

**BLACK HAWK COUNTY EMERGENCY MANAGEMENT COMMISSION  
BYLAWS**

**Adopted 04/08/2003 (Revised 7/22/2013) Reviewed 1/18/2018**

**VISION STATEMENT**

To be a dynamic coordinating agency that addresses the safety of the citizens and responders of Black Hawk County through an all hazard planning approach and information exchange.

**MISSION STATEMENT**

The Black Hawk County Emergency Management Agency will establish and coordinate a full scope of emergency management and homeland security functions to effectively maintain a healthy, safe, and secure place to live, work, and prosper.

The following bylaws shall establish and govern the operation of Emergency Management Commission for Black Hawk County.

**ARTICLE I. NAME**

**SECTION 1.** The official name of this administration shall be the Black Hawk County Emergency Management Commission. The name used by the office of the Commission shall be Black Hawk 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 Black Hawk County and all its incorporated municipalities and is established, created and operates under the authority and 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 Division promulgated pursuant to Chapter 29C of the Code of Iowa, and all acts amendatory.

**SECTION 2.** It is the intent of the parties to this agreement that this commission shall be a legal entity according to the Code of Iowa, Chapter 29C, and shall be recorded with the Black Hawk 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. During budget meetings only the elected officials may vote regarding the budget or budget amendments.

**SECTION 2.** This section is a "Notice of Information" to the political jurisdictions of the County. Its substance or consequence is not changed whether it is struck from or remains in the Bylaws because of 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.

Any political jurisdiction not participating as an active member of the Commission 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: The operations of the Commission shall be in accordance with the Bylaws adopted by the Commission.

**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 provisions 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, providing planning and coordination of Emergency Management services for Black Hawk County and its municipalities.

**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 throughout Black Hawk County.

**SECTION 3.** The Commission promotes Emergency Management preparedness programs among emergency response agencies and communities in Black Hawk 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 all hazards disaster 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, 44CFR Part 302, Presidential 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 Iowa and Section 2 of this Article.

**SECTION 2. DUTIES:** The Commission shall provide the County and its cities with an Emergency Management program that follows accepted standards of excellence. 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 and Emergency Operations Center (EOC) facility, a protected site from which key officials coordinate operations.
2. Development of the EOC staffing and internal procedures to permit key executives to conduct coordinated operations in emergencies.
3. Providing knowledge and advice to operating departments on special conditions and operating requirements that would be imposed by disasters (e.g., effects of tornadoes, blizzards, or floods).
4. Coordinating and leading in development of local government emergency operations plans, outlining which local resources and supporting organizations are available both in peacetime and attack disasters and coordinating local organizations for major emergencies.

5. Establishing a system to warn the public of disasters.
6. Establishing a system to alert key government officials.
7. Coordinating with public and private sectors to develop emergency plans and capabilities as part of local emergency plans.
8. Establishing and maintaining a local shelter system in cooperation with the American Red Cross and the Salvation Army.
9. Establishing, training and exercising the emergency public information system to get advice and information to the public before, during and after disasters (including establishing relationships with local news media; radio and television, and newspapers).
10. Coordinating with local human services offices, Public Health, EMS, Hospitals, and the County Medical Examiner's Office, Public Works, Fire, Red Cross, United Way, Salvation Army and other voluntary groups/Community Organizations Active in Disaster, to develop emergency capabilities and plans for disaster response.
11. Coordinating and maintaining relationships with industry to develop emergency plans and capabilities related to local government emergency plans and to coordinate the local emergency planning committee (LEPC).
12. Coordinating and participating in training programs for the public on disaster preparedness.
13. Preparing, submitting, and justifying annual emergency management commission budgets.
14. Securing matching funds, grants and other assistance available through state and federal programs for use by the commission to carry out its missions.
15. Provide for procedures to coordinate federal disaster assistance programs in regard to disasters or disaster aid for public and private sector.
16. Provide for any other emergency operations deemed necessary by the state, the county, and the city governments, which are within the policy and scope of the commission's responsibility as judged by the Commission.
17. Provide for mutual use of resources (staff, volunteers, facilities, and equipment) between political jurisdictions of the county and other counties.
18. Such other tasks as may be determined by the Commission or directed by state law or federal law.

## 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 shall request the County Board of Supervisors and each municipality to provide in their annual budgets the apportioned share of the annual operating budget of this Commission in accordance with Iowa Code 29C.17.

SECTION 2. The Commission or Coordinator may enter into contracts and make expenditures for services and administration or planning in order to carry out the purposes of this agreement. The Coordinator will carry out the day to day operations on behalf of the Commission.

SECTION 3. The Commission may cooperate with, contract with, and accept funds from Federal, State, local organizations, public or semi-public corporations or private sector individuals for emergency management activities and projects 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 expenditures.
2. Any reimbursements, 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 Commission fund.

SECTION 5. During the fourth quarter of each (calendar) year, the Emergency Management Program Coordinator 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. During this meeting only elected officials may vote on the budget as per Iowa Code 29C.

## ARTICLE VIII. RULES OF CONDUCT

SECTION 1. PROCEDURAL RULES: Other than those rules stated in this document, business meetings of the Commission shall be governed by Robert's Rules of Order; newly revised insofar as possible.

**SECTION 2. VOTING AND QUORUM:** Every member of the Commission shall be entitled to one vote. Non-participating members shall not be entitled to a vote. A quorum shall consist of a simple majority of all members of the Commission. A simple majority of the quorum present shall be sufficient to pass all motions, resolutions and other matters proposed. There will be no voting by proxy or by representatives that have not been designated in writing and in advance. Meetings may be attended with in person, via teleconference, video conference, or via web meeting. All meetings shall be audio recorded for the purpose of producing accurate meeting minutes. Adopted meeting minutes will be published on the Agency website. All Iowa open meeting laws will be complied with regarding the posting of agendas and meeting minutes. Audio files will be kept one year. No video recordings are conducted. The EMA website shall have all meeting minutes and agendas posted for a least one year online. At the annual budget meetings and for budget amendments, only elected officials may vote on the budget or amendment. Since the Sheriff has no elected alternates with the Office of the Sheriff, the Sheriff may not send an alternate to those meetings. All other municipalities shall be represented at the budget meetings by only an elected official. At all other meetings that do not include action on either the budget or on a budget amendment, a non elected alternate may be sent and may vote for their municipality.

**SECTION 3. AMENDMENTS:** The terms of these bylaws may be amended by a majority vote at any regular meeting provided that, under the Chair's authority and at least thirty (30) days prior to the meeting, each individual member shall have been mailed or emailed a copy the proposed amendment.

**SECTION 4. MEETINGS:** The Commission shall meet not less than twice per 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, Vice-Chair or EMA Coordinator.

## **ARTICLE IX. OFFICERS AND TERM OF SERVICE**

**SECTION 1. OFFICERS:** The Commission shall elect each year from its membership, a Chair and Vice-chair to serve for a period of one (1) year however there are no term limits.

**SECTION 2. 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 Secretary may also delegate duties to other personnel appropriate to the conduct of Commission business.

## **ARTICLE X. EMPLOYMENT PRACTICES**

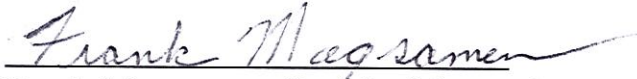
**SECTION 1.** The Chair and/or Vice Chair of the Commission on a day-to-day basis will supervise the position of Coordinator. Formal action on appointing, hiring, discipline, termination and annual performance evaluations require a majority vote of the quorum present. An executive group of the Chair, Vice Chair and one more elected member of the commission shall meet no less than once a year to do the annual performance review of the Coordinator and shall report back to the commission on the outcome of the review and on any recommendations for pay raises or other actions.


**SECTION 2.** The Coordinator will supervise any and all other position(s) within the Emergency Management Agency and will conduct those subordinate employee reviews no less than annually. Formal action on appointing, hiring, or termination requires a majority vote of the quorum present.

**SECTION 3.** All positions within the Black Hawk County Emergency Management Agency are employees of the Commission. The administrative offices of Black Hawk County facilitate the administration of the Commission employee salaries and benefits as well as accounts payable and claims processes for the Commission and the Agency. The salary and benefit structures will generally parallel those of Black Hawk County. The EMA Commission is responsible for setting the Human Resource practices of employees of the Emergency Management Agency.

These bylaws are hereby adopted by a majority vote of the Black Hawk County Emergency Management Commission under Chapter 29C Code of Iowa as of this DATE: DAY, MONTH and YEAR. 15, August 2013 and reviewed 18, January 2018.


ATTEST: Members of the Commission: Sheriff, Mayors, and Board of Supervisors.

  
Frank Magsamen, Board of Supervisor  
Chair, Emergency Management Agency Commission

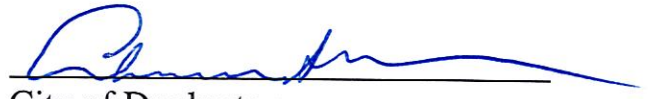
  
City of Waterloo

  
City of Elk Run Heights

  
City of Cedar Falls


  
City of Raymond


  
Black Hawk County Sheriff

  
City of Dunkerton

  
City of Evansdale

  
City of Gilbertville

  
City of La Porte City

  
City of Hudson