

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: 11/27/2017**

<b>AGENDA ITEM:</b>	
Establishing an Emergency Management Organization Ordinance	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b>
Diana Rose	
<b>DEPARTMENT:</b>	
Executive	
<b>ATTACHMENTS:</b>	
Copy of proposed Emergency Management Organization Ordinance	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
<b>SUMMARY:</b>	

**RECOMMENDED ACTION:**

City Staff recommends that the City Council consider authorizing the Mayor to sign and execute an ordinance establishing an Emergency Management Organization

CITY OF MARYSVILLE  
Marysville, Washington

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,  
WASHINGTON, ESTABLISHING A LOCAL EMERGENCY MANAGEMENT  
ORGANIZATION AND AMENDING CHAPTER 2.12 OF THE MUNICIPAL  
CODE.**

WHEREAS, as a result of annexations and population growth, the City of Marysville should provide its own emergency management services; and

WHEREAS, the City is authorized by RCW 38.52.070 and chapter 118-30 WAC to establish its own emergency management organization; and

WHEREAS, by establishing its own emergency management organization, the City will be able to deliver emergency management services to its citizens more effectively, thereby enhancing public safety, health, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,  
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Amendment of Municipal Code. Chapter 2.12 of the municipal code is amended as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF MARYSVILLE

By \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By \_\_\_\_\_  
TINA BROCK, DEPUTY CITY CLERK

Approved as to from:

By \_\_\_\_\_  
JON WALKER, CITY ATTORNEY

Date of publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

# EXHIBIT A

## Chapter 2.12

### **EMERGENCY SERVICES — ~~DISASTER PLAN~~ MANAGEMENT ORGANIZATION**

Sections:

[2.12.010](#) ~~Statutes incorporated by reference~~ Purpose.

[2.12.020](#) ~~Participation in Snohomish County department of emergency services~~ Local emergency management organization established.

[2.12.030](#) Adoption of local disaster plan.

[2.12.040](#) State of emergency

[2.12.050](#) General public duty created

#### **2.12.010 Statutes incorporated by reference Purpose and declaration of policy.**

~~The following statutes relating to emergency services are incorporated by reference:~~

#### ~~RCW~~

~~[38.52.070](#) (Establishment of local emergency service organizations)~~

~~[38.52.080](#) (Outside aid — Rights and liabilities)~~

~~[38.52.090](#) (Mutual aid arrangements)~~

~~[38.52.100](#) (Appropriations — Acceptance of funds, services, etc.)~~

~~[38.52.110](#) (Use of existing services and facilities — Impressment of citizenry)~~

~~[38.52.120](#) (Political activity prohibited)~~

~~[38.52.130](#) (Loyalty oath required)~~

~~[38.52.140](#) (Status of civil service employee preserved)~~

~~[38.52.150](#) (Orders, rules, regulations — Penalty)~~

~~[38.52.180](#) (Immunity from liability)~~

~~[38.52.190](#) (Compensation for injury or death)~~

~~[38.52.195](#) (Exemption from liability while providing construction, equipment or work)~~

~~[38.52.200](#) (Liability for compensation is in lieu of other liability)~~

~~[38.52.390](#) (Contracts or work on cost basis for emergency services activities)~~

~~[38.52.400](#) (Search and rescue activities)~~

~~The purpose of this chapter is to create an emergency management organization to prepare and implement an emergency management plan and to mitigate, prepare for, respond to and recover from injury and damage to~~

persons or property resulting from emergencies or disasters in a manner consistent with chapter 38.52 RCW, the Washington Emergency Management Act, and any implementing regulations promulgated by the State of Washington. And to provide for the continuity of city government in a manner consistent with chapter 42.14 RCW, the continuity of government act. Any expenditures made in connection with emergency management activities, including mutual aid activities, are deemed to be for a general city purpose and this chapter is intended to grant the broadest power permitted by constitutional and statutory authority to preserve the public health, safety, and welfare.

**2.12.020 Participation in Snohomish County department of emergency services Local emergency management organization established.**

Pursuant to RCW 38.52.070, the city joins as an active member and participant in the interlocal emergency services organization established and operated by the Snohomish County department of emergency services. A membership assessment shall be included within each annual budget adopted by the city, and paid to the department. A Marysville Emergency Management Organization (EMO) is created to carry out emergency management functions. The EMO will be headed by a director, known as the emergency manager. The emergency manager will be appointed by the mayor and under the direction and control of report to the chief administrative officer. The emergency manager will be directly responsible for the organization, administration, and operation of the EMO. The emergency manager will ensure compliance with chapter 38.52 RCW and chapter 118-30 WAC and coordinate, when appropriate, with the state military department and other emergency management organizations. The City adopts the National Incident Management System (NIMS), including the Incident Command System (ICS), as the standard for managing emergency incidents.

**2.12.030 Adoption of local disaster emergency management plan.**

By resolution, the city council shall will adopt a disaster comprehensive emergency management plan for the city. The plan shall be filed with the Snohomish County department of emergency services and with the state Director of Emergency Services. Copies of the same shall be available to the public at City Hall during all business hours. The plan shall be subject to amendment at any time by resolution of the city council.

**2.12.040 State of emergency.**

(1) Declaration of State of Emergency. The mayor, or the person succeeding to the powers of the mayor, may, after determining that there is a public disorder, disaster, energy emergency, riot, or similar dangerous and emergency circumstance within the city which constitutes an immediate danger or threat to the life, health, property, or public peace of the citizens of the city, proclaim a state of emergency. In the event there is a

proclamation of a state of emergency, notice of the proclamation shall be given to the citizens of the city, in every reasonable manner.

(2) Authority of Mayor During State of Emergency. The mayor, or successor to mayor's powers, is authorized to include in the proclamation an order prohibiting:

(a) Any person being on the public streets or in the public parks or at any other public place during the hours declared by the mayor to be a period of curfew;

(b) Any number of persons from assembling or gathering on the public streets, parks, or other open areas of the city, either public or private;

(c) The transporting, possession, or use of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind, except in connection with normal operation of motor vehicles, normal home use, or legitimate commercial use;

(d) The sale, purchase, or dispensing of alcoholic beverages;

(e) The sale, purchase, or dispensing of other commodities or goods, as he reasonably believes should be prohibited or controlled to help preserve and maintain life, health, property or the public peace;

(f) The use of certain streets, highways, or public ways by the public; and

(g) Such other activities as she or he reasonably believes should be prohibited to help preserve and maintain life, health, property, or the public peace.

(3) During a state of emergency declared by the mayor or the governor, the mayor may:

(a) Obtain vital supplies and equipment and bind the city of Marysville to pay fair value for them or commandeer the same for public use;

(b) Control and direct the emergency management organization to preserve public health and safety; and

(c) Utilize any lawful authority or special powers conferred by this chapter or by any statute or by any other legal basis.

(4) Violations.

(a) Any person who knowingly violates any provision of an order issued by the mayor under this section is guilty of a misdemeanor. A second offense is a gross misdemeanor.

(b) Any person who knowingly refuses to comply with a lawful order of a public official or peace officer during an emergency is guilty of a misdemeanor. A second offense is a gross misdemeanor.

(5) Absence of Mayor/Line of Succession with Emergency Authority. The line of succession for persons with the power to declare a state of emergency and issue directives and prohibitions during the state of emergency shall be as follows:

Mayor;

Council president/mayor pro tem;

Most senior council member, with seniority determined by including all years served on the city council, regardless of whether there was a gap in years served on the council. Or if the city council is in session, a council member will be appointed by vote of the council.

In the event the mayor and entire city council is not available due to injury or absence, the line of succession with emergency powers shall be as follows:

Chief Administrative Officer

Police chief;

Public works director;

Most senior member of the police command staff.

Each department director shall designate an order of succession for his or her department in consultation with the mayor and chief administrative officer and advise the emergency manager.

**2.12.050. General public duty created.**

(1) It is expressly the purpose of this ordinance and any comprehensive emergency management plan adopted by the city to provide for and promote the health, safety, and welfare of the general public and not to

create or otherwise establish or designate any particular class or group of persons who will or should be specially protected or benefited by the terms of this ordinance.

(2) Nothing contained in this ordinance or a comprehensive emergency management plan is intended to create or form the basis of any liability on the part of the city, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this ordinance by its officers, employees or agents.