



MARATHON COUNTY PUBLIC SAFETY COMMITTEE AGENDA

Date & Time of Meeting: **Tuesday, October 11, 2022, at 1:30pm**

Meeting Location: **Courthouse Assembly Room, Courthouse, 500 Forest Street, Wausau WI**

Committee Members: Matt Bootz, Chair; Jean Maszk, Vice-Chair; Bruce Lamont, Stacey Morache, Allen Opall, Tim Sondelski, Jason Wilhelm

Marathon County Mission Statement: Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)

Committee Mission Statement: Provide leadership for the implementation of the Strategic Plan, monitoring outcomes, reviewing, and recommending to the County Board policies related to public safety initiatives of Marathon County.

Persons wishing to attend the meeting by phone may call into the **telephone conference beginning five (5) minutes prior to the start time indicated above using the following number:**

Phone #: 1-408-418-9388 Access Code: 146 235 4571

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

The meeting will also be broadcast on Public Access or at <https://tinyurl.com/MarathonCountyBoard>

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Public Comment (15 Minutes)** (Any person who wishes to address the committee during the "Public Comment" portion of meetings, must provide his or her name, address, and the topic he or she wishes to present to the Marathon County Clerk, or chair of the committee, no later than five minutes before the start of the meeting. All comments must be germane to the jurisdiction of the committee)
4. **Approval of the September 6, 2022, Public Safety Committee Meeting minutes.**
5. **Policy Issues Discussion and Potential Committee Determination:**
6. **Operational Functions Required by Statute, Ordinance, Resolution, or Policy:**
 - A. Resolution requesting the State of Wisconsin to review and revise the Entry-Level Compensation Rate for Assistant District Attorneys
 - B. Marathon Mitigation Plan Resolution ([Full Draft Marathon Mitigation Plan](#))
 - C. Proposed Revisions to Chapter 6 of the Marathon County Code of Ordinances
 - D. Rate Approval for the Juvenile Facility
7. **Educational Presentations and Committee Discussion:**
 - A. Lifesaving Medal Award
8. **Next Meeting Date & Time, Location, Announcements and Future Agenda Items:**
 - A. Committee members are asked to bring ideas for future discussion.
 - B. Next meeting: November 8, 2022, at 1:30pm
9. **Adjournment**

*Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 261-1500 or e-mail countyclerk@co.marathon.wi.us one business day before the meeting.

SIGNED s/s Matt Bootz
Presiding Officer or Designee

EMAILED TO: _____
EMAILED BY: _____
DATE & TIME: _____

NOTICE POSTED AT COURTHOUSE _____
BY: _____
DATE & TIME _____



MARATHON COUNTY PUBLIC SAFETY COMMITTEE MEETING AGENDA WITH MINUTES

Date & Time of Meeting: **Tuesday September 6, 2022, at 1:30pm**

Meeting Location: **Marathon County Courthouse, Assembly Room, 500 Forest Street, Wausau WI 54403**

Matt Bootz	Present
Jean Maszk	Present
Bruce Lamont	WebEx
Stacey Morache	Present
Allen Opall	Present
Tim Sondelski	Present
Jason Wilhelm	Absent

Staff Present: Michael Puerner, Philip Rentmeester, Evan Kelbaugh, Thresa Wetzsteon, Ruth Heinzl, Lance Leonhard, David Holcomb

- 1. Call Meeting to Order** – Chair Bootz called the meeting to order at 1:32pm
- 2. Pledge of Allegiance**
- 3. Public Comment**
- 4. Approval of the August 9, 2022, Public Safety Committee Meeting Minutes.**
Motion by Supervisor Maszk, Second by Supervisor Morache to approve the minutes. Motion carried on a voice vote, unanimously.
- 5. Policy Issues Discussion and Potential Committee Determination:**
 - A. Recommendation to Executive Committee for updates to the strategies, objectives and expected outcomes found in the [2018-2022 Strategic Plan](#)
 1. What new strategies need to be added to the existing Objectives in the plan
 2. Strategies to be prioritized with existing objectives
 3. Strategies or Objectives from the [2016 Comprehensive Plan](#) to the Strategic PlanChair Bootz posed the discussion on the updates that have been discussed during the last few public safety meetings as well as new topics. Discussion was had, questions were asked and answered. Motion by Supervisor Maszk, Second by Supervisor Morache to approve the updates to the strategic plan. Motion carried on a voice vote unanimously.
- 6. Operational Functions Required by Statute, Ordinance, Resolution, or Policy:**
 - A. Consideration of updates to the Emergency Operations Plan and Chapter 6 of Marathon County Code of Ordinances
Philip Rentmeester and Michael Puerner, Presented the updates to the Chapter 6 of the Ordinance. Discussion was had, questions were asked and answered. Motion by Supervisor Maszk, Second by Supervisor Opall to recommend these updates to the full board for consideration. Motion carried on voice vote unanimously.
Philip Rentmeester presents the Emergency Operations Plan resolution. Motion by Supervisor Maszk Second by Supervisor Opall to present this resolution to the full board for consideration. Motion carried on voice vote unanimously.
- 7. Educational Presentations and Committee Discussion:**
 - A. Update from District Attorney's Office on State Workload Analysis and efforts to secure more state prosecutor positions
Theresa presented the issues with retention to the DA's office, as well as the issues with the workload that they have. Discussion was had, questions were asked and answered.
- 8. Next Meeting Date & Time, Location, Announcements and Future Agenda Items:**

A. Committee members are asked to bring ideas for future discussion.

Recommend to the state for the template resolution.

B. Next meeting: October 11, 2022 at 1:30pm

9. Adjournment

Motioned by Maszk , Second by Opall to adjourn. Motion carried on voice vote, unanimously. Meeting Adjourned at 2:35pm.

Minutes prepared by David Holcomb

DRAFT

Resolution Requesting the State of Wisconsin to Review and Revise the Entry-Level Compensation Rate for Assistant District Attorneys

WHEREAS, Assistant District Attorneys serve as the backbone of the State of Wisconsin’s ability to prosecute cases in all of its seventy-two counties, and

WHEREAS, any shortage of these Assistant District Attorneys creates backups in the justice system, which can lengthen cases, create more pressure on existing staff, and delay or deny justice to individuals part to these cases, and

WHEREAS, the entry-level compensation rate for Assistant District Attorneys in Wisconsin in 2022 sits at \$26.70 per hour, which is annualized to approximately \$54,000 per year, and

WHEREAS, this entry-level compensation rate for Assistant District Attorneys has not kept up with the rate of inflation and sits well below the national average for similar positions in District Attorney offices across the country, and

WHEREAS, this entry-level compensation rate for Assistant District Attorneys sits below other public sector attorney positions in both Marathon County and around the State of Wisconsin, and

WHEREAS, this entry-level compensation rate for Assistant District Attorneys is not competitive in today’s workforce environment, accelerates staffing turnover in District Attorney offices around the State of Wisconsin, and endangers public safety, and

WHEREAS, in an effort to make District Attorney offices more competitive in their entry-level compensation offerings for Assistant District Attorneys, Marathon County requests that the State of Wisconsin review and revise the entry-level compensation rate for Assistant District Attorneys to remain competitive with similar positions in District Attorney offices around the country, other public sector attorney positions, and the private sector, as well as to keep up with the rate of inflation.

NOW, THEREFORE, BE IT RESOLVED by the Marathon County Board of Supervisors that the State of Wisconsin is hereby requested to review and revise the entry-level compensation rate for Assistant District Attorneys in order to remain competitive with similar positions in District Attorney offices around the country, other public sector attorney positions, and the private sector, as well as to keep up with the rate of inflation.

BE IT FURTHER RESOLVED that a copy of this resolution is sent to Governor Tony Evers, all members of the Wisconsin State Legislature representing Marathon County, the Wisconsin Counties Association, and all other Wisconsin Counties.

Dated this 25th day of October, 2022

PUBLIC SAFETY COMMITTEE

_____	_____
_____	_____
_____	_____

Fiscal Impact: No fiscal impact.

RESOLUTION # _____

ADOPTING THE MARATHON COUNTY ALL HAZARDS MITIGATION PLAN UPDATE

WHEREAS, Marathon County recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted all hazards mitigation plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, pursuant to 44 CFR Part 201, all hazard mitigation plans are required to be updated every five years; and

WHEREAS, Marathon County adopted its last 5-year All Hazards Mitigation Plan update on March 28, 2017; and

WHEREAS, Marathon County participated jointly in the planning process with the other local units of government within the County to prepare an update to its All Hazards Mitigation Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Marathon County Board of Supervisors, hereby adopts the Marathon County All Hazards Mitigation Plan Update as an official plan; and

BE IT FURTHER RESOLVED, that the Marathon County Emergency Management Department will submit, on behalf of the participating municipalities, the adopted All Hazards Mitigation Plan Update to Wisconsin Emergency Management and Federal Emergency Management Agency officials for final approval.

Dated this 25th day of October, 2022

PUBLIC SAFETY COMMITTEE

Fiscal Impact: No fiscal impact.



State Of Wisconsin
Department of Military Affairs
Division of Emergency Management

Greg Engle
Administrator

Tony Evers
Governor

September 22, 2022

Philip Rentmeester, Director
Marathon County Emergency Management
500 Forest St.
Wausau, WI 54403

Dear Mr. Rentmeester:

Wisconsin Emergency Management (WEM) has reviewed the *Marathon County All Hazards Mitigation Plan*. The Federal Emergency Management Agency (FEMA) and WEM have signed a Program Administration by States operational agreement, dated October 29, 2018, allowing WEM to review local mitigation plans to ensure they meet the required criteria for a multi-jurisdiction hazard mitigation plan outlined in 44 CFR Part 201.

The county and participating jurisdictions *must now adopt* the plan, within one-year of the date listed on this letter, to have a FEMA-approved hazard mitigation plan and be eligible for funding through the Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC) program, and the Flood Mitigation Assistance (FMA) program.

I have emailed a copy of “Katie’s Plan Review Tool” for your records.

If you have any questions, please email me at alex.krebs@widma.gov or Robyn Fennig robyn.fennig@widma.gov

Sincerely,

Alex Krebs
Hazard Mitigation Planner
Wisconsin Emergency Management

Enclosure

Cc: Teresa Erler, Northeast Regional Emergency Management Director, WEM
Janell Rucinski, Northeast Regional Emergency Management Office Operations Associate, WEM
Darryl Landeau, Senior Planner, NCWRPC

ORDINANCE #O-__-22

REVISIONS TO MARATHON COUNTY GENERAL CODE CHAPTER 6

WHEREAS, Chapter 6 of the General Code of Ordinances for Marathon County governs Emergency Management within Marathon County; and

WHEREAS, on October 11, 2022, the Public Safety Committee voted to recommend the Board adopt revisions to Chapter 6 as outlined in the attached document.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does hereby ordain as follows:

1. To revise Chapter 6 of the General Code of Ordinances pursuant to the attached document.

BE IT FURTHER RESOLVED that the ordinance shall take effect upon passage and publication as required by law.

Dated the 25th day of October, 2022.

PUBLIC SAFETY COMMITTEE

Fiscal Impact: None. The updates to Chapter 6 do not have a direct fiscal impact.

Chapter 6 EMERGENCY MANAGEMENT

Sec. 6.01. Policy and purpose.

- (1) Office created. To ensure that the County will be prepared to cope with emergencies resulting from disasters, an office of Emergency Management is created to carry out the purposes in Wisconsin Statutes Chapter 323, Emergency Management~~ch. 323, Wis. Stats.~~

- (2) Definitions. As used in this chapter:
 - (a) "Disaster" means a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this county or a portion of the county, or critical systems, including computer, telecommunications, or agricultural systems.
 - (b) "Emergency" means a natural or man-made disaster that exceeds the capacity of the county to respond to in such a way as to save lives, preserve property, protect the environment, and to maintain social, ecological, economic, and political stability of Marathon County.
 - (c) "Emergency Management" means all measures undertaken by or on behalf of the State and its subdivisions to do any of the following:
 1. Prepare for and minimize the effect of a disaster or the imminent threat of a disaster.
 2. Make repairs to infrastructure or critical systems that are destroyed or damaged by a disaster.

- ~~(2) The governing body of any local unit of government may declare, by ordinance or resolution, an emergency existing within the local unit of government whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health, or police protection, or other critical systems of the local unit of government. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.~~

- ~~(3)~~ The County Board may declare, by resolution, a state of emergency for the County or any portion thereof in accordance with Wis. Stat. § 323.11~~Wis. Stats.~~. In the event an emergency occurs within Marathon County at a time when the County Board is unable to meet for the purpose of ~~making such a declaration in order to access state emergency resources, fix liability for emergency response costs or authorize emergency repairs to county facilities~~declaring an emergency, the following persons may declare a state of emergency in accordance with Wis. Stat. § 323.14(4)(b):
 - (a) County Board Chair.
 - (b) In the event the County Board Chair is unavailable, the Vice-Chair of the County Board.

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~~(4) Authority in Emergencies. Pursuant to Wis. Stat. § 323.11, the emergency power of the County Board includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the County in the emergency and includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the highways, notwithstanding any provision of Wis. Stat. Chapters 341 to 349.~~

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~~(4) Definitions. As used in this chapter:~~

~~(a) "Disaster" means a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this county or a portion of the county, or critical systems, including computer, telecommunications, or agricultural systems.~~

~~(b) "Emergency" means a natural or man-made disaster that exceeds the capacity of the county to respond to in such a way as to save lives, preserve property, protect the environment, and to maintain social, ecological, economic, and political stability of Marathon County.~~

~~(c) "Emergency Management" means all measures undertaken by or on behalf of the State and its subdivisions to do any of the following:~~

~~1. Prepare for and minimize the effect of a disaster or the imminent threat of a disaster.~~

~~2. Make repairs to infrastructure or critical systems that are destroyed or damaged by a disaster.~~

~~(d) "Technical Rescue" involves, among other things, emergencies such as structural collapse, trench cave-in, confined spaces, industrial and agricultural machinery emergencies, and people trapped above or below grade level. Technical rescue incidents are often complex, requiring specially trained personnel and special equipment to complete the mission.~~

~~{0-21-16}~~

Sec. 6.02. County emergency management committee.

- (1) *How constituted.* The Public Safety Committee of the County Board as created under its rules is hereby designated as the County Emergency Management Committee.
- (2) *Duties of committee.* The Public Safety Committee shall be an advisory and planning group that advises the County Emergency Management Director and the County Board on all matters pertaining to emergency management.

~~{0-21-16}~~

Sec. 6.03. Local Emergency Management Committee

~~(1) Creation, Powers, and Duties. There is created a Marathon County Local Emergency Planning Committee (LEPC). The LEPC shall exercise the powers and duties established for such committees under 42 USC §§ 11000 to 11050 and pursuant to Wis. Stat. § 323.60.~~

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~~(2) Appointments. The county administrator, subject to confirmation by the Marathon County Board of Supervisors, shall make membership appointments to the LEPC. Such appointments shall be forwarded to the state emergency response commission for approval pursuant to 42 USC § 11001.~~

~~(3) Membership.~~

- (a) The membership of the LEPC shall consist of least at fourteen members.
- (b) At least one member of the committee shall be a member of the Marathon County Board of Supervisors.
- (c) As required by the state emergency response commission, the Emergency Management Director shall be a member by virtue of his or her position.
- (d) There shall be at least one representative on the LEPC from each of the following groups: elected state or local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; owners and operators of facilities subject to the requirements of 42 USC §§ 11001 to 11050; a representative of Facilities and Capital Management Staff.

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(4) Terms.

- (a) Committee members shall serve two-year terms ending on the third Tuesday in April of even-numbered years, or as soon thereafter as a successor is appointed and confirmed.
- (b) Any committee members holding an appointment to the LEPC prior to October 1, 2022, shall serve his or her term through April 16, 2024.
- (c) The Emergency Management Director shall serve as a member of the LEPC consistent with the term of his or her employment.

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(5) Compensation, Mileage. Citizen members of the LEPC shall receive no compensation or mileage allowance or reimbursement for other expenses incurred in the performance of their duties. Marathon County board members shall receive the same per diem for attendance as received for attendance of other county bodies and the same mileage and expense allowance as permitted by County Board rules.

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(6) Staff assistance. The Marathon County Department of Emergency Management shall provide such staff assistance as may be required to carry out the functions of the LEPC.

(7) Emergency Planning Grants. The LEPC is authorized to apply for emergency planning grants for reimbursement of expenses. Such reimbursements shall be administered by the department of emergency management in a separate cost account division.

(8) Hazardous Materials Response Plan. The LEPC committee shall develop a comprehensive hazardous materials response plan. The committee shall make recommendations and advise the Marathon County Board of Supervisors and the board's designated standing committee on matters pertaining to hazardous materials emergency planning and response.

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Sec. 6.04. County ~~emergency-Emergency management-Management director~~Director.

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- (1) ~~{Position created.}~~ There is hereby created the office of County Emergency Management Director.
- (2) *Salary, term, appointment.* County Emergency Management Director shall be a full-time position.
 - (a) *Salary.* The salaries of the Director and staff shall be ~~as determined by the County Board~~ established consistent with Chapter 4 of the County General Code of Ordinances.
 - (b) *Term.* The term of the Director shall be at the pleasure of the County Administrator.
 - (c) *Appointment.* The Director shall be appointed by the County Administrator ~~subject to approval by the County Board~~ in a manner consistent with the appointment of other Department Heads under Wis. Stat. § 59.18(2)(b).
- (3) *Status.* The Director shall be ~~considered to be~~ an employee of the County, entitled to all the rights, privileges and benefits ~~of~~ County employees ~~have~~. The Director shall report to the County Administrator.

(O-21-16)

Sec. 6.054. Sharing of costs.

- (1) *Office and staff.*
 - (a) The County Board shall provide offices, office furniture, office assistance and such office supplies as may be necessary to carry out the functions of the Emergency Management Director.
- (2) *Major equipment and services.*
 - (a) Costs of equipment and services shall be borne 100 percent by Marathon County and shall be supplemented by federal matching funds when available. The Emergency Management Director shall budget for major equipment and service needs on behalf of Marathon County.
 - (b) In the event major equipment or services are to be shared with or given to other political subdivisions within Marathon County, such political subdivision shall pay for said equipment and services in proportion of their usage.
 - (c) Costs for major equipment and services which may be deemed to be necessary and expedient for the health, safety, protection, and welfare of persons and property within a local unit of government procured in an emergency ~~as set forth below~~, shall be apportioned in accordance with the needs of that jurisdiction during the emergency.
 - (d) Where available, State and/or Federal disaster funds will be requested and applied to ~~these~~ costs.

(O-21-16)

Sec. 6.065 Heads of emergency management duties and powers.

- (1) *County Emergency Management.* The ~~Director, in his or her capacity as~~ County Emergency Management Director, shall:
 - (a) Monitor and recommend any revisions to the county emergency ~~management operations~~ plan for county board action. ~~The County Board shall review and approve a county emergency operations plan every five (5) years.~~
 - (b) Implement the emergency ~~management operations~~ plan adopted by the county board.
 - (c) Perform other duties related to emergency management as required by the county board and emergency management committee.
 - (d) Ensure that emergency ~~management operations~~ plans require the use of the incident command system by all emergency response agencies, including local health departments, during a state of emergency declared under ~~Wis. Stat. § 323.10 or 323.11, [Wis. Stats.]~~.
 - (e) Coordinate and assist in developing city, village, and town emergency ~~management operations~~ plans within the county, integrate the plans into the county plan, advise the department of military affairs of emergency planning in the county and submit to the adjutant general reports that he or she requires.
 - (f) Direct and coordinate emergency management activities throughout the county during a state of emergency.
 - (g) Direct countywide emergency management training programs and exercises.

- (h) May enter into cooperative agreements under Wis. Stat. § 66.0301, ~~Wis. Stats.~~, with cities, villages, or towns within Marathon County for emergency management services if approved by the governing body of both the county and city, village, or town.
- (2) *City, Village, and Town Emergency Management.* The head of emergency management in each city, village, and town shall:
 - (a) Direct local emergency management training programs and exercises.
 - (b) Direct participation in emergency management programs and exercises that are ordered by the adjutant general or the county emergency management director.
 - (c) Advise the county emergency management director on local emergency management programs.
 - (d) Submit to the county emergency management director any report he or she requires.
 - (e) May enter into cooperative agreements under Wis. Stat. § 66.0301, ~~Wis. Stats.~~, with Marathon County for emergency management services if approved by the governing body of both the county and city, village, or town.

(O-21-16)

Sec. 6.076. Utilization of existing services, personnel and facilities.

- (1) *Policy.* In preparing and executing the emergency ~~government-management~~ services program, the services, equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent practicable; and the head and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (2) ~~Fulfillment of duties.~~ Said departments will fulfill emergency and non-emergency duties as assigned under the Marathon County Emergency Operations Plan. Nothing in this section shall be construed so as to limit the Emergency Management Director from immediately starting organizational and planning programs as required by the State of Wisconsin Emergency Operations Plan adopted by the county board.
- (3) *County Board of Supervisors succession to command in emergencies.* To ~~insure~~ensure continuity of government, ~~if a disaster precludes the exercise of emergency duties pursuant to this Chapter by established County Board leadership positions,~~ the following shall ~~be constitute the a temporary order of~~ succession to leadership for ~~the Marathon County Board of Supervisors to serve the purposes of this Chapter until that body is able to take formal action to elect leadership pursuant to its rules:~~
 - ~~(a) County Administrator.~~
 - ~~(b) County Board Chairperson.~~
 - ~~(c) County Board Vice-Chairperson.~~
 - (c) Chairperson of the Public Safety Committee

(O-21-16)

Sec. 6.07. Other emergencies.

- ~~(1) Joint action municipalities. If the Governor determines that an emergency exists growing out of a disaster, the County Emergency Management Director will activate and direct emergency management services at the appropriate level of government affected by the emergency.~~

Commented [MP1]: Suggested due to reporting relationship between public safety committee and LEPC

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~~(2) — Non-joint action municipalities. In the event of a disaster, the County Emergency Management Director will coordinate the municipalities affected and render such assistance as is required and available from County resources.~~

~~(O-21-16)~~

Sec. 6.08. Violations/penalty.

Whoever intentionally fails to comply with an order issued by an agent of the state or of a local unit of government who is engaged in emergency management activities under this chapter, including training exercises, is subject to a forfeiture of not more than \$~~5~~200.00.

(O-21-16)

Sec. 6.09. Reserved.

Sec. 6.10. Powers of law enforcement officers.

During any state of emergency declared by the governor or during any training program or exercises authorized by the adjutant general, any law enforcement officer, when legally engaged in traffic control, escort duty, or protective service, may carry out the functions anywhere in the state but shall be subject to the direction of the adjutant general through the sheriff of the county in which an assigned function is performed.

(O-21-16)

Sec. 6.11. Administration of claim for reimbursement due to hazardous substance emergency response in accordance with Wis. Stat. § 323.71.

(1) In this section:

- (a) Discharge means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping.
- (b) Hazardous substance means any substance or combination of substances, including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Wisconsin Department of Natural Resources.
- (c) Local agency means an agency of a county, city, village or town, including a municipal police or fire department, a municipal health organization, a county office of emergency management, a county sheriff, an emergency medical service or a public works department.

(2) A person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.

(3) If an action required under subsection (2) is not being adequately taken or the identity of a person responsible for a discharge of a hazardous substance is unknown and the discharge threatens public health or safety or damage to property, a local agency may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous

substances established by the Department of Natural Resources under [Wis. Stat. § 292.11\(5\)](#), ~~Wis. Stats.~~, and that it considers appropriate under the circumstances.

- (4) A person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall, as provided under subsection (5), reimburse a local agency for actual, reasonable and necessary expenses incurred under subsection (3).
- (5) (a) A local agency seeking reimbursement under subsection (4) shall submit a claim stating its expenses to the Marathon County Director of Emergency Management if the discharge occurred in Marathon County.
 - (b) The Marathon County Director of Emergency Management shall review claims submitted under paragraph (a) and determine the amount of reasonable and necessary expenses incurred. The Director shall provide a person who is liable for reimbursement under subsection (4) with a notice of the amount of expenses he or she has determined to be reasonable and necessary that arise from one discharge and are incurred by all local agencies from which the Director of Emergency Management receives a claim.
 - (c) If a person receiving a notice under paragraph (b) objects to the amount of expenses in the notice, the person may ask the Local Emergency Planning Committee to review the determination of the Director of Emergency Management. The Local Emergency Planning Committee may modify the determination and shall notify the person of the result of its review.
 - (d) A person liable for reimbursement under subsection (4) shall pay the reimbursement directly to each local agency.

(O-21-16)

~~Sec. 6.12. Technical rescue services.~~

- ~~(1) To the extent that technical rescue services continue to be defined, the Marathon County Emergency Management Director shall have the authority to incorporate such services into the Emergency Management Plan and determine whether they should be provided.~~
- ~~(2) Pursuant to § 323.72, Wis. Stats., the Marathon County Department of Emergency Management may contract with the State of Wisconsin Department of Military Affairs to provide a regional structure collapse team.~~

~~(O-21-16)~~

Chapter 6

EMERGENCY MANAGEMENT

Sec. 6.01. Policy and purpose.

- (1) Office created. To ensure that the County will be prepared to cope with emergencies resulting from disasters, an office of Emergency Management is created to carry out the purposes in Wisconsin Statutes Chapter 323, Emergency Management
- (2) Definitions. As used in this chapter:
 - (a) "Disaster" means a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this county or a portion of the county, or critical systems, including computer, telecommunications, or agricultural systems.
 - (b) "Emergency" means a natural or man-made disaster that exceeds the capacity of the county to respond to in such a way as to save lives, preserve property, protect the environment, and to maintain social, ecological, economic, and political stability of Marathon County.
 - (c) "Emergency Management" means all measures undertaken by or on behalf of the State and its subdivisions to do any of the following:
 1. Prepare for and minimize the effect of a disaster or the imminent threat of a disaster.
 2. Make repairs to infrastructure or critical systems that are destroyed or damaged by a disaster.
- (3) The County Board may declare, by resolution, a state of emergency for the County or any portion thereof in accordance with Wis. Stat. § 323.11. In the event an emergency occurs within Marathon County at a time when the County Board is unable to meet for the purpose of declaring an emergency, the following persons may declare a state of emergency in accordance with Wis. Stat. § 323.14(4)(b):
 - (a) County Board Chair.
 - (b) In the event the County Board Chair is unavailable, the Vice-Chair of the County Board.
- (4) *Authority in Emergencies.* Pursuant to Wis. Stat. § 323.11, the emergency power of the County Board includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the County in the emergency and includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the highways, notwithstanding any provision of Wis. Stat. Chapters 341 to 349.

Sec. 6.02. County emergency management committee.

- (1) *How constituted.* The Public Safety Committee of the County Board as created under its rules is hereby designated as the County Emergency Management Committee.
- (2) *Duties of committee.* The Public Safety Committee shall be an advisory and planning group that advises the County Emergency Management Director and the County Board on all matters pertaining to emergency management.

Sec. 6.03. Local Emergency Management Committee

- (1) *Creation, Powers, and Duties.* There is created a Marathon County Local Emergency Planning Committee (LEPC). The LEPC shall exercise the powers and duties established for such committees under 42 USC §§ 11000 to 11050 and pursuant to Wis. Stat. § 323.60.
- (2) *Appointments.* The county administrator, subject to confirmation by the Marathon County Board of Supervisors, shall make membership appointments to the LEPC. Such appointments shall be forwarded to the state emergency response commission for approval pursuant to 42 USC § 11001.
- (3) *Membership.*
 - (a) The membership of the LEPC shall consist of least at fourteen members.
 - (b) At least one member of the committee shall be a member of the Marathon County Board of Supervisors.
 - (c) As required by the state emergency response commission, the Emergency Management Director shall be a member by virtue of his or her position.
 - (d) There shall be at least one representative on the LEPC from each of the following groups: elected state or local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; owners and operators of facilities subject to the requirements of 42 USC §§ 11001 to 11050; a representative of Facilities and Capital Management Staff.
- (4) *Terms.*
 - (a) Committee members shall serve two-year terms ending on the third Tuesday in April of even-numbered years, or as soon thereafter as a successor is appointed and confirmed.
 - (b) Any committee members holding an appointment to the LEPC prior to October 1, 2022, shall serve his or her term through April 16, 2024.
 - (c) The Emergency Management Director shall serve as a member of the LEPC consistent with the term of his or her employment.
- (5) *Compensation, Mileage.* Citizen members of the LEPC shall receive no compensation or mileage allowance or reimbursement for other expenses incurred in the performance of their duties. Marathon County board members shall receive the same per diem for attendance as received for attendance of other county bodies and the same mileage and expense allowance as permitted by County Board rules.
- (6) *Staff assistance.* The Marathon County Department of Emergency Management shall provide such staff assistance as may be required to carry out the functions of the LEPC.
- (7) *Emergency Planning Grants.* The LEPC is authorized to apply for emergency planning grants for reimbursement of expenses. Such reimbursements shall be administered by the department of emergency management in a separate cost account division.

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- (8) *Hazardous Materials Response Plan.* The LEPC committee shall develop a comprehensive hazardous materials response plan. The committee shall make recommendations and advise the Marathon County Board of Supervisors and the board's designated standing committee on matters pertaining to hazardous materials emergency planning and response.

Sec. 6.04. County Emergency Management Director.

- (1) *Position created.* There is hereby created the office of County Emergency Management Director.
- (2) *Salary, term, appointment.* County Emergency Management Director shall be a full-time position.
- (a) *Salary.* The salaries of the Director and staff shall be established consistent with Chapter 4 of the County General Code of Ordinances.
- (b) *Term.* The term of the Director shall be at the pleasure of the County Administrator.
- (c) *Appointment.* The Director shall be appointed by the County Administrator in a manner consistent with the appointment of other Department Heads under Wis. Stat. § 59.18(2)(b).
- (3) *Status.* The Director shall be an employee of the County, entitled to all the rights, privileges and benefits of County employees. The Director shall report to the County Administrator.

(O-21-16)

Sec. 6.05. Sharing of costs.

- (1) *Office and staff.*
- (a) The County Board shall provide offices, office furniture, office assistance and such office supplies as may be necessary to carry out the functions of the Emergency Management Director.
- (2) *Major equipment and services.*
- (a) Costs of equipment and services shall be borne 100 percent by Marathon County and shall be supplemented by federal matching funds when available. The Emergency Management Director shall budget for major equipment and service needs on behalf of Marathon County.
- (b) In the event major equipment or services are to be shared with or given to other political subdivisions within Marathon County, such political subdivision shall pay for said equipment and services in proportion of their usage.
- (c) Costs for major equipment and services which may be deemed to be necessary and expedient for the health, safety, protection, and welfare of persons and property within a local unit of government procured in an emergency shall be apportioned in accordance with the needs of that jurisdiction during the emergency.
- (d) Where available, State and/or Federal disaster funds will be requested and applied to these costs.

(O-21-16)

Sec. 6.06 Heads of emergency management duties and powers.

- (1) *County Emergency Management.* The County Emergency Management Director shall:
- (a) Monitor and recommend any revisions to the county emergency operations plan for county board action. The County Board shall review and approve a county emergency operations plan every five (5) years.

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- (b) Implement the emergency operations plan adopted by the county board.
 - (c) Perform other duties related to emergency management as required by the county board and emergency management committee.
 - (d) Ensure that emergency operations plans require the use of the incident command system by all emergency response agencies, including local health departments, during a state of emergency declared under Wis. Stat. § 323.10 or 323.11.
 - (e) Coordinate and assist in developing city, village, and town emergency operations plans within the county, integrate the plans into the county plan, advise the department of military affairs of emergency planning in the county and submit to the adjutant general reports that he or she requires.
 - (f) Direct and coordinate emergency management activities throughout the county during a state of emergency.
 - (g) Direct countywide emergency management training programs and exercises.
 - (h) May enter into cooperative agreements under Wis. Stat. § 66.0301, with cities, villages, or towns within Marathon County for emergency management services if approved by the governing body of both the county and city, village, or town.
- (2) *City, Village, and Town Emergency Management.* The head of emergency management in each city, village, and town shall:
- (a) Direct local emergency management training programs and exercises.
 - (b) Direct participation in emergency management programs and exercises that are ordered by the adjutant general or the county emergency management director.
 - (c) Advise the county emergency management director on local emergency management programs.
 - (d) Submit to the county emergency management director any report he or she requires.
 - (e) May enter into cooperative agreements under Wis. Stat. § 66.0301 with Marathon County for emergency management services if approved by the governing body of both the county and city, village, or town.

(O-21-16)

Sec. 6.07. Utilization of existing services, personnel and facilities.

- (1) *Policy.* In preparing and executing the emergency management services program, the services, equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent practicable; and the head and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (2) *Fulfillment of duties.* Said departments will fulfill emergency and non-emergency duties as assigned under the Marathon County Emergency Operations Plan. Nothing in this section shall be construed so as to limit the Emergency Management Director from immediately starting organizational and planning programs as required by the State of Wisconsin Emergency Operations Plan adopted by the county board.
- (3) *County Board of Supervisors succession in emergencies.* To ensure continuity of government, if a disaster precludes the exercise of emergency duties pursuant to this Chapter by established County Board leadership positions, the following shall constitute a temporary order of succession to leadership for the Marathon County Board of Supervisors to serve the purposes of this Chapter until that body is able to take formal action to elect leadership pursuant to its rules:

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- (a) County Board Chairperson.
 - (b) County Board Vice Chairperson.
 - (c) Chairperson of the Public Safety Committee

(O-21-16)

Sec. 6.08. Violations/penalty.

Whoever intentionally fails to comply with an order issued by an agent of the state or of a local unit of government who is engaged in emergency management activities under this chapter, including training exercises, is subject to a forfeiture of not more than \$500.00.

(O-21-16)

Sec. 6.09. Reserved.

Sec. 6.10. Powers of law enforcement officers.

During any state of emergency declared by the governor or during any training program or exercises authorized by the adjutant general, any law enforcement officer, when legally engaged in traffic control, escort duty, or protective service, may carry out the functions anywhere in the state but shall be subject to the direction of the adjutant general through the sheriff of the county in which an assigned function is performed.

(O-21-16)

Sec. 6.11. Administration of claim for reimbursement due to hazardous substance emergency response in accordance with Wis. Stat. § 323.71.

- (1) In this section:
 - (a) Discharge means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping.
 - (b) Hazardous substance means any substance or combination of substances, including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Wisconsin Department of Natural Resources.
 - (c) Local agency means an agency of a county, city, village or town, including a municipal police or fire department, a municipal health organization, a county office of emergency management, a county sheriff, an emergency medical service or a public works department.
- (2) A person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.

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- (3) If an action required under subsection (2) is not being adequately taken or the identity of a person responsible for a discharge of a hazardous substance is unknown and the discharge threatens public health or safety or damage to property, a local agency may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous substances established by the Department of Natural Resources under Wis. Stat. § 292.11(5), and that it considers appropriate under the circumstances.
- (4) A person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall, as provided under subsection (5), reimburse a local agency for actual, reasonable and necessary expenses incurred under subsection (3).
- (5) (a) A local agency seeking reimbursement under subsection (4) shall submit a claim stating its expenses to the Marathon County Director of Emergency Management if the discharge occurred in Marathon County.
- (b) The Marathon County Director of Emergency Management shall review claims submitted under paragraph (a) and determine the amount of reasonable and necessary expenses incurred. The Director shall provide a person who is liable for reimbursement under subsection (4) with a notice of the amount of expenses he or she has determined to be reasonable and necessary that arise from one discharge and are incurred by all local agencies from which the Director of Emergency Management receives a claim.
- (c) If a person receiving a notice under paragraph (b) objects to the amount of expenses in the notice, the person may ask the Local Emergency Planning Committee to review the determination of the Director of Emergency Management. The Local Emergency Planning Committee may modify the determination and shall notify the person of the result of its review.
- (d) A person liable for reimbursement under subsection (4) shall pay the reimbursement directly to each local agency.

(O-21-16)