



1907 CARPENTER AVENUE  
DES MOINES, IOWA 50314

## BYLAWS

### POLK COUNTY EMERGENCY MANAGEMENT COMMISSION

The following Bylaws shall establish and govern the operation of the Polk County Emergency Management Commission.

#### ARTICLE I. NAME

SECTION 1. The official name of this administration shall be the Polk County Emergency Management Commission. The office of the Commission shall be called the Polk County Emergency Management Agency.

#### ARTICLE II. LEGAL STATUS

SECTION 1. This administration shall be a joint undertaking of Polk 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 and Emergency Management Department and by Code of Iowa, Chapter 29C 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 Polk County Recorder.

#### ARTICLE III. MEMBERSHIP

SECTION 1. The membership of this Commission shall be a member of the Polk County Board of Supervisors, the Polk County Sheriff, and the Mayor from each municipality within Polk County. A Commission Member may designate alternates to represent the designated entity. 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 that is an elected official from the same designated entity. Member jurisdictions shall affirm their Member and Alternate(s) to the Commission annually in the month of January.

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. COMMENCEMENT OF OPERATIONS**

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

#### **ARTICLE V. 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 the Commission.

#### **ARTICLE VI. 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 countywide.

SECTION 2. The mission of the Polk County Emergency Management Commission is: To serve the public by: Protecting the whole community through coordination, support and integration of activities to mitigate, prepare for, respond to and recover from all hazards.

SECTION 3. 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 as appropriate for mutual aid among these units, member municipalities, and the County.

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

## **ARTICLE VII. COMMISSION POWERS AND DUTIES**

SECTION 1. Powers: The Commission shall have the power to do all things necessary to carry out the guiding purpose and specific duties of the emergency management program for its members, including risk management and crisis management, as developed within limitations of the mitigation, preparedness, response and recovery emergency management concepts.

SECTION 2. Duties: The Commission shall provide the county and its cities with an emergency management program of highest quality. 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. Arrange for exercises to give key officials evaluated 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 both in 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 volunteer groups to develop emergency welfare capabilities to care for people needing mass care as a result of natural or human-caused disasters.
14. Coordinating and maintaining relationships with business and industry to develop emergency plans and capabilities that are aligned with local government emergency plans.
15. Assisting local operating departments with 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 disaster assistance programs in 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 Polk County and other counties in Iowa.

## **ARTICLE VIII. 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.

The Emergency Management Agency's approved budget shall be funded by one or any combination of the following options, as determined by the Commission:

1. Countywide special levy pursuant to Iowa Code 331.424(1);
2. Per capita allocation funded from city and county general funds or by a combination of city and county special levies which may be apportioned among the member jurisdictions;
3. Voluntary share allocation;
4. Other funding sources allowed by law as authorized under Iowa Code 29C.17(2).

SECTION 2. The Commission may enter into contracts and make expenditures for services, purchase of and maintenance of equipment and other property, administration, or planning in order to carry out the purposes of this agreement.

SECTION 3. The Commission 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 law 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 warrants drawn by the county auditor and supported by claims signed by the Chair, the Vice Chair of the Commission or the Director.
4. Withdrawals of money for the Joint Emergency Management Commission or its agency shall be made on warrants drawn by the county auditor and supported by claims signed jointly by the Chair or Vice Chair of the Commission and the Director for a warrant that exceeds \$10,000.

SECTION 5. Financial and operational procedures, policies and practices of the Commission shall parallel those of Polk County unless otherwise distinguished through official action of the Commission or its Executive Committee.

SECTION 6. The Commission's fiscal year shall be from July 1 through June 30 annually.

SECTION 7. During the third quarter of each fiscal year, the Commission shall consider a budget for the Commission and its agency for the ensuing fiscal year and shall propose and adopt a budget not later than February 28.

#### **ARTICLE IX. RULES OF CONDUCT**

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

SECTION 2. Officers: The Commission shall elect each year from its membership, which may include alternate members, a Chair and Vice-Chair to serve for a period of one (1) year. Officer elections shall be held annually in the fourth quarter of the fiscal year. The one (1) year term shall begin on the first day of July following the election. If the Chair is unable to serve in his/her capacity, the Vice-Chair shall be first in line of succession followed by Executive Committee members in order of tenure until elections are held according to this section of the by-laws.

SECTION 3 Executive Committee: The Chair shall appoint three Commission members, which may include alternate members, to serve as the Commission's Executive Committee along with the Chair and Vice-Chair. The responsibilities of the Executive Committee shall include: 1) Serve as an advisory body to the Commission Chair; and 2) Develop and present the agenda to the Commission at all regular and special meetings.

SECTION 4. Secretary: The Emergency Management Director 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 Director may delegate duties to other personnel appropriate to conduct the Commission's business.

SECTION 5. Meetings: The Commission shall meet not less than twice 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 the 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 6. 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 7. Voting and Quorum: Each member jurisdiction of the Commission shall be entitled to one vote by either a member or alternate member, and quorum shall consist of a minimum of six voting members in attendance. A minimum of six affirmative votes if the meeting attendance is eleven or less or a majority of the quorum present if the attendance is twelve or higher shall be sufficient to pass all motions, resolutions or other matters proposed. Proxy voting is not permitted.

SECTION 8. 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 thirty (30) days prior to the meeting, each individual member shall have received by mail or electronic means a copy of the proposed amendment(s).

## **ARTICLE X. EMPLOYMENT PRACTICES**

SECTION 1. The Executive Committee on a day-to-day basis will supervise the position of Director. Formal action on appointing, hiring, discipline, termination, and annual performance evaluations require a Quorum vote.

SECTION 2. The Director will supervise all other positions within the Emergency Management Agency. Formal action on appointing, hiring, discipline, termination, and annual performance evaluations require approval of the Executive Committee.

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

#### **ARTICLE XI. SEVERABILITY**

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

#### **ARTICLE XII. DISSOLUTION**

SECTION 1. The Commission shall not be dissolved by an 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 jurisdiction according to the percentage share of funds paid to the Commission by the county and the municipalities. Liquidation and distribution of assets will be completed within eighteen (18) months of dissolution.