

COMMONWEALTH OF KENTUCKY
COUNTY OF SIMPSON

SIMPSON FISCAL COURT

ORDER NO. 330.1 Pg. 01.

**AN ORDINANCE AMENDING RESOLUTION # 015
RESOLUTION OF SIMPSON FISCAL COURT PERTAINING TO
DISASTER AND EMERGENCY SERVICES AND
CREATING SIMPSON COUNTY OFFICE OF EMERGENCY
MANAGEMENT**

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SECTION I

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted KRS Chapters 39A to 39F requiring the creation of a local emergency management agency and comprehensive emergency management program in Simpson County; and

WHEREAS, to make local procedures conform to the Kentucky Disaster Law and to insure that Simpson County Government can function properly during an emergency or disaster situation and to fulfill its responsibility under the law to the citizens of the county for other than functions that are primarily the responsibility of military forces.

NOW, THEREFORE, the Fiscal Court of Simpson County enacts this ordinance which shall be known and may be cited as the Simpson County Emergency Management Ordinance".

SECTION II

There is hereby created the Simpson County office of Emergency Management, in accordance with the provisions of KRS Chapters 39A to 39F, which shall serve in the interest of public safety within the territorial boundaries of Simpson County.

The Simpson County office of Emergency Management shall develop, implement, and maintain the local comprehensive emergency management program for Simpson County in accordance with the provisions of KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the state Division of Emergency Management, the provisions of the Kentucky Emergency Operations Plan, administrative regulations promulgated by the state Division of Emergency Management, and the resolutions, orders or ordinances of the Fiscal Court of Simpson County.

The Simpson County office of Emergency Management shall be an organizational unit of county government attached to the office of the County Judge/Executive and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to

the comprehensive emergency management program and disaster and emergency response of Simpson County.

The Simpson County office of Emergency Management shall meet all requirements of a local emergency management agency as defined in KRS Chapters 39A to 39F, and shall be the administrative branch of the Simpson County Disaster and Emergency services organization established pursuant to KRS Chapters 39A to 39F.

The Simpson County Judge/Executive shall designate and include a separate office of Emergency Management budget until classification with each annual Simpson County budget, and all financial matters of the Simpson County Office of Emergency Management shall be handled through the county treasury and uniform budget system.

SECTION III

The county Judge/Executive, within thirty (30) days of assuming office, shall appoint a Simpson County Emergency Management Director in accordance with the provisions of KRS Chapter 39B, and shall immediately notify the state Division of Emergency Management of the appointment.

The Simpson County Emergency Management Director, appointed pursuant to this section, shall be sworn by oath to the office of emergency management director immediately upon appointment, and shall serve at the pleasure of the county Judge/Executive, but shall serve no longer than four (4) consecutive years without reappointment and, as a minimum, shall meet all the qualification requirements specified in KRS Chapter 39A to 39F.

SECTION IV

The Simpson County Emergency Management Director shall have and exercise all the powers, authorities, rights and duties as specified in KRS Chapters 39A to 39F, and in the orders or ordinances of the fiscal court of Simpson County, to include the following:

(A) To represent the county Judge/Executive on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of Simpson County;

(B) To be the executive head and chief administrative officer of the Simpson County office of Emergency Management and direct, control, supervise and manage the development, preparation, organization, administration, operation, implementation, and maintenance of the comprehensive emergency management program of Simpson County, and to coordinate all disaster and emergency response of Simpson County;

(C) To develop, update and maintain the Simpson County Emergency Operations Plan in compliance with the provisions of KRS Chapter 39A to 39F;

(D) To establish, maintain, and coordinate or direct the Simpson County Disaster and Emergency Operations Plan, the Kentucky Emergency Operations Plan, and the provisions of KRS Chapter 39A to 39F;

(E) To notify the county Judge/Executive and the state Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency, disaster, or catastrophic incident or situation, and provide in such notice an assessment of possible or actual damages or threats to life, health, safety, property, or the environment, and recommend any emergency actions or orders which should be executed;

(F) To be the chief advisor to, and the primary on-Scene representative of, the county Judge/Executive in the event of any emergency, declared emergency, disaster, or catastrophe within Simpson County;

(G) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe and immediately investigate, analyze, or assess the nature, scope, or seriousness of all situations; coordinate the establishment and operation of an incident command or management system; execute the provisions of the Simpson County Emergency Operations Plan; activate the Simpson County Emergency Operations Center on-Scene command post; convene meetings, gather information, and conduct briefings; notify the county Judge/Executive and the state Division of Emergency Management immediately of the nature, scope, or seriousness of any emergency situation and provide information on all on-going response actions being taken in association with the incident; provide any assistance requested, as deemed necessary or appropriate; and take any actions to fully expedite and coordinate the disaster and emergency response of all local public or private agencies, departments, units or individuals;

(H) To take or direct immediate actions to protect public safety at the direction of the county Judge/Executive during any declared emergency or disaster;

(I) To act as an official representative of the state Division of Emergency Management when specifically requested by the state director;

(J) To report directly to the county Judge/Executive and act in an official policy-making capacity when carrying out all duties of the office of emergency management director;

(K) To have full signatory authority, in accordance with the county administrative code; for execution of all contracts, agreements, or other official documents pertaining to the administration, organization, and the local comprehensive emergency

management program;

(L) To direct all paid or volunteer employees, staff assistants, or other workers of the Simpson County office of Emergency Management, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the Simpson County Disaster and Emergency Services organization pursuant to the provisions of KRS Chapter 39A to 39F;

(M) To prepare and submit regular or scheduled program activity reports to the area manager of the state Division of Emergency Management and the county Judge/Executive;

(N) To execute bond in the amount as determined by the county Judge/Executive, when directed by the Judge/Executive;

(O) To prepare and submit the county Judge/Executive, on an annual basis by the first of March, a program and agency budget request for the Simpson County office of Emergency Management.

(P) To prepare and submit to the state Division of Emergency Management, on an annual basis by the fifteen of July, a fiscal year Program Paper and budget request for the Simpson County Office of Emergency Management.

(Q) To enroll and be a registered member of an Emergency Management Association.

(R) To perform the duties of, or appoint with the approval of the Fiscal Court of Simpson County, the Simpson County Search and Rescue Coordinator pursuant to the provisions of KRS Chapter 39F;

(S) To perform all administrative, organizational, or operational tasks required pursuant to KRS Chapters 39A or 39F, Kentucky administrative regulations, the Kentucky Emergency Operations Plan, or program guidance issued by the state Division of Emergency Management; and to carry out all other emergency management-related duties as required by the resolutions, orders, or ordinances of the county Judge/Executive, and the provisions of the Simpson County Emergency Operations Plan.

SECTION V

Any person violating any of the provisions of this ordinance, or any lawful orders; rules or regulations promulgated pursuant to it, upon conviction shall be guilty of a Class A misdemeanor. Violators of this ordinance may be issued a citation by the Sheriff of Simpson County or by a duly authorized official.

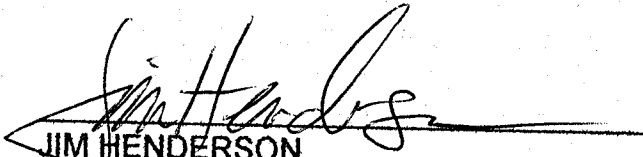
SECTION VI

The provisions of this ordinance are severable and if any provisions shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance. This ordinance shall be in full force and effect from and after it's approval, adoption and publication, and all ordinances or parts of ordinances in conflict herewith are hereby repealed and held for naught.

IT IS NOW HEREBY ORDERED AND ORDAINED by the Fiscal Court of Simpson County, Kentucky, Commonwealth of Kentucky, that

This ordinance is adopted pursuant to KRS 67.077 in that it was published in summary form on the 13th day of May, 1999, and was introduced and read on the 14th day of May, 1999, and said ordinance will be in full force and effect upon signature, recordation and publication pursuant to KRS 67.077 Subsection 3.

APPROVED this the 18th day of May, 1999


JIM HENDERSON
SIMPSON COUNTY JUDGE/EXECUTIVE


ATTESTED:


SIMPSON FISCAL COURT CLERK

SIMPSON COUNTY COURT CLERK

Passed by a vote of 5 to 0

I, Jada Neely, Clerk of the Simpson County Fiscal Court, do hereby certify that the foregoing instrument was this day lodged to be and is with this and foregoing certificate duly recorded in my office. Given under my hand this 19th May, 1999.


FISCAL COURT CLERK