

**ORDINANCE 2011-5**

**AN ORDINANCE OF THE MONTGOMERY COUNTY COMMISSIONERS AMENDING CHAPTER 37 OF THE  
MONTGOMERY COUNTY CODE CONCERNING EMERGENCY MANAGEMENT**

WHEREAS, on October 22, 1996, the Board of Commissioners adopted Ordinance 1996-4 which created the Department of Emergency Management and provided for the exercise of necessary powers during emergencies;

AND WHEREAS, Ordinance 1996-4 was codified into Chapter 37 of the Montgomery County Code;

AND WHEREAS, Ordinance 1996-4 was adopted pursuant to Indiana Code §10-4-1-10, and this statute was repealed in 2006 and replaced by Indiana Code §10-14-3-17;

AND WHEREAS, because of this change in Indiana law, it is necessary to amend Chapter 37.

IT IS, THEREFORE, ORDAINED that Chapter 37 of the Montgomery County Code is hereby amended as follows:

1. **Statutory References:** All references to Indiana Code §10-4-1-10 are hereby replaced with references to Indiana Code §10-14-3-17, as amended;

2. **Section 37.15(B)** is hereby re-written as follows:

"37.15 DEPARTMENT ORGANIZATION AND ADMINISTRATION

(B) Officers. The Advisory Council shall have the following officers:

- (1) President: The President of the Board of County Commissioners shall serve as the President of the Advisory Council;
- (2) Vice President: the members of the Advisory Council shall elect at the organizational meeting each year a Vice President; and
- (3) Secretary: the members of the Advisory Council shall elect at the organizational meeting each year a Secretary."

3. **A new Section, §37.15(C)**, is added and shall read as follows:

"(C) Terms: Members of the Advisory Council shall have the following terms:

- (1) The President of the Board of County Commissioners, the President of the County fiscal body, the mayor of each city located in the County, and the Commander of the local civil air patrol unit in the County shall serve by virtue of holding their respective offices;

- (2) If the Commander of the local civil air patrol unit in the County designates a representative to serve as the Commander's representative, the representative serves at the pleasure of the Commander and may be removed and replaced by the Commander at any time with or without cause; and
- (3) All other members have a term of one (1) year, beginning January 1 and ending December 31 of each year. These members may serve no more than two (2) consecutive terms."

4. **Section 37.16** is re-written as follows:

"§37.16 ADVISORY COUNCIL

- (A) The Emergency Management Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the County and shall select and terminate, with the approval of the County Executive, a County Emergency and Disaster Management Director.
- (B) All meetings of the Advisory Council shall be open to the public, and notice of meetings shall be provided as required by Indiana law."

5. **Section 37.18** is re-written as follows:

"§37.18 DIRECTOR OF EMERGENCY AND DISASTER MANAGEMENT

- (A) Appointment: The Director shall be appointed by the Advisory Council with the approval of the County Executive.
- (B) Termination: The Director may be terminated by the Advisory Council, with the approval of the County Executive.
- (C) Dual Office Holding Prohibited: The Director may not hold any other local, state or federal office.
- (D) Duties: the Director shall have the following duties:
  - (1) Direct the organization, administration and operation of the emergency management and disaster program;
  - (2) Be responsible to the President of the County Executive;
  - (3) Seek, negotiate and enter into mutual aid agreements, with approval or ratification by the County Commissioners; and
  - (4) Perform other duties which are either assigned by the Advisory Council or required by law."

6. **Section 37.20(B)(2)** is re-written as follows:

"(2) prepare, adopt and keep current a local disaster emergency plan as provided for in Section 37.35. The Agency shall also prepare and distribute to all appropriate officials a clear and complete written statement of:

- (a) The emergency responsibilities of all local agencies and officials: and
- (b) The disaster chain of command."

7. **A new Section, §37.20(D)**, is added and shall read as follows:

"(D) In the administration of the Agency, the County Commissioners may:

- (1) Appropriate and expend funds;
- (2) Make contracts;
- (3) Obtain and distribute equipment, materials and supplies for emergency management and disaster purposes;
- (4) Provide for the health and safety of persons and property, including emergency assistance to victims of a disaster resulting from enemy attack;
- (5) Provide for a comprehensive insurance program for its emergency management volunteers;
- (6) Direct and coordinate the development of an emergency management program and emergency operations plan in accordance with the policies and plans set forth by the Federal Emergency Management Agency and the Indiana Department of Homeland security;
- (7) Appoint, employ, remove or provide, with or without compensation
  - a. Rescue teams
  - b. Auxiliary fire and police personnel; and
  - c. Other emergency management and disaster workers.
- (8) Establish a primary and one or more secondary control centers to serve as command posts during an emergency;
- (9) Subject to the order of the Governor of the State of Indiana or the County Commissioners, order, assign and make available for duty employees, property or equipment of the County relating to:
  - a. Firefighting;
  - b. Engineering;
  - c. Rescue;
  - d. Health, medical and related services;
  - e. Police;
  - f. Transportation;
  - g. Construction;
  - h. Similar items of service

For emergency management and disaster purposes; and

(10) In the event of a national security emergency or disaster as provided for in Indiana Code §10-14-3-12, waive procedures and formalities required by County Code, ordinances, resolution or rules."

IT IS FURTHER ORDAINED that all other provisions of Chapter 37 which are not expressly amended by this ordinance shall remain in full force and effect.

IT IS FURTHER ORDAINED that this ordinance shall take effect upon adoption.

Adopted: May 9, 2011

MONTGOMERY COUNTY BOARD OF  
COMMISSIONERS

Phil Bane  
Phil Bane, President

Terry Hockersmith  
Terry Hockersmith, Vice President

James D. Fulwider  
James D. Fulwider, Member

Attest:

Michelle Cash  
Michelle Cash, Auditor