

ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

1 WHEREAS, the City of Kirkland ("City") is in the process of
2 enhancing its planning and ability to respond to natural, human-made
3 or technological disasters; and
4

5 WHEREAS, as part of such process the City is developing plans
6 providing for Continuity of Operations ("COOP") and Continuity of
7 Government ("COG"); and
8

9 WHEREAS, Kirkland Municipal Code ("KMC") Chapter 3.20
10 related to emergency management includes provisions that no longer
11 reflect City practices and therefore need to be revised to help meet the
12 City's emergency response needs, including through successful
13 implementation of the COOP and COG plans (collectively, "Plan").
14

15 NOW, THEREFORE, the City Council of the City of Kirkland do
16 ordain as follows:
17

18 Section 1. Kirkland Municipal Code Section 3.20.010 is amended
19 to read as follows:
20

21 **3.20.010 Definitions.**

22 For the purposes of this chapter the following terms shall have their
23 ordinary meaning and, in addition:

24 (a) "Emergency or disaster" means an incident event or set of
25 circumstances which:

26 (1) Demands immediate action to preserve public health, protect life,
27 protect public property, or to provide relief to any stricken community
28 overtaken by such occurrences, or

29 (2) Reaches such a dimension or degree of destructiveness as to
30 warrant the proclamation ~~declaration~~ of a state of emergency.

31 (b) "Emergency management" means the preparation for and the
32 carrying out of all emergency services and functions to mitigate, prepare
33 for, respond to, and recover from emergencies and disasters, and to aid
34 those victims suffering from injury or damage, resulting from disasters
35 caused by all hazards, whether natural, human-made or technological,
36 ~~or man-made~~, and to provide support for search and rescue operations
37 for persons and property in distress.
38

39 Section 2. Kirkland Municipal Code Section 3.20.020 is amended
40 to read as follows:
41

42 **3.20.020 Purpose.**

43 Because of the possibility of the occurrence of emergencies or disasters
44 of unprecedented size and destructiveness, and in order to help ensure
45 that preparations of the city will be adequate to deal with such disasters,
46 and generally to protect the public peace, health, and safety, and to

47 preserve the lives and property of the people of the city of Kirkland, it
 48 is the purpose of this chapter to provide for emergency management in
 49 the city in accordance with the city's comprehensive emergency
 50 management plan providing of Kirkland and to create an emergency
 51 management plan to provide for coordination of the city's emergency
 52 management and other essential government functions city of Kirkland's
 53 emergency management with other government programs.

54
 55 Section 3. Kirkland Municipal Code Section 3.20.030 is amended
 56 to read as follows:

57
 58 **3.20.030 Office Division created.**

59 There is hereby created, within the fire department, an office ~~a division~~
 60 of emergency management to perform emergency management
 61 functions. The office division of emergency management is the city's ~~city~~
 62 ~~of Kirkland's~~ local organization for emergency management for the
 63 purposes of RCW 38.52.070. ~~For purposes of state regulation WAC 118-~~
 64 ~~06-050(1)(b)(i), it is hereby specified that the division of emergency~~
 65 ~~management represents only the city of Kirkland.~~

66
 67 Section 4. Kirkland Municipal Code Section 3.20.040 is amended
 68 to read as follows:

69
 70 **3.20.040 Director.**

71 The office division of emergency management shall be headed by the
 72 director of emergency services. The city manager shall appoint the fire
 73 chief as the director of emergency services. The director of emergency
 74 services shall be directly responsible to the city manager for the
 75 organization, administration, and operation of the office of emergency
 76 management division. The director of emergency services shall appoint
 77 an emergency manager, subject to the approval of the city manager.

78
 79 Section 5. Kirkland Municipal Code Section 3.20.050 is amended
 80 to read as follows:

81
 82 **3.20.050 Comprehensive emergency Emergency management**
 83 **plan.**

84 The director of emergency services shall create and maintain the city's
 85 comprehensive an emergency management plan ~~which will also serve~~
 86 ~~as the city of Kirkland's comprehensive emergency operations plan as~~
 87 ~~described in Chapter 118-30 118-07 WAC.~~ The city manager shall
 88 ensure ~~insure~~ that the city of Kirkland executes its comprehensive
 89 emergency management plan in the event of disaster and operates in
 90 accordance with said plan.

91
 92 Section 6. Kirkland Municipal Code Section 3.20.060 is amended
 93 to read as follows:

94
 95 **3.20.060 EOC ECC.**

96 The comprehensive emergency management plan shall provide for
 97 activation of the city's emergency operations center (EOC) emergency
 98 coordination center (ECC) or a crisis action team (CAT). Operation of
 99 the EOC ECC shall be under the direction of the director of emergency
 100 services by and through the emergency manager. ~~incident commander~~

101 ~~(IC). The emergency management plan shall provide for the designation~~
 102 ~~of the IC, who will normally be the fire chief, the police chief, or the~~
 103 ~~director of public works.~~

104
 105 Section 7. Kirkland Municipal Code Section 3.20.070 is amended
 106 to read as follows:

107
 108 **3.20.070 Emergency powers.**

109 In the event of an emergency or disaster coming within the scope of
 110 this chapter, the city of Kirkland shall have the broadest authority and
 111 greatest discretion consistent with state law ~~the laws of the city of~~
 112 ~~Kirkland and of the state of Washington~~ with respect to emergency
 113 response and operation. These powers include, but are not limited to,
 114 those provided for in RCW 38.52.070; namely, the authority to act in
 115 light of the exigencies of an emergency situation without regard to time-
 116 consuming procedures and formalities prescribed by law (excepting
 117 mandatory constitutional requirements), including, but not limited to,
 118 budget law limitations, requirements of competitive bidding and
 119 publication of notices, provisions pertaining to the performance of public
 120 works, entering into contracts, the incurring of obligations, the
 121 employment of temporary workers, the rental of equipment, the
 122 purchase of supplies and materials, the levying of taxes, and the
 123 appropriation and expenditure of funds.

124
 125 Section 8. Kirkland Municipal Code Section 3.20.080 is amended
 126 to read as follows:

127
 128 **3.20.080 Emergency management action team ~~task force~~.**

129 There is hereby established an emergency management action team
 130 (EMAT), ~~task force (EMTF)~~ which shall be composed of at least the
 131 following: director of emergency services, emergency manager, city
 132 attorney, communication manager, and one representative from each
 133 city department. The EMAT shall support the activities of the office of
 134 emergency management to help ensure that all city departments are
 135 prepared to help respond to needs in the city of Kirkland during and
 136 after a disaster ~~members of the city council, the city manager or~~
 137 ~~designee; members of the CAT; the city attorney or designee; and the~~
 138 ~~public information officer. The emergency management plan shall~~
 139 ~~provide for meetings of the EMTF as a work group, meaning those~~
 140 ~~members of the EMTF available to meet, as needed, shall for such~~
 141 ~~meeting, be the EMTF work group. The city manager or designee shall~~
 142 ~~chair the EMTF work group. The EMTF shall have as one of its functions,~~
 143 ~~liaison to members of the city council who were not present at a work~~
 144 ~~group meeting. Work group meetings may be called to address~~
 145 ~~questions or implications of public health, safety and welfare relative to~~
 146 ~~a disaster situation, particularly disaster recovery.~~

147
 148 Section 9. Kirkland Municipal Code Section 3.20.090 is amended
 149 to read as follows:

150
 151 **3.20.090 Ratification of actions.**

152 ~~The incident commander shall have the authority to act on behalf of the~~
 153 ~~city council, the mayor, and/or the city manager, subject to ratification~~
 154 ~~as soon as is practicable. The city manager shall have the authority to~~

155 take action on behalf of the city in the event of an emergency or
156 disaster, subject to ratification by the city council as soon as practicable
157 council and/or the mayor pursuant to the emergency management plan,
158 subject to ratification by the EMTF work group, the city council and/or
159 the mayor.

161 Section 10. Kirkland Municipal Code Section 3.20.110 is
162 amended to read as follows:

163
164 **3.20.110 Emergency management compensation board.**

165 There is hereby established an emergency management compensation
166 board for the processing of claims arising from emergency management
167 related activities. This board shall function as provided for in the
168 emergency management plan and be guided by applicable state law
169 such as RCW 38.52.210(2) through 38.52.260. The emergency
170 management claims compensation board shall be composed of: one
171 councilmember selected by the council; the city manager; the director
172 of emergency services; the emergency manager; and the city attorney.
173 The councilmember shall serve as the chair of the compensation board
174 and the emergency manager director of emergency services shall serve
175 as secretary of the board.

176
177 Section 11. Kirkland Municipal Code Section 3.20.120 is hereby
178 repealed.

179
180 Section 12. If any provision of this ordinance or its application
181 to any person or circumstance is held invalid, the remainder of the
182 ordinance or the application of the provision to other persons or
183 circumstances is not affected.

184
185 Section 13. This ordinance shall be in force and effect five days
186 from and after its passage by the Kirkland City Council and publication
187 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
188 form attached to the original of this ordinance and by this reference
189 approved by the City Council.

190
191 Passed by majority vote of the Kirkland City Council in open
192 meeting this 17th day of October, 2017.

193
194 Signed in authentication thereof this 17th day of October, 2017.

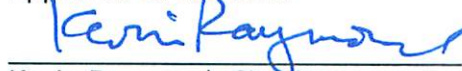

Amy Walen, Mayor

Attest:


Kathi Anderson, City Clerk

Publication Date: October 23, 2017

Approved as to Form:


Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY
MANAGEMENT.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 3.20.010 related to the definitions for the Chapter.

SECTION 2. Amends KMC Section 3.20.020 amending the purpose of the Chapter.

SECTION 3. Amends KMC Section 3.20.030 updating the emergency management division to an office of emergency management.

SECTION 4. Amends KMC Section 3.20.040 related to the director of emergency services.

SECTION 5. Amends KMC Section 3.20.050 related to the comprehensive emergency management plan.

SECTION 6. Amends KMC Section 3.20.060 related to the Emergency Operations Center ("EOC").

SECTION 7. Amends KMC Section 3.20.070 related to emergency powers.

SECTION 8. Amends KMC Section 3.20.080 related to the emergency management action team.

SECTION 9. Amends KMC Section 3.20.090 related to ratification of actions.

SECTION 10. Amends KMC Section 3.20.110 related to the emergency management compensation board.

SECTION 11. Repeals KMC Section 3.20.120.

SECTION 12. Provides a severability clause for the ordinance.

SECTION 13. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 17th day of October, 2017.

I certify that the foregoing is a summary of Ordinance O-4611 approved by the Kirkland City Council for summary publication.


Kathi Anderson
Kathi Anderson, City Clerk