

39B.010 Local emergency management to be maintained -- Unified local emergency management agency.

- (1) Each city, county, urban-county, charter county government, or counties acting jointly under the provisions of subsection (2)(b) of this section, of this Commonwealth shall create, support, and maintain a local emergency management agency, which shall serve the public safety interest of the local government within the territorial boundaries of the city, county, or counties where the agency is created. Each local emergency management agency shall develop, implement, and maintain a local comprehensive emergency management program, including a local emergency operations plan, in accordance with the provisions of KRS Chapters 39A to 39F. The local emergency management agency shall be an integral component of the statewide integrated emergency management system of this Commonwealth, and shall fully comply with all applicable provisions of KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the Commonwealth, the provisions of the Kentucky Emergency Operations Plan, and all administrative regulations promulgated by the Division of Emergency Management.
- (2)
 - (a) Each county government, and the urban-county, charter county, or city governments located within the territorial boundaries of a county, are encouraged to jointly create a single, unified local emergency management agency to serve all local governments collectively, and therefore may, in lieu of creating individual and separate local agencies, jointly create a single, unified local emergency management agency, provided the agency and its program:
 1. Fully comply with all the provisions of KRS Chapters 39A to 39F;
 2. Comply with the Interlocal Cooperation Act or locally adopted memorandums of agreement, as necessary and appropriate; and
 3. Are determined to be in compliance with all requirements of KRS Chapters 39A to 39F by the director of the Division of Emergency Management.
 - (b) Two (2) or more contiguous county governments, including or excluding the cities within their jurisdictions, may jointly create a single, unified local emergency management agency to serve the counties and participating cities within those counties collectively, and therefore may, in lieu of creating individual and separate local agencies, jointly create a single, unified local emergency management agency, provided the agency and its program meet the requirements set out in subparagraphs 1. to 3. of paragraph (a) of this subsection.
- (3) The local emergency management agency shall be an organizational unit of the executive branch of city, county, urban-county, charter county government, or counties acting jointly under the provisions of subsection (2)(b) of this section and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to the local comprehensive emergency management program and, under the general supervision of the local emergency management director, shall serve as a direct function of the office of county judge/executive or mayor. In the case of counties acting jointly pursuant to this

section, the supervision of the agency shall be set out by agreement or ordinance approved by the legislative body of each county. In accordance with the policies of the state-local finance officer, a separate emergency management agency fund account shall be designated and included in the city, county, and urban-county or charter county budget ledgers, and all financial matters of a local emergency management agency, involving funds provided through the Division of Emergency Management, shall be handled through the county, urban-county, or charter county treasury and financial system.

- (4) City, county, and urban-county or charter county governments may use the term "emergency management" in a manner or form appropriate to constitute and designate the official name of the local emergency management agency established pursuant to this chapter, except for any use of the term "Division of Emergency Management" specified to constitute and designate the official name of the state emergency management agency pursuant to KRS 39A.030. The term "emergency management" may be used in a manner or form appropriate to constitute and designate the official name of a local emergency management council, or the statewide association of emergency management agencies or personnel, but shall not be utilized by, assigned to, or otherwise specified by any local unit, agency, or department, or any political subdivision of the Commonwealth in any manner or form to constitute or designate the official name of the local unit, agency, or department, or political subdivision, except as authorized in this subsection.
- (5) All local emergency management agencies or local disaster and emergency services organizations in the Commonwealth, and the local directors, and members of each, shall, for all purposes, be under the direction of the director of the division, and of the Governor when the latter deems that action necessary.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 99, sec. 3, effective July 15, 2014. -- Created 1998 Ky. Acts ch. 226, sec. 29, effective July 15, 1998.