

Franklin County
Emergency Management Commission
By-Laws

**ARTICLE – 1
LEGAL STATUS**

Section 1.

Legal authority for the establishment of the Franklin County Emergency Management Commission is found within Chapter 29C of the Code of Iowa, Chapter 477B of the Iowa Code, Chapter 7 of the Iowa Administrative Code (05) and the Emergency Planning and Community Right to Know Act (SARA Title III).

Section 2.

The Franklin County Emergency Management Commission is defined by statute as a municipality as defined under section 29C.9 (4) and section 670.1. The Franklin County Emergency Management Commission is entitled to all privileges and responsibilities as outlined by this agreement or by state law.

Section 3.

The rules contained herein and the actions of the Franklin County Emergency Management Commission shall be binding on the members, insofar as those decisions do not violate or conflict with state laws.

**ARTICLE – II
MEMBERSHIP**

Section 1.

The voting membership of the Franklin County Emergency Management Commission shall consist of the following political offices according to Chapter 29C.9(2) of the Iowa Code:

- a. A member of the Board of Supervisors, or its appointed representative.
- b. The County Sheriff, or appointed representative.
- c. One mayor, or appointed alternate representative, from each incorporated community within the county.

The Commission members shall be liaison officers between their jurisdictions and the Franklin County Emergency Management Commission.

Section 2.

Each member of the Commission shall be entitled to one vote on all business brought before the Commission and shall serve at the pleasure of their respective member organizations or disciplines. The Chairperson shall not vote except in the event that there is a tie vote among the attending members.

Section 3.

Each member shall designate in writing their primary and alternate representatives who shall officially represent the interest and be empowered to bind the member for services or funding in accordance with state laws. This appointment shall be perpetual unless changed by written appointment of the member organization.

Section 4.

In the absence of the primary or alternate designated member, the elected official or the member organization shall be empowered to select a proxy for the purpose of representation at any specified singular or special meeting. Proxy designation shall be in writing, signed by the Chief Elected Official (CEO) or representative of the organization, and shall be presented to the Chairperson prior to initiation of business, and shall only be effective for business conducted on the date specified on the proxy designation.

Section 5.

The Commission shall be responsible for determining the annual operating budget, hiring of the Emergency Management Coordinator, final approval of the retaining of any employees of the Emergency Management Agency, and any other duty the commission determines as appropriate under these By-Laws.

Section 6.

The Commission shall meet semiannually as a minimum, or on a date designated by the Chairperson, at a time and location determined by the Coordinator or the Chairperson of the Commission. Any change to the stipulations for the meeting time and location shall be recorded in Commission meeting minutes.

ARTICLE – III Emergency Management Agency

Section 1.

The Emergency Management Agency, hereby established upon signing of this agreement, shall conduct the day to day operations of the Commission which includes but not limited to development of budget, policy, obtain grants, manage an emergency response exercise and training plan, promote public education when applicable, and conduct those activities expressly directed by the Commission.

Section 2.

The authorized agent of the Agency and Commission shall be the fulltime Franklin County Emergency Management Coordinator, hereafter referred to as "the Coordinator."

Section 3.

The Coordinator shall advise the Commission on the operations and procedures of its members during a disaster or significant threat situation to any portion of the rural or urban jurisdiction of member counties. This advisory action to the Commission shall also include that of any potential natural or man-made threat from bordering jurisdictions.

Section 4.

The Coordinator shall be empowered to act to reduce the impact of disaster on the citizens of any community, to maintain the county Comprehensive Emergency Management Plan, coordinate emergency planning activities, mitigation, response and recovery operations as directed by the appropriated County Comprehensive Emergency Management Plan and the Iowa Code Section 29C.

Section 5.

The Coordinator shall serve at the pleasure of the Commission with salary, benefits and hours established by the Commission.

Section 6.

- 6.1 The Coordinator shall be considered an employee of Franklin County.
- 6.2 The Coordinator shall be entitled coverage, as an employee of Franklin County under the County's Workman's Compensation provider and for the purpose of Tort Liability Insurance.
- 6.3 The Coordinator shall be entitled to health insurance coverage through Franklin County.
- 6.4 Fire insurance, Equipment insurance and Theft insurance for equipment and any property owned by the agency will be calculated into the Franklin County Emergency Management Agency budget.
- 6.5 The Coordinator shall be considered an employee of Franklin County for the purpose of payment of salary, collection of required income tax withholdings, along with IPERS deductions and other deductions as required by State and Federal code.

ARTICLE – IV FUNDING

Section 1.

- 1.1 The Fiscal Agent shall be the Franklin County Auditor as required by Iowa Code.
- 1.2 The Fiscal Agent shall be familiar with the fiscal responsibility for Emergency Management as directed by Iowa Code Section 24.6 and Chapter 29C.
- 1.3 The Franklin County Emergency Management Agency shall be audited annually as part of the County's normal audit.

Section 2.

An account shall be established for the purpose of deposits or revenues, issuance of expenditures and securing of all funds for the purpose of Emergency Management, This account shall be separate in its entirety from all other budgets, accounts, and general funds of other offices, city or county.

Section 3.

Sources of funding are, but not limited to funds received from the county, sale of fixed assets, contributions and donations from private sources, and grants applied for and received shall be deposited in the account for the Franklin County Emergency Management Agency.

Section 4.

Payment by the county to the Emergency Management Agency fund shall be made no less than one payment per quarter each year.

Section 5.

- 5.1 All funds shall be maintained in accordance with statutorily prescribed accounting methods.
- 5.2 Any excess revenues not spent within the fiscal year shall not revert to the general fund of the county. Excess funds shall become part of the Unrestricted/Undesignated Reserves of the Emergency Management Agency. Unrestricted/Undesignated funds shall be maintained and accounted for in the manner prescribed by the statutes and administrative rules governing their creation and accountability.

Section 6.

The fiscal year shall begin on the first day of July and end on the last day of June of the following year.

Section 7.

- 7.1 Franklin County Emergency Management Agency shall prepare all warrants and submit them for payment of all expenditures within the month received.
- 7.2 Franklin County Emergency Management Agency shall deposit all revenues into the account established for the purpose of Emergency Management.
- 7.3 The Fiscal Agent shall prepare all required financial reports for local, state and federal funds as prescribed by statute.
- 7.4 Supporting documentation shall be retained for audit purposes and historical reference for no less than five (5) years, or as required by Iowa Code.

Section 8.

The fiscal agent will account for Revenues and Expenditures according to the format and line items of the Iowa Emergency Management budgetary forms and as per the budget as approved by the Franklin County Emergency Management Commission.

**ARTICLE – V
COMMISSION MEETING**

Section 1.

The full Commission shall meet not less than semi-annually within the months of July through January. Commission members shall receive progress reports during the month preceding the scheduled meeting.

Section 2.

The Chairperson of the Commission may schedule a special meeting at any time or will schedule a special meeting upon petition of 3 voting members of the Commission to the Chairperson stating the purpose of the meeting. The Chairperson shall schedule special meetings within 14 working days of receipt of petition. The agenda of the special meeting shall consist only of the purposes as identified on the meeting announcement.

Section 3.

A quorum shall be a simple majority of the voting membership. Alternates or proxy designations shall be included in the quorum determination, and have the same authority as the designated commission member only if in attendance for the primary commission member. The alternate or proxy designee shall not have voting authority if the primary member is present for the meeting, special or scheduled, but may attend any Commission meeting.

Section 4.

- 4.1 All meetings shall conform to Iowa Open Meeting Laws, and be held in locations accessible to handicapped or disabled persons. Public notice of all meetings will be given 24 hours in advance, except in the case of emergency.
- 4.2 All meetings shall be conducted according to locally acceptable parliamentary procedures, as established by the meeting minutes and these By-Laws.

Section 5.

Meeting notices shall be mailed no later than 10 days prior to any regular scheduled meeting and shall include the proposed agenda or pertinent information as determined by the Coordinator. The primary mailing method will be by electronic mail (e-mail). In the possible event that a Commission member has no e-mail address or their e-mail service has been interrupted the notice will be sent by United States Postal Service.

**ARTICLE – VI
LIABILITY**

Section 1.

The Franklin County Emergency Management Commission, Agency and its agents shall not be responsible for any actions taken in accord with these By-Laws, nor be held liable for decisions made in good faith, for the planning, training of personnel, exercising of plans, actual response, and recovery from the many man-made and natural hazards which may affect the citizens of member counties.

Section 2.

The members of the Commission hereby agree to hold harmless every other member of the Commission from any liability resulting from their participation in and action as a member of this Commission.

**ARTICLE – VII
DURATION**

Section 1.

The Commission and Agency shall be perpetual in its existence or until such time as State laws directing its existence and functions be repealed, or modified, or until dissolution pursuant to Section 2 of Article – VII.

Section 2.

A vote of the members for dissolution shall require 70% vote of the membership to vote in the affirmative.

**ARTICLE – VIII
STANDARD OPERATING GUIDELINES**

Section 1.

- 1.1 The Comprehensive Emergency Management Plan, Iowa Code, Iowa Administrative Code and these By-Laws shall be the Standing Operating Guidelines for the Agency.
- 1.2 The Comprehensive Emergency Management Plan shall be reviewed in its entirety every five years. This includes annual reviews of a minimum of three Emergency Support Functions and Emergency Support Function 10.

**ARTICLE – IX
AMENDMENTS**

Section 1.

Amendments to these By-Laws shall be on approval of a 2/3 majority of the members of the Commission at any regular meeting.

Section 2.

Proposed amendments shall be distributed no less than 10 days prior to the scheduled meeting and shall become effective on the date so specified in the amendment.

**ARTICLE – X
OFFICERS**

Section 1.

- 1.1 The officers of the Commission shall consist of a Chairperson, a Vice-Chairperson, and a Secretary. The Chair shall be the Franklin County Sheriff. The Vice-Chair position shall be on a yearly rotation with a member of the commission filling the position starting with the Board of Supervisors representative. The Sheriff shall not be a part of the rotation and will serve only as the Chair.
- 1.2 The Secretary for the Commission shall be the Emergency Management Coordinator of the Agency, unless otherwise designated by the Commission.

Section 2.

Vacancies of the Commission shall be filled from the membership of their respective jurisdiction.

These By-Laws are hereby approved by a simple majority vote of the below named representatives of the Franklin County Emergency Management Commission on this 15th day of APRIL, 2013.

Michael Nolte Chairman, Franklin County Board of Supervisors MIKE NOLTE
Larry Richtsmeier Sheriff, Franklin County LARRY RICHTSMEIER
Arlen Olson Representative City of Alexander ARLEN OLSON
Kevin Erickson Representative City of Coulter KEVIN ERICKSON
Sean Porter Representative City of Geneva SEAN PORTER
Shawn Dietz Representative City of Hampton SHAWN DIETZ
Michael Norman Representative City of Hansel MICHAEL NORMAN
Kent E. Morton Representative City of Latimer KENT E. MORTON
Dale Maas Representative City of Popejoy DALE MAAS
Nick Wilson Representative City of Sheffield NICK WILSON