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ORDINANCE NO. 101A

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 101
EMERGENCY MANAGEMENT SERVICES

BE IT ORDAINED BY THE BOARD OF PACIFIC COUNTY COMMISSIONERS that in accordance with RCW 38.52 that Ordinance #101 be AMENDED as follows:

Section 040: Emergency Management Agency

ITEM 4. The operation of said joint interlocal agency shall be conducted in accordance with Chapter 38.52 RCW. There is hereby created and established a special pooled fund to be administered by the Treasurer of Pacific County, which shall be known as the "Pacific County Emergency Management Fund" into which shall be deposited all funds received for the account of this joint interlocal agency and from which shall be paid all proper claims as allowed by the Pacific County Emergency Management Council.

ITEM 6. An annual budget shall be prepared by the Director of Emergency Management for the approval of and adoption by the Pacific County Emergency Management Council prior to the first Monday in October of each calendar year.

Effective Date of this amendment to Ordinance #101 will be January 1, 1984.
Passed by the Board of Pacific County Commissioners on the 1st day of November, 1983 and signed in authentication of its passage this 1st day of November, 1983.

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Bill Grossman
Chairman

Norman Bratang
Commissioner

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Commissioner

ATTEST:

Vyrle L. Hill
Clerk of the Board

property during disaster, shall constitute the Emergency Management Organization of Pacific County.

040 Emergency Management Agency.

1. There is hereby created a joint interlocal agency of government within Pacific County, Washington, composed of the County of Pacific and the participating incorporated Cities and Towns of Pacific County, Washington, to implement and conduct an emergency management program in accordance with Federal and State statutes and local ordinances, rules and regulations. The joint local agency shall be known as the "Pacific County Emergency Management Agency" which shall be directed and controlled by the "Pacific County Emergency Management Council."

2. This joint interlocal agency shall commence its existence upon the approval of an agreement between the Pacific County Commissioners and any eligible incorporated City or Town (adoption of a resolution by its legislative body agreeing to the provisions thereof) and the deposit with the Director of Emergency Management of a duly executed copy of the agreement and the resolution of adoption.

3. Should any eligible entity decline to participate in said joint interlocal agency or decline to contribute its fair and equitable share to said joint interlocal agency then, in accordance with RCW 38.52.070(1) it is directed to establish its own Emergency Services organization and comply with RCW 38.52 in its operation.

4. The operation of said joint interlocal agency shall be conducted through the Pacific County Administrative offices. There is hereby created and established a special pooled fund to be administered by the Treasurer of Pacific County, which shall be known as the "Pacific County Emergency Management Fund" into which shall be deposited all funds received for the account of this joint interlocal agency and from which shall be paid all proper claims as allowed by the Pacific County Commissioners in accordance with the provision of RCW 36.22 particularly RCW 36.22.050 and any other applicable statutes.

5. The participating members hereof shall contribute to the cost of the joint interlocal agency to be provided hereunder as may be determined by the executive heads of the constituent subdivisions, i.e. the "Emergency Management Council." Contributions for normal operating expenses and administration shall be determined annually, included in the participating members annual budgets and paid in periodic installments as determined by the Emergency Management Council. In the event of an emergency resulting in the necessity for the carrying out of emergency functions for the preservation and protection of lives and/or property, the cost of emergency functions above and beyond the permanent staff and facilities of the Emergency Management Agency shall be borne by the participating member or members affected by such emergency and promptly remitted to the Emergency Management Fund; provided that the Director shall obtain approval of the executive head of the affected political subdivision at the earliest opportunity. If in any case the

Emergency Management Council cannot agree upon the proper division of cost, the matter shall be referred to the Washington State Emergency Services Council for arbitration and its decision shall be final.

6. An annual budget shall be prepared by the Director of Emergency Management subject to the approval of the Emergency Management Council for adoption by the Pacific County Commissioners.

7. Said joint interlocal agency may accept gifts, grants or loans of money, equipment or services from any lawful source and perform all functions authorized by law to be performed by departments of emergency services.

8. Said joint interlocal agency shall honor all previous emergency agreements entered into separately by its participating members prior to the establishment of said joint interlocal agency unless repudiated by the Emergency Management Council within a reasonable time after notice thereof.

050 Emergency Management Council.

1. Membership. In accordance with RCW 38.52.070 the Pacific County Emergency Management Council shall consist of the Pacific County Commissioners and the Mayors of each of the participating eligible Cities and Towns. Additionally, the Director of Emergency Management will serve as an Ex-Officio, non-voting member of the Council and shall serve as the Council's Secretary. The voting members of the Council may appoint an elected official or department head of their respective entity as an alternate to represent them on this Council. The alternate so appointed will be entitled to exercise the same voting privileges as the regular members being represented.

2. Powers and Duties. The Emergency Management Council shall perform all duties imposed by statute upon executive heads of emergency services departments. It shall 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. It shall do all things herein provided and/or reasonably necessary to accomplish the purposes hereof.

3. Quorum, Officers and Meetings. A majority of the members of the Council shall constitute a quorum; provided that any meeting where a budget shall be adopted or a financial obligation assessed to a member hereof shall require a quorum of at least two-thirds (2/3) of the members of the Council. The Chairman and Vice-Chairman of the Council shall be elected by a majority vote of the members of the Council as the first item of new business at the first meeting in each calendar year. The terms of office shall be one (1) year. The Council shall meet upon call by the Chairman or in the Chairman's absence or inability to call such meeting, the Vice-Chairman or by a majority of the members of the Council.

4. Divisions, Services and Staff. The functions and duties of the Pacific County Emergency Management Agency shall be distributed among such divisions, services and special staff as the Emergency Management Council shall prescribe. The Council shall prescribe the form of organization, establish and designate the divisions and services, assign functions, duties, and powers or officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the Federal Government and the Department of Emergency Services of the State of Washington.

5. Parliamentary Authority. The rules contained in the latest edition of Robert's Rules of Order shall govern this Council in all cases to which they are applicable and in which they are not inconsistent with the Bylaws or the special rules of order of this Council. All meetings shall conform to the Washington State Open Meetings Act, RCW 42.30.

060 Director of Emergency Management. There is hereby created the position of Director of Emergency Management appointed by a majority of the Emergency Management Council. The tenure of the Director shall be at the pleasure of the Council. The Director is hereby empowered and directed to:

1. Prepare an emergency operating plan conforming to Federal and State emergency plans and programs.
2. Control and direct the effort of the Emergency Management Organization for the accomplishment of the purposes of the Pacific County Emergency Management Council.
3. Direct coordination and cooperation between divisions, services and staff of the Emergency Management Organization and to help resolve questions of authority and responsibility that may arise.
4. Represent the Emergency Management Organization in all dealings with public or private agencies pertaining to emergency management/services.
5. Evaluate emergency management in Pacific County and submit recommendations to the Council from time to time.
6. Prepare each year and submit to the Council for approval a budget for the following years operation.
7. Supervise all of the emergency management activities undertaken by the Council within the budget approved and maintain adequate records of these activities and submit the same to the Council upon request.
8. In the event of disaster as herein provided, the Director is hereby further empowered and directed to:
   a. Make and issue rules and regulations on matters reasonable related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Pacific County Emergency Management Council.
   b. Within the scope of the approved budget, obtain vital supplies, equipment and such other properties found lacking and needed for th protection of the life and property of the people, and bind the Council for the fair value thereof, and

if required immediately, to commandeer the same for public use.

c. Require emergency management/services of any 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 necessary in the execution of legal duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered emergency services workers.

070 Effective Date - Findings of Urgency. Both the Congress and the Legislature have adopted comprehensive emergency management laws. The Federal and State plans contemplate immediate adoption of such legislation as is necessary to put into operation a coordinated and effective emergency management program so that each citizen and each community will be ready in the event of a disaster to afford as complete protection as is possible to life and property. In order that regulations relating to emergency services may be brought into conformity with the Federal and State plans at the earliest possible date, it is necessary that this ordinance take effect on April 1, 1983 or the date that an agreement between the Pacific County Commissioners and an eligible incorporated City or Town can be approved, whichever is later.

080 Repealer, Supersession and Severability. All ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

If any portion of this ordinance is held invalid, such decision shall have no effect upon the validity of the remaining portions of this ordinance. It is hereby declared that this ordinance and each part or portion thereof would have been adopted irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

090 Penalty Provisions. It shall be a violation of the provisions of this ordinance or amendments thereto:

1. To wilfully obstruct, hinder or delay any member of the Emergency Management Organization in the enforcement of a lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.
2. To do any act forbidden by any lawful rules or regulations issued pursuant to this ordinance, 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, 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 Services of the State of Washington or the Pacific County Emergency Management Organization.
4. Any violation of the provisions of this ordinance or amendments thereto is hereby made a misdemeanor. Each day such violation continues may be considered a separate offense.

Notwithstanding the imposition of any penalties hereunder, appropriate actions of proceedings may be instituted to require compliance with or to enjoin violation of the provisions of this ordinance or any administrative orders or determinations made pursuant to this ordinance.

ADOPTED THIS 29 DAY OF March. 1983.

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Chairman

Commissioner

Commissioner

APPROVED AS TO FORM:

Jeff Campiche, Prosecuting Attorney

ATTEST:

Pacific County Auditor and
Ex-Officio Clerk of the Board