



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2024-027
January 10, 2024

STATE OF EMERGENCY

Beginning on January 5, 2024, and continuing, an ongoing water shortage has existed in the City of Fleming-Neon in Letcher County because of low levels of water in its freshwater well;

Limited rainfall, especially during the summer of 2023, has caused the water shortage to become critical in recent days;

These conditions endanger public health and safety and/or public and private property;

State and local governments share responsibility for protection of public health, safety, and security, as well as for the protection of public and private property and for taking appropriate actions to ensure the provision of essential public services;

On January 5, 2024, the Mayor of the City of Fleming-Neon declared a local state of emergency and stated that the city did not have the fiscal ability to purchase water;

Kentucky Emergency Management provided Fleming-Neon with 22 pallets of drinking water on January 5, 2024. On January 10, 2023, the Mayor of the City of Fleming-Neon informed Kentucky Emergency Management that the city was in need of additional drinking water from the Commonwealth; and

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of Kentucky and by KRS Chapter 39A and KRS 151.200, do hereby declare that a State of Emergency exists in the City of Fleming-Neon in Letcher County, Kentucky, and do hereby **ORDER** and **DIRECT** that:

1. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the response and relief activities of all state agencies and private relief organizations in response to this emergency.
2. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services and to prevent undue loss and suffering.
3. The Energy and Environment Cabinet shall assist the Mayor of the City of Fleming-Neon to stop all nonessential uses of water and to restrict the essential usage by all users to that which is necessary to ensure the health, welfare and safety of the public.
4. The Energy and Environment Cabinet, the Cabinet for Health and Family Services, and the Public Service Commission shall take every action necessary to prevent a complete loss of public water supply from occurring in the City of Fleming-Neon.



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These actions may include, but are not limited to, a temporary restriction on the rate of water withdrawal by the Fleming-Neon Water and Sewer district, providing guidance and support for water supply and water treatment issues, and other actions as needed.

5. All state agencies shall coordinate any and all public and emergency information and/or activities/releases related to this emergency and the response efforts of state agencies with the Division of Emergency Management.
6. All state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration and recovery of essential public services.
7. The Finance and Administration Cabinet is directed to provide assistance with incident/disaster resource management, procurements and contracting and to fund the urgent operations and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are incurred in response to and recovery from this emergency incident and in executing the provisions of this Executive Order.
8. The Division of Emergency Management is authorized to request assistance, including such federal, state, local, private sector, volunteer, and donated resources as may be available, to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.
9. The Division of Emergency Management shall consult with the American National Red Cross and local officials to determine the need for emergency shelters for displaced families and shall coordinate with local government, school boards, and other organizations to determine the availability of schools and other facilities to be used as shelters during this emergency.
10. Transportation on and access to any and all public roadways in the affected area may be restricted or prohibited in the interest of public health and safety.




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This order shall be effective January 10, 2024.



ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State