

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

ORDINANCE NO. 2018 - 015

**ORDINANCE AMENDING CHAPTER 2.48 DEPARTMENT OF EMERGENCY  
MANAGEMENT OF THE KITTITAS COUNTY CODE**

**WHEREAS**, RCW 38.52.070 among other provisions authorizes and directs the establishment of a local organization for emergency management; and

**WHEREAS**, the Kittitas County Code has a Chapter consistent with and implementing that statutory mandate; and

**WHEREAS**, for a long period of time the operational duties related to the Department of Emergency Management have been performed by and through the Office of the Sheriff; and

**WHEREAS**, in the course of other assistance to the Sheriff, assigned counsel found no indication that in fact the Sheriff has been formally appointed; and

**WHEREAS**, it appears sound and logically consistent to have such operations continue to be performed by and through the Office of the Sheriff; and

**WHEREAS**, amendment of the Emergency Management Chapter of the Kittitas County Code appears to be the proper means by which to achieve that purpose; and

**WHEREAS**, nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of Kittitas County, or any of its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to Chapter 2.48 of the Kittitas County Code to comply with this Ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the above referenced Chapter on the part of Kittitas County, or any of its officers, employees, or agents; and

**WHEREAS**, a public hearing was held on Aug 21, 2018 and the public was provided due notice and opportunity to provide testimony on the proposed amendment to the ordinance; and

**WHEREAS**, the Board of County Commissioners of Kittitas County hereby adopts this Ordinance pursuant to and by the authority of Sections 36.01.030 and 36.32.120 of the Revised Code of Washington and Article 11, §11 of the Washington Constitution to enact regulatory measures to preserve, promote, and improve the public health; and

**NOW, THEREFORE, BE IT ORDAINED** that the Board of County Commissioners adopt this Amendment to Chapter 2.55 of the Kittitas County Code to read as follows, and the Information

Technology Department shall forthwith change the relevant portion of the County's Official website to reflect those changes;

**AND ALSO BE IT ORDAINED** that the Office of the Prosecuting Attorney, unilaterally and without any action of the Board of County Commissioners, may direct the Information Technology Department to correct any scrivener's error found hereafter.

## **Chapter 2.48**

### **DEPARTMENT OF EMERGENCY MANAGEMENT\***

#### **Sections**

2.48.010 Purpose of chapter.

2.48.020 Definitions.

2.48.030 Emergency management council.

2.48.040 Emergency management council - Powers, duties.

2.48.050 Director of emergency management - Created, duties.

2.48.060 Director of emergency management - Powers during disaster.

2.48.070 Emergency management organization - Membership.

2.48.080 Emergency management organization - Divisions - Services - Staff.

2.48.090 Violation - Penalty.

2.48.010 Purpose of chapter.

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 disaster, and to provide for the coordination of the emergency management and disaster functions of this county with all other public agencies and affected private persons, corporations and organizations in a manner consistent with the mandates of law and the training of those responsible for leading the implementation of such emergency services. Any 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, provided that the expenditures are consistent with the mandates of law and/or funding sources related to such expenditures. (Ord. 99-03, 1999; Ord. dated 5/16/75 § I, 1975; Vol. M, p. 48 § 1, 1959).

2.48.020 Definitions.

The definitions of RCW 38.52.010 related to Emergency Management as now in existence or amended hereafter are adopted by reference.

(Ord. 99-03, 1999; Ord. dated 5/16/75 § II, 1975; Vol. M, p. 48 § 2, 1959).

#### 2.48.030 Emergency management council.

The county emergency management council is created and shall consist of the following:

1. The board of county commissioners. The chairman of the board will act as chairman of the emergency management council;
2. The director of the department of emergency management, who shall be vice chairman. (Ord. 99-03, 1999; Ord. dated 5/16/75 § III, 1975; Res. 72-11, 1972; Vol. M, p. 48 § 3, 1959).

#### 2.48.040 Emergency management council - Powers, duties.

It shall be the duty of the county emergency management council, and it is empowered, to review and recommend for adoption emergency services and mutual aid plans and agreements and such resolutions and rules and regulations as are necessary to implement such plans and agreements. The emergency management council shall meet upon call of the chairman or in his absence from the county or inability to call such meeting, upon the call of the vice chairman. (Ord. 99-03, 1999; Ord. dated 5/16/75 § IV, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 4, 1959).

#### 2.48.050 Director of emergency management - Created, duties.

There is created the office of director of emergency management as defined in RCW 38.52.010 as it exists now or is hereafter amended. The Sheriff of Kittitas County is hereby appointed *ex officio* to be Director of Emergency Management. The director is empowered and directed:

1. To delegate the various duties related to this position to such of his or her staff as in his or her judgment are best qualified to perform those duties, including those listed immediately below;
2. To prepare an emergency management plan for the county conforming to the state emergency management plan and program;
3. To control and direct the effort of the emergency management organization of this county for the accomplishment of the purposes of this chapter;
4. To direct coordination and cooperation between divisions, services and staff of the emergency management organization of this county, and to resolve questions of authority and responsibility that may arise between them;
5. To represent the emergency management organization of this county in all dealings with public or private agencies pertaining to emergency management and disaster. (Ord. 99-03, 1999; Ord. dated 5/16/75 § V, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 5, 1959).

#### 2.48.060 Director of emergency management - Powers during disaster.

In the event of disaster as provided in this chapter, the director is empowered, with the concurrence of the chairman of the county emergency management council:

1. To make and issue rules and regulations on matters as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the emergency management council;
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;
3. To require emergency services of any county officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such

persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency management workers as authorized by RCW 38.52.110(2) as it exists or is hereafter amended;

4. To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the emergency management council, or by any other lawful authority;
5. To requisition necessary personnel or material of any county department or agency. (Ord. 99-03, 1999; Ord. dated 5/16/75 § VI, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 6, 1959).

#### 2.48.070 Emergency management organization - Membership.

All county and city officers and employees of this county, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of KCC 2.48.060(3), charged with duties incident to the protection of life and property in this county during disaster, shall constitute the emergency management organization of the county. (Ord. 99-03, 1999; Ord. dated 5/16/75 § VII, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 7, 1959).

#### 2.48.080 Emergency management organization - Divisions - Services - Staff.

The functions and duties of the county emergency management organization shall be distributed among such divisions, services and special staff as the emergency management council prescribes. The emergency management council shall concurrently with the adoption of the ordinance codified herein, prescribe the form or organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of the federal government and the Department of Emergency Management of the state shall conform in organization, titles and terminology. (Ord. 99-03, 1999; Ord. dated 5/16/75 § VIII, 1975; Res. 72-11, 1972; Vol. M, p. 50 § 8, 1959).

#### 2.48.090 Violation - Penalty.

It is a misdemeanor, punishable by a fine of not to exceed \$250.00, or by imprisonment for not to exceed three months, for any person during a disaster:

1. To willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of any lawful rules or regulations issued pursuant to this chapter, or in the performance of any duty imposed upon him 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;
3. To wear, carry or display, without authority, any means of identification specified by the Department of Emergency Management of the state. (Ord. 99-03, 1999; Ord. dated 5/16/75 § IX, 1975; Res. 72-11, 1972; Vol. M, p. 50 § 9, 1959).

ADOPTED this 21<sup>st</sup> day of August 2018.

**BOARD OF COUNTY COMMISSIONERS**

KITITAS COUNTY, WASHINGTON

80  
Chair

[Signature]  
Vice-Chair

[Signature]  
Commissioner

APPROVED AS TO FORM:

**Douglas R. Mitchell**  
[Signature]  
Deputy Prosecuting Attorney



ATTEST:  
DEPUTY CLERK OF THE BOARD

[Signature]  
Mandy Buchholz

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
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**WHEREAS**, nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of Kittitas County, or any of its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to Chapter 2.48 of the Kittitas County Code to comply with this Ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the above referenced Chapter on the part of Kittitas County, or any of its officers, employees, or agents; and

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2.48.080 Emergency management organization - Divisions - Services - Staff.

2.48.090 Violation - Penalty.

~~\*For the statutory provisions regarding civil defense generally, see Chapter 35.82 RCW; for provisions authorizing local civil defense organizations, see RCW 38.52.070.~~

2.48.010 Purpose of chapter.

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 disaster, and to provide for the coordination of the emergency management and disaster functions of this county with all other public agencies and affected private persons, corporations and organizations in a manner consistent with the mandates of law and the training of those responsible for leading the implementation of such emergency services.

Any 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, provided that the expenditures are consistent with the mandates of law and/or funding sources related to such expenditures. (Ord. 99-03, 1999; Ord. dated 5/16/75 § I, 1975; Vol. M, p. 48 § I, 1959).

2.48.020 Definitions.

The definitions of RCW 38.52.010 related to Emergency Management as now in existence or amended hereafter are adopted by reference.

#### **Emergency management**

~~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 disasters. It shall not include, nor does any provision of this chapter apply, to any condition relating to a labor controversy.~~

## **Disaster**

~~Actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.~~

(Ord. 99-03, 1999; Ord. dated 5/16/75 § II, 1975; Vol. M, p. 48 § 2, 1959).

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1. To delegate the various duties related to this position to such of his or her staff as in his or her judgment are best qualified to perform those duties, including those listed immediately below;
- ~~2.~~ 2. To prepare an emergency management plan for the county conforming to the state emergency management plan and program;
- ~~3.~~ 3. To control and direct the effort of the emergency management organization of this county for the accomplishment of the purposes of this chapter;
- ~~4.~~ 4. To direct coordination and cooperation between divisions, services and staff of the emergency management organization of this county, and to resolve questions of authority and responsibility that may arise between them;
- ~~5.~~ 5. To represent the emergency management organization of this county in all dealings with public or private agencies pertaining to emergency management and disaster. (Ord. 99-03, 1999; Ord. dated 5/16/75 § V, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 5, 1959).

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1. To make and issue rules and regulations on matters as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the emergency management council;
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;
3. To require emergency services of any county officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency management workers as authorized by RCW 38.52.110(2) as it exists or is hereafter amended;
4. To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the emergency management council, or by any other lawful authority;
5. To requisition necessary personnel or material of any county department or agency. (Ord. 99-03, 1999; Ord. dated 5/16/75 § VI, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 6, 1959).

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1. To willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of any lawful rules or regulations issued pursuant to this chapter, or in the performance of any duty imposed upon him 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;

3. To wear, carry or display, without authority, any means of identification specified by the Department of Emergency Management of the state. (Ord. 99-03, 1999; Ord. dated 5/16/75 § IX, 1975; Res. 72-11, 1972; Vol. M, p. 50 § 9, 1959).

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**BOARD OF COUNTY COMMISSIONERS**

KITTITAS COUNTY, WASHINGTON

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Vice-Chair

\_\_\_\_\_  
Commissioner

ATTEST:  
CLERK OF THE BOARD

\_\_\_\_\_  
Julie A. Kjorsvik

APPROVED AS TO FORM:

/s/Douglas R. Mitchell  
Deputy Prosecuting Attorney

ATTEST:  
DEPUTY CLERK OF THE BOARD

\_\_\_\_\_  
Mandy Buchholz