

AN ORDINANCE ESTABLISHING
 LOCAL EMERGENCY MANAGEMENT
 FOR THE
 EUREKA FIRE PROTECTION DISTRICT
 OF ST. LOUIS AND JEFFERSON COUNTIES, MISSOURI

WHEREAS, Chapter 44, Revised Statutes of Missouri, 1978, and supplements thereto, as amended, permits the creation and adopting of a Missouri Emergency Operations Plan; and,

WHEREAS, said Missouri Emergency Operations Plan permits local emergency management organizations to be established to minimize problems, damage and injuries during disasters; and,

WHEREAS, Eureka Fire Protection District of St. Louis County and Jefferson County, Missouri, is ideally constituted to participate in such emergency disaster operations;

BE IT ORDERED, THEREFORE, BY THE BOARD OF DIRECTORS OF EUREKA FIRE PROTECTION DISTRICT that it is in the best interest and welfare of the citizens of the District that:

Section 1. Establishment. There is hereby created within and for the territory of the Eureka Fire Protection District an emergency management organization to be known as the Eureka Fire Protection District, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities excluding functions for which military forces are primarily responsible. in accordance with Chapter 44, Revised Statutes of Missouri, 1978, and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

Section 2. Organization. This agency shall consist of a Director and other members appointed by the Board Chairman to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

Section 3. Functions. The organization shall perform emergency management functions within the territorial limits of The Eureka Fire Protection District, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, Revised Statutes of Missouri, 1978, and supplements thereto.

Section 4. (1) Director. The Director will be appointed by the Board Chairman and shall serve during the pleasure of the Board Chairman.

(2) The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities.

(3) The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency.

Section 5. Executive Officer. The Board Chairman of The Eureka Fire Protection District and the Director, in accordance with Chapter 44, Revised Statutes of Missouri, 1978, and supplements thereto, may:

(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state disaster and emergency planning.

(2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation;

(3) In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts;

(4) With the approval of the Governor and consistent with the Missouri Emergency Operations Plan, enter into mutual aid agreements with other public and private agencies within and without the State for reciprocal emergency aid;

(5) Accept services, materials, equipment, supplies or funds granted or loaned by the federal government for disaster planning and operations purposes.

Section 6. Oath. No person shall be employed or associated in any capacity in any organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence, or 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 an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I,, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the (name of disaster or emergency organization), I will not advocate nor become a member of any political party organization that advocates the overthrow of the government of the United States or of this State by force or violence."

Section 8. Nothing in this Ordinance hereby adopted shall be construed to effect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 1 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.


Section 9. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion of this Ordinance shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining section, subsection, sentence, clause, phrase, or portion of this Ordinance.

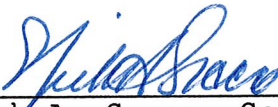
Section 10. This Ordinance Number _____ of Eureka Fire Protection District of St. Louis County and Jefferson County, Missouri, having been duly considered and voted upon by the Board of Directors of the District, was duly enacted as an Ordinance of said District this _____ day of _____, 1993.

Section 11. This Ordinance shall be in force from and after its passage and approval, as provided by law.

Passed this _____ day of _____, 1993.

Approved this _____ day of _____, 1993.

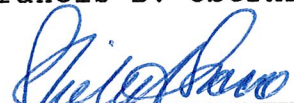

Francis B. Oberkramer, Chairman
Board of Directors


Attest: 
Nick A. Sacco, Secretary
Board of Directors

(SEAL)

APPROVED:


Francis B. Oberkramer, Director-I


Nick A. Sacco, Director-I


Fred J. Svoboda, Director-I