



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 02-104

RELATING TO EMERGENCIES AND EMERGENCY MANAGEMENT,
REVISING POWERS AND DUTIES OF LOCAL OFFICIALS AND THE
DEPARTMENT OF EMERGENCY MANAGEMENT, PROVIDING FOR
CONTINUITY OF COUNTY GOVERNMENT AND OTHER MATTERS,
AND AMENDING CHAPTERS 2.34 AND 2.36 SCC

BE IT ORDAINED:

Section 1. The chapter heading of Snohomish County Code Chapter 2.34, adopted by Ordinance No. 89-004 on February 15, 1989, is amended to read:

DEPARTMENT OF EMERGENCY ((SERVICES))
MANAGEMENT ((AGREEMENT))

Section 2. Snohomish County Code Section 2.34.010, adopted by resolution on September 4, 1973, is amended to read:

2.34.010 Authorization.

(1) The County of Snohomish ((be and hereby is authorized to enter)) entered into ((that certain agreement, copy of which is on file and incorporated by reference as though fully set forth herein)) agreements on September 4, 1973, and June 12, 1980, providing for county participation ((of this municipal corporation)) in the Snohomish County Department of Emergency Services. By resolution of its management committee on July 27, 1982, the Snohomish County Department of Emergency Services became known as the Snohomish County Department of Emergency Management.

(2) The Snohomish County Department of Emergency Management shall perform the functions of a joint local organization for emergency management pursuant to RCW 38.52.070 and Chapter 2.36 SCC. The department shall be headed by a director appointed by joint action of the county executive and executive heads of participating municipalities.

(3) The Snohomish County Department of Emergency Management is not a department or agency of county government. By participating in the department the county does not give up authority or control over emergency and disaster operations or resources of county government, including mutual aid activities.

Section 3. The chapter heading of Snohomish County Code Chapter 2.36, adopted by Ordinance No. 89-004 on February 15, 1989, is amended to read:

EMERGENCY ((SERVICES)) MANAGEMENT

Section 4. Snohomish County Code Section 2.36.010, adopted by resolution on March 31, 1958, and amended by Resolution No. 80-136A on April 28, 1980, is amended to read:

2.36.010 Purposes.

The ~~((declared))~~ purposes of this chapter are to provide for the preparation and carrying out of plans ~~((, including mock or practice drills,))~~ for ~~((the))~~ emergency services ~~((of persons and property within this county))~~ in the event of ~~((a))~~ an emergency or disaster, ((and to provide)) for the coordination of the emergency services ~~((and disaster functions))~~ of this county with ~~((all))~~ other public agencies and affected private persons, corporations and organizations, for the exercise of emergency powers by the county executive, and for the continuity of county government, in a manner consistent with the Washington Emergency Management Act, Chapter 38.52 RCW, and the Continuity of Government Act, Chapter 42.14 RCW. Any county expenditures made in connection with such emergency services ((and disaster activities)), including mutual aid activities ((,)) and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Snohomish.

Section 5. Snohomish County Code Section 2.36.020, adopted by resolution on March 31, 1958, and amended by Resolution No. 80-136A on April 28, 1980, is amended to read:

2.36.020 Definitions.

(1) Emergency ~~((Services))~~ management. As used in this chapter, "emergency ~~((services))~~ management" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to ~~((prevent, minimize, and repair injury and damage resulting from))~~ mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. It does not ~~((include, nor does any provision of this chapter apply to any condition relating to labor controversy))~~ mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) ~~((Disaster))~~ Emergency or disaster. As used in this chapter, "emergency" or "disaster" means ~~((actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity))~~ an event or set of circumstances which (a) demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

Section 6. A new section is added to Chapter 2.36 of the Snohomish County Code to read:

2.36.025 Local organization for emergency management.

(1) The county is a member of a joint local organization for emergency management, commonly known as the Snohomish County Department of Emergency Management, established pursuant to RCW 38.52.070 and Chapter 2.34 SCC.

(2) In addition to any other duties, the joint local organization for emergency management shall:

(a) Prepare and present to the county for approval by the county executive a county comprehensive emergency management plan, consistent with the state comprehensive emergency management plan; and

(b) Coordinate county emergency services with other public agencies and affected private persons, corporations, and organizations, subject to the authority of the county executive.

Section 7. A new section is added to Chapter 2.36 of the Snohomish County Code to read:

2.36.055 Powers and duties of county executive.

(1) Except as otherwise provided by state law or the county charter, the county executive shall have general supervision and control of emergency services provided by the county in the event of an emergency or disaster, and shall be responsible for implementing the Washington Emergency Management Act, Chapter 38.52 RCW, on behalf of the county.

(2) In performing the executive's duties under this chapter, the county executive is further authorized and empowered to:

(a) Represent the county on the board of directors of the joint local organization for emergency management established pursuant to RCW 38.52.070 and Chapter 2.34 SCC, and appoint an alternate to represent the county in his or her absence;

(b) Delegate county emergency management functions to the joint local organization for emergency management, subject to supervision by the county executive;

(c) Develop and implement emergency evacuation and other procedures for county government, consistent with the approved county comprehensive emergency management plan;

(d) Coordinate county emergency management functions with federal, state and local organizations for emergency management to promote effective preparation and use of manpower, resources, and facilities;

(e) In collaboration with appropriate public or private agencies, prepare and present to the county council for approval agreements providing for mutual aid in the event of an emergency or disaster;

(f) Issue emergency or disaster proclamations, in consultation with the local organization for emergency management, for obtaining state and federal assistance and for other purposes as authorized by law; and

(g) Take such other actions as are provided for the executive head of a political subdivision by the Washington Emergency Management Act, Chapter 38.52 RCW.

(3) The county executive shall approve and revise as necessary county comprehensive emergency management plans prepared by the local organization for emergency management pursuant to SCC 2.36.025. The executive shall promptly distribute approved or revised plans to the council and affected county agencies.

Section 8. Snohomish County Code Section 2.36.060, amended by Resolution No. 136A on April 28, 1980, is amended to read:

2.36.060 Disaster -- ((Director's duties)) specific powers.

In the event of a disaster as herein provided, the ((director)) county executive is hereby empowered:

(1) To ((make and)) issue, amend, and rescind rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; PROVIDED, ((HOWEVER,)) That such rules and regulations ((must be confirmed at the earliest practicable time by the emergency services council)) shall be published at least once in such form as the executive finds reasonable under the circumstances, shall be available for public inspection at the office of the joint local organization for emergency management, and shall expire at the end of thirty days after issuance unless enacted by ordinance;

(2) To ((obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the county for the fair value thereof, and, if required immediately, to commandeer the same for public use)) approve contracts and incur obligations necessary to combat such disaster, and in light of

the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements), as provided in RCW 38.52.070(2);

(3) ~~((To require emergency services of any county officer or employee, and in the event of an official proclamation of a disaster or civil emergency to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such persons))~~ After proclamation by the governor of the existence of such disaster, to command the service and equipment of as many citizens as considered necessary in light of the disaster proclaimed: PROVIDED, That citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by federal and state law for registered emergency ((services)) workers, as provided in RCW 38.52.110(2);

(4) ~~To execute all of the special powers conferred upon ((him)) the executive by this chapter, ((or by resolution adopted pursuant thereto, all powers conferred upon him)) by statute, ((agreement approved by the emergency services council,)) or by any other lawful authority; and~~

(5) ~~To requisition necessary personnel or material of any county department or agency.~~

Section 9. A new section is added to Chapter 2.36 of the Snohomish County Code to read:

2.36.075 Continuity of county government.

(1) In accordance with Chapter 42.14 RCW, the continued operation of county government shall be assured in the event of enemy attack as follows:

(a) If enemy attack reduces the number of members of the county council, then those members who are available for duty shall have full authority to act in all matters as the county council. In the event no member of the county council is available for duty, then those elected county officials as are available for duty shall jointly act as the county council and shall possess by majority vote the full authority of the county council.

(b) Elected county officers, other than members of the county council, are authorized and directed to designate one or more temporary interim successors to the office of such officer in the event the officer is unavailable for duty during an emergency caused by enemy attack.

(c) The county executive shall, subject to such rules as the executive may adopt, permit each appointed county officer to designate one or more temporary interim successors of such officer in the event the officer is unavailable for duty during an emergency caused by enemy attack.

(2) Any county officer succeeding to an office on a temporary interim basis pursuant to this section shall discharge the duties of that office only until such time as the elected or appointed officer is available for duty or a regular successor is appointed by the ordinary means applicable to the office.

(3) In this section, the term "attack" means any act of warfare taken by an enemy of the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington. The term "unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office following an attack and a declaration of existing emergency by the governor or the governor's successor.

Section 10. Snohomish County Code Section 2.36.090, adopted by resolution on March 31, 1958, and amended by Resolution No. 80-136A on April 28, 1980, is amended to read:

2.36.090 ((Punishment of)) Penalty for violations.

It ~~((shall be))~~ is a misdemeanor, punishable ~~((by a fine of not to exceed \$250.00, or by imprisonment for not to exceed three months, or both,))~~ as provided in SCC 1.01.100 for any person during a disaster:

(1) To ~~((wilfully))~~ willfully obstruct, hinder or delay any ~~((member of the emergency services organization))~~ emergency worker as defined in RCW 38.52.010 in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him or her by virtue of this chapter;

(2) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this county, or to prevent, hinder or delay the defense or protection thereof; or

(3) To wear, carry or display, without authority, any means of identification specified by the Snohomish County Department of Emergency ((Services)) Management ((of the State)) or state division of emergency management.

Section 11. Repeals. The following ordinances or parts of ordinances are each repealed:

(a) SCC 2.34.020, adopted by resolution on September 4, 1973;

(b) SCC 2.34.030, adopted by resolution on September 4, 1973;

(c) SCC 2.36.030, adopted by resolution on March 31, 1958, and amended by Resolution No. 80-136A on April 28, 1980;

(d) SCC 2.36.035, adopted by resolution on February 20, 1973, and amended by Resolution No. 80-136A on April 28, 1980;

(e) SCC 2.36.040, adopted by resolution on March 31, 1958, and amended by Resolution No. 80-136A on April 28, 1980;

(f) SCC 2.36.050, adopted by resolution on March 31, 1958, and amended by Resolution No. 80-136A on April 28, 1980;

(g) SCC 2.36.070, adopted by resolution on March 31, 1958, and amended by Resolution No. 80-136A on April 28, 1980; and

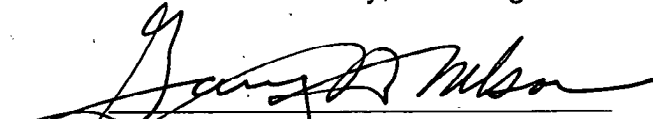
(h) SCC 2.36.080, adopted by resolution on March 31, 1958, and amended by Resolution No. 80-136A on April 28, 1980.

Section 12. Interlocal agreement. The County Executive is authorized and directed to work with the Snohomish County Department of Emergency Management and participating municipalities to develop a new interlocal agreement to replace the agreements referred to in SCC 2.34.010. The new interlocal agreement shall provide for organization and operation of the department in a manner consistent with current federal, state, and local law. Within one year after adoption of this ordinance the Executive shall present a new agreement to the County Council for approval pursuant to Charter §§ 1.30 and 2.20 or, if a new agreement has not been developed, a written report on its status.

Section 13. Comprehensive emergency management plan. The County Executive shall approve an updated county comprehensive emergency management plan in accordance with SCC 2.36.055(3) on or before December 31, 2003.

PASSED this 8th day of January, 2003.

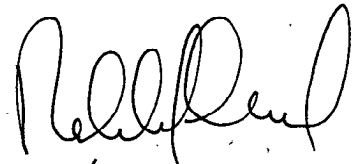
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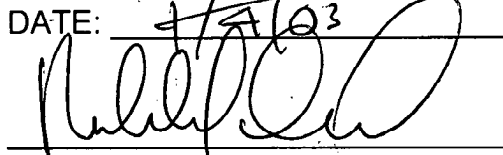

Chairperson

ATTEST:

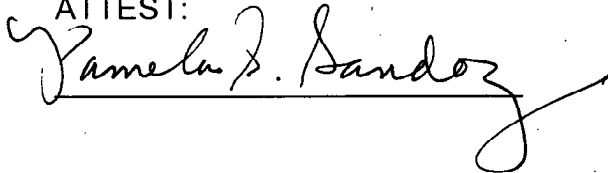

Clerk of the Council, *Asst.*

- APPROVED
- EMERGENCY
- VETOED


1/10/03

DATE: 1/10/03

County Executive

ATTEST:



PUBLISH: _____

Approved as to form only:


Deputy Prosecuting Attorney

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