

**AN ORDINANCE CREATING  
THE Perry COUNTY OFFICE OF EMERGENCY MANAGEMENT**

**BE IT ORDAINED BY THE FISCAL COURT OF Perry COUNTY:**

**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 Perry County, and

WHEREAS, the fiscal court of Perry County desires to protect and safeguard the property, health, safety, and welfare of the citizens and the environment of Perry County in accordance with the provisions of KRS Chapters 39A to 39F;

NOW, THEREFORE, the fiscal court of Perry County enacts this ordinance which shall be known and may be cited as the "Perry County Emergency Management Ordinance".

**SECTION II:**

There is hereby created the Perry 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 Perry County.

The Perry County Office of Emergency Management shall develop, implement, and maintain the local comprehensive emergency management program for Perry 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 Perry County.

The Perry County Office of Emergency Management shall be an organizational unit of county government attached to the Office of 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 Perry County.

The Perry 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 Perry County Disaster and Emergency Services organization established pursuant to KRS Chapters 39A to 39F.

The Perry County Judge/Executive shall designate and include a separate Office of Emergency Management budget unit classification within each annual Perry County budget, and all financial matters of the Perry 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 Perry 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 Perry 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 Chapters 39A to 39F.

### SECTION IV:

The Perry 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 Perry 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 Perry County;

(B) To be the executive head and chief administrative officer of the Perry 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 Perry County, and to coordinate all disaster and emergency response of Perry County;

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

(D) To establish, maintain, and coordinate or direct the Perry County Disaster and Emergency Services organization in accordance with the provisions of the Perry County 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 Perry 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 Perry County Emergency Operations Plan; activate the Perry 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) 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 operation of the Perry County Office of Emergency Management and the local comprehensive emergency management program;

(L) To direct all paid or volunteer employees, staff assistants, or other workers of the Perry County Office of Emergency Management, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the Perry County Disaster and Emergency Services organization pursuant to the provisions of KRS Chapters 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 county judge/executive;

(O) To prepare and submit to the county judge/executive, on an annual basis by the first day of March, a program and agency budget request for the Perry County Office of Emergency Management;

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

(Q) To enroll and be a registered member of the Kentucky Emergency Management Association;

(R) To perform the duties of, or appoint with the approval of the fiscal court of Perry County, the Perry 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 to 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 fiscal court of Perry County, the executive orders of the county judge/executive, and the provisions of the Perry 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 Perry 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 its approval, adoption and publication, and all ordinances or parts of ordinances in conflict herewith are hereby repealed and held for naught.

Approved on first reading on the (day)(month)(year).

Approved on second reading on (day)(month)(year).

APPROVED:

Derry Ray Noble  
County Judge/Executive

ATTEST:

Shaun Adams Jr  
County Court Clerk

PUBLISHED IN THE (name of newspaper) on (day)(month)(year).

Court convened on February 23, 1999 at 1:10 P.M. Present and presiding the Honorable Denny Ray Noble, Judge. Magistrates Johnny Blair, A.J. Hamblin, and Gary Baker were present.

ORDER: APPROVE MINUTES OF LAST MEETING

Motion by Johnny Blair seconded by A.J. Hamblin to approve minutes of last meeting. All for.

ORDER: APPROVE TREASURER'S REPORT

Motion by Johnny Blair seconded by A.J. Hamblin to approve Treasurer's Report. All for.

ORDER: APPROVE PAYING BILLS

Motion by A.J. Hamblin seconded by Johnny Blair to approve paying bills. All for.

ORDER: APPROVE SECOND READING OF ORDINANCE CREATING THE PERRY COUNTY OFFICE OF EMERGENCY MANAGEMENT

Motion by Gary Baker seconded by A.J. Hamblin to approve second reading of an Ordinance creating the Perry County Office of Emergency Management. All for.

DISCUSSION

Presentation to the Fiscal Court of check by Perry County Court Clerk, Haven King, for partial payment for Excess Fees for 1998 in the amount of \$75,000.00. No motion made.

ORDER: APPROVE INCREASE OF PAY FOR ELECTION OFFICERS

Motion by Gary Baker seconded by A.J. Hamblin to increase the Election Officers pay from \$60.00 per day to \$100.00 per day. The alternates pay will remain \$60.00 unless they are called out. All for.

ORDER: APPROVE HIRING OF FINANCE OFFICER AND E-911 ADDRESSING AND DATA BASE COORDINATOR

Motion by A.J. Hamblin seconded by Johnny Blair to approve the hiring of Janet Noble- Finance Officer, Salary \$867.50 biweekly; Carla S. Campbell- E-911 Addressing and Data Base Coordinator, \$7.00 hourly; Retro-active to 02-08-99. All for.

ORDER: APPROVE CLOSING OF COUNTY ROAD #5146 SERVING BEECH FORK OF LEATHERWOOD CREEK

Motion by Gary Baker seconded by Johnny Blair to approve closing of County Road #5146 serving Beech Fork of Leatherwood Creek. All for. (Resident attending meeting and requesting permission to return to property has 30 days if other Petitioners agree with Coal Company Petitioner that was present at Fiscal Court Meeting.)

ORDER: APPROVE SECOND READING OF ORDINANCE RELATING TO ANNUAL BUDGET AND AMENDMENT OF PERRY COUNTY GENERAL FUND FROM SURPLUS FUND PROJECTS- SENIOR CITIZENS BUILDING

Motion by Gary Baker seconded by A.J. Hamblin to approve second reading of an Ordinance relating to the annual budget and amendment of the Perry County General Fund from Surplus