

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



CO00013226

ORDINANCE NO. 05- 123

RELATING TO EMERGENCY MANAGEMENT;
ESTABLISHING A NEW DEPARTMENT OF EMERGENCY MANAGEMENT
WITHIN COUNTY GOVERNMENT; AMENDING CHAPTER 2.36 SCC;
REPEALING CHAPTER 2.34 SCC; ENACTING TRANSITION PROVISIONS
AND SETTING EFFECTIVE DATES

BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.36.010, last amended by Ordinance No. 02-104, on January 8, 2003, is amended to read:

2.36.010 Purposes.

The purposes of this chapter are to provide for the preparation and carrying out of plans for emergency services in the event of an emergency or disaster, for the coordination of the emergency services of this county with other public agencies and affected private persons, corporations and organizations, for the exercise of emergency powers by the county executive, for the establishment of the Snohomish county department of emergency management, 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, 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 2. Snohomish County Code Section 2.36.020, last amended by Ordinance No. 02-104, on January 8, 2003, is amended to read:

2.36.020 Definitions.

In this chapter, unless the context clearly requires otherwise,

(1) "Advisory Board" means the emergency management advisory board established pursuant to SCC 2.36.100.

(2) "County personnel system" means those statements of policy and procedure contained in title 3A SCC and amendments thereto.

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(3) "Department" means the Snohomish county department of emergency management.

(4) "Director" means the director of the Snohomish county department of emergency management.

~~((2) — Emergency or disaster. As used in this chapter, "E((e))mergency"))~~ (5) "Emergency" or "disaster" means 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.

~~((1) — ((Emergency management. As used in this chapter,)) "E((e))mergency"))~~ (6) "Emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to 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 mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(7) "Executive head" and "executive heads" means the county executive and in the case of cities and towns, it means the mayor in those cities and towns with a mayor-council or commission form of government where the mayor is directly elected, and it means the city manager in those cities and towns with a council-manager form of government. In the case of tribes, "executive head" means the tribal chairman.

(8) "Exempt personnel system" means the conditions of employment under the provisions of chapter 3.68 SCC and amendments thereto.

Section 3. Snohomish County Code Section 2.36.055, adopted by Ordinance No. 02-104, on January 8, 2003, is renumbered and amended to read:

2.36.030 ((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:

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(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))~~ director of the Snohomish county department of emergency management appointed pursuant to SCC 2.36.060, subject to supervision by the county executive;

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

~~(c) ((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;

~~(d) ((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;

~~(e) ((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

~~(f) ((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))~~ Snohomish county department of emergency management pursuant to SCC ((2.36.025)) 2.36.050. The executive shall promptly distribute approved or revised plans to the council and affected county agencies.

Section 4. Snohomish County Code Section 2.36.060, last amended by Ordinance No. 02-104, on January 8, 2003, is renumbered and amended to read:

2.36.040 ((2.36.060)) Disaster -- specific powers.

In the event of disaster as herein provided, the county executive is hereby empowered:

(1) To issue, amend, and rescind rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; PROVIDED, That such rules and regulations 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))~~ Snohomish county department of emergency management, and shall expire at the end of thirty days after issuance unless enacted by ordinance;

(2) To 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) 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 workers, as provided in RCW 38.52.110(2);

(4) To execute all of the special powers conferred upon the executive by this chapter, by statute, or by any other lawful authority; and

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

Section 5. A new section is added to Chapter 2.36 of the Snohomish County Code to read:

2.36.050 Department of emergency management – creation and authority.

(1) The Snohomish county department of emergency management (“department”) is hereby established. The administration of the department is the responsibility of the county executive.

(2) The department shall implement policies and procedures and administer programs which provide for the preparation and carrying out of plans for emergency services in the event of an emergency or disaster, and for the coordination of the emergency services of this county with other public agencies and affected private persons, corporations and organizations.

(3) The department's functions and responsibilities shall include but not be limited to the following:

(a) Management and administration of the emergency management program as provided in this chapter;

(b) Preparation and presentation to the county executive for approval of a county comprehensive emergency management plan, consistent with the state comprehensive emergency management plan;

(c) Coordination of county emergency services with other public agencies and affected private persons, corporations, and organizations, subject to the authority of the county executive; and

(d) Performance of such other duties as may be required to further the purpose of this chapter.

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

2.36.060 Department director.

(1) The director shall be appointed by the executive subject to confirmation by the county council. The director shall serve at the pleasure of the executive and shall be subject to the county exempt personnel system.

(2) The director shall manage and administer the activities of the department and shall advise the executive and the council with regard to programs managed by the department. Subject to the approval of the county executive, the director shall establish policies and procedures for the management and administration of emergency management services. The director shall prepare and submit to the executive an annual budget request for the department as directed by the executive. The director shall appoint all employees of the department in accordance with the rules of the county personnel system and exempt personnel system. The director may delegate functions, powers and duties to other officers and employees of the department as the director deems expedient to further the purpose of this chapter.

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

2.36.070 Organization by director.

Subject to the approval of the executive, the provisions of the county charter and the provisions of Title 3A SCC, and amendments thereto, and budget and appropriation controls, the director may create, assign, and reassign functions and positions within the department and direct and supervise all functions of the department.

Section 8. A new section is added to Chapter 2.36 of the Snohomish County Code to read:

2.36.100 Emergency management advisory board established.

There is hereby established a Snohomish county emergency management advisory board, hereinafter referred to as the "advisory board", to assist the director of emergency management in reviewing and recommending policies relating to emergency management.

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

2.36.110 Composition of the board.

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(1) The advisory board shall be composed of one member from each city, town or tribe that contracts with the county through an interlocal agreement for emergency management services. Additionally, the director will participate as an ex officio representative to the advisory board, serving as a liaison between the county and the members, but will not be a voting member.

(2) The initial member for each contracting city, town or tribe shall be the city, town or tribe's executive head.

(3) The executive head of any city, town or tribe may designate an alternate representative to the advisory board, such designation to be made in a writing delivered to the county prior to the meeting at which the alternate will be entitled to vote.

(4) One representative of each city or town within the county that has established a local organization performing emergency management services in accordance with RCW 38.52.070, and one representative of each joint local organization within the county performing emergency management services in accordance with RCW 38.52.070, shall be entitled to participate on the advisory board. Such representatives shall not be voting members of the advisory board.

Section 10. A new section is added to Chapter 2.36 of the Snohomish County Code to read:

2.36.120 Meeting and election of officers.

The advisory board shall meet as necessary, but at least quarterly. It shall act under Robert's Rules of Order, adopt by-laws and elect its chairperson and vice chairperson from within the board membership.

Section 11. A new section is added to Chapter 2.36 of the Snohomish County Code to read:

2.36.130 Duties of the advisory board.

(1) The board shall serve in an advisory capacity and have the power to make recommendations to the county.

(2) The board shall advise the director of emergency management in recommending to the executive, actions on the following:

- (a) Emergency management plans;
- (b) The department's annual budget;
- (c) Rate schedules for emergency management service charges paid by contracting agencies;
- (d) Grant applications and utilization of awarded grant funds; and
- (e) Other matters as requested by the county executive or the director.

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Section 12. Repeals. The following ordinances or parts of ordinances are each repealed:

- (1) Snohomish County Code Chapter 2.34 SCC, adopted by resolution on September 4, 1973, and amended by Ordinance No. 02-104, on January 8, 2003; and
- (2) Snohomish County Code Section 2.36.025, adopted by Ordinance No. 02-104, on January 8, 2003.

Section 13. Transition.

It is the intent of the County Council that the Department of Emergency Management established by this ordinance be as operational as possible on January 1, 2006 so that there is minimal disruption in emergency management capabilities and services in the transition from the Department of Emergency Management (hereafter "DEM") established by prior interlocal agreements. The County Council also recognizes that, under the Agreement Terminating Joint Local Organization for Emergency Management dated November 1, 2005, the county has agreed to employ the former employees of DEM under specific conditions. To this end, notwithstanding any contrary provision of county code, the County Council provides the following authority:

(1) The Executive may, prior to January 1, 2006, take such action as is necessary to appoint, subject to Council confirmation, the former Director of DEM as the Director of the Department of Emergency Management. The Director shall begin accruing leave with pay under the provisions of Chapter 3.68 SCC immediately on January 1, 2006 and he shall be provided credit for his time in service with DEM for the purpose of determining his rate of accrual.

(2) The Executive and the Director of the Department of Emergency Management may take such action prior to January 1, 2006 as is necessary to appoint employees of the department to be effective January 1, 2006. Former employees of DEM may be appointed to such positions without the need to compete for classified employment. Such employees shall not be required to serve a probationary period. These employees shall begin accruing sick leave and vacation under the provisions of Title 3A SCC immediately upon their appointment and they shall be provided credit for their time in service with DEM for the purpose of determining their rates of accrual.

(3) Immediately on January 1, 2006, the Director and all new employees of the department shall be eligible for medical, dental and vision insurance benefits under such group plans as are available to other county employees and they shall be eligible to participate in the Washington Public Employees Retirement System (PERS), unless they are excluded under state retirement system rules and/or regulations. These new employees shall be provided a new employee orientation by mid-December 2005 so that they may make medical insurance selections that will be effective January 1, 2006.

Section 14. Effective dates. Sections 1 through 12 of this ordinance shall be effective January 1, 2006. Section 13 of this ordinance shall be effective December 1, 2005.

PASSED this 9th day of November, 2005.

ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Barbara Pilovski
Clerk of the Council, *Asst.*

[Signature]
Chairperson

- APPROVED
- EMERGENCY
- VETOED

DATE: 11/9/05

ATTEST:

Laura Nelson

[Signature]
County Executive

Approved as to form only:

[Signature] 10/4/05
Deputy Prosecuting Attorney

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