

Memorandum

Memorandum No: 24-119

Date: May 31, 2024
To: Honorable Mayor and City Council
From: Ryan Henderson, City Manager 
Re: Emergency Management Functions, Responsibilities, and Overview

With the arrival of springtime and summer weather patterns, we inevitably face the prospect of severe atmospheric conditions. The purpose of this memo is to refamiliarize the City Council with the basic operational aspects of emergency management and protocols. Fire Chief Ray Isom serves as the City's Emergency Management Coordinator (EMC) and assumes the role of Incident Commander during all emergency operations.

Local Authority

Per Chapter 418 of the Texas Government Code, mayors are required to serve as emergency management directors, known as Emergency Managers, bearing the responsibility for maintaining an emergency management program. The Emergency Manager may appoint an EMC under Texas Government Code Chapter 418.1015 to administer the program.

The mayor may declare a local disaster without the consent of the City Council, however, the declaration may last no longer than seven (7) days unless continued by the City Council. During disasters, local governments are expected to primarily use their own resources during response operations. If local resources and mutual aid are insufficient, state assistance may be requested.

Division of Emergency Management and National Incident Management System

The City of Anna formally created the Division of Emergency Management within the Fire Department and adopted the National Incident Management System (NIMS) under Ordinance #1010-2022. At this time, we have implemented all NIMS procedures and protocols which allows us to effectively work with our mutual aid partners and state and federal agencies during any type of incident response.

Readiness Levels

The Emergency Operations Center (EOC) may be activated to monitor a potential emergency or to respond to or recover from an emergency that is occurring or has occurred. The EOC will be activated at the level necessary to carry out the tasks that must be performed. Readiness levels are defined as follows:

GREEN - Readiness Level IV (Normal Conditions)

YELLOW - Readiness Level III (Increased Readiness) – Monitoring

1. Monitor the situation and consider situation briefings for senior staff.
2. Alert personnel of possible emergency duty and determine availability.
3. Check readiness of all equipment and repair or replace as needed.
4. Check status of supply items and restock as needed.
5. Review plans and procedures and update them, if necessary.
6. Partial activation of the EOC, if appropriate.

ORANGE - Readiness Level II (High Readiness) – Limited Activation

1. Mobilize selected personnel and place equipment on standby, as needed.
2. Prepare to implement interlocal agreements.
3. Partial or full activation of the EOC as appropriate.

RED - Readiness Level I (Maximum Readiness) – Full Activation

1. Activate the Incident Command Structure and mobilize necessary departments and personnel.
2. Consider precautionary deployment of personnel and equipment, if appropriate.
3. Full activation of the EOC.

Preparedness and Response

The initial response force for a typical incident will involve Fire, Police, and Public Works. If the event is large enough, these resources will be overseen by an Operations Section Chief assigned by the Incident Commander (IC). Most of the time, incidents are minor and are coordinated by the on-scene fire department Battalion Chief using the Incident Command System and following NIMS protocols. Since weather-related activity is the primary cause of emergency management activities in our area, preparedness efforts are common when an elevated potential for severe weather develops. The Planning Section Chief is responsible for monitoring weather conditions and reporting information to the IC. Preparedness efforts may include upstaffing, public announcements/notifications, resource pre-positioning, and activation of the EOC at various levels. Departmental policies and procedures have been carefully crafted in Public Works, Fire, and Police to respond to various weather-related events.

Staff Training and Further Development

Emergency management internal staff training is scheduled for the week of June 9th, 2024. This class is targeted for Section Chiefs and support personnel. A tabletop exercise is also scheduled to occur after the training is completed. Historically, the city has fallen under the Collin County Emergency Operations Plan, however, we have begun the process of developing a city-wide internal plan, of which four of twenty-two policies and procedures, called “annexes” have been completed.

Exhibit I – Emergency Management Ordinance #1010-2022

Exhibit II – Emergency Management Command Chart

- c: Ray Isom, Fire Chief and Emergency Management Coordinator
Taylor Lough, Assistant City Manager
Greg Peters, Assistant City Manager
Management Team

CITY OF ANNA, TEXAS
ORDINANCE NO. 1010-2022

AN ORDINANCE ESTABLISHING A PROGRAM RESPONSE AND RECOVERY PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF ANNA: AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES.

WHEREAS, the City Council of the City of Anna finds that the identification of potential hazards and the prevention or mitigation of their effects must be an on-going concern of the City if the lives and property of the populace are to be protected; and

WHEREAS, the City Council hereby declares that the preparation of a Comprehensive Emergency Management plan, and the means for its implementation, for the protection of lives and property of the City of Anna from natural or manmade disasters or threat thereof is immediately essential; and

WHEREAS, the City Council further finds that in times of disasters which may imperil the safety of the inhabitants of the City, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the City Council finds, therefore, that the preparation, and implementation of such plans are now imperative;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS:

Section 1. Recitals Incorporated.

The above recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Amendment to Article 1.02 Emergency Management. Article 1.02 (Emergency Management) is hereby amended by repealing Section 1.02.002 and adding new Sections 1.02.003 -1.02.017 as set forth below:

Sec. 1.02.002. Repealed.

(Ordinance _____ adopted _____)

Sec. 1.02.003 Organization and designation of office

There exists an office of emergency management for the City of Anna, which is constituted under applicable state law as follows:

- (a) **Emergency Manager.** As presiding officer of the governing body of the city, directly charged with certain duties or granted certain powers by the Texas Disaster Act of 1975, and as ordered by the governor of Texas under authority of the act, the mayor is designated as the Emergency Management Director, deemed the "Emergency Manager" for the City of Anna. Under the Texas Disaster Act, the mayor must notify the Governor's Division of Emergency Management and shall identify the Emergency Management Coordinator as the person who heads the agency responsible for the emergency management program.
- (b) The Emergency Manager is encouraged to seek advice from other local governments, business, labor, industry, agriculture, civic organizations, volunteer organizations, and community leaders in the development and review of the emergency management program, under the Texas Disaster Act of 1975.
- (c) **Division of Emergency Management.** The division of emergency management for the city is hereby established within the jurisdiction under the direct supervision of the Anna Fire Chief. Such office shall be a division of the Anna Fire Department and shall report directly to the Fire Chief. Such division shall be filled by appointment by the Fire Chief.
- (d) The function of the division shall be the implementation, administration, and enforcement of the provisions of this article. The Emergency Manager, Anna Fire Chief, and members of the division have emergency powers in performing their duties under this article. The Fire Chief, or his/her designated representative, is hereby authorized and directed to enforce by law all provisions of this article as adopted.
- (e) **Emergency Management Coordinator.** By this article, the Anna Fire Chief shall have the responsibility of nominating an Emergency Management Coordinator (EMC) for appointment by the mayor. The EMC shall serve at the discretion of the Anna Fire Chief and shall be an employee position with the City subject to the City's personnel policies and other applicable law, regulations and policies. The EMC may serve at the discretion of the Emergency Manager during emergency operations only. The Anna Fire Chief and/or the EMC may detail such members of the fire department or other city departments to perform duties necessary to the Emergency Management Division and each member so assigned shall be authorized to enforce the provisions of this article.
- (f) The Emergency Manager shall be responsible for a program of comprehensive emergency management within the City and for carrying out the duties and responsibilities set forth in this article. The Emergency Manager shall delegate all authority for execution of these duties to the EMC, however, the ultimate responsibility for such execution remains with the Emergency Manager. Once an emergency is declared, all responsibility for adequate and legally appropriate actions shall remain with the Emergency Manager. Additionally, the Emergency Manager shall retain the ultimate responsibility for such implementation and execution and shall certify the City's Emergency Management Plan and any mutual aid emergency management plan.

(g) The operational Emergency Management organization of the City of Anna shall consist of the officers and employees of the City so designated by the Emergency Manager in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the Emergency Management plan.

(Ordinance _____ adopted _____)

Sec. 1.02.004 Duties

The duties and responsibilities of the Emergency Manager shall include the following:

- (a) Surveying actual or potential hazards which threaten life and property within the City and identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (b) Supervision or delegation of the development and approval of an emergency management plan for the city of Anna and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan. Such emergency management plan and any changes shall become effective upon approval of the city manager. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out its provisions. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time of a disaster:
 - 1. Establishing wage, price and rent controls and other economic stabilization methods in the event of disaster.
 - 2. Establishing curfews, blockades, and limitations on utility usage in an area affected by a disaster, rules governing ingress and egress to the affected area, and other security measures.
- (c) Authority to declare a local state of disaster. The declaration may continue in force until such time as the city council has been able to meet and consider the existing situation. The council determines the extent of disaster and may either ratify the declaration, if still in effect at the time of meeting, extend or renew the declaration, if it has expired and is warranted by the situation, or declare the state of disaster to be ended. In no event may a local state of disaster, declared by the mayor, continue in effect for a period in excess of seven (7) days without the consent of the city council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- (d) Issuance of necessary proclamations, regulations, or directives, which are necessary for carrying out the purposes of this article. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary.
- (e) Direction and control of the operations of the City's emergency management organization as well as the training of emergency management personnel.

- (f) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
- (g) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (h) Marshaling of all necessary personnel, equipment, or supplies from any department of the City to aid in the carrying out of the provisions of the emergency management plan.
- (i) Supervision or delegation of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the State and of other local political subdivisions of the State, and the drafting and execution, if deemed desirable, of an agreement with the county in which said City is located and with other municipalities within the County, for the county-wide coordination of emergency management efforts.
- (j) Supervision or delegation of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the City of Anna.
- (k) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.
- (l) Surveying the availability of existing personnel, equipment, supplies, and services, which could be used during a disaster as provided for in this section.
- (m) Certifying that all emergency management response personnel to include elected officials and city staff complete the appropriate ICS and National Incident Management System (NIMS) training according to the City's Emergency Management Plan and City Policies.
- (n) Ensuring that violations of this article related to interfering with the legal obligations, duties, or appropriate response protocols of the Division of Emergency Management during an emergency operation are prohibited and enforcement actions are taken immediately. This includes any elected individual, interest group, or civilian attempting to influence or interfere with the duties of emergency management officials or response personnel. Such interference shall be considered a misdemeanor punishable by a fine of up to two thousand dollars (\$2,000.00).
- (o) Overseeing the activation of the Incident Command System (ICS) in accordance with the City's Emergency Management Plan. This includes the seamless integration of all advisory personnel and officials (sworn and non-sworn) and allocation of all required operational resources. Advisory and operational officials shall include the Policy Group which consists of the Emergency Manager / Mayor, Emergency Management Coordinator, Incident Commander, City Manager, City Attorney, Public Information Officer (PIO), Safety Officer, and Liaison Officer. Operational officials shall include a Section Chief to supervise the Operations Section, Planning Section, Logistics Section, and the Finance Section.
- (p) Maintain necessary liaisons and coordinate cooperative activities with other municipal, county, district, regional, state, federal, and other civil defense relief organizations.

(q) Other requirements as specified in the Texas Disaster Act (Chapter 418 of the Government Code).

(Ordinance _____ adopted _____)

Sec. 1.02.005. OTHER POWERS AND DUTIES

After the declaration of a local state of disaster, the mayor, as emergency management director, may in the interest of public safety and welfare, subject to confirmation or revocation by the city council, issue an order to:

- (1) Evacuate all or part of the population of an area of the city that has been stricken or is threatened if necessary for the preservation of life or other disaster mitigation, response, or recovery effort.
- (2) Prescribe routes, modes of transportation, and destinations in connection with an evacuation.
- (3) Control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area.
- (4) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles.
- (5) Establish curfews and/or blockades.
- (6) Suspend or limit the use of utilities.
- (7) Implement other security measures necessary to protect life and secure property.
- (8) Protect life and property by such means as are imminently necessary and authorized under state law.
- (9) Suspend or modify the formal bidding requirements for purchase of goods and services, as authorized by state law.
- (10) Suspend or modify the requirements for an itinerant vendor's permit, electrician license, and similar regulations so as to give due consideration to the license, certificate, or other permit issued to a person by any state or any political subdivision of any state evidencing qualifications for professional, mechanical, or other skills, so that the person may render aid involving the skill to meet the emergency or disaster.

(Ordinance _____ adopted _____)

Sec. 1.02.006 Emergency management plan

A comprehensive Emergency Management Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization; establish and designate divisions and functions; assign responsibilities, tasks, duties, and powers; and designate officers and employees to carry out the provisions of this article. As provided by State law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the

State Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of law during an emergency operation or disaster.

(Ordinance _____ adopted _____)

1.02.007 Interjurisdictional program

The mayor is hereby authorized to join with the County Judge of the County of Collin and the mayors of the other cities in said County in the formation of an interjurisdictional emergency management program for the County of Collin and shall have the authority to cooperate in the preparation of an interjurisdictional emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City of Anna.

Sec. 1.02.008 Override

At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

(Ordinance _____ adopted _____)

Sec. 1.02.009 Liability; no waiver

This article is an exercise by the City of Anna of its governmental functions for the protection of the public peace, health, and safety and neither the City of Anna, including without limitations the agents and representatives of said city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real or other premises who voluntarily and without compensation grants to the City of Anna a license or privilege, or otherwise permits the city to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of staging, preparing, dispatching, storing, and/or sheltering persons during an actual, impending, or practice enemy attack or natural or man-made disaster shall, together with his/hers successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, any public or private property. The City does not waive its sovereign immunity from suit and/or liability or any other governmental immunity it may have under applicable law. The City does not any limitations on claims against the city under applicable law.

(Ordinance _____ adopted _____)

Sec. 1.02.010 Commitment of funds

Unless during a declared disaster, no person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by the City Council. Unless during a declared disaster, no person shall have any right to bind the city by contract, agreement, or otherwise without prior and specific approval of the City Council. During a declared disaster, the mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, or property.

(Ordinance _____ adopted _____)

Sec. 1.02.011 Offenses and penalties

(a) No person may:

- (1) Violate the terms of this or any other provision adopted to carry out the city's emergency management functions or order issued under the authority of this article.
- (2) Willfully obstruct, hinder, or delay any member of the city's emergency management organization in the enforcement of any order issued under the authority of this article.
- (3) Operate a siren, electronic communications software / program / application, or other device so as to simulate a warning signal or terminate an official warning signal, unless authorized.
- (4) Wear, carry, or display any emblem, insignia, or any other means of identification that identifies the individual as a member of the city's emergency management organization, unless the individual has been designated as a member of the organization by the office of emergency management.
- (5) Wear, carry, or display any emblem, insignia, or any other means of identification that identifies the individual as a member of an organization participating in the official response to the local state of disaster, unless the individual has been designated as a member of that organization by an appropriate official of that organization.

(b) Any person violating a provision of this article or any order issued under the authority of this article is guilty of a misdemeanor and upon conviction may be punished by a fine of up to two thousand dollars (\$2,000.00) or the highest amount allowed under applicable law, whichever is less. Violations of this article shall be reported to the appropriate law enforcement agency and/or district attorney's office.

(Ordinance _____ adopted _____)

Sec. 1.02.012 Standard of care for emergency action

Every official, officer, agent, or employee of the city and every official, officer, agent, or employee of an authorized provider of emergency services, including, but not limited to every unit of government or subdivision thereof, while responding to emergency calls or reacting to emergency situations, regardless of whether any declaration of emergency has been declared or proclaimed by a unit of government or subdivision thereof, is authorized to act or not to act in such a manner to effectively deal with the emergency. An action or inaction is "effective" if it in any way contributes or can reasonably be thought to contribute to preserving any lives or property. This section shall prevail over every other provision of the Anna Code or other law or regulation of the city and, to the extent to which the city has the authority to so authorize, over any other law establishing a standard of care in conflict with this section. Neither the city nor any of its employees, agents, or officers, nor other unit of government or government subdivision nor its employees, agents, or officers may be held liable for the failure to use ordinary care in such emergency. It is the intent of the city council, by implementing this article, to assure effective action in emergency situations by those entrusted with the responsibility of saving lives and property by protecting such governmental units from liability, and their employees, agents, and officers from tort liability to the fullest extent permitted by

statutory and constitutional law. This section shall be liberally construed to carry out the intent of the city council.

(Ordinance _____ adopted _____)

Sec. 1.02.013 Compliance with national incident management system

The National Incident Management System (NIMS), third edition, dated October 10, 2017, is hereby adopted as the standard for incident management and is effective as of the date of adoption of Sections 1.02.003 – 1.02.017 of this article.

(Ordinance _____ adopted _____)

Sec. 1.02.014 Severability

If any portion of this article shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof.

(Ordinance _____ adopted _____)

Sec. 1.02.015 Limitations

This article shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

(Ordinance _____ adopted _____)

Sec. 1.02.016 Repeal

All ordinances, parts of ordinances, code provisions, regulations, or resolutions in conflict herewith are expressly repealed.

(Ordinance _____ adopted _____)

Sec. 1.02.017 Publication of the caption and effective date

The provisions adopted under this article shall be effective upon its passage by the City Council and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

(Ordinance _____ adopted _____)

PASSED AND APPROVED by the City Council of the City of Anna, Texas on this 11th day of October 2022.

ATTEST:

APPROVED:

Carrie L. Land

Carrie L. Land, City Secretary



Nate Pike

Nate Pike, Mayor

Emergency Management Command Chart

