

FLOYD COUNTY ORDINANCE 2003- ~~IX~~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 is desirous by this ordinance supplementing the provisions of IC 10-4-1-10 in the particulars as hereinafter 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 exofficio 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 volunteer fire board
 - (e) The Floyd County Coroner
 - (f) A representative of Floyd Memorial Hospital and Health Services
- (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.

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 the Board of Commissioners of the County of Floyd shall immediately designate and appoint an Interim Director of the Floyd County Emergency Management Agency, as such appointment is permitted and authorized by the provisions of IC 10-4-1-10(h), which appointee shall serve until his successor is duly selected by the Floyd County Emergency Management Advisory Council and approved by the Board of Commissioners of the County of Floyd as provided by applicable statute.

BE IT FURTHER ORDAINED, that the Floyd County Auditor, be, and she hereby is, directed to notify the following named individuals:

- (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) The president of the Greenville Town Council, and
- (5) The president of the Georgetown Town Council.

of the time and place of a meeting of the organizing group, to be held at the call of the president of the Board of Commissioners of the County of Floyd and under the temporary chairmanship of the mayor of the city of New Albany all as permitted and required by the provisions of IC 10-4-1-10(c).

SO ORDAINED this 4th day of March, 2003.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John C. Reiser
MEMBER

Mike Mills
MEMBER

Charles A. Freiburger
MEMBER

ATTEST:

Teresa A. Plaiss
FLOYD COUNTY AUDITOR