SWAT incident—Police Chief, snow emergency—Public Works Director).”

**Section 9. Section 1.10(9)(c)1 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:**

“1. Upon declaration of a state of emergency affecting the City of Beloit, the City Manager, all City department heads, the Director of Emergency Management and the Emergency Management Coordinator ~~members of the Emergency Management Committee~~ shall serve as the Emergency Operations Center Command Staff under the general direction of the Director of Emergency Management ~~Coordinator~~. Additional staff may be appointed or designated to serve in the Emergency Operations Center ~~on the committee~~ depending upon the emergency type, length or duration.”

**Section 10. Section 1.10(10) of the Code of General Ordinances of the City of Beloit is hereby repealed.**

**Section 11.** If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

**Section 12.** This ordinance shall be in force and take effect upon passage and publication.

Adopted this \_\_\_\_ day of April, 2021.

**CITY COUNCIL FOR THE CITY OF BELOIT**

By: \_\_\_\_\_  
Regina Dunkin, President

**ATTEST:**

By: \_\_\_\_\_  
Lorena Rae Stottler, City Clerk-Treasurer

PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
01-611100-5231-\_\_\_\_\_  
1.10 Revisions = ORD 20210303

## 1.10 - EMERGENCY MANAGEMENT. (Rep. &amp; recr. #3555)

- (1) AUTHORITY. This section is enacted pursuant to the provisions of Ch. 323, Wis. Stats.
- (2) POLICY AND PURPOSE.
  - (a) Emergency management requires the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters of all kinds, including enemy action and natural and unforeseen disasters. It is, therefore, necessary to:
    1. Establish a local comprehensive emergency management plan;
    2. Provide for the exercise of necessary powers during emergencies resulting from disaster;
    3. Provide for cooperation and mutual assistance between the City of Beloit and other political subdivisions; and
    4. Collaborate with private individuals and entities for the purpose of preparing for, responding to, and recovering from such disasters and emergencies.
  - (b) It is further declared to be the purpose of this section and the policy of the City that all emergency management functions of the City shall be carried out pursuant to this section and the comprehensive emergency management plan developed hereunder, as part of a countywide emergency management program to the maximum extent practicable. Existing services and resources of this City shall be used as needed. All of this shall be carried out within the framework of Ch. 323, Wis. Stats.
- (3) DEFINITIONS. Except as otherwise specifically provided in this section, the definitions outlined in Ch. 323, Wis. Stats. are hereby adopted and, by reference, made a part of this section as if fully set forth herein, including any subsequent amendments or revisions thereto.
- (4) DIRECTOR OF EMERGENCY MANAGEMENT SERVICES.
  - (a) Appointment. The Fire Chief, or his/her designee, shall be the Director of Emergency Management for the City of Beloit. For the purposes of this section, any reference to the Director of Emergency Management shall mean the director or his/her designee.
  - (b) Duties and Authority.
    1. The Director of Emergency Management shall have direct responsibility for the organization, administration, and operation of emergency management within the framework of the City's emergency management plan, subject to the direction of the City Manager and the City Council.
    2. The Director of Emergency Management shall serve as chairperson for the Emergency Management Committee. The Director of Emergency Management may establish subcommittees and/or task forces at any time to enhance training, planning, or to prepare various prevention and response strategies to individual risks. Subcommittees

and task forces may contain members of the Emergency Management Committee as well as other selected individuals having specialized knowledge, skills, or training that can assist the City in assessing risk and preparing appropriate responses.

3. The Director of Emergency Management shall coordinate all activities for emergency management within the City and shall maintain liaison and cooperate with emergency management in local, state and federal governments.
4. The Director of Emergency Management shall prepare a comprehensive plan for the emergency management of the City.
5. The Director of Emergency Management shall participate in county and state emergency management activities when requested, and shall have such additional responsibilities as may from time to time be required by the City Manager or the City Council.
6. In preparing and executing the emergency management plan, the Director of Emergency Management Services shall utilize the services, equipment, supplies, and facilities of the City to the maximum extent practicable. All City personnel are directed to cooperate with and extend such services and facilities to the Director of Emergency Management Services.

(5) EMERGENCY MANAGEMENT COMMITTEE.

- (a) Membership. There is hereby created a City of Beloit Emergency Management Committee. The Emergency Management Committee shall consist of the City Manager, the City Council President, all City department heads, the Director of Emergency Management, the Deputy Director of Emergency Management Services for Planning, and the Deputy Director of Emergency Management Services for Operations.
- (b) Powers and Duties. The Emergency Management Committee shall be responsible for advising the City Council and shall have the authority to conduct all matters of business regarding hazard mitigation, emergency planning, response support, and disaster recovery of natural and man-made disasters.
- (c) Meetings. The Emergency Management Committee shall meet periodically to coordinate emergency preparedness and shall convene as soon as possible upon the declaration of an emergency. Special meetings may be called at the direction of the committee chairperson.
- (d) Response. Upon notice of a declaration of emergency, each committee member shall respond immediately to the emergency operations center to await further instructions.

(6) DEPUTY DIRECTOR OF EMERGENCY MANAGEMENT SERVICES.

- (a) Appointment. The Director of Emergency Management Services may appoint one or more individuals to serve as Deputy Director(s) of Emergency Management Services to assist with performing emergency management activities.
- (b) Powers and Duties. A Deputy Director of Emergency Management Services appointed in this section shall be under the supervision of the Director of Emergency Management Services

and shall perform such day to day duties as are necessary to support planning, training and coordination of emergency management activities.

(7) EMERGENCY MANAGEMENT PLAN. The Director of Emergency Management Services shall prepare a comprehensive plan for the emergency management of the City of Beloit. Each department of the City shall collaborate with the Director of Emergency Management Services for the purpose of creating an emergency management plan. The emergency management plan created hereunder is hereby approved and adopted by the City Council. The plan shall be filed with the City Clerk and shall be reviewed, updated and submitted to the City Council for approval at least once every 3 years.

(8) DECLARATION OF EMERGENCIES.

(a) Declaration of Emergency by the City.

1. The City Council is empowered by §323.11, Wis. Stats., to declare, by ordinance or resolution, an emergency existing within the City of Beloit whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the City of Beloit.
2. The City Council may, by ordinance or resolution, promulgate any orders, rules, and regulations relating to the conduct of persons and the use of property as shall be necessary and expedient to protect the public peace, health, safety, protection and welfare of persons or property, including prohibiting, restricting, and removing all unnecessary traffic, both vehicular and pedestrian, from highways within the City, and to insure the cooperation necessary in emergency management activities.
3. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.

(b) Declaration by the Governor. The Governor for the State of Wisconsin is empowered by §323.10, Wis. Stats., to issue an executive order declaring a state of emergency for the State of Wisconsin, or any portion thereof, if the Governor determines that an emergency resulting from a disaster or the imminent threat of a disaster exists. The state of emergency shall not exceed 60 days, unless the state of emergency is extended by joint resolution of the Wisconsin State Legislature. The executive order may be revoked at the discretion of either the Governor by executive order or the Wisconsin State Legislature by joint resolution.

(9) EMERGENCY MANAGEMENT OPERATIONS AND ORGANIZATION.

(a) City Manager.

1. The City Manager shall oversee all operations at the emergency operations center and shall have final decision-making authority throughout the state of emergency.
2. Whenever necessary to respond to an emergency for which adequate ordinances or resolutions have not been adopted by the City Council, the City Manager, or in his/her

absence, the person in charge as determined by the order of succession established in subsection (11), below, may, by proclamation, promulgate and enforce such orders, rules, and regulations that appear necessary and expedient. Any proclamation issued hereunder shall be subject to ratification, alteration, modification or repeal by the City Council as soon as the Council can meet. Subsequent action taken by the City Council shall not affect the validity of the proclamation issued by the City Manager.

3. The City Manager shall issue all necessary proclamations, warnings, and alerts as required by the emergency management plan.
- (b) Emergency Operations Center Manager. The Emergency Operations Center Manager will be the member of the Emergency Management Committee and will be appointed by the City Manager and generally determined by whose response discipline would be the primary responder to the emergency (i.e. SWAT incident—Police Chief, snow emergency—Public Works Director).
- (c) Operations.
1. Upon declaration of a state of emergency affecting the City of Beloit, members of the Emergency Management Committee shall serve as the Emergency Operations Center Command Staff under the general direction of the Emergency Management Coordinator. Additional staff may be appointed or designated to serve on the committee depending upon the emergency type, length or duration.
  2. Normal City operations shall continue unless suspended by order or directive of the City Manager. The City Manager may require City personnel to perform services performed in the normal and general course of employment to address the state of emergency.
  3. The Emergency Operations Center Command Staff shall plan, direct, coordinate, and control all facets of emergency management operations from the moment an emergency has been formally declared and until the state of emergency is formally lifted.
  4. During a state of emergency, the City Manager may contract with any person to provide equipment or services to be used to respond to a disaster, or the imminent threat of a disaster.
- (10) LOCATION OF EMERGENCY OPERATIONS CENTER. The emergency operations center shall be located the Beloit Police Department Briefing Room at 100 State Street in the City of Beloit unless that site becomes unsuitable or unusable. In the event that the primary emergency operations center becomes unsuitable or unusable, the emergency operations center shall be located at the Fire Department Headquarters at 1111 Church Street in the City of Beloit. The emergency operations center shall serve as the primary location and control facility from which members of the Emergency Management Committee and their designees shall direct emergency management activities within the City.
- (11) SUCCESSION TO OFFICE. During an emergency, and in the absence of the City Manager, interim



successors to the Office of the City Manager shall be in the order listed below:

- (a) City Attorney.
  - (b) Police Chief.
  - (c) Fire Chief.
  - (d) Finance and Administrative Services Director.
- (12) MUTUAL AID AGREEMENTS. The City Manager may, subject to the approval of the City Council, enter into mutual aid agreements with other political subdivisions, agencies, and federally recognized American Indian tribes and bands of this state, and, upon prior approval of the Adjutant General, with such entities in bordering states. A copy of each agreement shall be filed with the Office of the Adjutant General of the Department of Military Affairs within 10 days after execution of the agreement.
- (13) PROHIBITED CONDUCT. No person shall willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation, or plan issued pursuant to this section, or violate any order, rule, regulation, or plan issued pursuant to the authority contained in this section. Any person who shall violate any provision of the section shall upon conviction thereof be subject to a penalty as provided in §25.04 of this code.