

Owen County Fiscal Court
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Owenton, Kentucky 40359

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Casey Ellis
County Judge/Executive

Magistrates
Todd Spurgeon, District 1
Stuart Bowling, District 2
Wayne Harris, District 3
Chad Rose, District 4

ORDINANCE #238

AN ORDINANCE RELATED TO THE ESTABLISHMENT OF THE OWEN COUNTY EMERGENCY MANAGEMENT AGENCY AND HEREBY REPEALS ALL PREVIOUS ORDINANCES, NAMELY ORDINANCE #111 AND #114

WHEREAS, hereby create the Owen County Emergency Management Agency, in accordance with the provisions of KRS Chapters 39A through 39F, which shall serve in the interest of public safety within the territorial boundaries of the county.; and

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF OWEN COUNTY, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I - POWERS; DUTIES

The County Emergency Management Agency shall:

1. Exist as 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 the county.
2. Develop, implement, and maintain the local comprehensive emergency management program for the county in accordance with the provisions of KRS 39A through 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.
3. Meet all requirements of a local emergency management agency as defined in KRS Chapter 39A to 39F and shall be the administrative branch of the County Disaster and Emergency Services organization established pursuant to KRS 39A through 39F.
4. The County Judge/Executive shall designate and include a separate Emergency Management Agency budget unit classification within each annual county budget, and all financial matters of the County Emergency Management Agency shall be handled through the County Treasury and uniform budget system.

SECTION II - DIRECTOR APPOINTED POWERS AND DUTIES

1. Within 30 days of assuming office, the County Judge/Executive shall appoint a County Management Director in accordance with the provisions of KRS Chapter 39B and shall immediately notify the State Division of Emergency Management of the appointment.
2. The County Emergency Management Agency Director, appointed pursuant to this section, shall be sworn by oath to the Emergency Management Agency Director immediately upon appointment, and shall serve at the pleasure of the County Judge/Executive, but shall serve no longer than four consecutive years without reappointment and, at a minimum, shall meet all qualifications and requirements specified in KRS Chapter 39A through 39F.
3. The County Emergency Management Agency Director shall have and exercise all the powers, authorities, rights, and duties as specified in KRS Chapters 39A through 39F, and in the orders or ordinances of the Fiscal Court, including but not limited to the following:
 - a) Represent the County Judge/Executive on all matters pertaining to the comprehensive emergency program and the disaster and emergency response of the county.

- b) Act as Executive Head and Chief Administrative officer of the County Emergency Management Agency and direct, control, supervise, and manage the development, preparation, organization, administration, operations, implementation, and maintenance of the comprehensive emergency management program of the county, and to coordinate all disaster and emergency response of the county.
- c) Develop, update, and maintain the County Emergency Operations Plan in compliance with the provisions of KRS Chapters 39A through 39F.
- d) Establish, maintain, and coordinate or direct the County Disaster and Emergency Services organization in accordance with the provisions of the County Emergency Operations Plan, the Kentucky Emergency Operations Plan, and the provisions of KRS Chapters 39A through 39F.
- e) 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) Act as 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 the county.
- g) Respond and have full access to the scene 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 County Emergency Operations Plan; activate the County Emergency Operations Center or 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) Take or direct immediate actions to protect public safety at the directions of the County Judge/Executive during any declared emergency or disaster.
- i) Act as an official representative of the State Division of Emergency Management when specifically requested by the State Director.
- j) Report directly to the County Judge/Executive and act in an official policy-making capacity when carrying out all duties of the Emergency Management Agency Director.
- k) Obtain full signatory authority from the County Judge/Executive, in accordance with the County Administrative Code, for execution of all contracts, agreements, or other official documents pertaining to the administration, organization and operation of the County Emergency Management Agency and the local comprehensive emergency management program.
- l) Appoint Assistant Directors, with the approval of the County Judge/Executive.
- m) Direct all paid or volunteer employees, staff assistants, or other workers of the County Emergency Management Agency, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the County Disaster and Emergency Services organization pursuant to the provisions of KRS 39A through 39F.
- n) Prepare and submit regular or scheduled program activity reports to the area manager of the Commonwealth of Kentucky Division of Emergency Management and the County Judge/Executive.
- o) Execute bond in an amount determined by the County Judge/Executive, when directed by the County Judge/Executive.
- p) Prepare and submit annually a fiscal year Program Paper and Budget Request for the County Emergency Management Agency to the County Judge/Executive by March 1.
- q) Enroll and be a registered member of the Kentucky Emergency Management Association.
- r) Perform the duties of or appoint with the approval of the Fiscal Court, the County Search and Rescue Coordinator, pursuant to the provisions of KRS Chapter 39F.

- s) Perform all administrative, organizational or operations tasks required pursuant to KRS Chapters 39A through 39F, Kentucky administrative regulations, the Kentucky Emergency Operations Plan, or program guidance issued by the Commonwealth of Kentucky Division of Emergency Management; and to carry out all other emergency management related duties as required by resolutions, orders, or ordinances of the Fiscal Court, the Executive Orders of the County Judge/Executive, and the provisions of the County Emergency Operations Plan.

SECTION III - PENALTY.

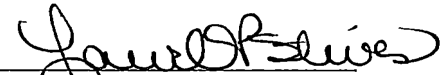
Any person violating any of the provisions of this chapter, or any lawful orders, rules or regulations promulgated pursuant to it, upon conviction shall be guilty of a Class A Misdemeanor. Violators of this chapter may be issued a citation by the County Police, County Sheriff or by a duly authorized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

INTRODUCED AND GIVEN FIRST READING on this 13th day of December 2022 at the duly convened meeting of the Owen County Fiscal Court on a motion made by Bowling and second by Harris.

GIVEN SECOND READING on this 27th day of December 2022 at the duly convened meeting of the Owen County Fiscal Court, Owenton, Kentucky on a motion made by Todd Spurgeon and second by Wayne Harris and a vote of ✓ yes and no.


 R. Casey Ellis
 County Judge/Executive

ATTEST:


 Laurel Stivers
 Fiscal Court Clerk