

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 44-146.19 of the Code of Virginia, relating to military and emergency laws;*  
 3 *local emergency management plans.*

4 [H 347]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 44-146.19 of the Code of Virginia is amended and reenacted as follows:**8 **§ 44-146.19. Powers and duties of political subdivisions.**

9 A. Each political subdivision within the Commonwealth shall be within the jurisdiction of and served by  
 10 the Department of Emergency Management and be responsible for local disaster mitigation, preparedness,  
 11 response, and recovery. Each political subdivision shall maintain in accordance with state disaster  
 12 preparedness plans and programs an agency of emergency management which, except as otherwise provided  
 13 under this chapter, has jurisdiction over and services the entire political subdivision.

14 B. Each political subdivision shall have a director of emergency management who, after the term of the  
 15 person presently serving in this capacity has expired and in the absence of an executive order by the  
 16 Governor, shall be the following:

17 1. In the case of a city, the mayor or city manager, who shall appoint a coordinator of emergency  
 18 management with consent of council;

19 2. In the case of a county, a member of the board of supervisors selected by the board or the chief  
 20 administrative officer for the county, who shall appoint a coordinator of emergency management with the  
 21 consent of the governing body;

22 3. A coordinator of emergency management shall be appointed by the council of any town to ensure  
 23 integration of its organization into the county emergency management organization;

24 4. In the case of the Towns of Chincoteague and West Point and of towns with a population in excess of  
 25 5,000 having an emergency management organization separate from that of the county, the mayor or town  
 26 manager shall appoint a coordinator of emergency services with consent of council;

27 5. In Smyth County and in York County, the chief administrative officer for the county shall appoint a  
 28 director of emergency management, with the consent of the governing body, who shall appoint a coordinator  
 29 of emergency management with the consent of the governing body.

30 C. Whenever the Governor has declared a state of emergency, each political subdivision within the  
 31 disaster area may, under the supervision and control of the Governor or his designated representative, control,  
 32 restrict, allocate, or regulate the use, sale, production, and distribution of food, fuel, clothing, and other  
 33 commodities, materials, goods, services, and resource systems which fall only within the boundaries of that  
 34 jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into  
 35 contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and  
 36 safety of persons and property, and provide emergency assistance to the victims of such disaster. In  
 37 exercising the powers vested under this section, under the supervision and control of the Governor, the  
 38 political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by  
 39 law (except mandatory constitutional requirements) pertaining to the performance of public work, entering  
 40 into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of  
 41 supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

42 D. The director of each local organization for emergency management may, in collaboration with (i) other  
 43 public and private agencies within the Commonwealth or (ii) other states or localities within other states,  
 44 develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of a disaster too  
 45 great to be dealt with unassisted. Such arrangements shall be consistent with state plans and programs and it  
 46 shall be the duty of each local organization for emergency management to render assistance in accordance  
 47 with the provisions of such mutual aid arrangements. Except where a mutual aid arrangement for reciprocal  
 48 assistance exists between localities, no locality shall prohibit another locality from providing emergency  
 49 medical services across local boundaries solely on the basis of financial considerations.

50 E. Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional  
 51 emergency operations plan for its area. The plan shall include, ~~but not be limited to,~~ responsibilities of all  
 52 local agencies and shall establish a chain of command, and a provision that the Department of Criminal  
 53 Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to  
 54 deploy assistance in the event of an emergency, as defined in the emergency response plan, when there are  
 55 victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal  
 56 Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be

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57 victims, and the plan shall also contain current contact information for both agencies. Such plan shall also  
58 contain provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable  
59 communities are met during emergencies. Every ~~four~~ five years, each local and interjurisdictional agency  
60 shall conduct a comprehensive review and revision of its emergency operations plan to ensure that the plan  
61 remains current, and the revised plan shall be formally adopted by the locality's governing body. In the case  
62 of an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the  
63 localities encompassed by the agency. Each political subdivision having a nuclear power station or other  
64 nuclear facility within 10 miles of its boundaries shall, if so directed by the Department of Emergency  
65 Management, prepare and keep current an appropriate emergency plan for its area for response to nuclear  
66 accidents at such station or facility.

67 F. All political subdivisions shall provide (i) an annually updated emergency management assessment and  
68 (ii) data related to emergency sheltering capabilities, including emergency shelter locations, evacuation  
69 zones, capacity by person, medical needs capacity, current wind rating, standards compliance, backup power,  
70 and lead agency for staffing, to the State Coordinator of Emergency Management on or before August 1 of  
71 each year.

72 G. By July 1, 2005, all localities with a population greater than 50,000 shall establish an alert and warning  
73 plan for the dissemination of adequate and timely warning to the public in the event of an emergency or  
74 threatened disaster. The governing body of the locality, in consultation with its local emergency management  
75 organization, shall amend its local emergency operations plan that may include rules for the operation of its  
76 alert and warning system, to include sirens, Emergency Alert System (EAS), NOAA Weather Radios, or  
77 other personal notification systems, amateur radio operators, or any combination thereof.

78 H. Localities that have established an agency of emergency management shall have authority to require  
79 the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities,  
80 adult day centers, and child day care centers that are located within the locality.