

CHAPTER 13. EMERGENCY MANAGEMENT DIRECTOR

Roles and Responsibilities

The emergency management director is an essential part of the state's emergency management effort and is responsible for the organization, administration, and operation of the local emergency management in the town or city. The emergency management director is under the direct control of the selectboard.

- The emergency management director should coordinate his or her efforts with the Vermont Department of Public Safety's Division of Emergency Management and Homeland Security (DEMHS) and the district emergency management coordinators, and will work with local emergency personnel including police, fire, EMTs, and the selectboard. 20 V.S.A. §§ 5, 6.

History. Civil defense was originally conceived as an emergency management policy employing volunteers in municipal defense programs during wartime. In 1989 the statutes were updated to recognize that what was once civil defense is now, primarily, emergency management. Thus, the position of civil defense chairperson is now filled by individuals who assist Vermont communities in their response to "all hazards" that include natural disasters, health or disease related emergencies, accidents, civil insurrection, use of weapons of mass destruction, terrorist, criminal or radiological incident, or events that pose a threat to property or public safety in Vermont.

Organization. The Division of Emergency Management and Homeland Security (DEMHS) of the Department of Public Safety provides aid and support to Vermont's Local Emergency Management Directors (LEMDs), Local Emergency Planning Committees (LEPCs), Regional Planning Commissions (RPCs), Community Emergency Response Teams (CERTs), state agencies, and emergency response providers. Through its programs, both before, during, and after times of crisis, DEMHS empowers local communities through disaster preparedness programs, guidance and technical assistance. The state commissioner of Public Safety with the approval of the governor appoints the director of DEMHS. 20 V.S.A. § 3. The director of Emergency Management is charged with coordinating all emergency management efforts within the state. An emergency board is also created by statute. 32 V.S.A. § 131; 20 V.S.A. § 45. This board is made up of the governor, the chairs of the Senate Finance and Appropriations committees, and the chairs of the House Ways and Means and Appropriations committees. This board authorizes the secretary of the Agency of Administration to expend money from the emergency relief and assistance fund (ERAF) to avert emergencies and provide low interest loans and grants to individuals and municipalities that sustain damage as a result of a federally declared natural disaster.

Local Authority. In accordance with the Vermont State Emergency Operations Plan (SEOP), each local government is directed to establish a local organization for emergency management. The selectboard (or the mayor) may appoint an emergency management director who is responsible for the organization, administration, and coordination of the local organization for emergency management, subject to the direction and control of the selectboard (or mayor). If no director is appointed, the selectboard (mayor) is the director and may appoint an emergency management coordinator. In towns that have a town manager form of government, the town manager is the emergency management director. 20 V.S.A. § 6(a). Each local emergency management organization is charged with performing the emergency management functions within the territorial limits of the town or city, and in neighboring communities under certain circumstances defined by the statute. 20 V.S.A. § 6(b).

The local emergency management organization must participate in the development of an all-hazards Local Emergency Operations Plan (LEOP), with the local emergency planning committee and the public

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safety district. 20 V.S.A. § 6(c). It must respond to all-hazards incidents only to the extent that it is qualified to do so. 20 V.S.A. § 6(d).

According to state statute, “emergency functions” include “services provided by the Department of Public Safety, fire fighting services, police services, sheriff’s department services, medical and health services, rescue, engineering, emergency warning services, communications, evacuation of persons, emergency welfare services, protection of critical infrastructure, emergency transportation, temporary restoration of public utility services, other functions related to civilian protection, and all other activities necessary or incidental to the preparation for and carrying out of these functions.” 20 V.S.A. § 2(4). “Emergency management” means the “preparation for and implementation of all emergency functions, other than the functions for which military forces or other federal agencies are primarily responsible, to prevent, plan for, mitigate, and support response and recovery efforts from all hazards. Emergency management includes the equipping, exercising, and training designed to insure that this state and its communities are prepared to deal with all hazards.” 20 V.S.A. § 2(6). The term “homeland security” refers to “the preparation for and carrying out of all emergency functions, other than the functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, or repair injury and damage resulting from or caused by enemy attack, sabotage, or other hostile action.”

Note that the selectboard may adopt, amend, and rescind orders, rules, and regulations as necessary to carry out emergency management functions within the community, so long as they are consistent with those established by the governor or any state agency exercising a power delegated by the governor. 20 V.S.A. § 16.

State Emergency Response Commission. In 1994, a state emergency response commission was created. This body consists of 15 members, including nine public members with representation from local government, a local emergency planning committee, a regional planning commission, the fire service, and law enforcement, among others. 20 V.S.A. § 30(a). The commission’s duties include designating and appointing local emergency planning committees, reviewing and commenting on the development and implementation of local emergency response plans by local emergency planning committees, assisting those committees in executing their duties, and reviewing and commenting on the comprehensive state emergency operations plan and local emergency planning committee response plans, among other things. 20 V.S.A. § 31.

Local Emergency Planning Committee. The local emergency planning committee is appointed by the state emergency response commission and should be comprised of representatives from the fire department; local and regional emergency medical services; local, county, and state law enforcement; media; transportation; regional planning commissioners; hospitals; industry; the national guard; the Department of Health district office; an animal rescue organization; and other interested public or private organizations. This committee is responsible for preparing a local emergency response plan, (LEOP) in coordination with the SEOP. At a minimum, the plan must identify facilities and transportation routes for extremely hazardous substances; describe emergency response procedures; designate a local emergency planning committee coordinator and facility coordinators to assist in implementing the plan; outline emergency notification procedures and evacuation plans; explain how to determine the probable affected area and population by releases of hazardous substances; describe local emergency equipment and facilities and the persons responsible for them; and provide training that is coordinated with the SEOP. Other responsibilities include coordinating with other local, regional, and state entities all emergency management activities, and reviewing and evaluating requests for funding. 20 V.S.A. § 32.

Inter-local Assistance. If an emergency requires a response beyond what the local emergency management team can provide, emergency management coordinators and/or volunteers from neighboring communities may render assistance, along with “mobile support units” created by the commissioner of

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the Division of Emergency Management. 20 V.S.A. § 7. Note that a person who renders aid outside the community to which he or she is appointed to serve will have all of the powers, duties, rights, privileges, and immunities as though the duties were being performed in his or her own community. 20 V.S.A. § 19.

Allegiance. No individual who advocates a change by force or violence in the constitutional form of the United States government, or who has been convicted of or is under indictment or information charging any subversive act against the United States may be associated in any capacity with the state or local emergency management organization. 20 V.S.A. § 18.

Immunity. According to statute, “except in the case of willful misconduct or gross negligence, the ... local emergency planning committees ... involved in ... emergency management activities shall not be liable for the death of or any injury to persons or loss or damage to property resulting from an emergency management service or response activity, including the development of local emergency plans and the response to those plans.” 20 V.S.A. § 20(a).

It is the responsibility of the director to coordinate all emergency actions within the community. As a practical matter, this means that in an emergency the director helps to ensure that all of the town services are coordinated. For example, the police and fire departments may need to coordinate with the utility departments. To assist in this coordination, a town’s local emergency planning committee should include representatives from all of the essential service providers of the town. Upon request of the selectboard, the emergency management director should schedule exercises and drills to test the local service’s responses to the various types of problems that can develop in an emergency.

For more information, contact Vermont Division of Emergency Management and Homeland Security, 103 South Main Street, Waterbury, VT, 05671-2101 at vem.vermont.gov/, 802-244-8721 or 800-347-0488. For the Hazardous Materials Hotline, call 800-641-5005.