

Emergency Management for Municipalities in Tennessee

Many cities ask the question, “Should the City have its own emergency management director, or should we rely on the county emergency management director to take care of us in the event of an emergency?” The answer to this question is Yes/Yes. Yes, each city is advised to appoint its own emergency management director. Tennessee law says, “*Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs.*”

Yes, you can count on your County Emergency Management Director to incorporate you into all county emergency management plans and to look out for your interests during an emergency. However, keep in mind that you are competing for the EMD’s attention among other cities in your county and the county residents that live outside of cities. For your own protection, and for a higher level of attention, each city should appoint an emergency management director. In most cases the best person to serve in this role would be the fire chief of your city. Fire chiefs are already familiar with the community’s emergency management plan and can serve your cities needs well.

This link (<http://www.lexisnexis.com/hottopics/tncode/>) will take you to the Lexis/Nexis website, where you can access Tennessee Code Annotated on-line for free. Look in Title 58 Military Affairs, Emergencies and Civil Defense, in Chapter 2 Disasters, Emergencies and Civil Defense, in Part 1 —General Emergency Provisions, and in 58-2-110, Emergency management powers of political subdivisions.

(2) Municipalities. Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs. Municipal emergency management programs shall coordinate their activities with those of the county emergency management agency. Municipalities without emergency management programs shall be served by their respective county agencies. If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and regulations applicable to county emergency management agencies. Each municipal emergency management plan must be consistent with and subject to the applicable county emergency management plan. In addition, each municipality must coordinate requests for state or federal emergency response assistance with its county. This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

(3) Emergency management powers; political subdivisions.

(A) In carrying out the provisions of this chapter, each political subdivision has the power and authority to:

(i) Appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state

emergency management agencies;

(ii) Appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

(iii) Establish, as necessary, a primary and one (1) or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;

(iv) Assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision;

(v) Request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one (1) political subdivision. The duration of each state of emergency declared locally is limited to seven (7) days; it may be extended, as necessary, in seven-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

(a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

(b) Entering into contracts;

(c) Incurring obligations;

(d) Employment of permanent and temporary workers;

(e) Utilization of volunteer workers;

(f) Rental of equipment;

(g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

(h) Appropriation and expenditure of public funds; and

(vi) Declare a local state of emergency in order that certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and businesses may be considered to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration. The CLEO may declare a local state of emergency prospectively in anticipation of an emergency.