

FLOYD COUNTY ORDINANCE 2003-XIII

AN ORDINANCE RECREATING THE FLOYD COUNTY DEPARTMENT OF
EMERGENCY MANAGEMENT

WHEREAS, the provisions of IC 10-4-1, et seq., require that each political subdivision of the State of Indiana be within the jurisdiction of and served by a department of emergency management; and

WHEREAS, by the mandates of cited statute, each county shall maintain a county emergency management advisory council (Council), as such Council is defined and described thereunder; and

WHEREAS, the clear intent of the enabling statute is the assurance that each city and town within Floyd County shall be represented upon the Council and have a voice in its affairs; and

WHEREAS, while IC 10-4-1-10(d) provides that one member of the Council shall be an individual representing the legislative bodies of all towns within the county, said statute fails to set forth the manner in which such individual is selected or the term of office of such member; and

WHEREAS, in view of the fact that (1), the selection of a town representative and membership by such individual on the Council is mandatory, (2) that such a representative has not been selected and does not now serve upon said Council, and (3) the membership of the present Council does not conform to the requirements of the enabling legislation, it is the determination of the Board of Commissioners of the County of Floyd (Board) that a duly constituted emergency management advisory council does not presently exist in Floyd County, Indiana, as required by statute; and

WHEREAS, pursuant to the provisions of IC 36-1-3, et seq., Floyd County, Indiana, acting by and through the Board of Commissioners of the County of Floyd, may exercise all powers necessary or desirable in the conduct of its affairs which are not expressly denied by the Indiana Constitution, statute or which are expressly granted to another entity; and

WHEREAS, pursuant to its inherent powers and to assure the validity of all future acts of the Floyd County Emergency Management Agency, the Board, by Floyd County Ordinance 2003-IX supplemented the provisions of IC 10-4-1-10 in the particulars as therein set forth; and,

WHEREAS, the Board is desirous by this ordinance of amending and restating Floyd County Ordinance 2003-IX in the particulars as herein after set forth.

NOW THEREFORE:

BE IT ORDAINED, that the provisions of IC 10-4-1-10, as the same pertain to the creation and organization of an emergency management agency and advisory council for Floyd County, Indiana, be, and the same hereby is supplemented, as follows:

ARTICLE 1. NAME OF THE AGENCY

The entity established pursuant to the provisions of IC 10-4-1-10 shall be known as the Floyd County Emergency Management Agency (Agency) and shall be responsible for disaster preparedness and coordination of response.

ARTICLE 2. THE BOARD

The Floyd County Emergency Management Advisory Council (Council) shall exercise general supervision and control over the emergency management and disaster program of Floyd County and shall consist of the following individuals or their designees:

- (1) The president of the Board of Commissioners of the County of Floyd.
- (2) The president of the Floyd County Council.
- (3) The mayor of the City of New Albany, Indiana.
- (4) An individual selected by the president of the town council of the Town of Georgetown and the president of the town council of the Town of Greenville, who shall represent the legislative bodies of said towns, PROVIDED, that if said town executives are unable to agree on such representative, the Board of Commissioners of the County of Floyd shall make such designation. The term of office of this individual shall be one year, but he shall serve until his successor is selected and qualified.
- (5) One (1) commander of a local civil air patrol unit in Floyd County, if any.
- (6) The following individuals (or their designees) shall be ex officio members of the Council without vote:

- (a) The Floyd County Sheriff
 - (b) Chief of the New Albany Police Department
 - (c) Chief of the New Albany Fire Department
 - (d) President of the Floyd County Fire Chief's Association
 - (e) The Floyd County Coroner
 - (f) A representative of Floyd Memorial Hospital and Health Services
 - (g) A representative of the Floyd County Health Department
 - (h) The Floyd County Engineer
 - (i) A representative of the Salvation Army
 - (j) The Town Marshall of Georgetown
 - (k) The Town Marshall of Greenville
- (7) The voting members of the Council may designate for membership representatives of such public and private agencies or organizations which may be of assistance to emergency management; shall establish the term of office of such individuals; and, shall specify whether such members shall be voting or non-voting.

If any member of the Council is to be represented by a designee, the name of each such representative shall be provided in writing to the Council, with such designation to expire at the end of each calendar year, unless renewed or sooner terminated.

ARTICLE 3. COMPENSATION OF BOARD

The members of the Council shall serve without compensation, but may be reimbursed for expenses incurred in the performance of their duties hereunder.

ARTICLE 4. OFFICERS AND EMPLOYEES

The Council shall, immediately after formation of the Agency, meet and organize. The Council shall elect a chairman, vice chairman, and such other officers as the Council deems necessary and appropriate, and shall enact rules and procedures for the conduct of its business. The

director of the Agency shall be selected in the manner prescribed by IC 10-4-1-10, or other applicable statute, and the Council shall prescribe the duties of all officers

and employees of the Agency, who shall be employees of Floyd County, Indiana.

ARTICLE 5. MEETINGS

The Council shall meet at least quarterly for the conduct of its business. Special meetings of the board may be called by:

1. The chairman; or
2. Two members of the Council; or
3. The Director of the Agency.

A majority of the voting members of the Council shall constitute a quorum for the transaction of business. Notice of meetings of the board shall be given as required by law, and minutes of each regular or special meeting shall be provided promptly to the following:

- (a) Board of Commissioners of the County of Floyd.
- (b) Mayor of the City of New Albany, Indiana.
- (c) Town Board of Greenville.
- (d) Town Board of Georgetown.

ARTICLE 6. BUDGETS

The Council shall formulate and submit an annual budget to the fiscal body of Floyd County in the regular manner and at the regular time for the consideration of other annual budgets, and shall therein recommend the compensation for each of the employees of the Agency.

ARTICLE 7. POWERS AND DUTIES OF THE AGENCY

The Floyd County Emergency Management Agency and its Advisory Council shall exercise such powers and perform such duties as shall be prescribed by applicable statute, law, rule, and regulation, including, but not necessarily limited to, the provisions of IC 10-4-1, et seq.

BE IT FURTHER ORDAINED, that any provision of Floyd County Ordinance IX inconsistent with the terms and provisions of this Ordinance be, and the same hereby is repealed.

SO ORDAINED this 15th day of April, 2003.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John C. Reese
MEMBER

Mike Mills
MEMBER

Chad A. Lutz
MEMBER

ATTEST:

Teresa A. Plaiss
FLOYD COUNTY AUDITOR