

EXPENSES INCURRED IN AN EMERGENCY ACTION
WOODSON COUNTY, KANSAS

RESOLUTION NUMBER 04-03

A RESOLUTION PROVIDING FOR RECOVERY BY CERTAIN GOVERNMENTAL ENTITIES OF EXPENSES INCURRED IN AN EMERGENCY ACTION IN RESPONSE TO RELEASE OR THREATENED RELEASE OF MATERIAL INTO OR UPON THE ENVIRONMENT.

BE IT RESOLVED BY THE Governing Body of the County of Woodson, Kansas,

EMERGENCY ACTION RESPONSE TO A RELEASE OR THREATENED RELEASE OF MATERIAL INTO OR UPON THE ENVIRONMENT

DEFINITIONS

- a. Emergency action shall mean all of the concerted activities conducted in order to prevent or mitigate injury to human health or the environment into or upon the environment.
- b. Governmental entities shall include Woodson County, the Woodson County Emergency Preparedness.
- c. Trustee or legal representative. Person shall include any individual, corporation, association, partnership, firm,
- d. Recoverable expenses In general recoverable expenses are those expenses that are reasonable, necessary and allocable to the emergency action. Recoverable expenses shall not include normal expenditures that are incurred in the course of providing routine fire fighting. Expenses allowable for recovery may include, but are not limited to:
 1. Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the emergency action.
 2. Compensation of employees for the time and efforts devoted specifically for the purpose of emergency action that is not otherwise provided for in the governmental entities' operating budget.
 3. Rental or leasing of equipment used specifically for the emergency action (e.q., protective equipment or clothing, scientific and technical equipment.)
 4. Replacement costs for equipment owned by the governmental entity that is contaminated beyond reuse or repair, if the government entity can demonstrate that the equipment was a total loss and that the loss occurred during the emergency action (e.q., self-contained breathing apparatus irretrievable or contaminated during the response.)
 5. Decontamination of equipment contaminated during the response.
 6. Special technical services specifically required for the response (e.q., costs associated with the time and efforts of technical experts or specialists not otherwise provided for by the governmental entity.)
 7. Other special services specifically required for the emergency action.
 8. Laboratory costs for purposes of analyzing samples taken during the emergency action.
 9. Any costs of cleanup, storage, or disposal of the release material.
 10. Costs associated with the services, supplies and equipment procured for a specific evacuation.
 11. Medical expenses that may be incurred as a result of response activities.

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12. Legal expenses that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to the article.

e. Release shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping or disposing into or upon the environment.

PURPOSE

This article provides the means for the governmental entities to recover, through civil suit, the recoverable expenses they incur in taking an emergency action

LIABILITY

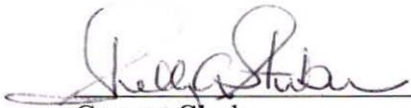
Any and all persons responsible for a release or threatened release which results in any emergency action shall be liable to the governmental entities for the recoverable expenses resulting from the emergency action.

RECOVERY OF EXPENSE

The staffs of the governmental entities involved in the emergency action shall keep a detailed record of its recoverable expenses resulting from the emergency action. Promptly after completion of the emergency action, the staffs shall certify those expenses to the appropriate legal counsel and shall request that legal counsel bring a civil action for the recovery of the recoverable expenses against any and all persons responsible for the emergency action. Not less than thirty (30) days before filing the civil suite, legal counsel shall submit a written itemized claim for the total certified expenses incurred by the governmental entities for the emergency action to the responsible party and a written notice that unless the amounts are paid in full to the respective governmental entities within thirty (30) days after the date of the mailing of the claim and notice, legal counsel will file a civil action for the stated amount. Moneys recovered under this Resolution shall be credited to the appropriate funds of the governmental entity from which moneys were expended in performing the emergency action.

That this resolution shall take effect from and after this publication in The Yates Center News.
PASSED AND APPROVED, this 27th day of April 2004.

THE BOARD OF COUNTY COMMISSIONERS
OF WOODSON COUNTY, KANSAS



County Clerk

