

ORDINANCE NO. 02-01
(Repealing Ordinance No. 01-1)

AN ORDINANCE REPEALING THE EXISTING ORDINANCE 01-1 (OFFICE OF EMERGENCY MANAGEMENT) AND ADOPTING A NEW COUNTY ORDINANCE ESTABLISHING THE OFFICE OF EMERGENCY MANAGEMENT, ESTABLISHING A LOCAL EMERGENCY PLANNING COMMITTEE, PROVIDING FOR MEMBERSHIP, MANAGEMENT, AN EXECUTIVE COUNCIL, AND AUTHORITY TO ADOPT REGULATIONS FOR IMPLEMENTATION OF EMERGENCY PLANNING AND COORDINATION.

BE IT ORDAINED by the governing body, that is the County Commission in the County of Curry and the State of New Mexico:

SECTION 1. RECITALS. Ordinance 01-1 of the Old County Ordinance, Office of Emergency Management, has been previously established to comply with the state Civil Emergency Preparedness Act, Sections 12-10-1 through 12-10-10, NMSA, 1978 (herein "the Act"). Pursuant to the Super-fund Amendments and Reauthorization Act of 1986 (herein "SARA") Congress has required the formation of local emergency planning committees (hereinafter "LEPC"), to assist in the coordination of all first response agencies to make resources available to keep the community safe from the effects of hazardous materials and to assure effective response to hazardous materials emergencies. The Emergency Preparedness Manager and the current Emergency Management Advisory Board has recommended that the requirements of the referenced state and federal-laws be combined under a single operational system to be headed by the Emergency Management Director. Further, that an emergency management committee/local emergency planning committee be formed to implement the requirements, duties, and responsibilities as set forth in this ordinance. The Curry County Commission finds that the recommendations of the emergency management coordinator and the advisory committee should be implemented as set forth in this ordinance.

SECTION 2. REPEAL OF ORDINANCE 01-1. Ordinance 01-1 of Curry County, Office Emergency Management, consisting of Sections 3 through 8 is hereby repealed.

SECTION 3. There is hereby adopted a new Ordinance of Curry County to be titled Emergency Management and Planning, consisting of Sections 3.1 through 3.8, which shall read as follows:

Section 3.1 - There is established a department of the City of Clovis and the County of Curry, in accordance with the state Civil Emergency Preparedness Act, Sections 12-10-1 through 12-10-10, NMSA 1978, the Department of Emergency Management.

- a) The department shall be under the direction of the Emergency Management Director, who shall be an employee of the City of Clovis, hired by the City Manager;
- b) The City and County may also provide for such additional professional and administrative staff personnel as may be required to effectively carry out the emergency management program.

Section 3.2 - Purpose. The purpose of the emergency management department is to:

- a) Develop and execute the City and County emergency management program and to coordinate the efforts of all city and county agencies and employees and non-governmental agencies to prepare for and function in the event of emergencies endangering the lives and properties of the citizens of City of Clovis and the County of Curry.
- b) To develop and coordinate comprehensive emergency management plans for the effective employment of city and county resources to protect the lives and health of the citizens of Clovis and Curry County and the private and public

- private property therein from the effects of natural or man-caused emergency events, including acts of war;
- c) To coordinate the implementation of the plans during periods of emergencies;
 - d) To coordinate with counties contiguous to Curry County and units of local government within Curry County and in consonance with New Mexico All Hazard Emergency Operations Plan;
 - e) To exercise all powers conferred by the Act;
 - f) To participate in carrying out for Curry County those responsibilities required of the LEPC, pursuant to SARA Title III and related regulations, including but not limited to:
 - 1) Development, training and testing of the hazardous substance emergency response plan;
 - 2) Development of procedures for regulated facilities to provide notification to the LEPC;
 - 3) Development of procedures for receiving and processing requests from the public under the community right to know provisions of SARA Title III; and
 - 4) Provision for public notification.
 - g) To implement such other and further related activities as may hereafter be legally required by the federal government, the state Emergency Response Commission, the Clovis City Commission, or the Curry County Commission.

Section 3.3 - Emergency Management Director - Duties:

- a) The Emergency Management Director shall be a department head of the

City of Clovis and shall be responsible to the Mayor of the City Commission and Chairman of the Curry County Commission for the organization, administration and operations of the emergency management office staff and program for Clovis and Curry County. The director shall, acting for the Mayor and County Chairman, and in consonance with the Emergency Management/LEPC Committee, coordinate emergency activities of all City and County departments and agencies and non-governmental agencies, and shall maintain a liaison with cooperate with the emergency management agencies of the federal government, military departments, the State of New Mexico, and other political subdivisions therein.

- b) The director shall have all necessary authority to act for the government of the City and County of Curry in all matters relating to emergency management, including the obligation of such city and county funds and state and federal funds made available and as may be appropriated for emergency management purposes, subject to the administrative supervision and control of the County Manager. The director, in consonance with the committee, shall develop an organizational structure for the office, subject to the approval of the City Commission and the County Commission;
- c) The director shall serve as the chairman of the committee and shall advise and inform the City Commission and County Commission on a periodic basis.

Section 3.4 - Funds:

- a) Funds necessary and appropriate expenses and functions of the department of emergency management, including salaries for approved paid positions, shall

- be made available through appropriations of the City Commission and County Commission;
- b) The director shall prepare and submit to the County Commission for its separate approval an annual proposed budget for emergency management expenditures and functions and shall indicate therein those amounts eligible for matching funds under state or federal programs;
 - c) Emergency management funds may be obligated by the director only in the amounts appropriated and for the purposes authorized by the City Commission and County Commission;
 - d) The total amounts budgeted and appropriated by both the City Commission and County Commission shall be expended pursuant to the normal fiscal procedures established by the County Commission, solely for the expenses of the emergency management department, as authorized by the City Commission and County Commission. All expenditures shall be subject to normal accounting procedures established by the County Commission from time to time, and shall be subject to annual audit requirements imposed by law;

Section 3.5 - Emergency Management/LEPC Committee.

- a) All persons, businesses and organizations within Curry County having an interest in emergency management and/or hazardous materials may apply for membership to the emergency management/LEPC committee; including, but not limited to those groups designated by SARA Title III and those entities required to submit Tier Two emergency and hazardous chemical inventory

reports;

- b) The committee shall maintain a current roster of all members and shall provide notification to all members of any meetings of the committee;
- c) There shall be no limit on the total number of members of the committee; however, each member must annually renew membership in a manner to be determined by the executive counsel.

Section 3.6 - Executive Council.

- a) The committee shall be managed by an executive council to be made up of representatives of the following organizations:
 - One member of the Clovis City Commission
 - One member of the Curry County Commission
 - A representative of Cannon Air Force Base
 - The Emergency Management Director, who shall serve as Chairman
 - The Clovis Chief of Police, or his designee
 - The Clovis Fire Chief, or his designee
 - The City of Clovis Safety Officer
 - A representative of the media (newspaper, radio, T.V.)
 - A representative of the American Red Cross
 - The City of Clovis Director of Public Works, or his designee
 - The Curry County Sheriff
 - A representative of the local unit of the National Guard
 - A representative from the local office of the New Mexico State Police
 - A representative of the Burlington Northern Santa Fe Railway Company
 - A representative of PRMC Regional Medical Hospital
 - A representative of the local utility businesses
 - A representative of the radio operator's organization
 - Three (3) members of the general public
- b) All of the organizations designated as having a representative on the executive council shall appoint that representative in accordance with their own procedures and shall identify the representative to the emergency management director. The member of the general public shall be appointed

by the Mayor and Curry County Chairman, with the approval of the commissions;

- c) The executive council may organize and form standing and ad hoc committees as necessary to carry out its duties and responsibilities.

Section 3.7 - Executive Council Rules and Regulations.

- a) The executive council of the committee shall adopt rules of general application governing the execution of its responsibilities under this ordinance, the Act, SARA Title III, and related applicable regulations. Such rules and regulations shall provide for the manner of operation, organization, and procedures required to carry out its duties and responsibilities. No rule or regulation shall become effective until approved by resolution of both the Clovis City Commission and Curry County Commission;
- b) The committee shall, within four (4) months from the adoption of this ordinance by both the City and County, formulate and submit proposed initial rules and regulations for its organization and operation;
- c) During the transition period and until the approval of rules and regulations required and authorized by this section are approved as provided herein, emergency management functions shall continue to be administered and coordinated pursuant to Ordinance 1656-2001 of the Clovis City Commission and Ordinance No. 01-1 of the Curry County Commission.

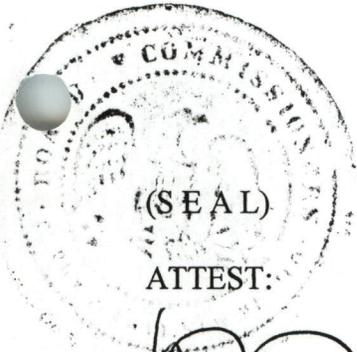
Section 3.8 - Effective Date. The City Commission and the County Commission find that the ordinance codified in this chapter shall constitute a mutual aid agreement as authorized by Section 12-10-6 of the Act. The ordinance codified in this chapter shall not take effect until it has been

adopted by both the City Commission and County Commission, and not amendments to the ordinance codified in this chapter shall be valid until approved by both the City Commission and the County Commission. Neither the City Commission nor the County Commission shall have the authority to repeal the ordinance codified in this chapter without concurrent action by the other commission. Further, the effective date of this ordinance shall be subject to the transition provisions set forth herein.

PASSED, APPROVED AND ADOPTED by the governing body of Curry County, this 1st day of November, 2002.

CURRY COUNTY, NEW MEXICO

Pete Hulder
Pete Hulder, Chairman



Mario Trujillo
Mario Trujillo, County Clerk