



## Snohomish County Council

**Committee:** Law, Justice and Human Services

**Analyst:** Heidi Beazizo

**ECAF:** 6-8153

**Proposal:** Ord. 19-027

**Date:** May 30, 2019

### **Consideration:**

The Executive's Office requests Council consider approving proposed Ordinance 19-027 which makes changes to SCC 2.36 relating to Emergency Management.

### **Background**

In 2003, Snohomish County, together with participating municipalities, performed the functions of emergency management through the Snohomish County Department of Emergency Management – established by [Ordinance 02-104](#). At this time, the Department was not a department or agency of county government but was a local organization as allowed by [RCW 38.52.070](#).

On November 9, 2005, [Ordinance 05-123](#) created the Department of Emergency Management as a county department, delegating the functions of emergency management to the director of the department, subject to supervision by the county Executive. The ordinance also established the Emergency Management Advisory Board and corresponding board protocols for membership, election of officers, and duties.

Preparing for, and managing disaster response and recovery remains a very dynamic endeavor. In the past 14 years, scientific and emergency management communities have learned much more about the significant natural hazards affecting Snohomish County as well as gained experiential knowledge in the management of county disasters including flooding, weather events such as our recent snowstorms, and the 2014 SR 530 flooding and mudslides. In addition, lessons learned from disasters around the Nation and the world continue to inform best practices.

In anticipation of the large-scale disaster that could impact Snohomish County, the Executive's office is proposing an update to [SCC 2.36](#) that helps ensure continuity of government and government operations, clarifies roles and authorities essential to the county's post-disaster response and recovery efforts, and codifies critical preparedness efforts. The proposed changes also took into account current code for King, Spokane and Pierce Counties and the City of Seattle.

The proposed changes have been reviewed and are supported by the Emergency Management Advisory Board.

### **Current Proposal**

*Scope:* Proposed Ordinance 19-027 makes changes to SCC 2.36 in three main subject areas across multiple parts of the chapter. A detailed breakdown of the changes is provided in the attachment to this staff report, [Chart of Proposed Changes to 2.36](#).

The three main subject areas that are proposed for changes are:

1. Continuity of Government and government operations,
2. Clarification of roles and authorities essential to the county's post-disaster response and recovery efforts, and
3. Codifies critical preparedness efforts.

The substantive proposed changes in each main area are summarized below:

### **Continuity of Government and Government Operations**

- Comprehensive plan creation and management
  - Creates a Coordinating Committee with membership from each county department and elected office, requiring a succession plan for each department and elected office, included in a 5-year emergency management plan that is in line with the comprehensive emergency management plan, mandated per [RCW 38.52.070](#).
- Succession
  - Defines the succession of the Executive in an emergency as the deputy Executive, followed by the DEM director.
  - Requires each department and elected official to create a continuity of operations plan which includes the designation of a successor in case of emergency.
- Adds a requirement that all orders be published with the clerk of the council.

### **Clarification of roles and authorities**

- Executive
  - Authorizes the Executive to declare a state of emergency.
  - Authorizes the Executive to issue, amend, and rescind orders with clarity on the scope and extent of the types of orders allowed.
  - In support of the comprehensive emergency management plan, authorizes the Executive to procure supplies and equipment, institute training programs and public information/education programs, activate the County's emergency coordination center, and mobilize emergency management resources in advance of a disaster to ensure preparedness.
- Director of DEM
  - Day to day operations
    - Clarifies that the director of DEM is responsible for the administration and operation of the department.
    - Adds the responsibility of maintaining the operational readiness of the county's emergency coordination center.<sup>1</sup>

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<sup>1</sup> The Emergency Coordination Center is the physical location activated to coordinate the implementation of the County's comprehensive emergency management plan.

- Emergency Authority (Director of DEM)
  - Authorizes the director to request the Executive proclaim an emergency or disaster or declare a state of emergency (or to do so if they or their successor is unavailable).
  - Provides the authority to issue orders and approve contracts necessary for life-saving in the immediate aftermath of a disaster up to \$2,000,000.
  - Requisition necessary personnel or material of any county department or agency.
- Emergency Management Advisory Board
  - Codifies that voting members are limited to contracting municipalities.

### **Critical Preparedness Efforts**

- Codifies Snohomish County as the lead coordinating agency for implementing the National Incident Management System as required by the Homeland Security Act of 2002 and provides the authority for DEM to collaborate and work with county municipalities, other counties, the state, the federal government, and Canada.
- Directs the Executive to use the services, equipment, supplies and facilities of county departments and agencies to the extent practicable.

**Handling:** NORMAL

**Approved-as-to-form:** YES.

**Risk Management:** APPROVE.

**Executive Recommendation:** APPROVE.

**Attachments:** Chart of Proposed Changes to 2.36

**Request:** Move to GLS on June 19, 2019 for Council to consider setting time and date for a public hearing.

## CHART OF PROPOSED CHANGES TO 2.36 – EMERGENCY MANAGEMENT

### 2.36.010 Purpose

Code References Impacted	Current Code	Proposed Code
2.36.010		Mirrors state law and codifies the current position of Snohomish County as the coordinator of “mutual aid” and lead at ensuring the county’s resources are effectively coordinated and prepared. <a href="#">RCW 38.52.020</a>

### 2.36.020 Definitions

Code References Impacted	Current Code	Proposed Code
2.36.020(2) - NEW 2.36.085		Adds a definition for <b>Coordinating Committee</b> (further detailed in section 2.36.085)
2.36.020(2) through 2.36.020(10)		Numbering is corrected due to the addition of the Coordinating Committee
2.36.020(5)	The Governor bears the sole authority/responsibility to declare a state of emergency (RCW 43.06.010(12))	Authorizes the <b>Executive</b> (in addition to the Governor) to declare a state of emergency pursuant to the chapter
2.36.020(6)		Refers the code back to RCW 38.52 in support of what qualifies as an emergency and emergency management functions. Strikes a reference to an exclusion related to a nuclear attack.
2.36.020(8)		Changes “chairman” to “chairperson”
2.36.020(10) – NEW		Adds a definition for “Immediate Aftermath” to provide clarity for code changes in XXX and XXX.

## 2.36.030 Powers and Duties of County Executive

Code References Impacted	Current Code	Proposed Code
2.36.030(1)		Updates to language for clarity – no substantive changes
2.36.030(2)(b)	Limits county coordination to county government per the comprehensive Emergency Management Plan.	Broadens the scope to include county government and coordination of multiagency and multijurisdictional actions for the county as a whole – includes mitigation, preparedness, response and recovery efforts.
2.36.030(2)(d)	Limits collaboration to “appropriate public and private agencies”	Broadens and defines collaboration efforts to include “cities, other counties, state governments, the provinces of the Dominion of Canada and the federal government” for the purposes of rendering mutual aid.
2.36.030(2)(f) – NEW 2.36.055		Organizes the requirement to create a comprehensive plan and program under the “duties”. Prior reference to the plan was in 2.36.030(3).
2.36.030(2)(g) – NEW		Provides for the compensation of emergency workers in line with <a href="#">RCW 38.52.210</a> .
2.36.030(3)		Reference to the comprehensive plan moved to new section 2.36.030(2)(f).  Directs the executive to use the services, equipment, supplies and facilities of county departments and agencies to the extent practicable.

## 2.36.040 Emergency or Disaster Proclamation – Specific Powers of the Executive (new title)

Code References Impacted	Current Code	Proposed Code
2.36.040(1) - NEW		Defines the circumstances under which the Executive may proclaim, in writing, the existence of an emergency. Defined as: "...results in the death or injury of persons, the destruction of property, and/or threatens the environment, to such an extent as to require, in the judgment of the executive extraordinary measures to protect the public peace, safety, and welfare..."
2.36.040(2) - NEW		Instructs how the proclamation will be distributed to the news media and the public
2.36.040(3)(a) - NEW	Current code provides the executive with the power to "issue, amend, and rescind <b>rules and regulations</b> " reasonably related to the protection of life and property	Replaces the words " <b>rules and regulation</b> " with "orders" and details specifically which types of orders the executive has the authority to affect: 2.36.040(3)(i): evacuation and clearing of debris and wreckage on public and private lands/waters 2.36.040(3)(ii): imposing a general curfew in all of Snohomish County 2.36.040(3)(iii): the closing of businesses 2.36.040(3)(iv): closing public places and buildings 2.36.040(3)(v): suspending permitting requirements for public works projects necessary to respond to the emergency provided that all efforts comply with code requirements 2.36.040(3)(vi): other orders imminently necessary for the protection of life and property
2.36.040(3)(c)	Limits the proclamation of an emergency to the governor	Removes "governor" consistent with the change made in 2.36.020(5) allowing the proclamation to be made by the executive or the governor
2.36.040(4) – NEW		Describes the procedure for publishing the orders (previously described in 2.36.040(1)).

		Adds a requirement that the orders be published with the clerk of the council no later than 10:00 AM of the second business day after the issuance. Does not change expiration (30-days) unless enacted by ordinance or terminated.
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### 2.36.050 Department of emergency management – creation and authority

Code References Impacted	Current Code	Proposed Code
2.36.050(1)	Delegates the administration of the department to the <b>executive</b>	Delegates the administration <b>and operation</b> of the department to the <b>director</b> .
2.36.050(2)		Codifies current practice of the county acting as the lead coordinating agency for county-wide compliance with local, state, and federal laws, regulation and guidelines related to emergency management
2.36.050(3)(b)		References the director’s responsibilities surrounding the comprehensive plan as detailed in NEW section 2.36.055
2.36.050(3)(c) – NEW		Adds the responsibility for the director to maintain the operational readiness of the county’s emergency coordination center: <ul style="list-style-type: none"> <li>• development of policies and procedures that direct the activities of personnel staffing the ECC</li> <li>• authorizing the deployment of county resources and actions, including emergency permits</li> </ul>
2.36.050(3)(d)		Language clean up – no substantive changes

### 2.36.055 County comprehensive emergency management plan - NEW

Code References Impacted	Current Code	Proposed Code
2.36.055(1) - NEW		Requires the department to complete a comprehensive plan in line with the state plan as required in <a href="#">RCW 38.52.030</a> .

2.36.055(2) - NEW		Requires a five-year presentation to the executive for revision and approval as necessary. The executive will distribute the approved or revised plans to the council and affected county departments and elected offices.
2.36.055(3) - NEW		<p>Authorizes the executive, in support of the plan, to:</p> <ul style="list-style-type: none"> <li>• procure supplies and equipment, institute professional and public training programs and public information and education programs, manage and coordinate disaster drills</li> <li>• activate the county’s emergency coordination center</li> <li>• mobilize emergency management resources in advance of an actual disaster to ensure the furnishing of emergency management personnel in a time of need</li> </ul>

**2.36.050 Department of emergency management – creation and authority (NO changes proposed)**

**2.36.060 Department director (NO changes proposed)**

**2.36.065 Emergency and disaster powers of the director - NEW**

Code References Impacted	Current Code	Proposed Code
2.36.065(1) - NEW		Authorizes the director to request the executive proclaim the existence or threatened existence of an <b>emergency or disaster</b> AND authorizes the director issue the proclamation if the executive or the temporary interim successor is not available.
2.36.065(2) - NEW		Provides authority to the director to request the executive, the executive’s temporary interim successor, or the governor to issue a <b>state of emergency</b> .
2.36.065(3)(a) and (b) - NEW		<p>In the event of a proclamation as provided in this section (or by Presidential declaration), empowers the director to:</p> <ul style="list-style-type: none"> <li>• issue, amend, or rescind orders related to the protection of life and property</li> <li>• approve contracts and incur obligations necessary to combat such disaster without regard to time-consuming procedures and formalities (consistent with RCW XXX)</li> </ul>

		<ul style="list-style-type: none"> <li>in the immediate aftermath of an emergency or disaster, and in order to facilitate the availability of life-saving resources, approve and incur obligations up to \$2,000,000</li> </ul> <p>All of the above are subject to confirmation by the executive or the temporary interim successor at the earliest practicable time.</p>
2.36.065(3)(c) - NEW		If a proclamation is issued by the governor, command the service and equipment of as many citizens as considered necessary ( <a href="#">RCW 38.52.110</a> ). Also referenced as an authority granted to the executive in 2.36.040.
2.36.065(3)(d) - NEW		Authority granted to the director to requisition necessary personnel or material of any county department or agency

## 2.36.070 Organization by director (NO changes proposed)

### 2.36.075 Continuity of county government

Code References Impacted	Current Code	Proposed Code
2.36.075(1)(a)		Removes references to “enemy attack” and adds “emergency or disaster”
2.36.075(1)(b) – NEW		Defines the continuity of government in the instance the <b>executive is unavailable</b> as: <ul style="list-style-type: none"> <li>(i) Deputy executive</li> <li>(ii) Director of the department</li> </ul>
2.36.075(1)(c) and (d)		Removes references to “enemy attack” and adds “emergency or disaster”
2.36.075(1)(e) – NEW		Limits the time period the successor discharges the duties of the office until such time as the elected or appointed officer is available or a regular successor is appointed by ordinary means
2.36.075(3)		Removes reference to “attack” consistent with the changes to other code wording.

**2.36.080 County department and elected official office continuity of operations planning - NEW**

Code References Impacted	Current Code	Proposed Code
2.36.080 – NEW		<p>Requires that each county department and elected official draft, implement, maintain and annually exercise a continuity of operations plan.</p> <ul style="list-style-type: none"> <li>• Coordination with DEM on annual exercises</li> <li>• Department plans will be in support of the comprehensive emergency plan</li> <li>• Plans will be updated every five years (in line with the schedule for the comprehensive plan)</li> <li>• A “form” continuity of operations plan will be provided by DEM</li> </ul>

**2.36.085 Snohomish county emergency management coordinating committee - NEW**

Code References Impacted	Current Code	Proposed Code
2.36.085(1) – NEW		Establishes an emergency management coordinating committee to formalize a mechanism to ensure there is coordination of emergency management efforts across county government.
2.36.085(2) – NEW		Membership may include (not limited to) one representative from each county department and elected office and DEM
2.36.085(3) – NEW		<p>Duties of the committee:</p> <ul style="list-style-type: none"> <li>• Address issues and concerns relating to emergency preparedness, planning and response</li> <li>• Assist in the review of the comprehensive emergency management plan</li> <li>• Assist in the review, development and maintenance of the department plans</li> <li>• Participate in strategic planning</li> </ul>

		<ul style="list-style-type: none"> <li>Assist in the review, development and maintenance of any other plans in support of emergency management or as requested by DEM or state law</li> </ul>
2.36.085(4) – NEW		Staff support to the committee will be provided by DEM
2.36.085(5) - NEW		The committee’s work will be provided to the council and the executive on an annual basis as part of DEM’s annual report

**2.36.90 Penalty for violations (NO changes proposed)**

**2.36.110 Composition of the board (refers back to 2.36.100 Emergency Management advisory board)**

Code References Impacted	Current Code	Proposed Code
2.36.110(1), (2), and (3)		Numbering corrections for clarity
2.36.110(4)		Clarifies that membership of the board exists of a representative from <b>contracting</b> municipalities
2.36.110(5)		Indicates that non-contracting municipalities may send a representative but they will be non-voting

**2.36.120 Meeting and election of officers (NO changes proposed)**

**2.36.130 Duties of the advisory board (NO changes proposed)**