

Resolution

Upon motion of Commissioner Len J Mechlewitz, seconded by Commissioner Arnold Zenke, the following resolution Providing for Civil Defense and for Protection and Promotion of Public Safety, Health and Welfare in the County of Winona during Civil Defense Emergencies was unanimously adopted by the Board of County Commissioners in and for Winona County in Meeting duly assembled on this 3rd day of November, 1959.

Section 1 Policy and Purpose

Subdivision 1. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, and in order to insure that preparations of this county will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this county, it is hereby found and declared to be necessary:

- (a) To establish a county civil defense organization:
- (b) To provide for the exercise of necessary powers during civil defense emergencies:
- (c) To provide for the rendering of mutual aid between this county and other political subdivisions of this state and of other states with respect to the carrying of of civil defense functions.

Subdivision 2. It is further declared to be the purpose of this resolution and the policy of the county that all civil defense functions of this county be coordinated to the maximum extent practicable with the states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's manpower, resources and facilities for dealing with any disaster that may occur.

Section 2 Definitions

Subdivision 1. "Civil Defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by acts of nature, enemy attack, sabotage or other hostile action. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air-raid warning services, communications,

radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation existing or properly assigned functions of plant protection, temporary restoration, of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for the carrying out of the foregoing functions.

Subdivision 2. “Civil Defense Emergency” means an emergency desired by the governor under the Minnesota Civil Defense Act of 1951. Laws 1951, Cr. 694, Sec.301.

Subdivision 3. “Civil Defense Forces” means any personnel employed by the county and any other volunteer or paid member of the county defense organization engaged in carrying on civil defense functions in accordance with the provisions of this resolution or any rule or order thereunder.

Section 3 Establishment of Civil Defense Agency

Subdivision 1. There is hereby created within the county government a civil defense organization which shall be under the supervision and control of the county director of civil defense, hereinafter called the director. The director shall be appointed by the board of county commissioners for an indefinite term and may be removed by them at any time. He shall serve at a salary of none per year and shall be paid his necessary expenses not to exceed \$250.00 per year.

The director shall have direct responsibility for the organization, administration and operation of the civil defense organization, subject to the direction and control of the board of county commissioners. The civil defense organization shall be organized into such divisions and bureaus, consistent with state and local civil defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency.

Subdivision 2. There is hereby created within the civil defense organization a civil defense advisory committee, hereinafter called the “committee”. Members of the committee shall be appointed by the commissioners to represent county departments and other groups concerned with civil defense. The chairman of the county board of commissioners shall be chairman and the director shall be the secretary of the committee. The committee shall advise the director and the board of commissioners on all matters pertaining to civil defense. Each member shall serve without compensation and shall hold office at the pleasure of the chairman.

Section 4 Powers and Duties of the Director

Subdivision 1. The director, with the consent of the board, shall represent the county on any regional or state conference for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the board for its action. Such arrangements shall be consistent with the state civil defense plan and during a civil defense emergency it shall be the duty of the civil defense organization and civil defense forces to render assistance in accordance with the provisions of such mutual aid arrangements.

Subdivision 2. The director shall make such studies and surveys of the manpower, industries, resources and facilities of the county as he deems necessary to determine their adequacy for civil defense and to plan for their most efficient use in time of a civil defense emergency.

Subdivision 3. The director shall prepare a comprehensive general plan for the civil defense of the county and shall present such plan to the board for its approval. When the board has approved the plan by resolution, it shall be the duty of all county agencies and all civil defense forces of the county to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the civil defense activities of the county to the end that they shall be consistent and fully integrated with the civil defense plan of the federal government and the state and correlated with the civil defense plans of other political subdivisions within the state.

Subdivision 4. In accordance with the state and county civil defense plan, the director shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of civil defense forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the county civil defense plan in time of a civil defense emergency. He may, from time to time conduct such practice air-warning alerts or other civil defense exercises in accordance with the State Air-Warning Plan.

Subdivision 5. The director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the county civil defense agency and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the director, shall be responsible for the planning and programming of such civil defense activities as will involve the utilization of the facilities of his department or agency.

Subdivision 6. The director shall in cooperation with existing county departments and agencies affected, organize, recruit, and train civil defense wardens, auxiliary firemen, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the county and state. To the extent that such emergency personnel are recruited to augment a regular county department or agency for civil defense emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said department or agency. The director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnish by the county.

Subdivision 7. Consistent with the State Civil Defense plan the director shall coordinate the activity of the Municipal Civil Defense organization to provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers, and other facilities, or conveyances for the care of injured or homeless persons.

Subdivision 8. The director shall carry out all orders, rules, and regulations issued by the governor with reference to civil defense.

Subdivision 9. The director shall direct and coordinate the general operations of all county civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of state civil defense authorities.

Subdivision 10. Consistent with the county civil defense plan, the director shall provide and equip at some suitable place in the county a control center and, if required by the state civil defense plan, an auxiliary control center to be used during a civil defense emergency as headquarters for direction and coordination of civil defense forces. He shall arrange for representation at the control center by county departments and agencies, to carry on civil defense activities during a civil defense emergency. He shall arrange for communication with and between heads of civil defense services, and operating units of county services and other agencies concerned with civil defense and for communication with other communities and control centers within the surrounding area and with the federal and state agencies concerned.

Subdivision 11. During the first 30 days of a civil defense emergency, if the legislature is in session or the governor has coupled his declaration of the emergency with a call for a special session of the legislature, the director may, when necessary to save life or property, require any person, except members of the federal or state military forces and officers of the state or any other political subdivision, to perform services for civil defense purposes as he directs, and he may commandeer, for the time being, any motor vehicle, tools, appliances or any other property subject to the owner's right to just compensation as provided by law.

Section 5 General Provisions on Civil Defense Workers

Subdivision 1. No person shall be employed or associated in any capacity in the civil defense agency who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the civil defense agency shall, before entering upon his duties, take an oath in writing as prescribed by the Minnesota Civil Defense Act of 1951, Section 403.

Subdivision 2. Civil defense volunteers shall be called into service only in case of a civil defense emergency for which the regular county services are inadequate or for necessary training and preparations for such emergencies. All volunteers shall serve without compensation.

Subdivision 3. Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in a form and style approved by the federal government. No volunteer shall exercise any authority over the persons or property of others without his identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.

Subdivision 4. No civil defense volunteer shall carry any firearm while on duty except on written order of the county sheriff.

Subdivision 5. Personnel procedures of the county applicable to regular employees shall not apply to volunteer civil defense workers but shall apply to paid employees of the civil defense organization.

Section 6 Emergency Regulations

Subdivision 1. Whenever necessary to meet a civil defense emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor or the county board, the board may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting protection against air-raids: the sounding of air-raid alarms; the conduct of persons and the use of property during alarms; the repair, maintenance, and safe-guarding of essential public services; emergency health, fire, and safety regulations; trial drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health, and welfare, in civil defense emergencies. No regulation governing observation of enemy aircraft, air attack, alarms, or illumination during air

attacks shall be adopted or take effect unless approved by the state director of civil defense.

Subdivision 2. Every resolution of emergency regulations shall be in writing and signed by the chairman, shall be dated, shall refer to the particular civil defense emergency to which it pertains, if so limited and shall be filed in the office of the county auditor, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the auditor's office shall be conspicuously posted at the front of the county court house or other headquarters of the county and at such other places in the affected area as the board shall designate in the resolution. Thereupon the regulation shall take effect immediately or at such later time as may be specified in the resolution. By like resolution the board may modify or rescind any such regulation.

Subdivision 3. The county may rescind any such regulation at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the board shall be suspended during the period of time and to the extent that such conflict exists.

Section 7 Civil Defense Agency Procedure

Subdivision 1. There is hereby established in the county treasury a special fund to be known as the civil defense fund. Into this fund shall be placed the proceeds of taxes levied for civil defense, money transferred from other funds, gifts and other revenues of the civil defense agency. From it shall be made expenditures for the operation and maintenance of the civil defense agency and other expenditures for civil defense. Regular procedures of the county shall apply to the civil defense fund insofar as practicable; but budgeting requirements and other financial procedures shall not apply to expenditures from the fund during 1951 or in any case when their application will prevent compliance with terms and conditions of a federal or state grant of money or property for civil defense purposes.

Subdivision 2. The director shall, as soon as possible after the end of each fiscal year, prepare and present to the county board for the information of the board and the public, a comprehensive report of the activities of the civil defense agency during the year.

Section 8 Conformity and Cooperation with Federal and State Authority

Every officer and agency of the county shall cooperate with federal and state authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. The

provisions of this resolution and of all regulations made thereunder shall be subject to all applicable and controlling provisions of the federal and state laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith.

Section 9
Civil Defense A Governmental Function

All functions hereunder and all other activities relating to civil defense are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the workmen's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

Section 10
Participation in Labor Dispute or Politics

The civil defense agency shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

Section 11
Effective Date

This resolution shall take effect upon its passage. Adopted by the County Board of Commissioners this 3rd day of November, 1959.

Ray G. Kohner
Chairman

Attest:

Richard Schoonover
County Auditor