

BYLAWS

Adopted by majority vote meeting: 01/16/2013

Warren County Emergency Management Commission

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

ARTICLE I. NAME

SECTION 1. The official name of this commission shall be the Warren County Emergency Management Commission, hereafter referred to as “the Commission.”

ARTICLE II. DURATION

SECTION 1. 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.

ARTICLE III. LEGAL STATUS

SECTION 1. The commission shall be a joint undertaking of Warren County and all its incorporated municipalities as authorized and established by the Federal Civil Defense Act of 1950 as amended, Federal Rule 44 CFR Part 302, Presidential Executive order 12656 of November 18, 1988, National Security Directive #259 of 1988, by the administrative rules of the Iowa Homeland Security Emergency Management Division and by Code of Iowa, Chapter 29C and all acts are mandatory.

SECTION 2. It is the intention of the parties to this agreement that this commission shall be a legal entity according to Iowa Code, Chapter 29C and shall be recorded with the Warren County Recorder.

ARTICLE IV. MEMBERSHIP

SECTION 1. The membership of this commission shall consist of a member from the Warren County Board of Supervisors, the Warren County Sheriff and the Mayor from each city within the county. A commission member may designate an alternate to represent the designated entity. A designated alternate should be an elected official from the same designated entity. For any activity relating to section 29C.17, subsection 2, or chapter 24, participation shall only be by a commission member or a designated alternate that is an elected official from the same designated entity. Member jurisdictions shall affirm their member and alternates to the Commission annually in the month of January.

SECTION 2. This provision is a “Notice of Information” to political jurisdictions of the county and its substance or consequence is not changed whether it is struck from or remains in these bylaws. The consequences of neglect of the duties of care and trust for the protection of the people imposed by state law for public officials are not revoked by the presence or absence of this “Notice of Information.”

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 de facto member of the Commission and is subject to the liabilities and obligations of the Commission whenever litigation may be brought against the Commission.

ARTICLE V. COMMENCEMENT OF OPERATIONS

SECTION 1. The operations of the Commission shall be in accordance with the bylaws upon the adoption by the Commission.

ARTICLE VI. MISSION

SECTION 1. The mission of the Warren County Emergency Management Commission is to establish, coordinate, provide services, and maintain local emergency management activities and intergovernmental, private, and volunteer partnerships to militate against, prepare for, respond to, and recover from all disasters that may impact Warren County, its communities and citizens.

ARTICLE VII. POWERS AND DUTIES

SECTION 1. The Commission shall establish an agency for the conducting and implementation of Commission business. The name of the agency shall be the Warren County Emergency Management Agency.

SECTION 2. The Commission shall determine the mission of its agency and program and provide direction for the delivery of emergency management services including planning, administration, coordination, training, and support for local governments and their departments.

SECTION 3. The Commission shall have such other powers, duties, and responsibilities as provided in Iowa Code, Chapter 29C and Iowa Administrative Code 605, Chapter 7 which include, but are not limited to the following:

Administration and finance;
Hazard identification, risk and capability assessment;
Resource management;
Planning;
Direction, control and coordination;
Damage assessment;
Communications and warning;
Training;
Exercises; and
Public education and information.

ARTICLE VIII. PERSONNEL

SECTION 1. The Commission shall appoint a local coordinator who shall serve at the pleasure of the Commission and who shall have such duties and responsibilities as assigned by the Commission and provided in Iowa Code, Chapter 29C. The

coordinator shall meet the qualifications and requirements as established by the Iowa Emergency Management Division in Iowa Administrative Code 605-7.4.

SECTION 2. The Emergency Management Coordinator shall be responsible for the hiring, discipline and termination of other agency employees, subject to the approval of the Commission.

ARTICLE IX. FINANCE

SECTION 1. Consistent with the provisions of Iowa Code, Section 29C.17, the Commission shall determine a method for financing the costs of establishing and operating the Warren County Emergency Management Agency and conducting disaster response and recovery operations. The agency's approved budget shall be funded by one or any combination of the following options as determined by the commission:

- A. A countywide special levy pursuant to Section 331.424, Subsection 1.
- B. Per capita allocation funded from city and county general funds or by a combination of city and county special levies that may be apportioned among the member jurisdictions.
- C. An allocation computed as each jurisdiction's relative share of the total assessed valuation within the county.
- D. A voluntary share allocation.
- E. Other funding sources as allowed by law.

SECTION 2. The Commission shall develop and adopt a budget in accordance with the provisions of Iowa Code, Chapter 24 and Iowa Code section 29C.17. The Commission shall be the fiscal authority and the chairperson or vice-chairperson shall be the certifying official for the budget.

SECTION 3. The Commission shall establish in the office of the County Treasurer, an Emergency Management Commission Trust Fund. The fund shall be for the purpose of paying expenses relating to all emergency management matters of the Commission and its agency.

SECTION 4. Revenues provided and collected shall be deposited in the fund. An unencumbered balance in the fund shall not revert to the county general revenues. Any reimbursement, matching funds, moneys received from the sale of property, or moneys obtained from any source in connection with the emergency management program shall be deposited in the Emergency Management Commission Trust Fund.

SECTION 5. Expenditures from the Emergency Management Commission Trust Fund shall be made on warrants drawn by the county auditor, supported by claims and vouchers signed by the emergency management coordinator or the chairperson of the Commission.

ARTICLE X. PROPERTY

SECTION 1. The Commission may acquire or receive real or physical property through purchase or contribution. Such property shall become the property of the

Commission unless otherwise provided by separate agreement between the Commission and the contributing party.

SECTION 2. The Commission shall establish the method for the disposal of its real or physical property in accordance with applicable law and agreement.

ARTICLE XI. MEETINGS

SECTION 1. Commission business shall be conducted in compliance with Iowa Code Chapter 21, "Official Meetings Open to Public" and Iowa Code Chapter 22, "Examination of Public Records" and all other pertinent statutes.

SECTION 2. Except for those rules otherwise stated in this document, the business of the Commission shall be governed by Robert's Rules of Order.

SECTION 3. Meetings: The Commission shall hold its Annual meeting in January to elect officers, consider and adopt a budget and carry on the business of the Commission with regular meetings to be held quarterly on the third Wednesday of that month at such time and place as shall be designated by the chair, coordinator or a majority of the commission. The Commission shall also meet when called by the chair, coordinator or a majority of the commission.

SECTION 4. Voting and Quorum: Every member of the Commission shall be entitled to one vote, and a quorum shall consist of one half the total members of the Commission plus one. A majority of the quorum present shall be sufficient to pass all motions, resolutions or other matters proposed. If any member of the Commission is unable to attend a regular Commission meeting the members alternate shall constitute as a voting member of the Commission. The Commission may only conduct the official business of the Commission when a quorum of the members of the Commission is present at a meeting.

SECTION 5. Executive Committee: The Commission shall have an Executive Committee whose composition shall be the Chairperson, Vice-Chairperson and a member designated by the Chairperson and Vice-Chairperson. The Executive Committee may meet at the call of the Chairperson and Emergency Management Coordinator to review budget, and overall management of the Emergency Management Agency, and shall provide a report of proceedings to Commission members at the next Commission meeting.

SECTION 6. Amendments: The terms of these bylaws may be amended by a simple majority vote of the Commission at any annual or regular meeting provided that, under the Chair's authority and at least thirty (30) days prior to the meeting, each individual member shall have received an exact copy of each proposed amendment.

ARTICLE XII. OFFICERS

SECTION 1. The Commission shall, at the Annual Meeting, elect each year from its membership, a chairperson and vice chairperson to serve for a period of one year.

SECTION 2. The Emergency Management Coordinator shall serve as the 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 the Commission's business.

ARTICLE XIII. VOTING

SECTION 1. Each jurisdiction or agency entitled to membership on the Commission shall have one vote in matters pertaining to the official business of the Commission.

SECTION 2. Motions may only be made by a member of the Commission and require a second before being called to a vote. Motions are considered carried when passed by a simple majority of the members of the quorum present at an official meeting of the Commission as provided in Article XI, Section 4.

SECTION 3. Notwithstanding the provisions of this article, these bylaws may only be amended by a two-thirds majority vote of the total membership of the Commission.

ARTICLE XIV. SEVERABILITY

SECTION 1. Invalidation of any provision or application of these bylaws shall not affect other provisions or applications.

ARTICLE XV. DISSOLUTION

SECTION 1. 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 processes of emergency management.

SECTION 2. Upon dissolution of this administration, all assets of the Commission shall be liquidated and distributed among the member jurisdictions according to the percentage share of funds paid to the Commission by the County and the municipalities.

THESE BYLAWS ARE HEREBY ADOPTED BY A MAJORITY VOTE OF THE MEMBERS OF THE WARREN COUNTY EMERGENCY MANAGEMENT COMMISSION ON THIS ____ DAY OF _____, A.D., _____.

IOWA ADMINISTRATIVE CODE 605-7.3(2) REQUIRES THAT EACH MEMBER OF THE COMMISSION SIGN THESE BYLAWS AS ADOPTED BY THE COMMISSION.

ATTEST: _____ BY: _____
Member, County Board of Supervisors

ATTEST: _____ BY: _____
Member, County Sheriff

ATTEST: _____ BY: _____
Representing, City of Ackworth

ATTEST: _____ BY: _____
Representing, City of Carlisle

ATTEST: _____ BY: _____
Representing, City of Cumming

ATTEST: _____ BY: _____
Representing, City of Hartford

ATTEST: _____ BY: _____
Representing, City of Indianola

ATTEST: _____ BY: _____
Representing, City of Lacona

ATTEST: _____ BY: _____
Representing, City of Martensdale

ATTEST: _____ BY: _____
Representing, City of Milo

ATTEST: _____ BY: _____
Representing, City of New Virginia

ATTEST: _____ BY: _____
Representing, City of Norwalk

ATTEST: _____ BY: _____
Representing, City of Sandyville

ATTEST: _____ BY: _____
Representing, City of Spring Hill

ATTEST: _____ BY: _____
Representing, City of St. Mary's

ATTEST: _____ BY: _____
Representing, City of Bevington

ATTEST: _____ BY: _____
Representing, City of Des Moines

ATTEST: _____ BY: _____
Representing, City of West Des Moines