

Adopted:
Effective:

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 19-027

RELATING TO EMERGENCY MANAGEMENT,
AMENDING CHAPTER 2.36 SCC

BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.36.010, last amended by Ordinance No. 05-123 on November 9, 2005, 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 and rendering of mutual aid among the political subdivisions of the state, 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 to ensure the most effective coordination and preparation of the area's workforce, resources and facilities, 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. 05-123 on November 9, 2005, 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) "Coordinating committee" means the emergency management coordinating committee established pursuant to SCC 2.36.085.

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

~~((3))~~ (4) "Department" means the Snohomish county department of emergency management.

1 ~~((4))~~ (5) "Director" means the director of the Snohomish county department of
2 emergency management.
3 ~~((5))~~ (6) "Emergency or disaster" means an event or set of circumstances which (a)
4 demands immediate action to preserve public health, protect life, protect public
5 property, or to provide relief to any stricken community overtaken by such occurrences,
6 or (b) reaches such a dimension or degree of destructiveness as to warrant the
7 executive to proclaim a state of emergency pursuant to this chapter and/or the governor
8 declaring a state of emergency pursuant to RCW 43.06.010.
9 ~~((6))~~ (7) "Emergency management" means the preparation for and the carrying out of
10 all emergency functions, other than functions for which military forces are primarily
11 responsible, to mitigate, prepare for, respond to, and recover from emergencies and
12 disasters, and to aid victims suffering from injury or damage, resulting from disasters
13 caused by all hazards, whether natural, technological, or human caused, and to provide
14 support for search and rescue operations for persons and property in distress pursuant
15 to the provisions of Chapter 38.52 RCW. ~~((It does not mean preparation for emergency~~
16 ~~evacuation or relocation of residents in anticipation of nuclear attack.))~~
17 ~~((7))~~ (8) "Executive head" and "executive heads" means the county executive and in
18 the case of cities and towns, it means the mayor in those cities and towns with a mayor-
19 council or commission form of government where the mayor is directly elected, and it
20 means the city manager in those cities and towns with a council-manager form of
21 government. In the case of tribes, "executive head" means the tribal ~~((chairman))~~
22 chairperson.
23 ~~((8))~~ (9) "Exempt personnel system" means the conditions of employment under the
24 provisions of chapter 3.68 SCC and amendments thereto.
25 (10) "Immediate aftermath" means the period of time immediately following an
26 emergency or disaster during which emergency responders can reasonably expect to
27 save lives or property.

28
29 Section 3. Snohomish County Code Section 2.36.030, last amended by
30 Ordinance No. 05-123 on November 9, 2005, is amended to read:

31
32 **2.36.030 Powers and duties of county executive.**

33 (1) Except as otherwise provided by state law or the county charter, the county
34 executive shall have general supervision and control of emergency management
35 services provided by the county and, in the event of an emergency or disaster, ~~((and))~~
36 shall be responsible for implementing the Washington Emergency Management Act,
37 Chapter 38.52 RCW, and the provisions of chapter 2.36 SCC on behalf of the county.

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

40 (a) Delegate county emergency management functions to the director of the
41 Snohomish county department of emergency management appointed pursuant to
42 SCC 2.36.060, subject to supervision by the county executive;

43 (b) ~~((Develop and implement emergency evacuation and other procedures for~~
44 ~~county government, consistent with the approved county comprehensive~~
45 ~~emergency management plan;))~~ Foster cooperative planning across all levels of
46 county government to enable efficient and uniform approaches to the

1 coordination of multiagency and multijurisdictional actions for the county's
2 mitigation, preparedness, response and recovery efforts;

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

6 (d) In collaboration with ~~((appropriate public or private agencies))~~ cities, other
7 counties, state governments, the provinces of the Dominion of Canada and the
8 federal government, provide for the rendering of mutual aid and prepare and
9 present to the county council for approval agreements providing for mutual aid in
10 the event of an emergency or disaster;

11 (e) Issue emergency or disaster proclamations pursuant to SCC 2.36.040, for
12 obtaining state and federal assistance and for other purposes as authorized by
13 law; ~~((and))~~

14 (f) Prepare a comprehensive plan and program for the emergency management
15 of the county pursuant to state law and SCC 2.36.055, and submit the plan and
16 program, including but not limited to elements addressing mitigation activities,
17 preparedness, responses to disasters and emergencies, and recovery
18 operations, to the state director of emergency management for the director's
19 recommendations thereto and certification for consistency with the state
20 comprehensive emergency management plan in order to ensure that local
21 emergency operations are coordinated with the state plan and program;

22 (g) Provide a means of compensating emergency workers pursuant to RCW
23 38.52.210;

24 (h) Facilitate the local emergency planning committee for Snohomish County as
25 referenced in federal Title III, the Emergency Planning and Community Right-to-
26 Know Act of 1986, as amended; and

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

30 (3) ~~((The county executive shall approve and revise as necessary county~~
31 ~~comprehensive emergency management plans prepared by the Snohomish county~~
32 ~~department of emergency management pursuant to SCC 2.36.050. The executive shall~~
33 ~~promptly distribute approved or revised plans to the council and affected county~~
34 ~~agencies.))~~ In implementing the provisions of this chapter, the county executive is
35 directed to use the services, equipment, supplies, and facilities of existing departments,
36 offices and agencies of the county to the maximum extent practicable.

37
38 Section 4. Snohomish County Code Section 2.36.040, last amended by
39 Ordinance No. 05-123 on November 9, 2005, is amended to read:

40
41 **2.36.040 Emergency or ((Disaster)) disaster proclamation--specific powers of the**
42 **executive.**

43
44 (1) Whenever an emergency or disaster occurs in Snohomish County and results in the
45 death or injury of persons, the destruction of property, and/or threatens the
46 environment, to such an extent as to require, in the judgment of the executive,

1 extraordinary measures to protect the public peace, safety and welfare, the executive
2 may proclaim in writing the existence of such an emergency.

3 (2) Any proclamation issued by the executive pursuant to the authority of this chapter
4 shall be delivered to all news media within Snohomish County and shall utilize such
5 other available means as are necessary, in the executive's judgment, to give notice of
6 such proclamation to the public.

7 (3) In the event of ((disaster)) such proclamation as herein provided, the county
8 executive is hereby empowered:

9 ~~((4))~~ (a) To issue, amend, and rescind ((rules and regulations)) orders on
10 matters reasonably related to the protection of life and property as affected by
11 such disaster including but not limited to: ((; PROVIDED, That such rules and
12 regulations shall be published at least once in such form as the executive finds
13 reasonable under the circumstances, shall be available for public inspection at
14 the Snohomish county department of emergency management, and shall expire
15 at the end of thirty days after issuance unless enacted by ordinance))

16 (i) An order directing evacuation or clearing of debris and wreckage caused
17 by an emergency or disaster from publicly and privately owned lands and
18 waters;

19 (ii) An order imposing and modifying a general curfew applicable to
20 Snohomish County as a whole, or to any geographical area or areas of
21 Snohomish County during any hours, as the executive deems necessary;

22 (iii) An order requiring any or all business establishments to close and remain
23 closed until a further order;

24 (iv) An order closing to the public any or all public places including streets,
25 alleys, public ways, schools, parks, beaches, amusement areas and public
26 buildings;

27 (v) An order temporarily suspending Snohomish County permit procedures for
28 public work projects, as defined by RCW 39.04.010, responding to conditions
29 of the emergency or for restoration of public facilities damages as a result of
30 the emergency, PROVIDED, that all projects must comply with all applicable
31 code requirements; and

32 (vi) Any other orders as are imminently necessary for the protection of life and
33 property;

34 ~~((2))~~ (b) To approve contracts and incur obligations necessary to combat such
35 disaster, and in light of the exigencies of an extreme emergency situation without
36 regard to time-consuming procedures and formalities prescribed by law (except
37 mandatory constitutional requirements), as provided in RCW 38.52.070(2);

38 ~~((3))~~ (c) After proclamation ((by the governor)) of the existence of such
39 emergency or disaster, to command the service and equipment of as many
40 citizens as considered necessary in light of the disaster proclaimed: PROVIDED,
41 that citizens so commandeered shall be entitled during the period of such service
42 to all privileges, benefits and immunities as are provided by federal and state law
43 for registered emergency workers, as provided in RCW 38.52.110(2);

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

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

3 (4) Any orders issued by the executive pursuant to this chapter shall be published at
4 least once in such form as the executive finds reasonable under the circumstances, filed
5 with the clerk of the council not later than 10:00 a.m. of the second business day after
6 issuance, shall be available for public inspection at the Snohomish county department
7 of emergency management, and shall expire at the end of thirty days after issuance or
8 amendment, whichever is later, unless enacted or terminated by ordinance.

9
10 (5) Upon finding that the conditions or circumstances giving rise to an emergency or
11 disaster proclamation issued by the executive have subsided, the county council may
12 terminate such proclamation by ordinance if at least 30 days have elapsed since the
13 date the proclamation issued.

14
15 Section 5. Snohomish County Code Section 2.36.050, last amended by
16 Ordinance No. 05-123 on November 9, 2005, is amended to read:

17
18 **2.36.050 Department of emergency management - creation and authority.**

19 (1) The Snohomish county department of emergency management ("department") is
20 hereby established. The administration and operation of the department is the
21 responsibility of the ~~((county executive))~~ director.

22 (2) The department shall implement policies and procedures and administer programs
23 which provide for the preparation and carrying out of plans for emergency services in
24 the event of an emergency or disaster, and for the coordination of the emergency
25 services of this county with other public agencies and affected private persons,
26 corporations and organizations. The department shall be the lead coordinating agency
27 to ensure county-wide compliance with local, state and federal laws, regulations and
28 guidelines relating to emergency preparedness, including the adoption of the National
29 Incident Management System as required by the Homeland Security Act of 2002.

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

32 ~~((Management))~~ Manage and ~~((administration))~~ administer ~~((of))~~ the county's
33 emergency management program as provided in this chapter;

34 ~~((Preparation))~~ Prepare and ~~((presentation to the county executive for~~
35 ~~approval of a))~~ maintain the county comprehensive emergency management
36 plan, ~~((consistent with the state comprehensive emergency management plan))~~
37 as described in SCC 2.36.055;

38 ~~((Maintain the operational readiness of Snohomish County's emergency~~
39 ~~coordination center including the development of policies and procedures that~~
40 ~~direct the activities of the personnel staffing the emergency coordination center~~
41 ~~and for authorizing the deployment of county resources or actions, including~~
42 ~~emergency permits;~~

43 ~~((Coordination of county))~~ Coordinate other emergency ~~((services))~~
44 management activities with other public agencies and affected private persons,
45 corporations and organization, subject to the authority of the county executive;
46 and

1 ~~((d))~~ (e) Performance of such other duties as may be required to further the
2 purpose of this chapter.
3

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

7 **2.36.055 County comprehensive emergency management plan.**

8 (1) The department shall develop and maintain a comprehensive, all-hazard emergency
9 plan, consistent with the state comprehensive emergency management plan, which
10 shall be based on an analysis of the natural, technological or human caused hazards
11 that could affect Snohomish County, and shall include the procedures to be used during
12 emergencies for coordinating the resources of all county departments and elected
13 offices, and all local resources, as necessary.

14 (2) Every five years the department shall present to the executive for approval an
15 updated comprehensive emergency management plan, which the executive shall revise
16 as necessary and approve. The executive shall promptly distribute approved or revised
17 plans to the council and affected county departments and elected offices.

18 (3) In accordance with the county emergency management plan, the executive may
19 procure supplies and equipment, institute professional and public training programs and
20 public information and educational programs, manage and coordinate disaster drills,
21 and take all other preparatory steps including but not limited to the full or partial
22 activation of the county's emergency coordination center and mobilization of other
23 emergency management resources in advance of an actual disaster to ensure the
24 furnishing of emergency management personnel in time of need.
25

26 Section 7. A new section is added to chapter 2.36 of the Snohomish County
27 Code to read:
28

29 **2.36.065 Emergency and disaster powers of director.**

30 (1) The director is empowered to request the county executive or, in his/her absence,
31 the temporary interim successor, to proclaim the existence or threatened existence of
32 an emergency or disaster and termination thereof, and the director may further issue
33 such proclamation if the county executive or the temporary interim successor is not
34 available, subject to confirmation by the county executive at the earliest practicable
35 time.

36 (2) When, in the opinion of the director, the resources of the area or region are
37 inadequate to cope with the disaster, the director is empowered to request the county
38 executive or, in his/her absence, the temporary interim successor, to request the
39 governor to proclaim a state of emergency, and the director may further make such
40 request if the county executive or the temporary interim successor is not available,
41 subject to confirmation by the county executive at the earliest practicable time.

42 (3) In the event of a proclamation as provided in this section or a presidential
43 emergency or major disaster declaration, the director is empowered:

44 (a) To issue, amend, and rescind orders on matters reasonably related to the
45 protection of life and property as affected by such disaster as provided for in SCC

1 2.36.040 and subject to confirmation by the county executive, or temporary
2 interim successor, at the earliest practicable time;

3 (b) Subject to the approval of the executive or, in his/her absence, the temporary
4 interim successor if available, to approve contracts and incur obligations
5 necessary to combat such disaster, and in light of the exigencies of an extreme
6 emergency situation without regard to time-consuming procedures and
7 formalities prescribed by law (except mandatory constitutional requirements), as
8 provided in RCW 38.52.070(2); PROVIDED, that in the immediate aftermath of
9 an emergency or disaster, and in order to facilitate the availability of life-saving
10 resources, the director may approve contracts and incur obligations up to
11 \$2,000,000, subject to confirmation by the county executive, or temporary interim
12 successor, at the earliest practicable time;

13 (c) After proclamation by the governor of the existence of such disaster, to
14 command the service and equipment of as many citizens as considered
15 necessary in light of the disaster proclaimed; PROVIDED, that citizens so
16 commandeered shall be entitled during the period of such service to all
17 privileges, benefits and immunities as are provided by federal and state law for
18 registered emergency workers, as provided in RCW 38.52.110(2); and

19 (d) To requisition necessary personnel or material of any county department or
20 agency.

21
22 Section 8. Snohomish County Code Section 2.36.075, added by Ordinance No.
23 02-104 on January 8, 2003, is amended to read:

24
25 **2.36.075 Continuity of county government.**

26 (1) In accordance with Chapter 42.14 RCW, the continued operation of county
27 government shall be assured in the event of (~~enemy attack~~) an emergency or disaster
28 as follows:

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

35 (b) If the executive is unavailable, the powers and duties of the office shall be
36 discharged by the following officers in the following order:

37 (i) Deputy executive;

38 (ii) Director of the department.

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

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

1 (e) Any person succeeding an elected or appointed official pursuant to this section
2 shall discharge the duties of that office until such time as the elected or appointed
3 officer is available for duty or a regular successor is appointed by the ordinary
4 means applicable to the office.

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

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

16
17 Section 9. A new section is added to chapter 2.36 of the Snohomish County
18 Code to read:

19
20 **2.36.080 County department and elected official office continuity of operations**
21 **planning.**

22 Each county department and elected official office shall draft, implement, maintain and
23 annually exercise a continuity of operations plan that ensures the readiness of the
24 individual department or office and its employees to respond to and recover from an
25 emergency or disaster. The department will coordinate with each individual department
26 and elected office on annual exercises. Each such individual department or office plan
27 and any related procedures will support the county comprehensive emergency
28 management plan, including performance of any tasks assigned therein to the individual
29 department or office. Each county department and elected official office shall update its
30 continuity of operations plan every five years as part of the update to the county's
31 comprehensive emergency management plan, as described in SCC 2.36.055. The
32 department shall coordinate with and provide each individual county department and
33 elected official office with a form continuity of operations plan.

34
35 Section 10. A new section is added to chapter 2.36 of the Snohomish County
36 Code to read:

37
38 **2.36.085 Snohomish county emergency management coordinating committee.**

39 (1) The Snohomish county emergency management coordinating committee is hereby
40 established. Except as otherwise provided by state law, the committee shall be the
41 coordinating body for emergency management issues concerning Snohomish County
42 government. The committee shall act in an advisory capacity to the office of emergency
43 management to promote, advise, assist and review emergency management issues and
44 to enhance preparedness for Snohomish County employees and the departments and
45 elected offices that they serve, on behalf of the county's residents and other
46 constituents.

1 (2) The committee shall be composed of members drawn from within Snohomish
2 County government and may include, but not be limited to, at least one representative
3 from the county council, each county department and elected office, and the office of
4 emergency management, as determined appropriate by the head of each department or
5 elected office.

6 (3) The committee shall:

7 (a) Address issues and concerns relating to emergency preparedness, planning
8 and response brought forward by members on behalf of the department or
9 elected office they represent;

10 (b) Assist in the review, development and maintenance of the Snohomish County
11 comprehensive emergency management plan;

12 (c) Assist in the review, development and maintenance of department and
13 elected office continuity of operations plans;

14 (d) Participate in strategic planning to identify and document objectives that will
15 strengthen resilience; and

16 (d) Assist in the review, development and maintenance of any other plans,
17 programs, rules and policies concerning emergency management, as requested
18 by the department of emergency management and consistent with state law.

19 (4) The department of emergency management shall provide staffing, develop work
20 plans and provide other resources to effectively support the work of the committee and
21 its activities.

22 (5) The work of the committee shall be provided to the executive and the council
23 annually, as part of the department of emergency management's annual report.

24
25 Section 11. Snohomish County Code Section 2.36.110, added by Ordinance No.
26 05-123 on November 9, 2005, is amended to read:

27
28 **2.36.110 Composition of the board.**

29 (1) The advisory board shall be composed of one member from each city, town or tribe
30 that contracts with the county through an interlocal agreement for emergency
31 management services.

32 ~~((Additionally, the))~~ (2) The director will participate as an ex officio representative to the
33 advisory board, serving as a liaison between the county and the members, but will not
34 be a voting member.

35 ~~((2))~~ (3) The initial member for each contracting city, town or tribe shall be the city,
36 town or tribes executive head.

37 ~~((3))~~ (4) The executive head of any contracting city, town or tribe may designate an
38 alternate representative to the advisory board, such designation to be made in a writing
39 delivered to the county prior to the meeting at which the alternate will be entitled to vote.

40 ~~((4))~~ (5) ~~((One representative of each city or town within the county that has
41 established a local organization performing emergency management services in
42 accordance with RCW 38.52.070, and one representative of each joint local
43 organization within the county performing emergency management services in
44 accordance with RCW 38.52.070,))~~ All other jurisdictions within the county shall be
45 entitled to designate a representative to participate on the advisory board. Such non-

1 contracting jurisdiction representatives shall not be voting members of the advisory
2 board.

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PASSED this 10th day of July, 2019

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney