

Puget Sound Regional Catastrophic Disaster Coordination Plan



Emergency Authorities

July 2011

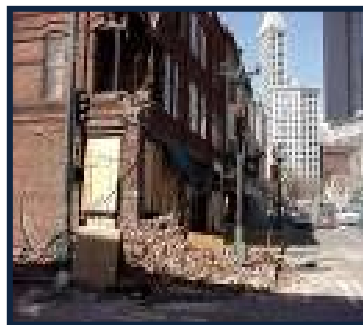


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This report by Witt Associates was contracted and/or requested by the City of Seattle Office of Emergency Management as part of the Regional Catastrophic Preparedness Grant Program. The author's opinions, findings, conclusions, and/or recommendations are provided solely for the use and benefit of the requesting party. Any statements, allegations, and/or recommendations in this report should not be construed as a City of Seattle Office of Emergency Management policy or decision unless so designated by other documentation. The report is based on the most accurate data available at the time of publication, and therefore is subject to change without notice.

Section I. Introduction

Under the auspices of the Regional Catastrophic Preparedness Grant Program (RCPGP), the Seattle Office of Emergency Management engaged Witt Associates to provide support in the preparation of a matrix of emergency authorities for the Federal government, Washington State government, and local governments participating in this grant as part of the Regional Catastrophic Planning Team (RCPT).

The project goal was to develop a report that identifies existing lines of authority, and if applicable, to identify ambiguities and/or conflicts and offer recommendations on how to resolve them, and finally to identify areas where emergency authorities should exist but where there are none. One part of this project was to develop a matrix of existing emergency authorities at all levels across all disciplines across the region (elected officials, emergency managers, health directors, fire chiefs, etc.). The purpose is to provide a tool that can enhance understanding and coordination among emergency management and homeland security planners and responders throughout the Puget Sound region.

Participating local jurisdictions in this project include eight counties and eleven cities identified by FEMA as the Puget Sound Region (See Catastrophic Disaster Coordination Plan). Emergency authorities from these jurisdictions as well as select State and Federal statutes and regulations that provide agencies emergency powers under their own statutory authority or following a Proclamation of Emergency by the Governor of the State of Washington or Federal Disaster Declaration by the President.

Section II. Background and Process

The development of this report involved extensive research of local, state and federal laws and plans to identify statutes that address emergency authorities. The matrix includes enough detail to be a useful tool for the user but not so detailed as to become cumbersome and unmanageable. It also provides specific references to the respective authority so further information can be found if needed. This report includes the emergency authority matrix, a section on Tribal emergency management authority, and examples of case law concerning local and state emergency authority.

This report also includes a section identifying issues and proposed solutions. These issues were initially identified by a survey sent to RCPT members, project leads and Federal agencies that are part of FEMA's Regional Interagency Steering Committee (RISC). Relevant issues and recommendations were then vetted by the Regional Catastrophic Planning Team to determine a regional consensus on issues that should be included in the report and a commitment to follow up with potential future action, whether that is through additional research, coordination among involved agencies or legislative action.

The emergency authority matrix of city, county, state and federal emergency authorities provides a brief snapshot of major statutes and regulations that provide the State of Washington, its political subdivisions (counties, cities and towns) and selected federal agencies with emergency authority and powers to prepare for and respond to disaster.

These statutes and regulations and information about them have been collected from sources including, but not limited to, the following:

- The “Authorities” section of state and local comprehensive emergency management plans
- Reports and information developed by staff from the Washington State Attorney General
- The National Response Framework
- Web and document searches
- Survey responses from Regional Catastrophic Planning Team members
- Federal agencies on the Regional Interagency Steering Committee – RISC
- Department of Commerce’s Bureau of Industry and Security (BIS)
- Federal Emergency Management Agency (FEMA)
- Department of State’s Foreign Press Centers (FPC)

It is important to note that because much of this information was developed from web searches, and every effort was made for stakeholder review, some of the cited sections may be out of date.

The purpose of this matrix is to provide general reference and summary information about these authorities. This matrix is organized as follows:

- City Authorities (From various cities identified by FEMA in the Puget Sound Region)
- County Authorities (From the 8 counties identified by FEMA in the Puget Sound Region)
- State of Washington Authorities (Revised Code of Washington [RCW] and Washington Administrative Code [WAC])
- Federal authorities (Statutes, HSPDs, plans and other directives)
- An index by subject

The matrix is not intended to be all inclusive, but to provide enough information for the reader to understand the basic purpose or authority referenced. The authorities identified fall into two basic categories:

First, there are general authorities such as the establishment of fire protection or emergency medical services in a county that are general ongoing emergency related capabilities to develop and maintain organizations and resources for the day to day protection of life and property as well as for disaster response.

Secondly, there are specific powers given to the governor, local and state elected and appointed officials to respond to a specific disaster or emergency situations. These include, but are not limited to the ability to commandeer citizens and their equipment, restricting access to certain areas and special mechanisms to pay disaster costs.

The information about these specific powers can be used by local jurisdictions to identify the legal tools that are available to do all that is in their respective authority to respond to a disaster as required by law and policy.

Section III. Emergency Authorities Matrix

City Emergency Authorities Matrix	
City Ordinance	Scope and Emergency Provisions
<p>CITY OF BELLEVUE Bellevue City Code Section 1.12.040 B Ordinances not subject to initiative and referendum</p>	<p>Relates to emergency ordinances:</p> <p>B. Ordinances of the city which shall not be subject to the powers of initiative and referendum and which shall become effective immediately upon their passage are as follows:</p> <p>1. Emergency Ordinances. An ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Bellevue City Code Chapter 9.22 Mayor's Emergency Powers</p>	<p>Relates to the emergency powers of the mayor:</p> <p>9.22.010 Emergency defined. Whenever a civil emergency or the imminent threat thereof, occurs in the city and results in, or threatens to result in the death or injury of persons or the destruction of or damage to property to such extent as to require, in the judgment of the mayor, extraordinary measures to protect the public peace, safety and welfare, the mayor shall forthwith proclaim in writing the existence of a civil emergency.....</p> <p>9.22.020 Action which may be taken. Upon the proclamation of a civil emergency by the mayor, and during the existence of such emergency the mayor may make and proclaim any or all of the following orders:</p> <p>A. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours as he deems necessary.....,</p> <p>B. An order requiring any or all business establishments to close and remain closed until further order;</p> <p>C. An order requiring the closure of any or all bars, taverns, liquor stores and other business establishments where alcoholic beverages are sold or otherwise dispensed.....</p> <p>D. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or ammunition for firearms</p> <p>E. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products</p> <p>F. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold</p> <p>G. An order closing to the public any or all public places.....</p> <p>H. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm.....</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Bellevue City Code Chapter 3.98</p> <p>Sections 3.98.010 – 3.98.020</p> <p>Emergency organization established</p>	<p>Relates to the establishment or the emergency services organization:</p> <p>3.98.010 Established.</p> <p>Pursuant to Chapter 38.52 RCW, there is established in the city, an emergency management organization for the purpose of performing local emergency management functions. The organization shall represent the city and shall perform functions only within the city.</p> <p>3.98.015 Operations.</p> <p>The organization shall operate under the policy guidance of the Bellevue emergency operations plan which shall include the following operational elements: organization, responsibilities, concept of operations, administration and logistics, direction and control.</p> <p>3.98.020 Director of emergency services.</p> <p>The organization shall be headed by the director of emergency services. The city manager or his designee shall serve as the director of emergency services. The director shall be directly responsible for the organization, administration and operation of the emergency management organization. The emergency operations plan and any amendments thereto shall be effective when approved by the director.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Bellevue City Code Chapter 3.98</p> <p>Sections 3.98.030 – 3.98.040</p> <p>Powers of the organization and the emergency operations board</p>	<p>Relates to the powers of the organization and the emergency operations board:</p> <p>3.98.030 Powers. The organization shall have all powers granted under Chapter 38.52 RCW as now or hereafter amended and as may otherwise be provided by law.</p> <p>3.98.040 Emergency operations board.</p> <p>A. There is created and established an emergency operations board to oversee and provide policy recommendations to the city council during emergency and recovery periods, and to provide policy direction for development and maintenance of the emergency operations plan. During any emergency or disaster, the board shall also oversee and provide direction to the emergency management committee, and shall be chaired by the director of emergency services.</p> <p>B. The emergency operations board shall consist of the following members:</p> <ol style="list-style-type: none"> 1. City manager, who shall be the chairperson; 2. Deputy city manager, who shall be the vice-chairperson; 3. City attorney; 4. Fire chief; 5. Police chief; 6. Director, department of community development; 7. Director, department of finance; 8. Director, department of parks and community services; 9. Director, department of planning, neighborhoods, and economic development; 10. Director, transportation department; 11. Director, utilities department; 12. Director, office of human resources; 13. Director, department of information services; and 14. Other departments or divisions as designated by director. <p>C. Each department director shall have specific duties and responsibilities for mitigation, preparedness, response and recovery as provided in the city emergency operations plan and shall ensure that the policies established by the emergency management organization in the plan are implemented within their respective city departments.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Bellevue City Code Chapter 3.98.050 Emergency preparedness manager</p>	<p>Relates to the appointment of the emergency preparedness manager:</p> <p>The director or his designee shall appoint an emergency preparedness manager to direct and coordinate development, implementation and maintenance of the emergency operations plan as chairperson of the emergency management committee, to provide coordination with outside agencies and organizations involved in emergency planning, to provide for public education and information, to manage the emergency operations center during emergencies and to perform such other functions as the director shall designate.</p>
<p>CITY OF EVERETT</p> <p>Everett City Code Chapter 2.04 Section 030 Emergency Purchases buy the Mayor</p>	<p>Relates to the emergency purchasing authority of the Mayor:</p> <p>04.030 Authority to let contracts not requiring competitive bidding</p> <p>A. The mayor, or designee specifically authorized by the mayor, is authorized to let or enter into contracts not requiring competitive bidding in the following instances...etc.</p> <p>3. Purchases of goods or services on an emergency basis</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Everett City Code Chapter 2.134 Sections 2.134.010, 020 and 050.</p> <p>Emergency Management Organization</p>	<p>Relates to the City of Everett Emergency Management Organization:</p> <p>2.134.010 Emergency management division: Pursuant to Chapter 38.52 RCW, the city hereby establishes an emergency management organization for the purpose of performing local emergency management functions. This organization is designated as the city of Everett emergency management division and shall perform functions only within the city and outside the city as authorized by law.</p> <p>2.134.020 Director of emergency management: The mayor shall appoint a director of emergency management, who shall head the city of Everett emergency management division. The director shall be responsible for the organization, administration and operation of the emergency management division, subject to the direction and control of the mayor and to legal requirements.</p> <p>2.134.050 Emergency management executive committee.</p> <p>An emergency management executive committee shall be appointed by the mayor and shall oversee and provide policy direction for the city of Everett's integrated emergency management program and provide recommendations to the mayor. The director of emergency management shall chair the committee.</p>
<p>Everett City Code Chapter 2.134 Section 2.134.030</p> <p>Emergency Management Powers</p>	<p>Relates to the powers of the City of Everett Emergency Management Division:</p> <p>2.134.030 Powers: The emergency management division shall have all duties, responsibilities and powers authorized by Chapter 38.52 RCW now existing or hereafter amended and as may otherwise be provided by law.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>CITY OF KENT</p> <p>Kent City Code Chapter 9.01 Emergency Services</p>	<p>Relates to the City of Kent emergency management program:</p> <p>9.01.010 Emergency management organization – Established</p> <p>Pursuant to RCW 38.52.005 et seq., there is hereby established in the city an emergency management organization for the purpose of performing emergency services functions in support of city operations.</p> <p>9. 01.020 Emergency management organization – Director</p> <p>The director of the emergency management organization shall be the city fire chief or designated representative, unless and until another person is appointed by the mayor. The director shall be directly responsible for the organization, administration and operation of the emergency management organization.</p> <p>9.01.030 Emergency management organization – Powers</p> <p>The emergency management organization shall have all powers granted under RCW 38.52.005 et seq. and as may otherwise be provided by law.</p>
<p>Kent City Code Chapter 14.08 Section 14.08.120 Emergency Orders</p>	<p>Relates to local authority to bar use of unsafe buildings:</p> <p>14.08.120 Emergency order: Whenever any building, dwelling unit, and/or premises violates the building codes in a manner that, in the opinion of the building official, creates a risk of imminent harm to the occupants of the building, dwelling unit, premises, or any member of the public, the building official may issue an emergency order barring use of the building, dwelling unit, and/or premises until the building, dwelling unit, and/or premises has been inspected by the city and approved as restored to a condition of safety, and the order may require that the building, dwelling unit, and/or premises be immediately vacated and closed to entry until the dangerous condition has been corrected to the satisfaction of the building official. The emergency order shall also specify a deadline for correction of the conditions that caused the emergency order to be issued.</p>
<p>CITY OF MT. VERNON</p>	<p>See Skagit County – The City of Mt. Vernon is part of the Skagit County emergency management program.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>CITY OF OAK HARBOR</p> <p>Oak Harbor City Code Chapter 1.10</p> <p>Emergency Management</p>	<p>Relates to the policy and purpose of the emergency management program:</p> <p>1.10.010 Purpose</p> <p>(1) The declared purposes of this chapter are to provide for the preparation and carrying out of plans for emergency mitigation, preparedness, response and recovery for persons and property within the city in the event of an emergency or disaster, and to provide for the coordination of emergency functions and services of this city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such emergency management activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city of Oak Harbor.</p> <p>(2) It is the policy of this city to make effective preparation and use of manpower, resources, and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies by their very nature, may disrupt or destroy existing systems and the capability of the city of Oak Harbor to respond to protect life, public health and public property, and essential city services. Therefore, citizens are advised to be prepared to be on their own for up to 72 hours should an emergency or disaster occur.</p>
<p>Oak Harbor City Code Chapter 1.10.030</p> <p>Executive and administrative responsibility</p>	<p>Relates to the executive and administrative responsibility of the emergency management program:</p> <p>(1) Mayor shall be responsible for assuring carrying out emergency management program for the city of Oak Harbor.</p> <p>(2) City administrator is hereby empowered on an interim basis to act on behalf of the mayor if the mayor is unable or unavailable to carry out the duties of mayor in an emergency situation.</p> <p>(3) The mayor may assign and publish additional persons to carry out duties on an interim basis when the mayor or the city administrator is unavailable to carry out the duties of the mayor in an emergency situation.</p> <p>When a person other than the city administrator deems it necessary to assume responsibility hereunder, he or she shall as soon as is reasonably practicable advise the members of the city council of the action taken and write a report documenting the events and circumstances requiring such action.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Oak Harbor City Code Chapter 1.10.070</p> <p>Emergency Management Program</p>	<p>Relates to the establishment of the Oak Harbor Emergency Management Program:</p> <p>The emergency management program of Oak Harbor is hereby created, and shall consist of:</p> <p>(1) The mayor who shall be the administrative head of and have direct responsibility for the organization, administration and operation of the emergency management program for the city.</p> <p>(2) The director of emergency management shall develop and maintain the emergency management plan and program of the city, and shall have such other duties as may be assigned to him by the mayor.</p> <p>(3) The city may contract, pursuant to Chapter 39.34 RCW, for emergency management services with another political subdivision which does have an approved emergency management program in accordance with Chapter 38.52 RCW.</p>
<p>Oak Harbor City Code Chapter 1.10.080</p> <p>Executive and administrative powers and duties of the Mayor</p>	<p>Relates to the executive and administrative powers and duties of the mayor:</p> <p>The mayor is hereby empowered to:</p> <p>(1) Request the city council to proclaim the existence, or threatened existence, of a disaster and the termination thereof, if the city council is in session, or to issue such proclamation, if the city council is not in session, subject to ram of the city confirmation by the city council at the earliest practicable time;</p> <p>(2) Request the Governor to proclaim a state of extreme emergency when, in the opinion of the mayor, the resources of the area or region are inadequate to cope with the disaster;</p> <p>(3) Direct coordination and cooperation between divisions, services and staff of the departments and services of this city in carrying out the provisions of the emergency management plan, and to resolve questions of authority and responsibility that may arise among them;</p> <p>(4) Recommend for adoption by the city council emergency management plans and mutual aid plans and agreements.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Oak Harbor City Code Chapter 1.10.090</p> <p>Disaster and emergency powers and duties of the Mayor</p>	<p>Relates to the disaster and emergency powers of the mayor:</p> <p>In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the Governor or the state Director of Emergency Management, the mayor is hereby empowered to:</p> <p>(1) Make and issue rules and regulations on matters reasonably 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 city council;</p> <p>(2) Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the city for the fair value thereof, and, if required immediately, to commandeer the same for public use;</p> <p>(3) Control and direct the efforts of the emergency management organization of this city for the accomplishment of the purposes of this chapter;</p> <p>(4) Require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which this city is located, to command the aid of as many citizens of this city as may be deemed necessary in the execution of the mayor's duties; such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers;</p> <p>(5) Requisition necessary personnel or material of any city department or agency;</p> <p>(6) Execute all of the special powers conferred upon the mayor by this chapter, by any other statute, agreement or lawful authority, as necessary.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Oak Harbor City Code Chapter 1.10.095</p> <p>Powers and duties of the Director of Emergency Management</p>	<p>Relates to the powers of the Director of Emergency Management:</p> <p>1.10.095 Director of emergency management – Powers and duties</p> <p>The administrator is hereby empowered to:</p> <p>(1) Act on behalf of the mayor or successors as identified under OHMC 1.10.030, city administrator or other directors of city departments if they are unable to carry out their duties, in carrying out the purposes of this chapter or the provisions of the emergency management plan;</p> <p>(2) Represent the emergency management organization of the city in dealing with issues pertaining to emergency management;</p> <p>(3) Prepare and maintain the emergency management plan of the city and manage the day-to-day responsibilities of the emergency management program activities of the city.</p>
<p>CITY OF OLYMPIA</p> <p>Olympia City Code Section 2.04.080</p> <p>Powers of the Mayor to Proclaim emergency</p>	<p>Relates to the Mayor’s powers to proclaim emergency:</p> <p>Whenever riot, unlawful assembly or insurrection, or the imminent threat thereof, occur in the city and result in, or threaten to result in, the death or injury of persons or the destruction of property to such extent as to require, in the judgment of the mayor, extraordinary measures to protect the public peace, safety and welfare, the mayor shall proclaim in writing the existence of a civil emergency.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Olympia City Code Section 2.04.090</p> <p>Powers of the Mayor during an emergency</p>	<p>Relates to the Mayor’s powers during emergency</p> <p>Upon the proclamation of a civil emergency by the mayor, and during the existence of such civil emergency, the mayor may make or proclaim any or all of the following orders:</p> <p>A. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city, and during such hours as he/she deems necessary.....</p> <p>B. An order requiring any or all business establishments to close and remain closed....</p> <p>C. An order requiring the closure of any or all bars, taverns, liquor stores and other business establishments where alcoholic beverages are sold or otherwise dispensed.....</p> <p>D. An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the city;</p> <p>E. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammables or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;</p> <p>G. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed.....</p> <p>H. An order closing to the public any or all public places, including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;</p> <p>I. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm.....</p> <p>J. Such other orders as are imminently necessary for the protection of life and property; provided, however, that any such orders shall, at the earliest practicable time, be presented to the city council for ratification and confirmation, and, if not so ratified and confirmed, shall be void.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Olympia City Code Section 2.08.010</p> <p>Powers and duties of the City Manager</p>	<p>Relates to the powers and duties of the city manager in times of emergency:</p> <p>2.08.010 Appointment –Powers and duties: The council shall appoint a city manager for an indefinite term or for any term set by the council. The city manager shall be the general supervisor over the administrative affairs of the city, under the direction and authority of the council. The city manager shall have the following specific duties, powers and responsibilities:</p> <p>C. To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant to the mayor to maintain law and order in times of emergency;</p>
<p>Olympia City Code Section 16.10.040</p> <p>Building inspection authority and powers</p>	<p>Relates to the Enforcement Officers power to ensure the safety of buildings after a disaster:</p> <p>A. The responsibility for administration and enforcement of this chapter, unless otherwise provided, is vested in the Enforcement Officer as defined in this chapter.</p> <p>B. The Enforcement Officer may exercise such lawful powers as may be necessary or convenient to effectuate the purposes and provisions of this chapter. These powers shall include the following in addition to others herein granted:</p> <ol style="list-style-type: none"> 1. To determine, pursuant to standards prescribed by the Building Code, which dwellings within the City are unfit for human habitation; 2. To determine, pursuant to standards prescribed by the Building Code, which buildings, structures, or premises are unfit for other use; 3. To administer oaths and affirmations, examine witnesses and receive evidence;
<p>CITY OF RENTON</p> <p>Renton City Code Section 3-5-1</p> <p>Establishment of the Fire and Emergency Services Department</p>	<p>Relates to the establishment of the Fire and Emergency Services Department:</p> <p>There is hereby created and established a Fire and Emergency Services Department.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Renton City Code Section 3-5-1</p> <p>Duties of the Fire Chief/ Emergency Services Administrator</p>	<p>Relates to the duties of the Emergency Services Administrator:</p> <p>The Fire Chief/Emergency Services Administrator shall be responsible for any duties associated with the City's overall prevention, preparedness, response to, recovery from or mitigation activities associated with emergencies and/or disasters including but not limited to:</p> <ul style="list-style-type: none"> A. Performing duties in City ordinance or policies assigned to the Fire Chief, Chief of the Fire Department or City Emergency Manager. B. Planning, organizing, coordinating and directing the Department's services and functions including community risk reduction, response operations, member safety and support services. C. Providing relevant information to the Mayor and City Council. D. Supervising and evaluating the performance of assigned personnel. E. Utilizing the Administrator's authority to make rules and issue orders for the proper functioning of the Department, consistent with laws, Council policies and the rules of the Civil Service Commission.

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>CITY OF SEATTLE</p> <p>Seattle Municipal Code Section 10.02.010</p> <p>Proclamation of Civil Emergency</p>	<p>Relates to the Proclamation of civil emergency:</p> <p>A. Whenever riot, unlawful assembly, insurrection, other disturbance, the imminent threat thereof, or any fire, flood, storm, earthquake or other catastrophe or disaster occurs in the City and results in or threatens to result in the death or injury of persons or the destruction of property or the disruption of local government to such extent as to require, in the judgment of the Mayor, extraordinary measures to prevent the death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering, the Mayor shall forthwith proclaim in writing of the existence of a civil emergency.</p> <p>B. Such civil emergency shall cease to exist upon the issuance of a proclamation by the Mayor or by a resolution passed by a vote of not less than two-thirds (2/3) of all the members of the City Council terminating the same. Such proclamation shall be issued by the Mayor or by a resolution passed by a vote of not less than two-thirds (2/3) of all the members of the City Council when such extraordinary measures are no longer required for the protection of the public peace, safety and welfare. Before a civil emergency is declared terminated, either by proclamation by the Mayor or by a resolution passed by a vote of not less than two-thirds (2/3) of all the members of the City Council, the Mayor or Council will consult with the City's Police Chief, Fire Chief, Director of Public Health and the Director of Emergency Management to determine if there are any fiscal, public safety response or disaster recovery imperatives that require the continuation of emergency measures.</p> <p>C. Any such proclamation by the Mayor shall, within forty-eight (48) hours of issuance of the proclamation, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification, or rejection. The Council may, by resolution, modify or reject the proclamation and if rejected, it shall be void. If the Council modifies or rejects the proclamation, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of the proclamation. The Council shall endeavor to act on any proclamation of civil emergency within forty-eight (48) hours of its being presented to the Council by the Mayor.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Seattle Municipal Code Section 10.02.020</p> <p>Emergency Orders by the Mayor</p>	<p>Related to the authority of Mayor to issue certain orders:</p> <p>Upon the proclamation of a civil emergency by the Mayor, and during the existence of such civil emergency, the Mayor may..... make and proclaim any or all of the following orders:</p> <p>A. An order imposing a general curfew applicable to the City as a whole, or to such geographical area or areas of the City and during such hours, as he deems necessary.....</p> <p>B. An order requiring any or all business establishments to close and remain closed until further order;</p> <p>C. An order requiring the closure of any or all bars, taverns, liquor stores, and other establishments where alcoholic beverages are sold.....</p> <p>D. An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the City;</p> <p>E. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or ammunition for firearms in any or all parts of the City.</p> <p>F. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.</p> <p>G. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold....</p> <p>H. An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;</p> <p>I. An order prohibiting the carrying or possession of a firearm or any instrument which is capable of producing bodily harm</p> <p>J. An order requesting federal and/or state assistance in combating such civil emergency;</p> <p>K. An order establishing economic controls including:the convening and establishment of ration boards; ...consistent with federal orders relating to price stabilization or controls.....</p> <p>L. An order directing the use of all public and private health, medical, and convalescent facilities and equipment</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Seattle Municipal Code Section 10.02.020</p> <p>Emergency Orders by the Mayor (Con't)</p>	<p>M. An order authorizing, in cooperation with utility management and appropriate state and federal agencies, the shutting off, restoration, and operation of utility services</p> <p>N. An order providing for the evacuation and reception of the population of the City or any part thereof; and</p> <p>O. Such other orders as are imminently necessary for the protection of life and property.....</p>
<p>Seattle Municipal Code Section 10.02.030</p> <p>Authority of Mayor to enter into contracts and incur obligations</p>	<p>Relates to the authority of Mayor to enter into contracts and incur obligations:</p> <p>A. Upon the proclamation by the Mayor of a civil emergency resulting from a disaster caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural cause, and during the existence of such civil emergency, the Mayor, in carrying out the provisions of RCW Chapter 38.52, shall have the power by order to enter into contracts and incur obligations ("Order") necessary to combat such disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster. Such powers shall be exercised in the light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations and requirements of competitive bidding and publication of notices pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds; provided, that the Mayor shall, wherever practical, advise and consult with the City Council with respect to disaster response activities, and any such Order shall at the earliest practical time be presented to the City Council pursuant to Section B herein for review and appropriate legislation including:</p> <ol style="list-style-type: none"> 1. Findings by resolution with respect to actions taken; 2. Authorization of payment for services, supplies, equipment loans and commandeered property used during disaster response activities;

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Seattle Municipal Code Section 10.02.030 (Con't) Authority of Mayor to enter into contracts and incur obligations</p>	<p>Relates to the authority of Mayor to enter into contracts and incur obligations: (Con't)</p> <p>3. Approval of gifts, grants or loans accepted by the Mayor during the emergency; and</p> <p>4. Levy of taxes to meet costs of disaster response and recovery operations.</p> <p>B. Any such order shall, within 48 hours of issuance of the Order, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected any such Order shall be void. If the City Council modifies the Order, such modification shall be effective only if it is agreed to by the ordered or contracting party. If the ordered or contracting party refuses to accept the modification, the Order shall be deemed to be rejected by the City Council. If the City Council rejects the Order, such rejection shall not affect the City's responsibility for any actions taken prior to the rejection of the Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City.</p> <p>C. The Director of Finance and Administrative Services shall be authorized to draw and to pay the necessary warrants for expenditures made pursuant to Order and authorized by the City Council. If the applicable fund is solvent at the time payment is ordered, the Director may elect to make payment by check.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Seattle Municipal Code Section 10.02.040</p> <p>Use of services and equipment of municipalities and citizens</p>	<p>Relates to commandeering services and equipment:</p> <p>In addition to and/or in connection with the exercise of the powers specified in Sections 10.02.020 and 10.02.030, the Mayor shall in accordance with RCW Chapter 38.52 and in carrying out the provisions thereof:</p> <p>A. Utilize to the maximum extent practicable the services, equipment, supplies and facilities of existing departments, offices, and agencies of the City, state and other municipal corporations organized under the laws of the state; and</p> <p>B. In the event of a disaster and upon the proclamation by the Governor of the existence of such disaster, command the service and equipment of as many citizens as the Mayor considers necessary in the light of the disaster proclaimed; provided, that citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by RCW Chapter 38.52 and federal and state civil defense regulations for registered civil defense or emergency services workers.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Seattle Municipal Code Section 10.02.070 Emergency purchases of supplies</p>	<p>Relates to the emergency purchases of supplies:</p> <p>Upon the proclamation of a civil emergency by the Mayor, and during the existence thereof, emergency purchases of supplies, materials and equipment are authorized to be made in accordance with the following procedure:</p> <p>A. Preprinted emergency purchasing forms shall be provided by the Director of Finance and Administrative Services for use for all emergency purchases or contracting for supplies, materials or labor during the existence of such emergency.....,</p> <p>B. An employee identification card shall be used in all cases to verify that the purchaser is an employee of the City.</p> <p>C. A log of all purchases made during any emergency shall be maintained by each department and by the Director of Finance and Administrative Services.</p> <p>D. The heads of departments using emergency purchase forms shall account for all costs incurred in making such purchases.</p> <p>E. Upon termination of the emergency, the heads of departments shall review all emergency purchase orders issued by their respective departments, and shall verify and authenticate such orders.....</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Seattle Municipal Code Section 20.60.114 Emergency purchases</p>	<p>Relates to emergency purchases:</p> <p>In case of an emergency which requires immediate purchase of supplies, materials, equipment, or services within the purview of this subchapter the Director or such other City officers or employees authorized by ordinance or rule to act in such event may make such purchases in the open market without advertisement at the best obtainable price regardless of the amount of the expenditure; and in determining the best price, such factors, among others, as quality, delivery terms, and service reputation of the vendor, may be considered; provided, that expenditures amounting to more than Ten Thousand Dollars (\$10,000) per requisition shall be based on written contract; and provided, further, that a full explanation of the circumstances of such emergency shall be filed by the using agency with the Director.</p>
<p>Seattle Municipal Code Section 21.04.500 Emergency water use restrictions</p>	<p>Relates to emergency restrictions of water use:</p> <p>A. The Director of Seattle Public Utilities, upon finding that an emergency situation exists which threatens to seriously disrupt or diminish the municipal water supply, may order and enforce restrictions on water use so as to distribute the available supply on a just and equitable basis to all customers, including residential, industrial, and commercial users, as well as to municipal water districts, other municipalities and nonprofit water associations which purchase water from the City.....</p> <p>C. Before putting into effect any restrictions on water use for more than twenty-one (21) days pursuant to this section, the Director of Seattle Public Utilities shall explain fully to the Mayor and the City Council the reasons for such restrictions.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Seattle Municipal Code Section 22.206.260 Emergency closure of buildings</p>	<p>Relates to emergency orders to close entry to buildings</p> <p>A. Whenever the Director finds that any building, housing unit or premises is an imminent threat to the health or safety of the occupants or the public, an emergency order may be issued directing that the building, housing unit or premises be restored to a condition of safety and specifying the time for compliance. In the alternative, the order may require that the building, housing unit or premises be immediately vacated and closed to entry....etc.</p>
<p>Seattle Municipal Code Section 23.90.012 Emergency order under land use code</p>	<p>Relates to emergency orders under the Land Use Code:</p> <p>Whenever any use or activity in violation of this Code threatens the health and safety of the occupants of the premises or any member of the public, the Director may issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The Emergency Order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an Emergency Order shall constitute a violation of this Land Use Code.... etc</p>
<p>Seattle Municipal Code Section 25.05.880 Exemptions to environmental policies and procedures during an emergency</p>	<p>Relates to emergencies and categorical exemptions under environmental protection and historic preservation:</p> <p>Actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt. Agencies may specify these emergency actions in their procedures.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>CITY OF SHELTON</p> <p>Shelton City Code Section 2.86.050</p> <p>Emergency Management Program</p>	<p>Relates to the establishment of the Shelton Emergency Management Program:</p> <p>The emergency management program of the city is created, and shall consist of:</p> <p>A. The city administrator, who shall be the administrative head and have direct responsibility for the organization, administration and operation of the emergency management program for the city and direct responsibility for the emergency operations of departments of the city.</p> <p>B. The director shall develop and maintain the emergency management plan and program of the city, and shall have such other duties as may be assigned to him by the city administrator.</p> <p>C. A deputy director shall perform such functions as outlined in the emergency management plan and shall act for and exercise the powers and perform the duties of the director during his/her absence or disability.</p> <p>D. Compensated members of the emergency management organization.</p> <p>E. Volunteer members of the emergency management organization.</p> <p>F. Such advisory committees as may be appointed by the director.</p> <p>G. The city may form its own department of emergency management, or it may contract pursuant to RCW Chapter 39.34 for emergency management services with another political subdivision which does have an approved emergency management program in accordance with RCW 38.52.</p> <p>H. Other as deemed appropriate by the city.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Shelton City Code Section 2.86.060</p> <p>Disaster and emergency powers of the city commission</p>	<p>Relates to the disaster and emergency powers of the city commission:</p> <p>In the event of a proclamation of a disaster as herein provided, or upon the proclamation of a state of extreme emergency by the governor of the state of Washington, the city commission is empowered:</p> <p>A. To authorize the city administrator to make and issue rules and regulations on matters reasonably 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 city commission;</p> <p>B. To request the county commission to proclaim a state of emergency when, in the opinion of the city administrator, the resources of the area or region are inadequate to cope with the disaster;</p> <p>C. 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 to bind the city for the fair value thereof, and, if required immediately, to commandeer the same for public use;</p> <p>D. To control and direct the efforts of the emergency management organization of the city for the accomplishment of the purposes of this chapter;</p> <p>E. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the governor in the region in which the city is located, to command the aid of as many citizens of the city as may be deemed necessary in the execution of the city administrator's duties; and such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers;</p> <p>F. To requisition necessary personnel or material of any city department or agency;</p> <p>G. To execute all of the special powers conferred upon the mayor by this chapter, by any other statute, agreement or lawful authority, as necessary.</p> <p>H. Other as deemed appropriate by the city.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Shelton City Code Section 2.86.070</p> <p>Disaster and emergency powers of the director</p>	<p>Relates to the disaster and emergency powers of the director</p> <p>The director is hereby empowered:</p> <p>A. To request the mayor/city commission to proclaim the existence or threatened existence of a disaster and the termination thereof, if the city commission is in session, or to issue such proclamation, if the city commission is not in session, subject to confirmation by the city commission at the earliest practicable time;</p> <p>B. To direct coordination and cooperation between divisions, services and staff of the departments and services of the city in carrying out the provision of the emergency management plan, and to resolve questions of authority and responsibility that may rise between them;</p> <p>C. To recommend for adoption by the city commission emergency management plans and mutual aid agreements.</p> <p>D. To act on behalf of the city administrator, if he/she is unable to carry out his/her duties, in carrying out purposes of this chapter or the provisions of the emergency management plan;</p> <p>E. To represent the emergency management organization of the city in dealing with issues pertaining to emergency management;</p> <p>F. To prepare and maintain the emergency management plan of the city and manage the day to-day responsibilities of the emergency management program activities of the city;</p> <p>G. Other as deemed appropriate by the city.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>CITY OF TACOMA</p> <p>Tacoma City Code Section 1.10.030 and Section 1.10.080</p> <p>Director of Emergency Management defined and Powers and Duties</p>	<p>Relates to the powers and duties of the Director of Emergency Management:</p> <p>1.10.030 Director defined: The City Manager shall be the Director of Emergency Management for the City of Tacoma.</p> <p>1.10.080 Director of Emergency Management – Powers and duties.</p> <p>The Director is hereby empowered to:</p> <p>A. Request the City Council to proclaim the existence, or threatened existence, of a disaster and the termination thereof, if the City Council is in session, or to issue such proclamation, if the City Council is not in session, subject to confirmation by the City Council at the earliest practicable time; B. Request the Governor to proclaim a state of extreme emergency when, in the opinion of the Director, the resources of the area or region are inadequate to cope with the disaster;</p> <p>C. Direct coordination and cooperation between divisions, services and staff of the departments and services of this City in carrying out the provisions of the emergency management plan, and to resolve questions of authority and responsibility that may arise among them; D. Recommend for adoption by the City Council emergency management plans and mutual aid plans and agreements.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Tacoma City Code Section 1.10.040 and Section 1.10.095</p> <p>Administrator of Emergency Management defined and Powers and Duties</p>	<p>Relates to the powers and duties of the Administrator of Emergency Management:</p> <p>1.10.040 Administrator defined: "Administrator" shall mean the Chief of the Tacoma Fire Department who shall serve as the Administrator of Emergency Management of the City of Tacoma. In the absence or unavailability of the Chief of the Fire Department, the duties of the Administrator shall be assumed by the Director of the Public Works Department. In the absence or unavailability of both the Chief of the Fire Department and the Director of the Public Works Department, the duties of the Administrator shall be assumed by the Chief of the Tacoma Police Department.</p> <p>1.10.095 Administrator of Emergency Management – Powers and duties.</p> <p>The Administrator is hereby empowered to:</p> <p>A. Act on behalf of the Mayor, Director, and Director of Utilities, if they are unable to carry out their duties, in carrying out the purposes of this chapter or the provisions of the emergency management plan;</p> <p>B. Represent the emergency management organization of the City in dealing with issues pertaining to emergency management;</p> <p>C. Prepare and maintain the emergency management plan of the City and manage the day-to-day responsibilities of the emergency management program activities of the City.</p>

City Emergency Authorities Matrix

City Ordinance	Scope and Emergency Provisions
<p>Tacoma City Code Section 1.10.090</p> <p>Disaster and emergency powers of the mayor</p>	<p>Relates to the disaster and emergency powers of the mayor:</p> <p>In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the Governor or the State Director of Emergency Management, the Mayor is hereby empowered:</p> <p>A. To make and issue rules and regulations on matters reasonably 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 City Council;</p> <p>B. 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 to bind the City for the fair value thereof, and, if required immediately, to commandeer the same for public use;</p> <p>C. To control and direct the efforts of the emergency management organization of this City for the accomplishment of the purposes of this chapter;</p> <p>D. To require emergency services of any City officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which this City is located, to command the aid of as many citizens of this City as may be deemed necessary in the execution of the Mayor's duties; such persons to be entitled to all privileges, benefits and immunities as are provided by State law for registered emergency workers;</p> <p>E. To requisition necessary personnel or material of any City department or agency;</p> <p>F. To execute all of the special powers conferred upon the Mayor by this chapter, by any other statute, agreement or lawful authority, as necessary.</p>
<p>Tacoma City Code Section 3.04.140</p> <p>Authority to keep the vicinity of an emergency incident clear.</p>	<p>Relates to the Fire Chief's authority to keep the vicinity of an emergency incident clear:</p> <p>3.04.140 Vicinity of fire - Authority to keep area clear: The Chief of the Fire Department, or his/her representative, may prescribe limits in the vicinity of an emergency incident within which no person excepting those who reside therein, firefighters and police officers, and those admitted by order of any officer of the Fire Department shall be permitted to come.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>ISLAND COUNTY</p> <p>Island County Code Section 9.24A.010 Emergency Management</p>	<p>Relates to the establishment and purpose of the Island County Emergency Management Program:</p> <p>The purposes of this chapter are to provide for the preparation and carrying out of plans, including mock or practice drills, for the civil defense and protection of persons and property within this county in the event of a disaster, and to provide for the coordination of the emergency services functions of this county with all other public agencies and affected private persons, corporations, and organizations, and to comply with the provisions of RCW 38.52.070. Any 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 Island County.</p> <p>Chapter 38.52 RCW pertains to emergency management and provides the principal statutory authorization for this chapter of the Island County Code.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Island County Code Section 9.24A.050 Director of Emergency Management</p>	<p>Relates to the powers and duties of the Island County Director of Emergency Management:</p> <p>There is hereby created the Island County Department of Emergency Management, to be headed by a director of emergency management. The director shall be appointed by the Board of County Commissioners and the director shall be directly responsible for the organization, administration, and operation of the Island County Department of Emergency Management. The Island County Department of Emergency Management shall represent only the political subdivision of Island County. The director of emergency management is empowered:</p> <ul style="list-style-type: none"> A. To control and direct the effort of the Island County Department of Emergency Management (ICDEM) for the accomplishment of the purposes of this chapter; B. To direct coordination and cooperation between divisions, services, and staff of the ICDEM, and to resolve questions of authority and responsibility that may arise between them; C. To represent the ICDEM in all dealings with public or private agencies pertaining to emergency services; and D. To approve and sign contracts on behalf of Island County transferring equipment purchased by the County from funds received from Homeland Security, Law Enforcement Terrorism Prevention Program and Emergency Management Program grants to other Island County local government end users.

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Island County Code Section 9.24A.060</p> <p>Director of Emergency Management – Disaster Powers</p>	<p>Relates to the Disaster Powers of the Island County Department of Emergency Management:</p> <p>In the event of disaster as herein provided, the director is hereby empowered:</p> <p>A. To make and issue rules and regulations on matters reasonably 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 Board of County Commissioners;</p> <p>B. 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;</p> <p>C. To require emergency services of any county officer or employee, and to command the aid of as many citizens of this community as he thinks 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 civil defense or emergency services worker volunteers; and</p> <p>D. To requisition necessary personnel or material of any county department or agency.</p>
<p>Island County Code Section 9.24A.070</p> <p>Department of Emergency Management</p>	<p>Relates to the composition of the Department of Emergency Management:</p> <p>All officers and employees of this county, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations, and persons, including persons pressed into service under the provisions of ICC 9.24A.060.C, who may by agreement or operation of law be charged with duties incident to the protection of life and property in this county during such disaster, shall constitute the Island County Department of Emergency Management.⁴</p> <p>4 All persons employed or associated in any capacity in any emergency management organization established under Chapter 38.52 RCW are required to take the oath prescribed by RCW 38.52.120.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>KING COUNTY</p> <p>King County Charter Section 230.30</p> <p>Emergency Ordinances</p>	<p>Relates to Emergency Ordinances:</p> <p>Any proposed ordinance may be enacted as an emergency ordinance if the county council finds as a fact, and states in the ordinance, that an emergency exists and that the ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions. A minimum of nine affirmative votes shall be required to enact an emergency ordinance; and unless it is an emergency appropriation ordinance, it shall not be subject to the veto power of the county executive. (Ord. 10530, 8/24/92)</p>
<p>King County Charter Section 470.20</p> <p>Emergency Purchases</p>	<p>Relates to the County's authority to make Emergency Appropriations:</p> <p>The county council may adopt an emergency appropriation ordinance which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget and funds from any other source available to the county in an emergency.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>King County Code Section 2.56.010 Emergency Management</p>	<p>Relates to the establishment and purpose for emergency management in King County:</p> <p>Because of the existing and increasing possibility of emergencies which exceed local resources, in order to ensure that the preparations of King County are adequate to deal with such emergencies, to ensure adequate support for search and rescue operations, to manage recovery from such emergencies, to generally protect the public peace, health and safety, and to preserve the lives and property of the people of the county, it is hereby found and declared to be necessary:</p> <p>A. To establish a county organization for emergency management by the county executive;</p> <p>B. To confer upon the executive the emergency powers necessary for carrying out emergency management functions;</p> <p>C. To represent the emergency management functions of the county in all dealings with public or private agencies pertaining to emergency services and disasters;</p> <p>D. To provide for rendering of mutual aid among the political subdivisions of the state within King County and to cooperate with state governments with respect to carrying out emergency management functions;</p> <p>E. To provide programs, with intergovernmental cooperation, to educate and train the public to be prepared for emergencies;</p> <p>F. To ensure that to the maximum extent possible all emergency management operations of the county are coordinated with the comparable functions of state and federal governments and with private agencies of every type</p> <p>G. To ensure coordination and cooperation consistent with the provisions of RCW 38.52.070, as amended, between divisions, services, and staff of the emergency services functional units of this county, and resolving questions of authority and responsibility that may arise among them. (Ord. 12163 § 6, 1996: 12075 § 14, 1995).</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>King County Code Section 2.56.030 Emergency Management</p>	<p>Relates to the establishment of the King County emergency management organization:</p> <p>There is established pursuant to state law the King County office of emergency management, the operation of which shall be the director of the department of executive services. The mission of the office of emergency management shall be to provide for the effective direction , control and coordination of county government emergency services functional units, to coordinate with other governments and the private, non governmental sector, in compliance with a state approved comprehensive emergency management plan and to serve as the coordination entity for cities, county governmental departments and other appropriate agencies during incidents and events of regional significance.</p>
<p>King County Code Section 2.56.040 Emergency Powers and Duties of the Executive Delineated</p>	<p>Relates to the emergency powers and duties of the executive:</p> <p>A. The executive shall have general supervision and control of the emergency management organization and shall be responsible for implementing the provisions of K.C.C. chapter 2.56 in the event of a disaster.</p> <p>B. In performing the executive's duties pursuant to this chapter, and to effect its policy and purpose, the executive is further authorized and empowered to:</p> <ol style="list-style-type: none"> 1. Make, amend and rescind the necessary orders, rules and regulations to implement the provisions of this chapter.... 2. Cooperate with state governments, federal government, local governments and with other counties and with the provinces of the Dominion of Canada, and with private agencies..... 3. Foster cooperative planning at all levels to enable a uniform and rational approach to the coordination of multiple agency and multijurisdictional actions for all regional mitigation, preparedness, response and recovery efforts,

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>King County Code Section 2.56.040</p> <p>Emergency Powers and Duties of the Executive Delineated</p> <p>(Con't)</p>	<p>4. Prepare a comprehensive plan and program for the emergency management of the county pursuant to state law, and to submit the plan to the state director of emergency management for the director's recommendations</p> <p>5.procure supplies and equipment, institute professional and public training programs and public information and educational programs, ...coordinate disaster drills, and take all other preparatory steps.....</p> <p>6. Act as the hazardous material incident coordinating agency for King County</p> <p>7. Coordinate preparation of disaster proclamations and the appropriate documentation thereof for the purpose of obtaining state and federal relief and assistance.</p> <p>8. Following implementation of the 800 MHz regional emergency communications system, manage and coordinate the county's internal interdepartmental radio communications system and prioritize communications in emergencies which exceed local resources;</p> <p>9....represent the county concerning the management of the county's share of the system consistent with any interlocal agreements with other jurisdictions.</p> <p>10. On behalf of the county, enter into mutual aid arrangements in collaboration with other public and private agencies for reciprocal emergency aid and assistance in the event of a disaster too great to be managed without assistance.</p> <p>11. Delegate any administrative authority vested in the executive pursuant to this chapter and provide for the sub-delegation of any such authority.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>King County Code Section 2.56.060 Continuity of Government</p>	<p>Relates to the continuity of King County government:</p> <p>In the event of a disaster, it is essential to assure continued operation of county government, to preserve and protect records essential to the continued functioning of county government, and to provide for the appointment of temporary interim successors to the elected and appointed offices of the county.</p> <p>A. Office of the Executive. In the event that a vacancy exists or occurs in the office of the executive during or immediately following the occurrence of a disaster requiring the execution of the county's emergency management operations plan, the powers and duties of the office of the executive, subject to the provisions of the King County Charter, shall be exercised and discharged by a temporary interim successor designated pursuant to executive order.</p> <p>B. Council business during an emergency will be conducted pursuant to K.C.C. 1.28*.</p> <p>C. Other Elected Officials. Elected officers of the county, other than the executive and county council members, are authorized and directed to designate temporary interim successors to the office of such officer in the event a vacancy occurs during an emergency caused by a disaster.</p> <p>D. Appointed Officers. The executive shall, subject to rules and regulations that the executive may adopt, permit each appointed officer of the county to designate temporary interim successors in the event a vacancy occurs during an emergency caused by a disaster.</p> <p>E. Termination of Succession. Any county officer succeeding to an office on a temporary interim basis pursuant to this chapter shall exercise and discharge the duties and powers of that office as prescribed by the charter or by ordinance only until such time as a regularly appointed successor is designated by the customary means.</p> <p>1. Successors to fill vacancies in elective offices shall be appointed by the council pursuant to Section 680 of the King County Charter and the state constitution until a permanent successor is duly elected and qualified.</p> <p>2. Successors to fill vacancies in appointed offices shall be made by the executive, or other authorized officer, subject to the confirmation process where applicable. (Ord. 12163 § 9, 1996: Ord. 12075 § 17, 1995).</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>King County Code Section 4.16.035</p> <p>County Administrative Officer oversees Emergency Management</p>	<p>Relates to the emergency management authority of the County administrative officer:</p> <p>The county administrative officer shall be the director of the department of executive services. The department shall include the records and licensing services division, the finance and business operations division, the human resources management division, the facilities management division, the administrative office of risk management, the administrative office of emergency management, the administrative office of the business resource center and the administrative office of civil rights. In addition, the county administrative officer shall be responsible for providing staff support for the board of ethics.</p>
<p>King County Code Section 4.16.050</p> <p>Emergency Purchases</p>	<p>Relating to the authority for emergency purchases:</p> <p>A. In the event of an emergency, as defined in K.C.C. 12.52.010, the executive may issue a determination of emergency or proclaim an emergency pursuant to K.C.C. chapter 12.52 reciting the facts constituting the same. Upon issuance of such a determination or proclamation the executive may issue a waiver of the requirements of K.C.C. chapters 4.04, 4.16, 4.18, 12.16 and 12.18 with reference to any contract relating to the county's lease or purchase of tangible personal property or services, contracts for public works as defined by RCW 39.04.010, or to the selection and award of professional and/or technical service consultant contracts. Such waiver shall continue in force and effect until terminated by order of the executive or action by the council by ordinance. However, waivers for contracts entered into, that combined, encumber funds either in excess of two hundred fifty thousand dollars, or in excess of appropriation shall be subject to subsection B. of this section. Etc.....</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>King County Code Section 12.52.020 Emergency Powers</p>	<p>Relates to emergency powers conferred upon executive:</p> <p>A. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness, and in order to ensure that preparations of King County will be adequate to deal with such disasters, and further to ensure adequate support for search and rescue operations, to manage recovery from such disasters to generally protect the public peace, health, and safety, and to preserve the lives and property of the people of King County, it is hereby found and declared to be necessary:</p> <p>1. To confer upon the executive the emergency powers provided herein pursuant to K.C.C. 2.56; etc.....</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>King County Code Section 12.52.030</p> <p>Emergency Powers Delineated</p>	<p>Relates to the emergency powers of the executive:</p> <p>The executive shall see that the Washington State laws and ordinances of King County are enforced, and shall direct and control all subordinate officers of the county, except insofar as such enforcement, direction and control is by King County Charter reposed in some other officer or board.....</p> <p>A. Whenever an emergency or disaster occurs in King County and results in the death or injury of persons or the destruction of property... the executive may forthwith proclaim in writing the existence of such an emergency.</p> <p>B. Upon the proclamation of an emergency by the executive, and during the existence of such emergency, the executive may make and proclaim any or all of the following orders:</p> <ol style="list-style-type: none"> 1. An order recalling King County employees from vacation, canceling days off, authorizing overtime, or recalling selected retired employees; 2. An order waiving the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18.095 with reference to any contract relating to the county's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010..... 3. An order directing evacuation and/or clearing of debris 4. An order imposing a general curfew applicable to King County as a whole, or to such geographical area or areas of King County and during such hours, as the executive deems necessary..... 5. An order requiring any or all business establishments to close and remain closed until further order; 6. An order requiring discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of King County 7. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products.... 8. An order closing to the public any or all public places..... 9. An order prohibiting the carrying or possession of firearms 10. An order granting emergency postponement of King County permit procedures for public work projects,..... 11. Such other orders as are imminently necessary for the protection of life and property.

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>KITSAP COUNTY</p> <p>Kitsap County Code Section 2.104.020</p> <p>Organization Established</p>	<p>Relates to the establishment of the Kitsap County Department of Emergency Management:</p> <p>The Kitsap County department of emergency management is established. This organization is the successor to the emergency management organization of Kitsap County. The department of emergency management shall be a Kitsap County department that is jointly administered and funded by the county and the cities pursuant to an interlocal agreement.</p>
<p>Kitsap County Code Section 2.104.030</p> <p>Organization Established</p>	<p>Relates to the duties of the Kitsap County emergency organization:</p> <p>The department of emergency management shall provide emergency management services and programs to the residents of, and on behalf of, the county and cities. In addition the department of emergency management, pursuant to RCW 38.52.070, is designated as the local emergency management organization for the county and cities and is vested with emergency management power and authority to the maximum extent permitted by Chapter 38.52 RCW.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Kitsap County Code Section 2.104.090</p> <p>Powers and duties of the Director</p>	<p>Relates to the powers and duties of the director:</p> <p>The director, or designee, shall:</p> <ol style="list-style-type: none"> (1) Implement the policies, procedures, programs, and directives of the council in regard to emergency management operations; (2) Make recommendations and reports to the council; (3) Represent the department of emergency management on behalf of the council in dealings with public and other outside public or private entities..... (4) Organize, appoint and train volunteers and salaried employees needed to assist (5) Coordinate the local emergency management program(s) with state, federal and other local programs; (6) Develop an “all-hazard” comprehensive emergency management plan for the county..... (7) Develop an “all-hazard” comprehensive emergency management plan for each city..... (8) Conduct studies and surveys of hazards and the resources available to deal with an emergency or disaster; (9) Develop mutual aid agreements for reciprocal emergency management aid and assistance; (10) When an emergency or disaster demands immediate action.....the director may proclaim an emergency or disaster anywhere within unincorporated Kitsap County..... etc. (11) In the event of a proclaimed emergency or disaster within unincorporated Kitsap County, obtain vital supplies, equipment, and such other properties..... (12) In the event of a proclaimed emergency or disaster, 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....citizens.... (13) In the event of a proclaimed emergency or disaster, execute all of the special powers conferred upon him/her by this chapter..... (14) In the event of a proclaimed emergency or disaster, requisition necessary personnel or material of any county department or agency. <p>(Ord. 454 (2010) § 9, 2010: Ord. 109-B (1998) § 5, 1998: Ord. 109 (1986) § 9, 1986)</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Kitsap County Code Section 2.104.130 Emergency Proclamation</p>	<p>Relates to emergency proclamations in Kitsap County:</p> <p>(a) Proclamation. If circumstances warrant, the board of county commissioners may proclaim the existence of a local emergency or disaster occurring anywhere within unincorporated Kitsap County; provided, if the circumstances are exigent, the director, or designee, may proclaim the existence of a local emergency or disaster anywhere within unincorporated Kitsap County if there is not sufficient time for the board of county commissioners to meet in person or by telephone; provided further, if a proclamation of a local emergency or disaster is proclaimed by the director or designee, the board of county commissioners shall meet as soon as possible thereafter to affirm or rescind the proclamation. If circumstances warrant, a mayor, or designee, may proclaim the existence of a local emergency occurring anywhere within that city's jurisdictional boundaries.</p> <p>(b) Abatement. When a proclaimed emergency or disaster has sufficiently abated, the board of county commissioners and/or the mayor, or designees, depending upon which jurisdiction proclaimed the existence of a local emergency, shall proclaim an end to the emergency or disaster.</p> <p>(c) Use of Government Resources. If an emergency or disaster has been proclaimed, the department of emergency management may utilize the services, equipment, supplies and facilities of the state and all other governmental entities organized pursuant to state law.</p> <p>(d) Impressment of Citizens. If an emergency or disaster has been proclaimed by the governor, the department of emergency management may commandeer the service and equipment of citizens.</p> <p>(e) Rules and Regulations. If an emergency or disaster has been proclaimed, the council, or designee, may make such rules and regulations necessary for the protection of life and property.</p> <p>(Ord. 454 (2010) § 13, 2010: Ord. 109-B (1998) § 7, 1998: Ord. 109 (1986) § 13, 1986)</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>MASON COUNTY</p> <p>Mason County Code Section 2.19.010</p> <p>Emergency Management</p>	<p>Relates to the establishment and purpose of the Mason County Emergency Management Program:</p> <p>The purposes of this chapter are to provide for the preparation and The declared purpose of this chapter is to provide for the establishment and operation of a local organization for emergency management to provide for the preparation and carrying out of plans for multiple hazards and emergency support functions for the protection and benefit of persons and property within this county and to provide for the coordination of emergency response with all other federal, state, local, and public agencies, private persons, corporations, and organizations pursuant to RCW Chapter 38.52, Emergency Management.</p>
<p>Mason County Code Section 2.19.040</p> <p>Emergency Management Council</p>	<p>Relates to the powers and duties of the Mason County Emergency management council:</p> <p>(a) It shall be the duty of the Mason County emergency management council, and it is empowered, to review and recommend for adoption emergency operations procedures, plans and agreements and such resolutions and rules and regulations as are necessary to implement such procedures, plans and agreements. The emergency management council shall meet upon the call from the chairperson, or in his/her absence from the county or inability to call such a meeting, upon the call of the vice chair. Meetings will be conducted quarterly with special meetings being called as necessary.</p> <p>(b) The emergency management council shall provide oversight of the emergency management planning team including approval of draft plans prepared by the emergency management planning team and approval of appointed members of the emergency management planning team</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Mason County Code Section 2.19.050</p> <p>Assistant Director- Division of Emergency Management</p> <p>Note: Mason County Ordinance 103-06, passed on October 10, 2006 transferred responsibility for Emergency Management Department from the Sheriff to Public Works effective January 1, 2007.</p>	<p>Relates to the powers and duties of the Assistant director the Mason County sheriff's office, division of emergency management:</p> <p>(a) There is created the office of the assistant director for emergency management in the public works department. The office shall be known as the public works - division of emergency management (DEM) and consist of the assistant director and such other positions as may be approved by the Mason County board of commissioners.</p> <p>(b) The assistant director is empowered and directed:</p> <p>(1) To prepare and maintain an emergency operations plan and such other supporting documents</p> <p>(2) To control and coordinate the efforts of all organizations of the county for the accomplishment of the purposes of this chapter.</p> <p>(3) To direct coordination and cooperation between all departments, services, and staff of this county in response to disaster/emergency situations.</p> <p>(4) To represent the emergency response organizations of the county in all dealings with public and private agencies</p> <p>(5) To develop and maintain a community awareness program for the education and information of the general public</p> <p>(c) In the event of disaster, the assistant director is empowered, with the concurrence of the chair of the Mason County board of commissioners:</p> <p>(1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as effected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time.....</p> <p>(2) To obtain vital resources found lacking and needed for the protection of life and property</p> <p>(3) To require emergency services of any county employee, and in the event of a proclamation by the Governor of...a disaster, to command the aid of as many citizens of this jurisdiction as ... necessary</p> <p>(5) To requisition necessary personnel or material of any county department or agency.</p> <p>(6) To ensure a mutually effective and coordinated response and recovery effort on the part of any city/county department involved in an inter-mutual disaster or emergency.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Mason County Code Section 2.19.060 Emergency Management Organization</p>	<p>Relates to the Mason County Emergency Management organization:</p> <p>All county employees, 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 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.</p>
<p>Mason County Code Section 2.19.060 Emergency Management Planning Team – Powers and Duties</p>	<p>Relates to the powers and duties of the Emergency management planning team:</p> <p>(a) It shall be the duty of the Mason County emergency management planning team, and it is empowered, to review and recommend for adoption emergency operations procedures, plans and agreements and such resolutions and rules and regulations as are necessary to implement such procedures, plans and agreements.</p> <p>(b) The emergency management planning team shall also develop and update recommendations for hazard mitigation plans and recommend such resolutions, rules, agreements and regulations as are necessary to implement such plans.</p> <p>(c) The emergency management planning team shall also serve as the local emergency planning committee (LEPC) in accordance with the provisions of WAC 118.40.</p> <p>(d) The emergency management planning team shall meet upon the call from the chairperson, or in his/her absence from the county or inability to call such a meeting, upon the call of the vice-chair. Meetings will be conducted quarterly with special meetings being called as necessary.</p> <p>(e) The emergency management planning team shall establish such by-laws and procedures as necessary for its operation.</p> <p>(f) The emergency management planning team shall coordinate with other community agencies and organizations.</p> <p>(g) The emergency management planning team may establish such subcommittees and working groups as necessary for its duties.</p> <p>(h) The emergency management planning team shall make its recommendations to the emergency management council and, when appropriate, may make recommendations to the local government entities.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>PIERCE COUNTY Pierce County Charter Article 1 Powers of the County</p>	<p>Relates to the General Powers of the County: Section 1.10 – General Powers - The County shall have all powers possible that a home rule county may have under the Constitution and laws of the United States and the State of Washington.</p>
<p>Pierce County Charter Article 1 – Section 1.20 Powers of the County</p>	<p>Relates to the emergency powers of the County: Section 1.20 (3) – The County shall provide professional guidance and coordination for the fire protection agencies within Pierce County and shall support the concept of consolidated emergency services.</p>
<p>Pierce County Charter Article 2 – Section 2.50 Emergency Ordinances</p>	<p>Relates to the emergency authority of the council to pas emergency ordinances: An ordinance necessary for the immediate preservation of the public peace, health, or safety, or support of the County government and its existing institutions, may be passed by a two-thirds vote of the Council, which shall be effective immediately when approved by the Executive. No emergency ordinances may levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any utility, or authorize the borrowing of money for more than 120 days. An emergency ordinance shall be introduced and passed in the manner prescribed for ordinances generally, except that the emergency and the facts creating it shall be stated in a separate section of the emergency ordinance.</p>
<p>Pierce County Charter Article 6 – Section 6.65 Financial Administration</p>	<p>Relates to Financial Administration and Emergency Appropriations: The Council may adopt an emergency appropriation ordinance which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget, and funds from any other source available to the County in an emergency.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Pierce County Code Chapter 2.07.010 and 2.07.140 Emergency Management</p>	<p>Relates to the qualification and skill requirements for a Director of Emergency Management.</p> <p>2.07.010 Basic Qualifications/Skills.</p> <p>A. Minimum of a bachelor's degree in public administration or in a field related directly to the department. (See department description below for preferred related field).</p> <p>B. Six years of supervisory experience directly related to the department.</p> <p>C. Or any combination of experience/education which would clearly indicate the ability to perform the duties of the position..... etc</p> <p>2.07.140 Emergency Management.</p> <p>A. Education. Minimum of a bachelor's degree from an accredited college or university.</p> <p>B. Experience.</p> <p>1. Three years' experience in Emergency Management or related field.</p> <p>2. Ability to establish and maintain effective liaison with federal, state, and local officials and the private sector.</p> <p>3. Demonstrated commitment to a community-wide comprehensive emergency management program.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Pierce County Code, Chapter 2.118 Emergency Management</p>	<p>Relates to Emergency Management and its operation in Pierce County:</p> <p>2.118.010 Purpose.</p> <p>The declared purposes of this Chapter are to provide for the preparation and coordination of plans for emergency management within the County in the event of a disaster, for the exercise of emergency powers 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 expenditure made in connection with such emergency management activities, including mutual aid activities, shall be deemed conclusively to be for a general County purpose.</p> <p>2.118.015 Emergency Management Policy.</p> <p>It is the policy of Pierce County to make effective preparation and use of staff, resources, and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies by their very nature may disrupt existing systems and the capability of Pierce County to respond to protect life, public health and public property. Therefore, citizens are encouraged to be prepared to be self-sufficient for up to five days should an emergency or disaster occurs.</p> <p>Etc.....</p>
<p>SKAGIT COUNTY</p> <p>Skagit County Code – Section 9.28 Emergency Services Council</p>	<p>Relates to the establishment of the Emergency Services Council:</p> <p>The declared purposes of this chapter as provided in R.C.W. 38.52 are to provide for the preparation and carrying out of plans, for the emergency preparedness of persons and property within this County in the event of a disaster, and to provide for the coordination of emergency services and disaster related functions of this County with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such emergency services and disaster related activities, including mutual aid activities, and any 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 Skagit. (Ord. 9859 § 2, 1981)</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Skagit County Code – Section 9.28.040 Emergency Services Council</p>	<p>Relates to the powers and duties of the Emergency Services Council:</p> <p>It shall be the duty of the Council, and it is hereby empowered, to review and recommend for adoption emergency preparedness and mutual aid plans and agreements and such resolutions and rules and regulations as are necessary to implement such plans and agreements. The Council shall meet at least twice annually or upon call of the chairman or in his absence upon the call of the vice-chairman. (Ord. 9859 § 5, 1981)</p>
<p>Skagit County Code – Section 9.28.060 Emergency Services Advisory Committee</p>	<p>Relates to the establishment of the Emergency Services Advisory Committee.</p> <p>An Emergency Services Advisory Committee is hereby established for the purpose of advising the Council on matters concerning the coordination of emergency services and disaster related functions of public agencies, affected private persons, corporations and organizations. The Advisory Committee shall consist of the following:</p> <ol style="list-style-type: none"> 1. Director of Emergency Services who shall serve as Chairman of the Advisory Committee; 2. The Skagit County Sheriff or his representative; 3. Two representatives from the Skagit County Fire Chief's Association; one representing city fire departments and one representing the fire districts; 4. One representative from the Skagit County Red Cross; 5. One representative from the Skagit County Medical Society; 6. One representative from Skagit County Police Chiefs. <p>The Advisory Committee shall meet at regular intervals to be determined by the Executive Committee and at such time as requested by the Director of Emergency Services. (Ord. 9859 § 7, 1981)</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Skagit County Code – Section 9.28.070 Emergency Services Director</p>	<p>Relates to the powers and duties of the Director of Emergency Services:</p> <p>There is hereby created the office of Director of Emergency Services. Such officer shall be appointed by the Board of County Commissioners with the concurrence of the Council. The Director is hereby empowered and directed:</p> <p>A. To prepare an Emergency Services Operations Plan and Program for the County conforming to the State Emergency Services Plan and Program;</p> <p>B. To manage the effort of the emergency services organization of this county for the accomplishment of the purposes of this Chapter;</p> <p>C. To direct coordination and cooperation between divisions, services and staff of the emergency services organization of this County, and to resolve questions of authority and responsibility that may arise between them;</p> <p>D. To represent the emergency organization of this County in all dealings with public or private agencies pertaining to emergency services and services. (Ord. 9859 § 8, 1981)</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Skagit County Code – Section 9.28.080 Emergency Services Director</p>	<p>Relates to additional powers of the Director of Emergency Services:</p> <p>In the event of a disaster as herein provided, the Director is hereby empowered:</p> <p>A. To make and issue rules and regulations on matters reasonably 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 Executive Committee.</p> <p>B. 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.</p> <p>C. To request emergency services of any county officer or employee, and in the event of a proclamation by the Board of County Commissioners of the existence of a disaster, to secure the aid of as many volunteers 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 services workers.</p> <p>D. 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 Council, or by any other lawful authority.</p> <p>E. To requisition necessary personnel or material of any county department or agency. (Ord. 9859 § 9, 1981)</p>
<p>Skagit County Code – Section 9.28.090 Emergency Services Organization</p>	<p>Relates to the makeup of the emergency services organization:</p> <p>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 secured under the provisions of Section 9.28.080(C), charged with duties incident to the protection of life and property in this county during disaster, shall constitute the emergency services organization of the County of Skagit. (Ord. 9859 § 10, 1981)</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>SNOHOMISH COUNTY</p> <p>Snohomish County Charter – Section 2.120</p> <p>Emergency Ordinances</p>	<p>Relates to emergency ordinances:</p> <p>Any proposed ordinance may be enacted as an emergency ordinance if the county council finds as a fact, and states in the ordinance, that the ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions. A minimum of four affirmative votes shall be required to enact an emergency ordinance. Emergency ordinances shall not be subject to the veto power of the county executive. All emergency ordinances shall be effective immediately upon passage by the county council.</p>
<p>Snohomish County Charter – Section 5.70</p> <p>Referendum - Limitations</p>	<p>Relates to emergency ordinances:</p> <p>Emergency ordinances and ordinances or portions of ordinances providing for the compensation or working conditions of county employees, authorizing or repealing any appropriations of money or any portion of the annual budget and authorizing or repealing taxes or fees, shall not be subject to referendum.</p>
<p>Snohomish County Charter – Section 6.85</p> <p>Emergency Appropriations</p>	<p>Relates to Emergency Appropriations:</p> <p>When a public emergency which could not reasonably have been foreseen at the time of making the budget, or upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by law, the county council may adopt emergency appropriation ordinances which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget and funds from any other source available to the county in an emergency.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Snohomish County Code Section 2.36 Emergency Management</p>	<p>Relates to Emergency Management and its operation in Snohomish County:</p> <p>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 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, 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.</p>
<p>Snohomish County Code Section 2.36.030 General Powers</p>	<p>Relates to the General Powers of the County Executive:</p> <p>Except as otherwise provided by state law or the county charter, the county executive shall have general supervision and control of emergency services provided by the county in the event of an emergency or disaster, and shall be responsible for implementing the Washington Emergency Management Act, Chapter 38.52 RCW, on behalf of the county.....</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Snohomish County Code Section 2.36.040</p> <p>Specific Powers</p>	<p>Relates to the Specific Powers of the County Executive:</p> <p>In the event of disaster as herein provided, the county executive is hereby empowered:</p> <p>(1) To issue, amend, and rescind rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; PROVIDED, That such rules and regulations shall be published at least once in such form as the executive finds reasonable under the circumstances, shall be available for public inspection at the Snohomish county department of emergency management, and shall expire at the end of thirty days after issuance unless enacted by ordinance;</p> <p>(2) To approve contracts and incur obligations necessary to combat such disaster, and in light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements), as provided in RCW 38.52.070(2);</p> <p>(3) After proclamation by the governor of the existence of such disaster, to command the service and equipment of as many citizens as considered necessary in light of the disaster proclaimed: PROVIDED, that citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by federal and state law for registered emergency workers, as provided in RCW 38.52.110(2);</p> <p>(4) To execute all of the special powers conferred upon the executive by this chapter, by statute, or by any other lawful authority; and</p> <p>(5) To requisition necessary personnel or material of any county department or agency.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Snohomish County Code – Section 2.36.050</p> <p>Department of Emergency Management – creation and authority</p>	<p>Relates to the creation and authority of the Snohomish County Department or Emergency Management:</p> <p>Except as otherwise provided by state law or the county charter, the</p> <p>(1) The Snohomish county department of emergency management (“department”) is hereby established. The administration of the department is the responsibility of the county executive.</p> <p>(2) The department shall implement policies and procedures and administer programs which provide for the preparation and carrying out of plans for emergency services in the event of an emergency or disaster, and for the coordination of the emergency services of this county with other public agencies and affected private persons, corporations and organizations.</p> <p>(3) The department's functions and responsibilities shall include but not be limited to the following: (a) Management and administration of the emergency management program as provided in this chapter; (b) Preparation and presentation to the county executive for approval of a county comprehensive emergency management plan, consistent with the state comprehensive emergency management plan; (c) Coordination of county emergency services with other public agencies and affected private persons, corporations, and organizations, subject to the authority of the county executive; and (d) Performance of such other duties as may be required to further the purpose of this chapter.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Snohomish County Code – Section 2.36.075</p> <p>Continuity of Government</p>	<p>Relates to the continuity of Snohomish County Government:</p> <p>(1) In accordance with Chapter 42.14 RCW, the continued operation of county government shall be assured in the event of enemy attack as follows: (a) If enemy attack reduces the number of members of the county council, then those members who are available for duty shall have full authority to act in all matters as the county council. In the event no member of the county council is available for duty, then those elected county officials as are available for duty shall jointly act as the county council and shall possess by majority vote the full authority of the county council. (b) Elected county officers, other than members of the county council, are authorized and directed to designate one or more temporary interim successors to the office of such officer in the event the officer is unavailable for duty during an emergency caused by enemy attack. (c) The county executive shall, subject to such rules as the executive may adopt, permit each appointed county officer to designate one or more temporary interim successors of such officer in the event the officer is unavailable for duty during an emergency caused by enemy attack.</p> <p>(2) Any county officer succeeding to an office on a temporary interim basis pursuant to this section shall discharge the duties of that office only until such time as the elected or appointed officer is available for duty or a regular successor is appointed by the ordinary means applicable to the office.</p> <p>(3) In this section, the term "attack" means any act of warfare taken by an enemy of the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington. The term "unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office following an attack and a declaration of existing emergency by the governor or the governor's successor.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>THURSTON COUNTY</p> <p>Thurston County Code – Section 3.02.010</p> <p>Emergency Management</p>	<p>Relates to the purpose of the emergency management program:</p> <p>As a political subdivision of the state, Thurston County intends to comply with its responsibilities pursuant to Chapter 38.52 RCW, "Emergency Management," which responsibilities include the establishment of a local organization for emergency/disaster management. The county emergency management plan and organization, adopted by reference in this chapter, is intended to establish the organization for the local preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or technological or human-caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.</p>
<p>Thurston County Code – Section 3.02.050</p> <p>Emergency Management Director</p>	<p>Relates to the powers and duties of the Emergency Management Director:</p> <p>Pursuant to RCW 37.52.070, the director of the department of roads and transportation services is appointed as director of emergency management (director).</p> <p>A. The director shall have direct responsibility for the organization, administration, and operation of the division of emergency management and the Thurston County Comprehensive Emergency Management Plan (plan), subject to the direction and control of the board of county commissioners. The director's role and responsibilities are set forth in the plan and further are subject to the limitations and responsibilities set forth in Chapter 38.52 RCW.</p> <p>B. The director shall have the authority to request that the board of county commissioners (board) proclaim the existence or threatened existence of a disaster and the termination thereof, if the board is in session, or to issue such proclamation if the board is not in session, subject to action by the board to ratify or rescind such proclamation at the board's earliest practical meeting. In the absence and unavailability of the director, the county chief administrative officer shall have the same authority to act as conferred upon the director in this subsection.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Thurston County Code – Section 3.02.060 Continuity of Government</p>	<p>Relates to Continuity of Thurston Co Government:</p> <p>When, as the result of an emergency or disaster, the number of county commissioners needed to act falls below a quorum, the following provisions shall govern the continuity of the board of county commissioners: (A) any or all available county commissioners shall have full authority to act jointly in all matters as the board of county commissioners; (B) in the event that no county commissioner(s) is available pursuant to subsection (A), then those elected county officials as listed in this section, as are available for duty shall jointly act as the board of county commissioners and shall possess by majority vote the full authority of the board of county commissioners until such time as one or more county commissioners become available. The elected county officials referenced in this section shall consist of the following county officials: assessor, auditor, clerk, coroner, prosecuting attorney, sheriff and treasurer.</p>
<p>Thurston County Code – Section 13.08.020 Emergency Road Closures</p>	<p>Relates to the Director of Public Works authority to close roads and place load restrictions on public highways:</p> <p>(1) In accordance with the provisions of RCW 46.44.080, whenever due to emergency conditions the use of a public highway by all vehicles, or by vehicles whose gross tire loads exceed those described in either schedule contained in subsection (2) of this section, will damage the highway or will be dangerous to traffic using the highway, the director shall without delay close such highway temporarily to all vehicles or to a designated class of vehicles, as the case may be, by posting notices at each end of the closed portion of highway and at all intersecting public highways.</p> <p>(2) When imposing load restrictions pursuant to this section, the director shall specify and display by posted signs whichever emergency load restrictions are necessary to protect the highway from damage in accordance with the conditions then existing.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Thurston County Code – Section 13.08.030 Emergency Road Closures and Load Restrictions - Application</p>	<p>Relates to the application of emergency road closures and load restrictions:</p> <p>(1) Load and speed limit restrictions may be imposed on roads due to freeze-thaw or other conditions when, in the opinion of the director, the roadway will be damaged by normal traffic. Either of two types of basic load restrictions may be imposed, depending upon the highway and weather conditions.</p> <p>(a) Emergency Load Restrictions. This restriction may be applied to any road when the subgrade is supersaturated and unstable. Evidence of surface deflection under traffic or free water in the base materials under less than six inches of treated materials supporting the roadway may be cause to apply this restriction.</p> <p>(b) Severe Emergency Load Restrictions. This restriction should be applied only to a roadway whose surfacing depth is insufficient to resist subgrade swell pressure or is surfaced with a light bituminous surface treatment; however, other roadways showing signs of severe distress during a freezing and thaw cycle or unusual climatic conditions can be placed under this category.</p> <p>(2) Notice will be provided to the public, highway department offices and law enforcement agencies to assure compliance with pending and imposed restrictions and to minimize inconvenience to the public. Courtesy notices on highways leading to restricted roads will be provided to the public to the extent practicable under the circumstances and in consideration of the expense to be incurred by the county.</p> <p>(3) Subject to specified weight and speed restrictions established by the director, special permits to operate on restricted roads may be issued to school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents. School buses may be issued a letter of special permit specifying speed and/or weight restrictions which are related to their particular routes. In no event may a vehicle be granted a permit whose gross load weight on each tire exceeds five hundred fifty pounds per inch of tire width.</p>

County Emergency Authorities Matrix

County Ordinance	Scope and Emergency Provisions
<p>Thurston County Code – Section 17.15.615 Geologic Hazard Areas</p>	<p>Relates to the County’s review authority in the issuance of emergency critical area permits:</p> <p>Provides performance standards that apply only to those uses and activities outlined in this section when carried out within a critical area or its buffer. Where no performance standards have been developed for the listed uses and activities, the review authority shall review projects based upon the purposes and provisions of this chapter.</p>

State Emergency Authorities Matrix	
State Statutes	Scope and Emergency Provisions
<p>RCW 4.24.300 Special rights of action and special immunities</p>	<p>General “Good Samaritan” information: Any person voluntarily providing medical services at the scene of an emergency or a community health care setting without compensation will not be liable for any civil damage resulting from an act of omission, other than gross negligence or willful misconduct. Any paid emergency personnel are excluded from this protection.</p>
<p>Chapter 4.92 RCW Actions and claims against state</p>	<p>Relates to claims against the state, including as a result of an emergency: The attorney general or an assistant attorney general shall appear and act as counsel for the state. The purpose of this section is to outline the requirements for claims made against the state.</p>
<p>Chapter 18.71 RCW Physicians</p>	<p>Relates to medical and health care, including in a catastrophe: It is the purpose of the medical quality assurance commission to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state of Washington.</p>
<p>Chapter 18.73 RCW Emergency medical care and transportation services.</p>	<p>Relates to emergency medical care, including in a catastrophe: A statewide medical program of emergency medical care is necessary to promote the health, safety and welfare of the citizens. The intent of the legislature is to assure minimum standards and training for first responders and emergency medical technicians, services and equipment</p>
<p>RCW 28A.150.290 Schools, General provisions</p>	<p>Relates to school funding after a catastrophe: The school superintendent has the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive funds when they are unable to complete the required number of instructional days due to a natural event, an unforeseen mechanical failure, negligence or threats. The unforeseen action shall not include any labor disputes between a school district board or directors and any school district employees.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 28A.320.125 Safe School Plans - Requirements</p>	<p>Relates to emergency planning requirements for schools:</p> <p>(1) The legislature considers it to be a matter of public safety for public schools and staff to have current safe school plans and procedures in place, fully consistent with federal law. The legislature further finds and intends, by requiring safe school plans to be in place, that school districts will become eligible for federal assistance....etc.</p>
<p>Chapter 28A.335 RCW School Districts' Property</p>	<p>Relates to closure of schools as a result of a catastrophe:</p> <p>A school district may close a school for emergency reasons, as set forth in RCW 28A.150.290, without complying with the requirements of RCW 28A.335.020.</p>
<p>RCW 28A.335.320 Enhanced 911 service</p>	<p>Relates to using 911 at schools:</p> <p>All common and public schools located in counties that provide enhanced 911 services will provide direct access to the public network with automatic location identifier for school facility personnel. Any school districts using a private telecommunications system shall ensure that it is connected to the public network.</p>
<p>Chapter 35.21 RCW Miscellaneous provisions</p>	<p>Contains several sections that relate to various authorities to develop first aid and EMS services and the construction of levees.</p>
<p>RCW 35.21.762 Urban emergency medical service districts</p>	<p>Relates to the establishment of emergency medical services:</p> <p>Cities or towns that have territory in two counties can adopt an ordinance creating an emergency medical service district in the included territories upon the approval of the established conditions of this section.</p>
<p>RCW 35.32A.060 Emergency fund</p>	<p>Relates to cities over 300,000 population establishing emergency funds to cover disaster expenditures:</p> <p>Every city having a population of over three hundred thousand may maintain an emergency fund, which fund balance shall not exceed thirty-seven and one-half cents per thousand dollars of assessed value. The city council may authorize the expenditure of significant money from the emergency funds as long as the particular conditions of this section are met. An ordinance authorizing an emergency expenditure shall become effective immediately upon being approved by the mayor or upon being passed over his or her veto as provided by the city charter.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 35.33.081 Emergency expenditures and non-debatable emergencies</p>	<p>Relates to cities over 300,000 population and second and third class cities establishing emergency funds to cover disaster expenditures:</p> <p>Expenditures for the immediate preservation of order, restoration of conditions of public property, settlement of claims, establishing a new form of government or preservation of public health as a result of an emergency, without a formal notice or hearing.</p>
<p>RCW 35.33.091 Emergency expenditures - Other emergencies</p>	<p>Relates to cities over 300,000 population and second and third class cities making emergency expenditures:</p> <p>If an emergency requires an expenditure of money that is not included in the annual budget and does not meet the requirements outlined in RCW 35.33.081, the jurisdiction shall adopt an ordinance stating for facts of the emergency and the estimated costs.</p>
<p>RCW 35.33.101 Emergency warrants</p>	<p>Relates to how cities over 300,000 population and second and third class cities may pay for emergency expenditures:</p> <p>All expenditures for emergency purposes as provided in this chapter shall be paid by warrants from any available money in the fund properly chargeable with such expenditures. If, at any time, there is insufficient money on hand in a fund with which to pay such warrants as presented, the warrants shall be registered, bear interest and be called in the same manner as other registered warrants as prescribed in RCW 35.33.111.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 35.34.140 Biennial budgets</p>	<p>Contains sections that relates to how cities and towns may handle emergency expenditures in their biennial budgets:</p> <p>Upon the happening of any emergency caused by violence of nature, casualty, riot, insurrection, war, or other unanticipated occurrence requiring the immediate preservation of order or public health, or for the property which has been damaged or destroyed by accident, or for public relief from calamity, or in settlement of approved claims for personal injuries or property damages, or to meet mandatory expenditures required by law enacted since the last budget was adopted, or to cover expenses incident to preparing for or establishing a new form of government authorized or assumed after adoption of the current budget, including any expenses incident to selection of additional or new officials required thereby, or incident to employee recruitment at any time, the city or town legislative body, upon the adoption of an ordinance, by the vote of one more than the majority of all members of the legislative body, stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefore without notice or hearing.</p>
<p>RCW 35.34.150 Biennial budgets</p>	<p>Relates to cities and towns making emergency expenditures:</p> <p>If a public emergency which could not reasonably have been foreseen at the time of filing the preliminary budget requires the expenditure of money not provided for in the budget, and if it is not one of the emergencies specifically enumerated in RCW 35.34.140, the city or town legislative body before allowing any expenditure therefore shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.</p>
<p>RCW 35.34.160 Biennial budgets</p>	<p>Relates to cities and towns may pay for emergency expenditures:</p> <p>All expenditures for emergency purposes as provided in this chapter shall be paid by warrants from any available money in the fund properly chargeable with such expenditures. If, at any time, there is insufficient money on hand in a fund with which to pay such warrants as presented, the warrants shall be registered, bear interest, and be called in the same manner as other registered warrants as prescribed in RCW 35.21.320.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>Chapter 36.01 RCW General provisions</p>	<p>Relates to counties establishing emergency medical services:</p> <p>Several counties in the state have the capacity to sue and be sued in the manner as prescribed by law, and have the corporate or administrative powers to do all other necessary acts in relations to all property of the county. The counties may establish a system of emergency medical service provided that the system meets the criteria of this chapter.</p>
<p>RCW 36.01.210 Rail fixed guideway system (Light rail)</p>	<p>Relates to emergency plan requirements for light rail systems:</p> <p>Each county that owns or operates a rail fixed guideway system (light rail) is required to develop and submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state department of transportation. Each county shall comply with its system safety/emergency programs and plans. Each county shall notify the department of transportation within two hours of an accident, hazardous condition or security breach. The county will investigate and report on all incidents.</p>
<p>RCW 36.28 Powers and duties of the Sheriff</p>	<p>Relates to the general powers of the county sheriff:</p> <p>The sheriff is the chief executive officer and conservator of the peace of the county.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 36.40.140 Emergencies subject to hearing</p>	<p>Relates to the authority of counties to meet disaster expenditures:</p> <p>When a public emergency, other than such as are specifically described in RCW 36.40.180, and which could not reasonably have been foreseen at the time of making the budget, requires the expenditure of money not provided for in the budget, the board of county commissioners by majority vote of the commissioners at any meeting the time and place of which all the commissioners have had reasonable notice, shall adopt and enter upon its minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet it, and shall publish the same, together with a notice that a public hearing thereon will be held at the time and place designated therein, which shall not be less than one week after the date of publication, at which any taxpayer may appear and be heard for or against the expenditure of money for the alleged emergency. The resolution and notice shall be published once in the official county newspaper, or if there is none, in a legal newspaper in the county. Upon the conclusion of the hearing, if the board of county commissioners approves it, an order shall be made and entered upon its official minutes by a majority vote of all the members of the board setting forth the facts constituting the emergency, together with the amount of expenditure authorized, which order, so entered, shall be lawful authorization to expend said amount for such purpose unless a review is applied for within five days thereafter.</p>
<p>RCW 36.40.150 Emergencies subject to hearing - Right of taxpayer to review order</p>	<p>Relates to the authority of counties to meet disaster expenditures:</p> <p>No expenditure shall be made or liability incurred pursuant to the order until a period of five days, exclusive of the day of entry of the order, have elapsed, during which time any taxpayer or taxpayers of the county feeling aggrieved by the order may have the superior court of the county review it by filing with the clerk of such court a verified petition, a copy of which has been served upon the county auditor. The petition shall set forth in detail the objections of the petitioners to the order and the reasons why the alleged emergency does not exist.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 36.40.160</p> <p>Emergencies subject to hearing - Petition for review suspends order</p>	<p>Relates to the authority of counties to meet disaster expenditures:</p> <p>The service and filing of the petition shall operate to suspend the emergency order and the authority to make any expenditure or incur any liability there under until final determination of the matter by the court.</p>
<p>RCW 36.40.170</p> <p>Emergencies subject to hearing - Court's power on review</p>	<p>Relates to the authority of counties to meet disaster expenditures:</p> <p>Upon the filing of a petition the court shall immediately fix a time for hearing it which shall be at the earliest convenient date. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency such as is contemplated within the meaning and purpose of this chapter exists or not and whether the expenditure authorized by said order is excessive or not shall be final.</p>
<p>RCW 36.40.180</p> <p>Emergencies subject to hearing – Non-debatable emergencies</p>	<p>Relates to the authority of counties to meet disaster expenditures:</p> <p>Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by any law, the board of county commissioners may, upon the adoption by the unanimous vote of the commissioners present at any meeting the time and place of which all of such commissioners have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon their minutes, make the expenditures necessary to meet such emergency without further notice or hearing.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>Chapter 36.62 RCW Hospitals</p>	<p>Relates to the authority of counties to establish and manage hospitals:</p> <p>Counties of the state have the authority to establish, provide and maintain hospitals for the care and treatment of the indigent, sick, injured or infirm, including the necessary purchase of land, property, buildings, construction, taxes, grants, etc. to cover the costs of the facilities.</p>
<p>Chapter 36.70A RCW Growth management - planning by selected counties and cities</p>	<p>Relates to growth management and mitigation of hazards in planning:</p> <p>The legislature finds that uncoordinated land use planning poses a threat to the environment, sustainable economic development, and the health, safety and quality of life enjoyed by residents of the state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.</p>
<p>Chapter 36.70B RCW Local project review</p>	<p>Relates to growth management and mitigation of hazards in planning:</p> <p>The development of multiple land use laws, regulations and permits has resulted in potential conflicts, overlaps and duplication of efforts for the various permits and review processes. This burden as added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to comment on land use proposals.</p>
<p>Chapter 36.70C RCW Judicial review of land use decisions</p>	<p>Relates to growth management and mitigation of hazards in planning:</p> <p>The purpose of this chapter is to reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.</p>
<p>Title 38 RCW Militia and military affairs</p>	<p>Relates to the Governor's emergency authorities, the National Guard, the State Militia and Emergency Management:</p> <p>This act is known as the Military Code of the state of Washington....</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>Chapter 38.08 RCW Powers and duties of governor</p>	<p>Relates to the Governors authority to command the state militia as a state resource in a catastrophe:</p> <p>The militia of the state not in the service of the United States shall be governed and its affairs administered pursuant to law, by the governor, as commander-in-chief, through the adjutant general's department, of which the adjutant general shall be the executive head.</p>
<p>RCW 38.08.030 Proclamation of complete or limited martial law</p>	<p>Relates to the Governors authority to declare complete or limited martial law:</p> <p>The governor may by proclamation declare the county or city in which troops are serving, or any specific portion thereof, to be under either complete or limited martial law to the extent, in his or her opinion, that the reestablishment or maintenance of law and order may be promoted. "Complete martial law" is the subordination of all civil authority to the military; "Limited military law" is a partial subordination of civil authority by the setting up of an additional police power vested in the military force which shall have the right to try all persons apprehended by it in such area by a military tribunal or turn such offender over to civil authorities within five days for further action, during which time the writ of habeas corpus shall be suspended in behalf of such person.</p>
<p>RCW 38.08.040 Governor may order out organized militia</p>	<p>Relates to the power of the governor to order organized militia:</p> <p>In event of war, insurrection, rebellion, invasion, tumult, riot, mob, or organized body acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger of the occurrence of any of said events, or at the lawful request of competent state or local authority in support of enforcement of controlled substance statutes, or whenever responsible civil authorities shall, for any reason, fail to preserve law and order, or protect life or property, or the governor believes that such failure is imminent, or in event of public disaster, or when otherwise required for the public health, safety, or welfare, or to perform any military duty authorized by state law, or to prepare for or recover from any of these events or the consequences thereof, the governor shall have power to order the organized militia of Washington, or any part thereof, into active service of the state to execute the laws, and to perform such duty as the governor shall deem proper.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 38.08.050 Governor may order out unorganized militia</p>	<p>Relates to the governor’s power to order unorganized militia:</p> <p>In event of, or imminent danger of, war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, if the governor shall have ordered into active service all of the available forces of the organized militia of Washington and shall consider them insufficient in number to properly accomplish the purpose, he or she may then in addition order out the unorganized militia or such portion thereof as he may deem necessary, and cause them to perform such military duty as the circumstances may require.</p>
<p>RCW 38.08.060 Governor’s decision final</p>	<p>Relates to the militia acting under military command:</p> <p>Whenever any portion of the militia is ordered to duty by the governor, the decision of the governor shall be final, incontrovertible, and unimpeachable. It shall be deemed that local law and order and the enforcement thereof has failed, and that the militia shall become an additional police power, retaining its separate entity and operating at all times as a military organization under military command, to cooperate with existing peace forces wherever possible, for the reestablishment of law and order and for the protection of life and property.</p>
<p>Chapter 38.10 RCW Emergency management assistance compact</p>	<p>Relates to gaining assistance from other states in a catastrophe:</p> <p>The emergency management assistance compact is enacted and entered into by this state with all other states legally joining the compact. The purpose of this compact is to provide mutual assistance between the state entering into the compact in managing any emergency or disaster that is declared by the governor(s) of the affected state(s), or for mutual cooperation in emergency-related exercises, testing or other training activities. Mutual assistance in this compact may include the use of the states' national guard forces, either in accordance with the national guard mutual assistance compact, or by mutual agreement between states.</p>
<p>Chapter 38.52 RCW Emergency Management</p>	<p>Relates to the overall emergency management program of the State:</p> <p>Establishes the Emergency Management Division under the State Military Department that administers the comprehensive emergency management program of the state of Washington as provided for in this chapter.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 38.52.030 Director</p>	<p>Relates to the position and authority of the Director of Emergency Management:</p> <p>The director is responsible to the governor for carrying out the program for emergency management for the state. The director will coordinate all emergency management organization activities within the state and will maintain liaison for coordination with emergency management agencies and organizations of other states and the federal government. The director will have additional authority, responsibility and duties as prescribed by the governor.</p>
<p>RCW 38.52.050 Governor's general powers and duties</p>	<p>Relates to the Governor's emergency management powers and duties:</p> <p>The governor, in coordination with the director, will have supervision and control of the emergency management functions within the department and will be responsible for carrying out the provisions of this chapter. In the event of a disaster beyond local control, the governor may assume direct operational control over all or any part of the emergency management functions within the state.</p>
<p>RCW 38.52.070 Local organizations and joint local organizations authorized—Emergency powers</p>	<p>Relates to the establishment of local organizations of emergency management:</p> <p>Requires that each political subdivision of the state develops and maintains an emergency plan and program that is coordinated and consistent with the state comprehensive emergency management plan, each subdivision of the state is authorized and directed to establish a local organization, or to be a member or a local emergency management organization. In addition, each political subdivision has the power to enter into contracts and incur obligations that will be implemented to combat disasters, protecting the health and safety of persons and property, and providing emergency assistance to the victims of the disaster.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 38.52.091</p> <p>Mutual Aid and interlocal agreements--Requirements</p>	<p>Relates to the development and implementation of mutual aid agreements among local emergency management agencies and other public and private agencies:</p> <p>(1) The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements must be consistent with the state emergency management plan and program, and in time of emergency it is the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. The adjutant general shall maintain and distribute a mutual aid and interlocal agreement handbook.</p> <p>(2) The adjutant general and the director of each local organization for emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. All such arrangements must contain the language and provisions in subsection (3) of this section. (Provides a required template)</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 38.52.110 Use of existing services and facilities -- Impresment of citizenry</p>	<p>Relates to the authority of the governor, local elected officials and emergency managers of political subdivisions to command the service and equipment of citizens:</p> <p>(1) In carrying out the provisions of this chapter, the governor and the executive heads of the political subdivisions of the state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state, political subdivisions, and all other municipal corporations thereof including but not limited to districts and quasi municipal corporations organized under the laws of the state of Washington to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the emergency management organizations of the state upon request notwithstanding any other provision of law.</p> <p>(2) The governor, the chief executive of counties, cities and towns and the emergency management directors of local political subdivisions appointed in accordance with this chapter, in the event of a disaster, after proclamation by the governor of the existence of such disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed: PROVIDED, That citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by this chapter and federal and state emergency management regulations for registered emergency workers.</p>
<p>RCW 38.52.150 Orders, rules, regulations -- Enforcement -- Availability -- Penalty</p>	<p>Relates to the duty of local emergency managers to enforce emergency orders of the governor:</p> <p>(1) It shall be the duty of every organization for emergency management established pursuant to this chapter and of the officers thereof to execute and enforce such orders, rules, and regulations as may be made by the governor under authority of this chapter. Each such organization shall have available for inspection at its office all orders, rules, and regulations made by the governor, or under his or her authority.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 38.52.180</p> <p>Liability for property damage, bodily injury, death -- Immunity -- Assumption by state -- Indemnification -- Immunity from liability for covered volunteers</p>	<p>Relates to the state of Washington providing liability coverage for sheltering and other emergency actions during tests and in certain emergencies:</p> <p>(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for emergency management as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of willful negligence by such owner or occupant or his servants, agents, or employees.</p> <p>(2) All legal liability for damage to property or injury or death to persons (except an emergency worker, regularly enrolled and acting as such), caused by acts done or attempted during or while traveling to or from an emergency or disaster, search and rescue, or training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue, under the color of this chapter in a bona fide attempt to comply therewith, except as provided in subsections (3), (4), and (5) of this section regarding covered volunteer emergency workers, shall be the obligation of the state of Washington.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 38.52.400</p> <p>Search and rescue activities -- Powers and duties of local officials</p>	<p>Relates to the authorities of law enforcement of political subdivisions in carrying out search and rescue:</p> <p>(1) The chief law enforcement officer of each political subdivision shall be responsible for local search and rescue activities. Operation of search and rescue activities shall be in accordance with state and local operations plans adopted by the elected governing body of each local political subdivision. These state and local plans must specify the use of the incident command system for multiagency/multi-jurisdiction search and rescue operations. The local emergency management director shall notify the department of all search and rescue missions. The local director of emergency management shall work in a coordinating capacity directly supporting all search and rescue activities in that political subdivision and in registering emergency search and rescue workers for employee status. The chief law enforcement officer of each political subdivision may restrict access to a specific search and rescue area to personnel authorized by him. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission. No unauthorized person shall interfere with a search and rescue mission.</p> <p>(2) When search and rescue activities result in the discovery of a deceased person or search and rescue workers assist in the recovery of human remains, the chief law enforcement officer of the political subdivision shall insure compliance with chapter 68.50 RCW.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 39.04.020 Public Works: Plans and specifications – Estimates – Publication - Emergencies</p>	<p>Relates to the estimated costs of public work:</p> <p>Whenever the state or any municipality shall determine that any public work is necessary to be done, it shall cause plans, specifications, or both thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board, or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.</p> <p>If the state or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract or by a small works roster process, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five thousand dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done. When any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.</p>
<p>RCW 39.04.280 Competitive bidding requirements - Exemptions</p>	<p>Relates to emergency procedures in public works contracts for public agencies (municipalities):</p> <p>The purpose of this section is to supplement and not to limit the current powers of any municipality to provide exemptions from competitive bidding requirements. Competitive bidding requirements may be waived by the governing body of the municipality for purchases in the event of an emergency and public works in the event of an emergency.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 39.29.011 Competitive solicitation required - Exceptions</p>	<p>Relates to personal service contracts:</p> <p>All personal service contracts shall be entered into pursuant to competitive solicitation, except for emergency contracts; sole source contracts; contract amendments; contracts between a consultant and an agency of less than twenty thousand dollars. However, contracts of five thousand dollars or greater but less than twenty thousand dollars shall have documented evidence of competition. Agencies shall not structure contracts to evade these requirements. Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the director of the office of financial management when it has been determined that a competitive solicitation process is not appropriate or cost-effective.</p>
<p>RCW 39.29.016 Emergency contracts</p>	<p>Relates to emergency contracts:</p> <p>Emergency contracts shall be filed with the office of financial management and made available for public inspection within three working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the office of financial management when the contract is filed.</p>
<p>RCW 39.34.230 Covered emergencies - Interlocal agreements for mutual aid and cooperation - Liability of state - Existing rights</p>	<p>Relates to interlocal agreements during covered emergencies:</p> <p>For purposes of this section, "covered emergency" means an emergency for which the governor has proclaimed a state of emergency under RCW 43.06.010, and for which the governor has authorized the department of community, trade, and economic development to enter into interlocal agreements under this section. During a covered emergency, the department of community, trade, and economic development may enter into interlocal agreements under this chapter with one or more public agencies for the purposes of providing mutual aid and cooperation to any public agency affected by the cause of the emergency.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 42.14.035 Convening legislature at locations other than usual seat of government</p>	<p>Relates to the authority of the governor to call a legislative emergency session:</p> <p>Whenever, in the judgment of the governor, it becomes impracticable, due to an emergency resulting from enemy attack or natural disaster, to convene the legislature in the usual seat of government at Olympia, the governor may call the legislature into emergency session in any location within this or an adjoining state. The first order of business of any legislature so convened shall be the establishment of temporary emergency seats of government for the state. After any emergency relocation, the affairs of state government shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency.</p>
<p>RCW 42.30.070 Times and places for meetings – Emergencies - Exception</p>	<p>Relates to the emergency meeting location for a governing body of a public agency:</p> <p>The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 42.30.080 Special meetings</p>	<p>Relates to the conditions of calling a special meeting for a governing body:</p> <p>A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, by mail, by fax, or by electronic mail at least twenty-four hours before the time of such meeting as specified in the notice.</p>
<p>RCW 43.06.010 Governor's general powers and duties</p>	<p>Relates to the general emergency powers and duties of the Governor:</p> <p>The governor has the authority, in the case of public disorder, disaster, energy emergency or riot within the state that affects the life, health, property or public peace, to declare a state of emergency in the affected area. The powers granted to the governor during a state of emergency are effective only within the area described in the proclamation.</p>
<p>RCW 43.06.200 Definitions</p>	<p>Relates to the definitions within RCW's:</p> <p>"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 as now or hereafter amended.</p> <p>"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.</p> <p>"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 43.06.210 Proclamations - Generally - State of emergency</p>	<p>Relates to the proclamation of a state of emergency:</p> <p>The proclamation of a state of emergency and other proclamations or orders issued by the governor shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination, provided that the governor must terminate said state of emergency proclamation when order has been restored in the area affected.</p>
<p>RCW 43.06.220 State of emergency - Powers of governor pursuant to proclamation</p>	<p>Relates to the emergency powers of the Governor pursuant to a proclamation of emergency:</p> <p>During a declared state of emergency, the governor has the authority to prohibit actions within the affected area that are included in the code, and may also issue an order(s) concerning a wavier or suspension of statutory obligations or limitations in any areas included in the code.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 43.06.230 State of emergency - Destroying or damaging property or causing personal injury - Penalty</p>	<p>Relates to malicious acts during a state of emergency: After the proclamation of a state of emergency as provided in RCW 43.06.010, any person who maliciously destroys or damages any real or personal property or maliciously injures another is guilty of a class B felony and upon conviction thereof shall be imprisoned in a state correctional facility for not less than two years and no more than ten years.</p>
<p>RCW 43.06.240 State of emergency - Disorderly conduct after emergency proclaimed - Penalty</p>	<p>Relates to disorderly conduct during a state of emergency: After the proclamation of a state of emergency, every person who engages with at least one other person in a disorderly course of conduct as defined in the subsection of this section, which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer shall be guilty of disorderly conduct and be punished by imprisonment in the county jail for not more than one year or fined not more than one thousand dollars or by both fine and imprisonment.</p>
<p>RCW 43.06.250 State of emergency - Refusing to leave public way or property when ordered - Penalty</p>	<p>Relates to persons refusal to leave public property: Any person upon any public way or any public property, within the area described in the state of emergency, who is directed by a public official to leave the public way or public property and refuses to do so shall be guilty of a misdemeanor.</p>
<p>RCW 43.06.260 State of emergency - Prosecution of persons sixteen years or over as adults</p>	<p>Relates to adult prosecution for sixteen year-olds during a state of emergency: After the proclamation of a state of emergency any person sixteen years of age or over who violates any provision of RCW 43.06.010, and 43.06.200 through 43.06.270 shall be prosecuted as an adult.</p>
<p>RCW 43.06.270 State of emergency - State militia or state patrol - Use in restoring order</p>	<p>Relates to the Governor's use of the militia or state patrol to restore order: The governor may in his or her discretion order the state militia or the state patrol to assist local officials to restore order in the area described in the proclamation of a state of emergency.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 43.19.1906 Competitive bids -Procedure - Exceptions (Excerpt only)</p>	<p>Relates to purchasing and sales procedures during an emergency:</p> <p>Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed, electronic, or web-based bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority. However, formal sealed, electronic, or web-based competitive bidding is not necessary for emergency purchases if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately.</p>
<p>RCW 43.19.200 Duty of others in relation to purchases - Emergency purchase - Written notifications</p>	<p>Relates to emergency purchases:</p> <p>No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of emergency purchases as provided in the subsection this section. The authorities, officers, and departments may make emergency purchases in response to unforeseen circumstances beyond the control of the agency which present a real, immediate, and extreme threat to the proper performance of essential functions or which may reasonably be expected to result in excessive loss or damage to property, bodily injury, or loss of life. When an emergency purchase is made, the agency head shall submit written notification of the purchase, within three days of the purchase, to the director of general administration. This notification shall contain a description of the purchase, description of the emergency and the circumstances leading up to the emergency, and an explanation of why the circumstances required an emergency purchase.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 43.20.050</p> <p>Powers and duties of state board of health</p> <p>Local enforcement of rules adopted by the state Board of Health</p>	<p>Relates to local health department authority:</p> <p>(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department.....</p> <p>(5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 43.21G.020 Definitions (Energy Emergencies)</p>	<p>Relates to definitions for energy emergencies:</p> <p>"Energy supply facility" means a facility which produces, extracts, converts, transports, or stores energy.</p> <p>"Energy" means any of the following, individually or in combination: Petroleum fuels; other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.</p> <p>"Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.</p> <p>"Committee" means the *joint committee on energy and utilities created by RCW 44.39.010 as now or hereafter amended.</p> <p>"Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.</p> <p>"Regulated distributor" means a public service company as defined in chapter 80.04 RCW which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.</p> <p>"Energy supply alert" means a situation which threatens to disrupt or diminish the supply of energy to the extent that the public health, safety, and general welfare may be jeopardized.</p> <p>"Energy emergency" means a situation in which the unavailability or disruption of the supply of energy poses a clear and foreseeable danger to the public health, safety, and general welfare.</p> <p>"State or local governmental agency" means any county, city, town, municipal corporation, political subdivision of the state, or state agency.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 43.21G.040</p> <p>Governor's energy emergency powers - Energy supply alert - Construction of chapter</p>	<p>Relates to the declaration of an energy emergency:</p> <p>Upon finding that an energy emergency exists within this state or any part thereof, the governor shall declare a condition of energy emergency.</p> <p>Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.</p> <p>Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.</p>
<p>RCW 43.43.962</p> <p>State fire service mobilization - State fire services mobilization plan - State fire resources coordinator</p>	<p>Relates to the mobilization of fire resources in a catastrophe:</p> <p>The director of fire protection shall review and make recommendations to the chief on the refinement and maintenance of the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the director of fire protection shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The chief shall review the fire services mobilization plan as submitted by the director of fire protection, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>Chapter 43.70 RCW Department of Health</p>	<p>Relates to the State Department of Health authorities in preparing for catastrophe:</p> <p>The legislature finds and declares that it is of importance to the people of Washington state to live in a healthy environment and to expect a minimum standard of quality in health care. The legislature further finds that the social and economic vitality of the state depends on a healthy and productive population. The legislature further declares where it is a duty of the state to assure a healthy environment and minimum standards of quality in health care facilities and among health care professionals, the ultimate responsibility for a healthy society lies with the citizens themselves.</p> <p>It is the intent of the legislature to form such focus by creating a single department in state government with the primary responsibilities for the preservation of public health, monitoring health care costs, the maintenance of minimal standards for quality in health care delivery, and the general oversight and planning for all the state's activities as they relate to the health of its citizenry.</p>
<p>RCW 43.70.130 Powers and duties of secretary of Health -General</p>	<p>Relates to the powers of the secretary of health:</p> <p>The secretary of health shall exercise all the powers and perform all the duties prescribed by law with respect to public health.</p>
<p>RCW 43.70.180 Threat to public health - Order prohibiting sale or disposition of food or other items pending investigation</p>	<p>Relates to the prohibiting of food/items sales:</p> <p>Pending the results of an investigation, the secretary may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation. The order of the secretary shall not be effective for more than fifteen days without the commencement of a legal action.</p>
<p>RCW 43.70.190 Violations - Injunctions and legal proceedings authorized</p>	<p>Relates to the authority of the secretary of health or health officer to issue a violation:</p> <p>The secretary of health or local health officer may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the department of health pursuant to said laws. Upon the filing of any action, the court may, upon a showing of an immediate and serious danger to residents constituting an emergency, issue a temporary injunctive order ex parte.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>Chapter 43.83B RCW Department of Ecology - Water supply facilities</p>	<p>Relates to the Department of Ecology’s emergency authority in drought conditions:</p> <p>It is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and groundwaters, including dead storage within reservoirs, to alleviate emergency water supply conditions arising from the drought forecast for the state.</p>
<p>RCW 43.88.250 Emergency expenditures</p>	<p>Relates to the governor’s approval of expenditures:</p> <p>Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any state agency for which insufficient or no appropriations have been made, the head of such agency shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting the emergency and the estimated amount of money required therefore. If the governor approves such estimate in whole or in part, the governor shall indorse on each copy of the statement the governor’s approval, together with a statement of the amount approved as an allocation from any appropriation available for allocation for emergency purposes and transmit one copy to the head of the agency thereby authorizing the emergency expenditures.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 43.105.032</p> <p>Information services board - Members - Chairperson - Vacancies - Quorum - Compensation and travel expenses</p>	<p>Relates to the Washington state information services board:</p> <p>There is hereby created the Washington state information services board. The board shall be composed of fifteen members. Eight members shall be appointed by the governor, one of whom shall be a representative of higher education, one of whom shall be a representative of an agency under a statewide elected official other than the governor, one of whom must have direct experience using the software projects overseen by the board or reasonably expects to use the new software developed under the oversight of the board, and two of whom shall be representatives of the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall be the superintendent of public instruction or shall be appointed by the superintendent of public instruction. Two members shall represent the house of representatives and shall be selected by the speaker of the house of representatives with one representative chosen from each caucus of the house of representatives; two members shall represent the senate and shall be appointed by the president of the senate with one representative chosen from each caucus of the senate. One member shall be the director who shall be a voting member of the board. These members shall constitute the membership of the board with full voting rights. Members of the board shall serve at the pleasure of the appointing authority. The board shall select a chairperson from among its members.</p>
<p>RCW 43.200</p> <p>Radioactive Waste Act</p>	<p>Relates to the transportation and handling of radioactive waste:</p> <p>The safe transporting, handling, storage or otherwise caring for radioactive waste is required to protect the health, safety and welfare of the citizens. This chapter establishes the authority for the state to exercise appropriate oversight and care for the safe management and disposal of radioactive waste, to consult with the federal government and other states, and to carry out the state responsibilities under the federal nuclear waste policy act of 1982.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 47.48.020 Notice of closure or restriction - Emergency closure</p>	<p>Relates to emergency road closures:</p> <p>Before any state highway, county road, or city street is closed to, or the maximum speed limit thereon reduced for, all vehicles or any class of vehicles, a notice thereof including the effective date shall be published in one issue of a newspaper of general circulation in the county or city or town in which such state highway, county road, or city street or any portion thereof to be closed is located. In the case of cases an emergency the closure will be in effect is twelve hours or less the proper officers may, without publication or delay, close state highways, county roads, and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting state highways if the closing be of a portion of a state highway, at all intersecting state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases or conditions in which the maximum time the closure will be in effect is twelve hours or less, as herein provided, the orders of the proper authorities shall be immediately effective.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 47.48.031 Emergency closures by state patrol</p>	<p>Relates to authority of patrol officers to close roads:</p> <p>Whenever the chief or another officer of the state patrol determines on the basis of a traffic investigation that an emergency exists or less than safe road conditions exist due to human-caused or natural disasters or extreme weather conditions upon any state highway, or any part thereof, state patrol officers may determine and declare closures and temporarily reroute traffic from any such affected highway.</p> <p>Any alteration of vehicular traffic on any state highway due to closure in emergency conditions is effective until such alteration has been approved or altered by the secretary of transportation or other department of transportation authorities in their local respective jurisdictions.</p>
<p>RCW 47.60.013 Emergency powers of governor to insure continued operation of ferry and toll bridge system - Cost reimbursement</p>	<p>Relates to the authority of the governor to continue ferry operations:</p> <p>The governor is authorized to take such actions as may be necessary to insure the continued operation of the Puget Sound ferry and toll bridge system under any emergency circumstances which threaten the continued operation of the system. In the event of such an emergency, the governor may assume all the powers granted by law to the transportation commission and department of transportation with respect to the ferry system. In addition, the governor may contract with any qualified persons for the operation of the Washington state ferry system, or any part thereof, or for ferry service to be provided by privately owned vessels. Administrative costs to the office of the governor incurred in the exercise of this authority shall be reimbursed by the department.</p>
<p>Title 52 RCW Fire protection districts</p>	<p>Relates to the formation, funding and general powers of Fire Protection Districts:</p> <p>Fire protection districts created under this title are political subdivisions of the state and shall be held to be municipal corporations within the laws and Constitution of the state of Washington. A fire protection district shall constitute a body corporate and possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by law.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>Title 70 RCW Public health and safety</p>	<p>Relates to the definitions of terms used in public health and safety:</p> <p>"Local health departments" means the county or district which provides public health services to persons within the area.</p> <p>"Local health officer" means the legally qualified physician who has been appointed as the health officer for the county or district public health department.</p> <p>"Local board of health" means the county or district board of health.</p> <p>"Health district" means all the territory consisting of one or more counties organized pursuant to the provisions of chapters 70.05 and 70.46 RCW.</p>
<p>RCW 70.05.070 Local Health Officer – powers and duties</p>	<p>Relates to the Powers of the local Health Officer:</p> <p>The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:</p> <p>Enforce the public health statutes of the state, take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction, control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction, etc.</p>
<p>Chapter 70.85 RCW Emergency party line telephone calls — limiting telephone communication in hostage situations</p>	<p>Relates to authority in a hostage situation:</p> <p>In the case of a hostage situation, the supervising law enforcement has the authority to order a telephone company employee to cut, reroute or divert telephone lines for the purpose of preventing communications between the suspect to any other person than the peace officer or designated personnel.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>Chapter 70.86 RCW Earthquake standards for construction</p>	<p>Relates to regulations for places of assembly for more than 300 persons:</p> <p>Hospitals, schools, except one story, portable, frame school buildings, buildings designed or constructed as places of assembly accommodating more than three hundred persons; and all structures owned by the state, county, special districts, or any municipal corporation within the state will be designed and constructed to resist probable earthquake intensities, unless other standards of design and construction for earthquake resistance are prescribed by enactments of the legislative authority of counties, special districts, and/or municipal corporations in which the structure is constructed.</p>
<p>Chapter 70.136 RCW Hazardous materials incidents</p>	<p>Relates to cooperative efforts in the handling of hazardous materials incidents:</p> <p>It is the intent of the legislature to promote and encourage advance planning, cooperation, and mutual assistance between applicable political subdivisions of the state and persons with equipment, personnel, and expertise in the handling of hazardous materials incidents. It is the responsibility of both parties to ensure that correct information is kept regarding the personnel of the responding agency, and the date and time of the request. Records for requests will be kept for three years by the incident command agency. Verbal hazardous materials emergency assistance agreements may be entered into at the scene of an incident where execution of a written agreement prior to the incident is not possible.</p>
<p>RCW 77.55.011 Construction in state waters - definitions</p>	<p>Relates to emergency construction in state waters:</p> <p>Construction in state waters – definitions: Subsection.(6) defines “emergency” as an immediate threat to life, the public, property, or of environmental degradation. (8) Defines “Imminent danger” as “a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.”</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 77.55.021 Construction in state waters – permits and exemptions</p>	<p>Relates to emergency construction in state waters:</p> <p>Construction in state waters – permits & exemptions: Subsections.(8 – 12) address numerous situations of emergency or imminent danger, when declared by local government, that allow WDFW to issue immediate oral approval for emergency responses within the water, with written materials approving the work to be generated after the fact. The exemptions were expanded in 2008 to allow work to guard against chronic floods or erosion that threaten infrastructure.</p>
<p>Chapter 80.36 RCW Telecommunications</p>	<p>Relates to the powers of the governor and operations of the state:</p> <p>During a state of emergency, the governor may waive or suspend the operation or enforcement of this section, or any portion of this section, and issues orders for operations of state or local government to promote and secure the safety and protection of the population.</p>
<p>Chapter 80.50 RCW Energy facilities - site locations</p>	<p>Relates to the environmental efficiency of energy facilities:</p> <p>It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods, that the location and operation of such facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.</p>
<p>RCW 81.04.130 Transportation tariffs</p>	<p>Relates to the governors authority to waive certain transportation tariffs in an emergency:</p> <p>During an emergency, the governor has the power to waive or suspend the operations or enforcement of this section, or any part of this section, to issue any orders for the operation of state or local government or to promote and secure the safety and protection of the civilian population. During a disaster, any company may make the necessary expenditures for the preservation or restoration of their property.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>RCW 85.05.270 Estimate for maintenance and repair - Emergency expenditures</p>	<p>Relates to emergency expenditures by diking districts: Each year the diking commissioners will determine the estimated cost of maintenance and repair of the needed improvements for the year. In the case of an emergency, the commissioners may incur additional obligations and issue warrants which would be in excess of the original estimated costs.</p>
<p>Title 86 RCW Flood control</p>	<p>Relates to powers exercised for flood control: All powers and immunities can be exercised in a county for the purpose of flood and storm water control. In exercising these powers, all actions should be taken in the name of the zone and title. Plan, construct, acquire, repair, maintain, and operate all necessary equipment, facilities, improvements, and works to control, conserve, and remove flood waters and storm waters. Take action necessary to protect life and property within the district from flood water damage, including in the context of an emergency.</p>
<p>WAC 118-04-180 Emergency worker program</p>	<p>Relates to training and compensation of emergency workers: The purpose of this chapter is to adopt rules pertaining to the use, classes, scope, conditions of duty and training of emergency workers and compensation of emergency workers' claims, and to clearly delineate the responsibilities of authorized officials and emergency workers before, during, and after emergencies, disasters, and other specific missions. It is the responsibility of the authorized officials registering the emergency workers to ensure that the workers meet the basic qualifications and that the team is capable of completing the assigned tasks.</p>
<p>Chapter 118-09 WAC Criteria for allocation of emergency management assistance funds</p>	<p>Relates to the allocation of EMA funds: The director of the state is responsible for allocating emergency management assistance (EMA) funds to local emergency service organizations in order to carry out emergency services programs.</p>
<p>Chapter 118-30 WAC Local emergency management/services organizations, plans and programs</p>	<p>Relates to local emergency management programs: The purpose of this chapter is to establish criteria for evaluating local emergency management/services organizations, plans and programs to ensure consistency with the state comprehensive emergency management plan and program.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>Chapter 118-40 WAC Hazardous chemical emergency response planning and community right-to-know reporting</p>	<p>Relates to the EPCRA: The purpose of this chapter is to implement the provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA), as recognized by the United States Environmental Protection Agency.</p>
<p>Chapter 118-66 WAC Enhanced 9-1-1 funding</p>	<p>Relates to the expenditure of 9-1-1 funds: The purpose of this chapter is to outline the rules for which available state enhanced 9-1-1 account money may be expended.</p>
<p>Title 173 WAC Department of Ecology</p>	<p>Relates to the authority of the director: The director has the authority to perform all powers, duties and functions within the authority of the department. In the director's absence, the deputy director may act as director.</p>
<p>Chapter 173-166 WAC Emergency drought relief</p>	<p>Relates to the authority of the department of ecology: The department of ecology has the authority to issue orders declaring drought emergencies. Ecology may approve emergency water right changes in order to transfer water between willing parties.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>WAC 220-110-030 Expedited Hydraulic Permit Applications (HPA)</p>	<p>Relates to WDFW rules for emergency construction in state waters:</p> <p>(8) Expedited HPA requests require a complete written application and shall take precedence over other nonemergency applications. These will be issued within fifteen calendar days of receipt of a complete written application. The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for expedited written HPAs.</p> <p>(9) The county legislative authority or the department may declare an emergency or continue an existing declaration of an emergency where there is an immediate threat to life, the public, property, or of environmental degradation. Upon the declaration of an emergency, the department shall grant verbal approval immediately upon request for a stream crossing, or work to remove any obstructions, repair existing obstructions, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow. The verbal approval shall be obtained prior to commencing emergency work and the department must issue a written HPA reflecting the conditions of the verbal approval within thirty days. The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for emergency HPAs.</p>
<p>Title 246 WAC Department of Health</p>	<p>Relates to the authorities of the Department of Health:</p> <p>The purpose of this chapter is to describe the department of health and the general course and method of its operations.</p> <p>This chapter establishes criteria for:</p> <ul style="list-style-type: none"> • Training and certification of basic, intermediate and advanced life support technicians; • Licensure and inspection of ambulance and aid services; • Verification of pre-hospital trauma services; • Development and operation of a statewide trauma registry; • The designation process and operating requirements for designated trauma care services; • A statewide emergency medical communication system; • Administration of the statewide EMS/TC system.

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>WAC 246-100-036 Responsibilities and duties – Local Health officers</p>	<p>Relates to the duties of local health officers:</p> <p>(1) The local health officer shall establish, in consultation with local health care providers, health facilities, emergency management personnel, law enforcement agencies, and any other entity he or she deems necessary, plans, policies, and procedures for instituting emergency measures necessary to prevent the spread of communicable disease or contamination.</p>
<p>WAC 246-100-040 thru 070 Procedures for isolation or quarantine</p>	<p>Relates to the procedures for isolation and quarantine:</p> <p>These sections include information on conditions and principles for isolation or quarantine; Isolation or quarantine premises; Relief from isolation or quarantine; consolidation; and, enforcement of local health officer orders.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>WAC 246-101-505 Duties of the local health officer or the local health department</p>	<p>Relates to the duties of the local health officer or the local health department:</p> <p>(1) Local health officers or the local health department shall:</p> <p>(a) Review and determine appropriate action for:</p> <ul style="list-style-type: none"> (i) Each reported case or suspected case of a notifiable condition; (ii) Any disease or condition considered a threat to public health; and (iii) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary. <p>(b) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;</p> <p>(c) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;</p> <p>(d) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;</p> <p>(e) Distribute appropriate notification forms to persons responsible for reporting;</p> <p>(f) Notify the principal health care provider, if possible, prior to initiating a case investigation by the local health department;</p> <p>(g) Carry out the HIV partner notification requirements of WAC 246-100-072;</p> <p>(h) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;</p> <p>(i) Conduct investigations and institute control measures in accordance with chapter.</p>

State Emergency Authorities Matrix

State Statutes	Scope and Emergency Provisions
<p>WAC 246-110-020 Control of communicable (contagious) disease</p>	<p>Relates to the control of communicable (contagious) disease:</p> <p>(1) When there is an outbreak of a contagious disease, as defined in WAC 246-110-010, such that there is the potential for a case or cases within a school or day care center, the local health officer, if appropriate, after consultation with the secretary of health or designee shall take all medically appropriate actions deemed to be necessary to control or eliminate the spread of the disease, including, but not limited to:</p> <ul style="list-style-type: none"> (a) Closing the affected school(s) or day care center(s), or part(s) thereof; (b) Closing other schools or day care centers in the local health officer's jurisdiction; (c) Causing the cessation of selected school or day care center activities or functions; (d) Excluding from schools or day care centers in the local health officer's jurisdiction any students, staff, and volunteers who are infected with, or deemed to be susceptible to, the disease.....etc.....
<p>Chapter 446-50 WAC Transportation requirements</p>	<p>Relates to the safety regarding hazardous materials:</p> <p>These rules are intended to protect persons and property from unreasonable risk of harm or damage due to incidents or accidents resulting from the transportation of hazardous materials and hazardous waste and to insure that the vehicle equipment of all carriers of radioactive waste materials are inspected by the Washington state patrol.</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>FEMA Stafford Act PL 93-288 as amended</p>	<p>Relates to federal emergency response to disasters: Authorizes the Federal government to respond to disasters and emergencies in order to provide assistance to save lives and protect public health, safety, and property; authorizes the President to establish a program of disaster preparedness that uses services of all appropriate agencies, etc.</p>
<p>Post-Katrina Emergency Management Reform Act of 2006</p>	<p>Relates to changes made following Hurricane Katrina: That Act establishes new leadership positions within the Department, brings additional functions into the Federal Emergency Management Agency (FEMA), creates and reallocates functions to other components within the Department, and amends the Homeland Security Act, in ways that directly and indirectly affect the organization and functions of various entities within DHS.</p>
<p>Public Law 84-99 Defense Support to Civil Authorities</p>	<p>Relates to the authority of the Chief of Engineers: Under PL 84-99, the Chief of Engineers, acting for the Secretary of the Army, is authorized to undertake activities including disaster preparedness, Advance Measures, emergency operations (Flood Response and Post Flood Response), rehabilitation of flood control works threatened or destroyed by flood, protection or repair of federally authorized shore protective works threatened or damaged by coastal storm, and provisions of emergency water due to drought or contaminated source.</p>
<p>Social Security Act - Section 1135</p>	<p>Relates to the authority to waive requirements during national emergencies: The purpose of this section is to enable the Secretary to ensure to the maximum extent feasible, in any emergency area and during an emergency period.</p>
<p>Homeland Security Act of 2002</p>	<p>Relates to the Department of Homeland Security mission: The primary mission of the Department is to prevent terrorist attacks within the United States; reduce the vulnerability of the United States to terrorism; minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States, etc.</p>

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Federal Statute/Plan	Scope and Emergency Provisions
Pets Evacuation and Transportation Standards Act of 2006	<p>Relates to planning for animals in disasters:</p> <p>The PETS Act requires that the State and local emergency preparedness authorities include how they will accommodate households with pets or service animals when presenting these plans to the FEMA.</p>
Social Security Act of 1935, as amended	<p>Relates to the establishment of social security:</p> <p>An act to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes.</p>
Americans with Disabilities Act (ADA) of 1990	<p>Relates to guidelines of the ADA:</p> <p>The ADA recognizes and protects the civil rights of people with disabilities and is modeled after earlier landmark laws prohibiting discrimination on the basis of race and gender. The ADA covers a wide range of disability, from physical conditions affecting mobility, stamina, sight, hearing, and speech to conditions such as emotional illness and learning disorders. The ADA addresses access to the workplace (title I), State and local government services (title II), and places of public accommodation and commercial facilities (title III). It also requires phone companies to provide telecommunications relay services for people who have hearing or speech impairments (title IV) and miscellaneous instructions to Federal agencies that enforce the law (title V). Regulations issued under the different titles by various Federal agencies set requirements and establish enforcement procedures.</p>
Economy Act, 31 U.S.C. 1535-1536 (2007)	<p>Relates to the provision of goods and services:</p> <p>This act authorizes Federal departments and agencies to provide goods or services, on a reimbursable basis, to other Federal departments and agencies.</p>
Communications Act of 1934: Section 706	<p>The use of national communication infrastructure:</p> <p>Establishes Presidential powers during wartime emergencies for priority use of the national communications infrastructure.</p>

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Federal Statute/Plan	Scope and Emergency Provisions
<p>Section 306 of the Disaster Mitigation Act of 2000</p>	<p>Relates to the utilization of services or facilities of State and local governments:</p> <p>In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government.</p>
<p>Section 526 of the Department of Homeland Security Appropriations Act, 2009</p>	<p>Relates to the prohibition of using Homeland Security Funds to fund the Principal Federal Official position in a Stafford Act declared disasters:</p> <p>None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies.</p>
<p>Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 - Sections 2401 and 2403</p>	<p>Relates to the restoration of flood protection in Louisiana after Hurricane Katrina:</p> <p>There shall be made available \$200,000,000 for the Secretary of the Army (referred to in this section as the "Secretary") to provide, at full Federal expense.....etc.</p>
<p>Warning, Alert, and Response Network Act</p>	<p>Relates to the Emergency Alert System:</p> <p>The Warning, Alert, and Response Network Act, or WARN Act, as signed into law as Title VI of P.L. 109-347 to assure funding to public television stations to install digital equipment to handle alerts. The law also required the establishment of a committee to provide the FCC with recommendations regarding the transmittal of emergency alerts by commercial mobile service providers to their subscribers.</p>
<p>National Dam Safety Program Act</p>	<p>Relates to dam safety and the inspection of dams:</p> <p>IN GENERAL.—As soon as practicable, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a national program of inspection of dams for the purpose of protecting human life and property....etc.</p>

Federal Emergency Authorities Matrix	
Federal Statute/Plan	Scope and Emergency Provisions
Fire Prevention and Control Act of 1974	<p>Relates to fire prevention:</p> <p>The Act set national policy for fire prevention and protection of life and property from fire.</p>
Defense Production Act of 1950	<p>Relates to the President's authority to obtain resources for national defense:</p> <p>The Defense Production Act was enacted on September 8, 1950, in response to the start of the Korean War. It was part of a broad civil defense and war mobilization effort in the context of the Cold War. The Act has been periodically reauthorized and amended, and remains in force as of 2009.</p> <p>The Act contains three major sections. The first authorizes the President to require businesses to sign contracts or fulfill orders deemed necessary for national defense. The second authorizes the President to establish mechanisms (such as regulations, orders or agencies) to allocate materials, services and facilities to promote national defense. The third section authorizes the President to control the civilian economy so that scarce and/or critical materials necessary to the national defense effort are available for defense needs.</p> <p>The Act also authorizes the President to requisition property, force industry to expand production and the supply of basic resources, impose wage and price controls, settle labor disputes, control consumer and real estate credit, establish contractual priorities, and allocate raw materials to aid the national defense.</p> <p>The President's authority to place contracts under the DPA is the part of the Act most often used by the Department of Defense (DOD) since the 1970s. Most of the other functions of the Act are administered by the Office of Strategic Industries and Economic Security (SIES) in the Bureau of Industry and Security in the Department of Commerce. (BIS.gov)</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>National Flood Insurance Act of 1968</p>	<p>Relates to reducing flood risk and establishing national policy on flood insurance:</p> <p>The National Flood Insurance Act of 1968 is a piece of legislation passed in the United States that led to the creation of the National Flood Insurance Program (NFIP).</p> <p>The NFIP goals are two-fold:</p> <ul style="list-style-type: none"> • To provide flood insurance for structures and contents in communities which adopt and enforce an ordinance outlining minimal floodplain management standards. • To identify areas of high and low flood hazard and establish flood insurance rates for structures inside each flood hazard area. <p>The act was motivated by a long history of property damage and loss of life due to flooding. The legislation was finally promulgated because of the recent flood loss sustained in Florida and Louisiana following the destruction caused by the Hurricane Betsy flood surge in 1965. (FEMA.gov)</p>
<p>Earthquake Hazards Reduction Act of 1977</p>	<p>Relates to the development of a national earthquake hazards reduction policy and program:</p> <p>It is the purpose of the Congress in this Act to reduce the risks of life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program....etc.</p>
<p>The National Security Act of 1947 (Public Law No. 235, 80 Cong., 61 Stat. 496, 50 U.S.C. ch.15)</p>	<p>Relates to the relocation of essential industries and services:</p> <p>Signed by United States President Harry S. Truman on July 26, 1947, and reorganized the U.S. Armed Forces, foreign policy, and Intelligence Community apparatus in the aftermath of World War II. It allows for the strategic relocation of industries, services, government and other essential economic activities, and to rationalize the requirements for manpower, resources and production facilities.</p>

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Federal Statute/Plan	Scope and Emergency Provisions
<p>The International Emergency Economic Powers Act (IEEPA), Title II of Public Law 95-223, 91 Stat. 1626, enacted October 28, 1977</p>	<p>Relates to the President's authority to regulate commerce:</p> <p>Authorizes U.S. Presidents to regulate commerce after declaring a national emergency in response to any unusual and extraordinary threat to the United States which has a foreign source. It is largely an amendment to the Trading with the Enemy Act 1917 and the National Emergencies Act, which deal primarily with when and to what extent the President can declare an emergency. It enables the President to seize the property of a foreign country or national. These powers were transferred to FEMA in a sweeping consolidation in 1979.</p>
<p>National Emergencies Act</p>	<p>Relates to the declaration of National Emergencies:</p> <p>The National Emergencies Act is a United States federal law passed in 1976 to stop open-ended states of national emergency and formalize the power of Congress to provide certain checks and balances on the emergency powers of the President. The act sets a limit of two years on states of national emergency. It also imposes certain "procedural formalities" on the President when invoking such powers.</p> <p>The perceived need for the law arose from the scope and number of laws granting special powers to the executive in times of national emergency (or public danger).</p> <p>At least two constitutional rights are subject to revocation during a state of emergency:</p> <ul style="list-style-type: none"> • The right to habeas corpus, under Article 1, Section 9; • The right to a grand jury for members of the National Guard when in actual service, under Fifth Amendment. <p>In addition, many provisions of statutory law are contingent on a state of national emergency, as many as 500 by one count.</p> <p>It was due in part to concern that a declaration of "emergency" for one purpose should not invoke every possible executive emergency power that Congress in 1976 passed the National Emergencies Act. Among other provisions, this act requires the President to declare formally a national emergency and to specify the statutory authorities to be used under such a declaration. (fpc.state.gov)</p>

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Federal Statute/Plan	Scope and Emergency Provisions
<p>Corps of Engineers Emergency Provisions: Section 5 of Act Aug. 18, 1941</p>	<p>Relates to the Corps of Engineers role in response to disasters:</p> <p>There is authorized an emergency fund to be expended in preparation for emergency response to any natural disaster, in flood fighting and rescue operations, or in the repair or restoration of any flood control work threatened or destroyed by flood, including the strengthening, raising, extending, or other modification thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control,.....etc.</p>
<p>Emergency Food and Shelter Program Provisions: Title III of the McKinney-Vento Homeless Assistance Act</p>	<p>Relates to emergency food and shelter programs:</p> <p>Title III of the McKinney Act authorizes the Emergency Food and Shelter Program, which is administered by the Federal Emergency Management Agency (FEMA).</p>
<p>Chemical Stockpile Emergency Preparedness Program Provisions: Section 1412 of the Department of Defense Authorization Act, 1986</p>	<p>Relates to the destruction of lethal chemical agents and munitions:</p> <p>SEC. 1412. Established the EMERGENCY RESPONSE ASSISTANCE PROGRAM. The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials...etc.</p>

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Federal Statute/Plan	Scope and Emergency Provisions
<p>Radiological Emergency Preparedness Program Provisions: Excerpt From 1999 Independent Agencies Appropriations Provisions</p> <p>Committee on Transportation and Infrastructure, US House of Representatives</p>	<p>Relates to radiological protection:</p> <p>On December 7, 1979, following the Three Mile Island nuclear power plant accident in Pennsylvania, President Carter transferred the Federal lead role in offsite radiological emergency planning and preparedness activities from the U.S. Nuclear Regulatory Commission (NRC) to the Federal Emergency Management Agency (FEMA).</p> <p>FEMA established the Radiological Emergency Preparedness (REP) Program to (1) ensure the health and safety of citizens living around commercial nuclear power plants would be adequately protected in the event of a nuclear power plant accident; and (2) inform and educate the public about radiological emergency preparedness.</p> <p>REP Program responsibilities encompass only “offsite” activities, that is, State, tribal and local government emergency planning and preparedness activities that take place beyond the nuclear power plant boundaries. Onsite activities continue to be the responsibility of the NRC. (FEMA)</p>
<p>Internal Security Act of 1950 (50 USC 797)</p> <p>DOD 5200.08, Security of DOD Installations and Resources, Ch 1, 19 May 10</p> <p>DOD 5200.08-R, Physical Security Program, 9 Apr 07</p> <p>AFI 31-101, Integrated Defense (FOUO), 8 Oct 09</p> <p>AFI 10-2501, AF EM Planning and Operations, change 2, 6 Apr 09</p>	<p>Relates to securing classified defense information on non-federal lands.</p> <p>An area established on non-Federal lands located within the United States or its possessions or territories for the purpose of safeguarding classified defense information or protecting Department of Defense (DOD) equipment and/or materiel. Establishment of a national defense area temporarily places such non-Federal lands under the effective control of the Department of Defense and results only from an emergency event. The senior DOD representative at the scene will define the boundary, mark it with a physical barrier, and post warning signs. The landowner’s consent and cooperation will be obtained whenever possible; however, military necessity will dictate the final decision regarding location, shape, and size of the national defense area.</p> <p>This authority is intended to be established under emergency conditions in such situations as aircraft crashes, immobilized nuclear weapons convoys, or the emergency dispersion of military aircraft to civilian airports.</p>

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Federal Statute/Plan	Scope and Emergency Provisions
<p>Section 109 of Public Law 96-295</p>	<p>Relates to preparedness around nuclear power plants:</p> <p>This act authorized appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and Section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes. Prohibits the issuance of a license unless there exists a State or local emergency preparedness which: (1) provides for responding to accidents at the facility; and (2) complies with the Commission's guidelines for such plans. Stipulates that in the absence of a satisfactory plan there must exist a State, local, or utility plan which provides reasonable assurances that public health and safety is not endangered.</p>
<p>Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)</p>	<p>Relates to response authorities for hazardous substances:</p> <p>(a)(1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment....etc.</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>Section 303 of the Emergency Planning and Community Right-to-Know Act of 1986 (SARA)</p>	<p>Relates to emergency planning for hazardous materials:</p> <p>Emergency Response plans contain information that community officials can use at the time of a chemical accident. Community emergency response plans for chemical accidents were developed under section 303. The plans must:</p> <ul style="list-style-type: none"> • Identify facilities and transportation routes of extremely hazardous substances; • Describe emergency response procedures, on and off site; • Designate a community coordinator and facility coordinator(s) to implement the plan; • Outline emergency notification procedures; • Describe how to determine the probable affected area and population by releases; • Describe local emergency equipment and facilities and the persons responsible for them; • Outline evacuation plans; • Provide a training program for emergency responders (including schedules); and, • Provide methods and schedules for exercising emergency response plans.
<p>Hazardous Materials Transportation Provisions: Sections 5115 and 5116 of Title 49, United States Code</p>	<p>Relates to training and planning with respect to the transportation of hazardous materials:</p> <p>Section 5115 establishes a training curriculum for the public sector and Section 5116 provides for planning and training grants, monitoring and review.</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>Emergency Medical Treatment and Labor Act (EMTALA)</p>	<p>Relates to medical care in disaster:</p> <p>EMTALA is a Federal law that requires all Medicare-participating hospitals with dedicated emergency departments (EDs) to perform medical care for all individuals who come to their ED regardless of their ability to pay. It also has provisions for medical care in disasters, including waivers for care in emergency situations. An EMTALA waiver allows hospitals to do the following:</p> <ul style="list-style-type: none"> • Direct or relocate individuals who come to the Emergency Department to an alternative off-campus site, in accordance with a State emergency or pandemic preparedness plan. • Effect transfers normally prohibited under EMTALA of individuals with unstable emergency medical conditions (EMCs), so long as the transfer is necessitated by the circumstances of the declared emergency. • By law, the EMTALA medical screening exam (MSE) and stabilization requirements can be waived for a hospital only if: • The President has declared an emergency or disaster under the Stafford Act or the National Emergencies Act; and • The Secretary of HHS has declared a Public Health Emergency; and • The Secretary invokes her/his waiver authority (which may be retroactive), including notifying Congress at least 48 hours in advance; and • The waiver includes waiver of EMTALA requirements and the hospital is covered by the waiver.

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>Public Health Service Act, Section 319</p>	<p>Relates to the legal Authority <i>without</i> Declaration of a Public Health Emergency</p> <p>Even without the HHS Secretary declaring a public health emergency under section 319 of the PHS Act, he has broad legal authorities to provide assistance to states and local entities and to conduct studies. Some examples of actions that the HHS Secretary may take, if appropriate, include:</p> <ul style="list-style-type: none"> • Developing and taking necessary steps to implement a plan to assist states and localities to control epidemics and to meet other health emergencies or problems • Assisting and promoting research and studies into the causes, diagnosis, treatment, control, and prevention of diseases • Establishing isolation and quarantine • Maintaining the Strategic National Stockpile (SNS) • Activating the U.S. Public Health Service (USPHS) Commissioned Corps and the National Disaster Medical System (NDMS), and deploy select members of the Medical Reserve Corps (MRC) • Maintaining safety of food, drugs, biological products, and medical devices • Providing temporary assistance to needy families and responding to needs of “at-risk” individuals • Providing, through a separate declaration, immunity from liability for activities related to supply, distribution and use of medical countermeasures to chemical, biological, radiological, nuclear, and pandemic and epidemic threats.

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Federal Statute/Plan	Scope and Emergency Provisions
<p>Public Health Service Act, Section 319</p>	<p>Relates to the authority of the HHS Secretary to take the following actions when a Public Health Emergency is declared (Consistent with regular authorities):</p> <ul style="list-style-type: none"> • Make grants to State and local agencies • Provide awards for expenses • Enter into contracts • Conduct and support investigations into the cause, treatment, or prevention of the specific disease or disorder • Access funds appropriated to the Public Health Emergency Fund (when funds are so appropriated) • Grant extensions or waive sanctions related to deadlines for submitting data or reports required under laws administered by the Secretary • Exempt (for 30 days, subject to one 30 day renewal) a person from select agent requirements as necessary to provide for timely participation of the person in response to a domestic or foreign public health emergency that involves the select agent or toxin • Mobilize the National Disaster Medical System and the Medical Reserve Corps • Make temporary appointments of personnel (up to one year or the duration of the emergency) to respond to the public health emergency • Waive dual compensation (salary offset) for temporarily re-employed annuitants during an emergency to support surge capacity needs in hospitals and aid stations • Declare an emergency under Section 564 of the Federal Food, Drug, and Cosmetic Act justifying emergency use of an unapproved product or the unapproved use of an approved product such as a drug, biological product, or medical device <p>The HHS Secretary has other authorities that may permit him to take similar actions even in absence of a public health emergency declaration. The HHS Secretary may also exercise this authority in an emergency or public health emergency without formally declaring a public health emergency. A declaration of a public health emergency terminates after 90 days or when the Secretary declares that the emergency no longer exists, unless renewed by the Secretary.</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>HHS and the Stafford Act</p>	<p>Relates to the authority of the HHS Secretary when the president declares a major disaster or an emergency and the HHS Secretary declares a public health emergency:</p> <p>Under section 1135 of the Social Security Act, he may temporarily waive certain Medicare, Medicaid, and State Children’s Health Insurance Program (SCHIP) requirements. Examples of these 1135 waivers or modifications include:</p> <ul style="list-style-type: none"> • Conditions of participation or certification • Preapproval requirements • State licenses for physicians and other healthcare professionals (this waiver is for purposes of Medicare, Medicaid, and SCHIP reimbursement only) • Emergency Medical Treatment and Labor Act (EMTALA) sanctions for redirection of an individual to another location to receive a medical screening examination pursuant to a state emergency preparedness plan or transfer of an individual who has not been stabilized if the transfer arises out of emergency circumstances. • Performance deadlines and timetables may be adjusted (but not waived). • Limitations on payment to permit Medicare+Choice enrollees to use out of network providers in an emergency situation • In addition, the Secretary may waive Health Insurance Portability and Accountability Act (HIPAA) sanctions and penalties relating to the following: <ul style="list-style-type: none"> • Obtaining a patient’s consent to speak with family members or friends • Honoring a patient’s request to opt out of the facility directory • Distributing a note of privacy practices • Honoring the patient’s right to request privacy restrictions or confidential communications <p>These waivers under section 1135 of the Social Security Act typically ends with the termination of the emergency period, or 60 days from the date the waiver or modification is first published unless the Secretary of HHS extends the waiver by notice for additional periods of up to 60 days. Waiver of EMTALA requirements for emergencies that involve a pandemic disease last until the termination of the pandemic related emergency. The waiver for licensure applies only to Federal requirements and does not automatically apply to State requirements for licensure or conditions of participation.</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>Homeland Security Presidential Directive – 5</p>	<p>Relates to the management of domestic incidents:</p> <p>Homeland Security Presidential Directive 5 serves to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system. This management system is designed to cover the prevention, preparation, response, and recovery from terrorist attacks, major disasters, and other emergencies. The implementation of such a system would allow all levels of government throughout the nation to work efficiently and effectively together. The directive gives further detail on which government officials oversee and have authority for various parts of the national incident management system, as well making several amendments to various other HSPDs.</p>
<p>Homeland Security Presidential Directive – 8</p>	<p>Relates to national preparedness:</p> <p>This directive is aimed at strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters. Our national preparedness is the shared responsibility of all levels of government, the private and nonprofit sectors, and individual citizens. Everyone can contribute to safeguarding the Nation from harm. As such, while this directive is intended to galvanize action by the Federal Government, it is also aimed at facilitating an integrated, all-of-Nation, capabilities-based approach to preparedness.</p>
<p>Homeland Security Presidential Directive – 20</p>	<p>Relates to national continuity policy:</p> <p>This directive establishes a comprehensive national policy on the continuity of Federal Government structures and operations, and also creates the position of a single National Continuity Coordinator responsible for coordinating the development and implementation of Federal continuity policies. This policy establishes 'National Essential Functions,' prescribes continuity requirements for all executive departments and agencies, in order to ensure a comprehensive and integrated national continuity program that will enhance the credibility of our national security posture and enable a more rapid and effective response to and recovery from a national emergency.</p>

Federal Emergency Authorities Matrix	
Federal Statute/Plan	Scope and Emergency Provisions
National Security Presidential Directive – 51	<p>Relates to national continuity policy:</p> <p>This directive establishes a comprehensive national policy on the continuity of Federal Government structures and operations and a single National Continuity Coordinator responsible for coordinating the development and implementation of Federal continuity policies. This policy establishes "National Essential Functions," prescribes continuity requirements for all executive departments and agencies, and provides guidance for State, local, territorial, and tribal governments, and private sector organizations in order to ensure a comprehensive and integrated national continuity program that will enhance the credibility of our national security posture and enable a more rapid and effective response to and recovery from a national emergency.</p>
41 Code of Federal Regulations (CFR) 102 (Occupant Emergency Program)	<p>Relates to public contracts and property management:</p> <p>The real property policies contained in this part apply to Federal agencies, including the GSA's Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services.</p>
NRF: ESF 1 Transportation Annex	<p>Relates to the management of transportation systems:</p> <p>Transportation provides support to the Department of Homeland Security (DHS) by assisting Federal, State, tribal, and local governmental entities, voluntary organizations, nongovernmental organizations, and the private sector in the management of transportation systems and infrastructure during domestic threats or in response to incidents. ESF #1 participates in prevention, preparedness, response, recovery, and mitigation activities and carries out the Department of Transportation (DOT)'s statutory responsibilities, including regulation of transportation, management of the Nation's airspace, and ensuring the safety and security of the national transportation system.</p>
NRF: ESF 2 Communications Annex	<p>Relates to the restoration of the communications infrastructure:</p> <p>Facilitates the recovery of systems and applications from cyber attacks, and coordinates Federal communications support to response efforts during incidents requiring a coordinated Federal response</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>NRF: ESF 3 Public Works and Engineering Annex</p>	<p>Relates to the delivery of federal engineering services: Public Works and Engineering assists the Department of Homeland Security (DHS) by coordinating and organizing the capabilities and resources of the Federal Government to facilitate the delivery of services, technical assistance, engineering expertise, construction management, and other support to prepare for, respond to, and/or recover from a disaster or an incident requiring a coordinated Federal response.</p>
<p>NRF: ESF 4 Firefighting Annex</p>	<p>Relates to federal support to firefighting efforts: Firefighting provides Federal support for the detection and suppression of wildland, rural, and urban fires resulting from, or occurring coincidentally with, an incident requiring a coordinated Federal response for assistance.</p>
<p>NRF: ESF 5 Emergency Management Annex</p>	<p>Relates to federal domestic incident management: Emergency Management is responsible for supporting overall activities of the Federal Government for domestic incident management. ESF #5 provides the core management and administrative functions in support of National Response Coordination Center (NRCC), Regional Response Coordination Center (RRCC), and Joint Field Office (JFO) operations.</p>
<p>NRF: ESF 6 Mass Care Annex</p>	<p>Relates to federal mass care efforts: Mass Care, Emergency Assistance, Housing, and Human Services coordinates the delivery of Federal mass care, emergency assistance, housing, and human services when local, tribal, and State response and recovery needs exceed their capabilities.</p>
<p>NRF: ESF 7 Logistics Management and Resource Support</p>	<p>Relates to federal resources management: Logistics Management and Resource Support assists the Department of Homeland Security (DHS) by providing a comprehensive, national disaster logistics planning, management, and sustainment capability that harnesses the resources of Federal logistics partners, key public and private stakeholders, and nongovernmental organizations (NGOs) to meet the needs of disaster victims and responders; and supporting Federal agencies and State, tribal, and local governments that need resource</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>NRF: ESF 8 Public Health and Medical Services Annex</p>	<p>Relates to federal support to public health and medical needs:</p> <p>Public Health and Medical Services provides the mechanism for coordinated Federal assistance to supplement State, tribal and local resources in response to a public health and medical disaster, potential or actual incidents and/or during a developing potential health and medical emergency. Public Health and Medical Services include responding to medical needs associated with mental health, behavioral health, and substance abuse considerations of incident victims and response workers. Services also cover the medical needs of members of the “at risk” or “special needs” populations.</p> <p>Public Health and Medical Services includes behavioral health needs consisting of both mental health and substance abuse considerations for incident victims and response workers and, as appropriate, medical needs groups defined in the core document as individuals in need of additional medical response assistance and veterinary and/or animal health issues.</p>
<p>NRF: ESF 9 Search and Rescue Annex</p>	<p>Relates to the federal role in Search and Rescue:</p> <p>Search and Rescue (SAR) rapidly deploys Federal SAR resources to provide lifesaving assistance to State, tribal, and local authorities, to include local SAR Coordinators and Mission Coordinators, when there is an actual or anticipated request for Federal SAR assistance.</p>
<p>NRF: ESF 10 Oil and Hazardous Materials Response Annex</p>	<p>Relates to federal response to oil and hazardous materials incidents:</p> <p>Oil and Hazardous Materials Response provides Federal support in response to an actual or potential discharge and/or uncontrolled release of oil or hazardous materials when activated. Under the <i>NRF</i>, EPA and DHS/USCG maintain authority for classifying a discharge as a Spill of National Significance (SONS) for purposes of the National Contingency Plan (NCP). DHS may or may not decide that it should coordinate the Federal response to a SONS. If not, EPA or DHS/USCG leads the Federal response in accordance with the NCP.</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>NRF: ESF 11 Agriculture and Natural Resources Annex</p>	<p>Relates to federal involvement in agriculture incidents: Agriculture and Natural Resources supports State, tribal, and local authorities and other Federal agency efforts to provide nutrition assistance; control and eradicate, as appropriate, any outbreak of a highly contagious or economically devastating animal/zoonotic (i.e., transmitted between animals and people) disease, or any outbreak of an economically devastating plant pest or disease; ensure the safety and security of the commercial food supply; protect natural and cultural resources and historic properties (NCH) resources; and provide for the safety and well-being of household pets during an emergency response or evacuation situation. ESF #11 is activated by the Secretary of Homeland Security for incidents requiring a coordinated Federal response and the availability of support for one or more of these roles/functions.</p>
<p>NRF: ESF 12 Energy Annex</p>	<p>Relates to the restoration of energy capability: Energy is intended to facilitate the restoration of damaged energy systems and components when activated by the Secretary of Homeland Security for incidents requiring a coordinated Federal response. Under Department of Energy (DOE) leadership, ESF #12 is an integral part of the larger DOE responsibility of maintaining continuous and reliable energy supplies for the United States through preventive measures and restoration and recovery actions.</p>
<p>NRF: ESF 13 Public Safety Annex</p>	<p>Relates to federal support to public safety: Public Safety and Security integrates Federal public safety and security capabilities and resources to support the full range of incident management activities associated with potential or actual incidents requiring a coordinated Federal response.</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>NRF: ESF 14 Long Term Community Recovery Annex</p>	<p>Relates to Long-Term Community Recovery: This Annex provides a mechanism for coordinating Federal support to State, tribal, regional, and local governments, nongovernmental organizations (NGOs), and the private sector to enable community recovery from the long-term consequences of extraordinary disasters by identifying and facilitating availability and use of sources of recovery funding, and providing technical assistance (such as impact analyses) for community recovery and recovery planning support.</p>
<p>NRF: ESF 15 External Affairs Annex</p>	<p>Relates to providing information to the public: External Affairs ensures that sufficient Federal assets are deployed to the field during incidents requiring a coordinated Federal response to provide accurate, coordinated, timely, and accessible information to affected audiences, including governments, media, the private sector, and the local populace, including the special needs population.</p>
<p>National Search and Rescue Plan (NSP)</p>	<p>Relates to the coordination of search and rescue activities: The NSP is the policy guidance of the signatory Federal departments and agencies for coordinating SAR services to meet domestic needs and international commitments.</p>
<p>National Search and Rescue (SAR) Supplement (NSS)</p>	<p>Relates to aeronautical and maritime SAR: This document provides implementation guidance on the International Aeronautical and Maritime Search and Rescue Manual and the NSP.</p>
<p>Catastrophic Incident SAR (CISAR) Addendum to the NSS</p>	<p>Relates to the various government level SAR authorities: This document provides a description of the unified SAR response to catastrophic incidents, guides Federal authorities involved in the response, and informs State, tribal, and local authorities on what to expect of/from Federal SAR responders.</p>
<p>DOD Support to Civil Search and Rescue (DODD 3003.01)</p>	<p>Relates to domestic civil authorities: This directive states that DOD shall support domestic civil authorities by providing civil SAR service to the fullest extent practicable on a noninterference basis with primary military duties.</p>

Federal Emergency Authorities Matrix

Federal Statute/Plan	Scope and Emergency Provisions
<p>Military Support to Civil Authorities (DODD 3025.1)</p>	<p>Relates to the Department of Defense (DOD) policy and responsibilities:</p> <p>This directive identifies the policy and responsibilities by which DOD responds to major disasters or emergencies per the Stafford Act and other authorities.</p>
<p>Military Assistance to Civil Authorities (DODD 3025.15)</p>	<p>Relates to the Department of Defense's (DOD) ability to provide military assistance:</p> <p>This directive states that DOD shall cooperate with and provide military assistance to civil authorities, as directed by and consistent with applicable law, Presidential directives, and Executive orders.</p>
<p>Office of Science and Technology Policy (OSTP) Memorandum to the Manager, National Communications System (NCS)</p>	<p>Relates to National Security and Emergency Preparedness (NS/EP) Telecommunications:</p> <p>The Office of the Manager, NCS, executes Federal Response Plan primary agency functional responsibilities on behalf of OSTP. This delegation of authority is retained in the <i>National Response Framework</i>. Furthermore, OSTP delegates ESF #2 coordinator functional responsibilities to the Office of the Manager, NCS.</p>

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Section V. Tribal Emergency Authorities

Note: The below information concerning tribal emergency management and emergency authority is paraphrased from the website of the NW Tribal Emergency Management Council. Some of this information was developed by Tim Sanders of the Gila River Indian Community in Arizona for a paper for the International Association of Emergency Managers (IAEM) describing Tribal Governments in the United States. The paper intent is to provide a short briefing about Tribal Governments to Emergency Managers and others with an interest in obtaining a better understanding of tribal governments. Input was also provided by Glenn Coil of the NW Tribal Emergency Management Council.

In General

Before the arrival of explorers from Europe and beyond, Indian people were already living in highly organized societies, with established forms of government, and with a special interest in protecting and preserving the "homeland". Our founding fathers used principles of Indian government as they built the framework for this country. Examples of Indian governance recognized leaders as servants of the people, made provisions for removing leaders who did not serve in the best interests of the people, upheld freedom of speech and expression in religious and political affairs and even provided for political participation by women. Many of these principles are echoed in our own constitution.

Currently, many tribal governments have adopted constitutions, articles of association, or other bodies of law, while some operate under traditional systems of governance. Most tribal governments have a chief executive officer or chief elected official, often called the tribal chairman, but may be known as the principle chief, governor, president, or some other name. Most tribal governments have a legislative body most often referred to as a tribal council. Some tribes are organized so that a vote by the membership is required to enact laws, resolutions, or other legislative matters.

Historically tribal governments and organized Indian societies have dealt with emergencies and disasters. Indian people have dealt with disaster using the resources at their disposal and depending on people helping people. Today, many tribal governments are recognizing the need for comprehensive emergency management programs and capabilities, and emergency management programs are being established.

Basis and Government to Government Recognition of Tribal Governments

Article 1, Section 8 of the U.S. Constitution reads, "The Congress shall have power to ... regulate commerce with foreign nations, and among the several states, **and with the Indian tribes.**" The Constitution recognizes that tribal governments exist and creates the basis for a unique and special relationship between the Federal government and tribal governments. Tribal governments are governments, they are not state governments, they are not local governments, and they are not special interest groups. The Supreme Court and the Congress have affirmed that they retain their inherent powers of self-government and self-determination. Treaties, laws, and Supreme Court decisions have resulted in a fundamental and legally binding contract between the Federal government and Indian tribal governments.

Today there are over 560 tribal governments, each one unique, recognized by the Federal government. "Recognition" is a legal term meaning that the United States recognizes and upholds a government-to-government relationship with a tribe. A tribe exists in what is known as "domestic dependent nation status". Under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a, tribes enjoy all the powers of self-government (tribal sovereignty) except those that Congress has specifically removed. They have the inherent right to make their own civil and criminal laws,

have tribal courts to uphold these laws, the right to tax, license, and regulate, and to exclude persons from tribal lands. It also means that Tribal governments have the authority and responsibility for many governmental activities, including emergency management and may develop their own emergency authorities.

Under the law, Tribal members are eligible for certain services provided by the United States. American Indians and Alaska Natives are also citizens of the United States (Indian Citizenship Act, 8 U.S.C. § 1401, 1924) and the state where they reside, with the right to vote and run for office and the other rights that come with citizenship.

The United States, because of treaties, executive orders, Federal laws, and case law, has a legally enforceable fiduciary obligation to protect tribal self-governance and self-determination, tribal lands, tribal assets, cultural and historical resources, natural resources, and treaty rights. This is known as the Federal Trust Responsibility and has been upheld by the Supreme Court which defined trust responsibility as "moral obligations of the highest responsibility and trust." (*Seminole Nation v. United States*, 1942). Tribal governments are not subordinate to local or state governments, but frequently cooperate through intergovernmental agreements and strong working relationships, especially in the emergency management.

The United States, including all its agencies, are to deal with Indian tribes as governments, not special interest groups, individuals, or any other entity. No one can speak or do business for the tribe except the tribal government. Federal agencies should deal with them as governments, similar to the way they deal with state governments. Relationships between tribal and state governments should also be one of government-to-government.

Washington State Centennial Accord

There are twenty-six federally recognized Indian tribes in the state of Washington. Each sovereign tribe has an independent relationship with each other and the state. The *Washington State Centennial Accord between the Federally Recognized Indian Tribes in Washington State and the State of Washington* provides the framework for that relationship between the state of Washington, through the governor, and the signatory tribes.

This Accord dated August 4, 1989, was executed between the federally recognized Indian tribes of Washington signatory to this Accord and the State of Washington, through the governor, in order to better achieve mutual goals through an improved relationship between their sovereign governments. The Accord provides a framework for that government-to-government relationship and implementation procedures to assure execution of that relationship.

According to the Accord, each Party respects the sovereignty of the other. The respective sovereignty of the state and each federally recognized tribe provide paramount authority for that party to exist and to govern. The parties share in their relationship particular respect for the values and culture represented by tribal governments. Further, the parties share a desire for a complete Accord between the State of Washington and the federally recognized tribes in Washington reflecting a full government-to-government relationship and will work with all elements of state and tribal governments to achieve such an accord.

Note: Information from the Governor's Office of Indian Affairs

DHS / FEMA and Tribal Governments

In August of 1997, FEMA began the process of developing its policy for government-to-government relations with Indian and Alaska Native tribal governments. FEMA held several listening sessions and workshops with tribal representatives across the country. The final policy was published in the Federal Register, Vol. 64, Number 7, on January 12, 1999. The FEMA Tribal Policy as updated in June of 2010.

This document responds to the Presidential Memorandum directing each department and agency to develop a detailed plan of action for compliance with Executive Order (E.O.) 13175. In support of the Administration and DHS' effort, the Federal Emergency Management Agency (FEMA) engaged all Federally-recognized Tribes to gather suggested revisions to FEMA's existing Tribal Policy. The revised policy statement was developed, based on feedback received, to enhance FEMA's relationship with the Nation's American Indian and Alaska Native Tribal communities to support preparing for, recovering from, mitigating, and responding to all natural and manmade hazards and disasters.

By developing and implementing this policy, FEMA affirmed recognition that tribal governments hold a unique status in the United States. The policy was developed to affirm the Agency's understanding, support, and pursuit of a government-to-government relationship with American Indian and Alaska Native tribal governments. The policy principles are summarized below.

- FEMA recognizes and commits to a government-to-government relationship with American Indian and Alaska Native tribal governments.
- FEMA will consult with American Indian and Alaska Native tribal governments before taking actions that affect tribal governments to assure that tribal rights and concerns are addressed.
- FEMA acknowledges the trust relationship with American Indian and Alaska Native tribal governments.
- FEMA will take steps to eliminate or diminish procedural impediments to working directly and effectively with tribal governments.
- FEMA will work with other Federal departments and agencies to enlist their support in support of the goals of this policy.
- FEMA will encourage cooperation and partnerships among Federal, Tribal, State, and local governments.
- FEMA acknowledges as precedents the policy commitments and decisions of the executive, legislative, and judicial branches of the United States Government.
- FEMA will use its best efforts to institutionalize this policy within the fundamental tenets of the Agency's mission.

Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments)

Executive Order 13175 replaced Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) and complements Executive Order 13132 (Federalism). It was published in the Federal Register, Vol. 65, Number 218, on November 9, 2000.

Following is an excerpt of the Executive Order as published in the Federal Register.

"The United States has a unique relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the

formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes."

"Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic independent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal resources, and Indian tribal treaty and other rights."

"The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination."

In March 2010, the Department of Homeland Security unveiled its "Department of Homeland Security Plan to Develop a Tribal Consultation and Coordination Policy Implementing Executive Order 13175" This document responds to the Presidential Memorandum directing each department and agency to develop a detailed plan of action for compliance with the Executive Order outlining strategies, tasks and a plan of action.

In May 2011, DHS signed the Department of Homeland Security Tribal Consultation Policy, pursuant to EO 13175, outlining the provisions that DHS will periodically consult with Tribal Governments to review the effectiveness of this DHS Tribal Consultation Policy and make revisions as necessary; strengthen government-to-government relationships, communications, and mutual cooperation between DHS and Tribal Governments.

Section VI. Case Law

Note: Much of the information in this section comes primarily from a presentation entitled “LEGAL ISSUES FOR PUBLIC LAWYERS IN DISASTER” developed by Joseph V. Panesko, an Assistant Attorney General in the Office of the Washington State Attorney General. It is included in this report with permission from the author. The original presentation provided some disaster facts, a brief overview of government’s emergency response structure, and a description of legal issues that resulted from the 1999 WTO riots in Seattle and the 1980 eruption of Mt. St. Helens.

There have been numerous disasters and emergencies in recent history in Washington State. Some have been “natural”, such as many floods, the eruption of Mt. St. Helens and the Nisqually earthquake. Some have been “man-made” such as oil spills and the WTO riots in Seattle. Local and state government has also exercised their emergency powers on numerous occasions. There has not been a great deal of case law derived from these events, but two specific incidents resulted in court cases where emergency authorities were questioned and subsequently interpreted by the court. Two are presented here to provide some background and explanation of governmental emergency authorities.

These events and the subsequent court cases provide a snapshot view of the scope of the government’s “emergency authority” and what is the source of that power, government’s Inherent police power, and constitutional and statutory grant of that authority.

Local Event – 1999 WTO Riots in Seattle

The World Trade Organization held a Ministerial Conference in Seattle, WA in late November, 1999 to launch a new millennial round of trade negotiations. The negotiations were disrupted by massive and controversial street protests outside the hotels and the Washington State Convention and Trade Center, on November 30, 1999 in what became the second phase of the anti-globalization movement in the United States. The scale of the demonstrations—even the lowest estimates put the crowd at over 40,000—dwarfed any previous demonstration in the United States against a world meeting of any of the organizations generally associated with economic globalization such as the WTO, the International Monetary Fund (IMF), or the World Bank.



Source=[<http://www.flickr.com/photos/41267996@N00/125523970/WTO>]

On the first day the protests were generally peaceful and estimates are that only about 1% of the demonstrators engaged in criminal activity. Civil authority was unable to contain the situation and it turned into civil unrest. Protestors in the street forced a delay in the WTO opening ceremonies. Further problems developed when self-proclaimed ‘anarchists’ joined the more serious WTO-focused protestors. By early afternoon, the Seattle Police Department (SPD) ran low on tear gas, bus service was suspended downtown, and many businesses had to close their doors. The Clinton administration ordered that either the protestors be controlled, or the government would cancel the WTO meeting. Seattle mayor Paul Schell declared a State of Emergency and ordered a curfew in downtown Seattle, among other measures. The National Guard and the Washington State Patrol were also called in to help maintain

order. Police were ordered to clear downtown crowds, and forced their retreat to Belltown and lower Capitol Hill. During this forced retreat many businesses were vandalized by 'anarchist' protestors.¹

According to the WTO Commission, the Governor issued an Emergency Proclamation November 30th at 3:00pm and activated the National Guard. The Mayor, who had signed a declaration of emergency near the same time, issued numerous proclamations over the next 72 hours. The Mayor's proclamations ordered several specific impositions, including establishing an evening curfew at first and prohibiting the possession of a gas mask. The Mayor issued additional curfews and then issued a "curfew" that created an "exclusion zone" where individuals could enter only if they had business within the zone. The curfew/exclusion zone area was modified numerous times.

Several court cases resulted from the WTO event. They are summarized as follows:

John Citoli v. City of Seattle, 115 Wn. App. 459, 61 P.3d 1165 (2002)

Mr Citoli ran a packaging business on first floor of a 3 floor building. Protestors took over the 2nd and 3rd floors Sunday November 28th and barricaded themselves inside. Police responded, and rather than fight the protesters, Police directed the utilities to shut off power and gas. That unfortunately impacted Mr. Citoli's business, which permanently closed due to the adverse impacts of being shut down for a week. Citoli sued the utilities and the City, with the causes of action against the City being "Negligence", "Wrongful Interference of Business Relationships" and a "Section 1983 Claim" (violation of civil rights and taking of private property without due process of law).

In the determination of the *Citoli* case, the court held the following:

- Police acted reasonably in response to an emergency situation by shutting off utilities.
- "Where the necessities of war or civil disturbance require the destruction or injury of private property, the resulting losses must be borne by the owners of the property, in that the safety of the state in such cases overrides all considerations of private loss."

In this case, there was no discussion of the origin or the source of the city police power to take all necessary actions to protect the public. It is noted that the police actions commenced before any official emergency proclamation had been issued. The case relied on a case involving the Governor's emergency authority: *Cougar Bus. Owners Association v. State*, 97 Wn.2d 466, 647 P.2d 481 (1982). (This case is discussed later in this document). But *Cougar Business Owners' Association* regarded the Governor's emergency power on the state level. The *Citoli* Court blindly applied *Cougar* to facts of this case involving a city's emergency authority without any discussion about the appropriateness of that shift.² One such potential justification could have been the inherent police power authority granted to local governments under Article XI, Section 11 of the State Constitution.

Victor Menotti v. City of Seattle, 409 F.3d 1113 (9th Cir. 2005)

This case concerned a group of people arrested during the WTO riots who challenged the constitutionality of the city emergency orders and curfew area. Some brought individual claims for violation of constitutional rights. They questioned when government could permissibly narrow individuals' First Amendment Rights. The City described its interest in issuing the curfew area as being to protect the health and safety of citizens which was a traditional exercise of police powers. They maintained the City's interest was further specified as restoring order and maintaining security,

¹ University of Washington Libraries Special Collections Division

² Joseph V. Panesko presentation

which were necessary for public safety, effective commerce, and vitality of the city. The court accepted these governmental concerns as valid. Orders were issued in compliance with city ordinance.

In upholding the City's orders under its general police power authority, the Court declined to rely on separate case law from other states that had involved governmental response to unanticipated natural disasters. The out-of-state cases had justified curfews and other governmental responses in part because the disasters occurred without warning and justified an expedient and heightened government response. Here the Court implicitly found, and the record supported, that the City of Seattle had ample warning and opportunity to prepare. The City just hadn't anticipated the scope of the civil unrest that occurred during the protests.

The *Menotti* litigation continued over whether police overstepped their bounds in enforcing the emergency orders. There was a mixed jury verdict January 2007 – protesters were unlawfully arrested, but their 1st amendment right to free speech was not infringed. Questions remain regarding the legal source of political subdivision's power to step outside the status quo with legal orders and prohibitions. The general source of police power authority resides in *Washington Constitution Article XI, § 11*

- "Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws."

Some statutes do expressly allow political subdivisions to suspend or ignore general laws. As one example:

RCW 38.52.070(2):

" . . . each political subdivision, in which any disaster . . . occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers . . . in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

This focuses on local government's own actions possibly not being constrained by normal procedural statutes. The law is not as clear about local government's ability to suspend or ignore substantive statutes such as environmental regulations or workplace safety regulations when conducting emergency responses.

State Level Event: The Eruption of Mt. St. Helens

The Pacific Northwest is a geologically dynamic region with numerous volcanoes. Mount St. Helens is an active strato-volcano located in Skamania County, Washington. It is 96 miles south of Seattle, Washington and 50 miles northeast of Portland, Oregon. Mount St. Helens takes its English name from the British diplomat Lord St Helens, a friend of explorer



George Vancouver who made a survey of the area in the late 18th century. The volcano is located in the Cascade Range and is part of the Cascade Volcanic Arc, a segment of the Pacific Ring of Fire that includes over 160 active volcanoes.

On March 16, 1980, earthquakes began. While some emergency planning for volcanic eruptions of cascade volcanoes had been done, this event started an accelerated level of planning. A general timeline of events and planning issues are as follows:

- March 27 – Crater dome breaks through ice cap with steam eruptions.
- Counties incur high costs in keeping sightseers away from the mountain
- Counties request State assistance.
- April 3 -- Governor issues emergency proclamation.
- State Patrol & National Guard assist with road blocks.
- April 25 – Forest Service implements “Red Zone” & “Blue Zone” around the mountain.
- April 30 – Governor issues an order mirroring Forest Service zones and adjusted multiple times over the next two weeks.
- By May 17 –bulge in north flank has grown 450’.
- Extreme amount of pressure by public and media on government officials to allow access
- May 18 – with little warning, a 5.1 magnitude earthquake occurs and the mountain explodes
- Pyroclastic flows covered 6 square miles – temperatures as hot as 1300°F.
- Lateral blast covered 230 square miles – temperatures as hot as 660°F.
- Landslides buried 14 miles of North Fork Toutle River Valley to an average depth of 150 feet
- The maximum depth is 600 feet.
- Lahars & sediments filled much of Cowlitz river carrying capacity
- The Columbia River channel depth is reduced from 40 to 14 feet.
- There are 60 fatalities.
- There are 27 bridges & nearly 200 homes destroyed.
- There are 4 million board feet of timber blown down.
- There are 5 more, smaller eruptive events from May 19 through October 1980.

Two significant court cases resulted from the Mt. St. Helens eruption. They are summarized as follows:

Cougar Business Owners Association v. State, 97 Wn.2d 466, 647 P.2d 481 (1982)

Stores in the Town of Cougar, on Southwest flank of the mountain, sued the governor for keeping the town within the Red Zone too long (Oct. 1), adversely impacting their business. The case suggests that plaintiffs also raised complaint about the exclusion zones being imposed too early as well, but zones were only in place for 17 days prior to the eruption. The case went all the way to the Washington Supreme Court. The court found:

- The Governor’s actions were proper exercises of her police power and thus did not constitute a taking of property without just compensation.
- Imposition of exclusion zones were discretionary acts and thus immune from tort liability.
- Governor had full statutory authority to act as she did. See RCW 43.06.010; .210, .220; RCW Ch. 38.52; RCW Ch. 38.08.
- Plaintiffs could have used extraordinary writ to challenge the zones at the time they were implemented if they believed their constitutional rights were being injured, but this tort lawsuit seeking financial damages after-the-fact is not allowable.

Karr v. State, 53 Wn. App. 1, 765 P.2d 316 (Div. I, 1988)

Barbara Karr & 13 other representatives sued State & Weyerhaeuser for wrongful death. The 14 victims represented by the plaintiffs had been outside the Blue and Red Zones. The plaintiffs argued the State was liable for failing to anticipate the scope of the eruption and failing to expand the protection zones so as to encompass the areas where the victims were killed. The court issued a summary judgment dismissal of the plaintiffs' claims, following the *Cougar Business Owners Association* case.

Common Law Emergency Response Concept

An ancient common law principle quoted from the *Citoli* case, above, provides that the Government in responding to a disaster to protect the welfare of the general public may incidentally cause damage to private property without having to pay compensation. This concept has been called, at times, the "conflagration doctrine," or the "law of necessity." Besides the *Citoli* case, this concept has been applied on other Washington cases as well.

In *Short v. Pierce County*, 194 Wash. 421, 78 P.2d 610 (1938), state and local emergency workers who stripped the topsoil from a riverside farm to make sandbags to protect the community against a flooding river were held not liable for damages to the farm, but county officials who remained on the private property after the flooding subsided to build permanent flood control improvements could be liable for that post-emergency occupation and use of the land. The court articulated the principle this way: "It is the law that, in meeting an emergency, such as fire, flood, or pestilence, public officials and private citizens may employ almost any available means in an endeavor to control the danger."

More recently, in *In re Property Located at 14255 53rd Ave., S., Tukwila, King County, Washington*, 120 Wn. App. 737, 86 P.3d 222 (2004), the Court of Appeals followed the same common law principle when it ruled that the State did not owe compensation for entering private property to cut down trees that potentially hosted the devastatingly invasive citrus longhorned beetle that had been detected at a nearby plant nursery.

Statutory Sources of Authority to Ignore Statutes

RCW 38.52.110 is one example of legislative authority to agencies to ignore legal constraints when responding to emergencies at the request of the governor or local government executives. That statute provides as follows:

RCW 38.52.110: Use of existing services and facilities — Impressment of citizenry.

(1) In carrying out the provisions of this chapter, the governor and the executive heads of the political subdivisions of the state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state, political subdivisions, and all other municipal corporations thereof including but not limited to districts and quasi municipal corporations organized under the laws of the state of Washington to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the emergency management organizations of the state upon request notwithstanding any other provision of law.

(2) The governor, the chief executive of counties, cities and towns and the emergency management directors of local political subdivisions appointed in accordance with this chapter,

in the event of a disaster, after proclamation by the governor of the existence of such disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed: PROVIDED, That citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by this chapter and federal and state emergency management regulations for registered emergency workers.

Another statutory example of waiver authority is RCW 43.06.220(2), which allows the Governor, after proclaiming a state of emergency, to waive or suspend statutory obligations for certain subject areas including L&I inspection fees, Utilities & Transportation Commission tariff and notice requirements, and tax deadlines.

Section VII. Issues and Recommendations

A survey was sent to all RCPGP jurisdictions to give the opportunity to provide information on the emergency authorities they relied upon and to identify issues, gaps and success stories in relation to emergency powers and authorities. In all, the surveys were sent by e-mail to the representatives on the RCPGP mailing list, the RCPGP Project Leads list and the Regional Interagency Steering Committee (RISC).

A total of twelve (12) were returned from Mason County, Thurston County, Kitsap County, Thurston County, Snohomish County, Pierce County, the Cities of Bellevue and Olympia, the Seattle – King County Health Department, the Federal Aviation Administration (FAA), the Department of Health and Human Services (HHS), the General Services Administration (GSA) and the US Army Corps of Engineers (COE).

The Regional Catastrophic Planning Team (RCPT) met on June 29, 2011 to discuss several issues and recommendations that had been identified through previous individual discussions or interviews. The results of the discussion moved issues into different groups; those that require legislative action, those that are best served by continuing coordination and planning, issues that should be reviewed at a later date, and those that should not be addressed by this group. Legislative issues were prioritized and are listed in order. Planning issues and those to be reviewed at a later date are in no particular order.

Legislative Issues

Priority 1 – Environmental regulations vs. emergency response

Several local jurisdictions identified issues concerning environmental regulations vs. emergency response. An example provided was conflicting emergency authorities between road crew's attempts to repair transportation infrastructure as soon as possible after an event and inconsistent restrictions being imposed by different regional state Department of Fish & Wildlife (DFW) staff. There is the possibility of having different directions from state agencies on different parts of the same river system due to individual differences of opinion from state DFW staff.

Recommendation: There needs to be state standards for implementation of environmental considerations during disasters. At the present time, each regional biologist has a different perspective and thus different requirements for repair work. Efforts should be initiated to develop consistent standards where possible. Addressing this issue could be done through negotiations, planning and policy setting and the regulation (WAC) development process. Legislative action may be needed.

Priority 2 – County executive's or commissioner's authority in regards to protective measures in cities

There is ambiguity as to the county executive's or commissioner's authority to implement protective action measures in cities in that respective county.

Recommendation – This issue needs legal review. To have this power added to Washington State statutes for County Executives to hold power over the authority of City elected and appointed officials would have to be addressed through the legislative process.

Priority 3 – Fire Mobilization for all hazards; Fire Chief vs. Emergency Manager

Any fire chief can request fire mob for “all hazard” events but local EM directors can’t which creates a gap during events.

Recommendation - This can be overcome by having a fire chief or rep in the EOC, but this is not always possible. As the Fire Mobilization rules are statutory, this issue will have to be addressed through legislative action.

Priority 4 – Governor’s authority regarding interim housing locations

It is critical that the Governor have the authority to waive state statutes and regulations as well as local codes, ordinances and regulations that impede the emergent siting of FEMA trailers/community sites to provide temporary housing after a catastrophe. After a disaster that results in a substantially greater number of people made homeless than undamaged structures left standing to house them, it is FEMA policy to provide interim housing in the form of manufactured homes. The speed with which locations are found for manufactured homes and are put into service will be a major defining factor on recovery success.

As was seen in the wake of Hurricane Katrina, delays stimulate massive depopulation and can result in equivocal recovery at best. The placement of FEMA trailer parks – called “Community Sites” in FEMA lingo – requires compliance with both local zoning codes and SEPA statutory mandates. Jumping through such regulatory and statutory requirements in the wake of disaster can cause delays in getting the trailer parks up and running. It is therefore critical that the Governor have the authority to waive statutes and regulations as well as local codes, ordinances and regulations that impede the emergent siting of FEMA trailers/community sites.

Recommendation - In discussions in the fall of 2010 between PCDEM’s Paul Shukovsky’s and WAEMD’s Kurt Hardin and John Ufford, this matter was examined. Both Kurt and John cited the position asserted by Washington. Asst. A.G. Brian Buchholz’s that RCW 43.06.220(1)(i) gives the Governor all the authority needed to achieve the aforementioned goal. However, both Pierce County Sr. Dep. Prosecuting Attorney Bob Dick’s and Paul Shukovsky’s reading of 43.06.220(1) (i) left both feeling that the state’s position on this issue is not that clear. This issue was addressed in the court cases in the aftermath of Mt. St. Helens. See Case Law section of the report. Addressing this issue could be done through negotiations and the planning and policy development process. No legislation or WAC development should be needed.

Priority 5 – EMS responders providing vaccinations

With respect to the state statute on application of vaccinations for H1N1 response, a county proclamation of emergency was required to engage EMS responders as able to inoculate against H1N1. This was an unnecessary use of a proclamation and created some confusion.

Recommendation – There should be a state statutory change in the Public Health Laws to allow EMS the ability to give injections under certain preventative circumstances. As the rules in such cases are regulatory and statutory, this issue will have to be addressed through legislative action and the regulation (WAC) development process.

Planning and Coordination Issues

Issue - MACC organization and operation

There is a lack of planning and clarity of how a regional multi-agency coordination center (MACC) would be organized and how it would operate. This includes strategies, plans and procedures to involve special taxing districts and private non-profits with government like services during an emergency.

Recommendation - Addressing this issue could be done through negotiations and the planning and policy development process. State EMD will recognize a MACC that has been provided authority by participating jurisdictions through a recognized agreement. Local jurisdictions could develop MACCs on their own for regional coordination purposes. Research should be conducted regarding eligibility for FEMA reimbursement of funds expended by this entity during a disaster as MACCs are considered.

Issue - Cross county coordination of health related issues involving State Department of Health

A local Health Department identified that more planning and coordination was needed for the implementation of state authorities that address cross-county consequences. When an event such as happened with H1N1 requires consistent implementation of measures in several different jurisdictions, coordination from the state is essential.

Recommendation – The State Health Officer has the same authority of the local Health Officer and can exercise this authority when a local health officer requests it, when a local health officer is unable to or when a local health officer is unwilling to implement required health measures, or in the judgment of the Secretary of Health the public health demands it. It is recommended that the State needs to define in writing thresholds for when they deem state PH authorities are necessary. Addressing this issue could be done through negotiations, planning, policy setting and the regulation (WAC) development process and should not need legislative action.

Issue – Health laws and overlapping authority between local, state, and federal

A local Health Department also identified that there is overlapping authority among federal quarantine stations, the State Public Health Officer and local health officers and a lack of clarity of when authority and responsibility for detaining ill passengers, and then transporting them to their place of residence, transitions from federal to state to local officials; This includes the issue of who has the authority to order public health measures on tribal lands.

Recommendation - More planning needed with federal agencies, local and state PH on transitioning authorities and responsibilities; and, Federal agencies need to take the lead on answering the tribal lands question so agencies can include this guidance in their plans. Addressing this issue could be done through negotiations, planning and policy setting and the regulation (WAC) development process and should not need legislative action.

Review at a Later Date

Issue – Clarifying State processes regarding resource coordination

A more clearly defined process of coordinating resources through the State would be beneficial.

Recommendation - Addressing this issue could be done through negotiations and the planning and policy setting process. No legislation of WAC development should be needed. The Regional Resources Management and Logistics Annex addressed some of these issues.

Issue – Mutual aid for non first response agencies

There is a lack of mutual aid agreements for typical non first response agencies or for those not covered under current legislation. Jurisdictions have sent non-traditional first responders, such as building inspectors to assist in other counties. The response was impeded by a lack of mutual aid agreements. Each time it has been worked out on a case by case basis, but more work is needed on model templates for local jurisdictions to develop these agreements.

Recommendation – Mutual aid legislation has been recently passed by the legislature that should help in this matter for county, city and town resources through their respective emergency management agencies. RCW 38.52.091 provides legal authority for local emergency management to develop mutual aid agreements. The statutory authorities are there for most first response agencies. Addressing this issue could be done through negotiations and the planning and policy development process.

Issue – Fatalities in a Public Health Emergency

There is ambiguity with respect to fatalities in a public health emergency. Deaths legally don't require coroners' involvement if the death is of natural causes. This potentially raises such questions as "Who is in charge of fatality management if a jurisdiction has no more capacity to handle bodies?"

Recommendation – Addressing this issue could be done through negotiations, planning and policy setting and the regulation (WAC) development process and should not need legislative action.

Issue – Schools and Emergency Management

There is a statutory and regulatory nexus between EM and schools regarding training and exercises and disaster response authorities are ambiguous. RCW 38.52 and WAC 118.30 provide guidance on emergency management plans and programs. RCW 28A.320.125 provides requirements and guidance for planning, training and exercise in the State's schools. That statute only encourages schools to coordinate with their local emergency management office.

Recommendation – Addressing this issue could be done through negotiations, planning and policy setting and the regulation (WAC) development process. However, in tight budget times, only encouraging is not very compelling to get groups to work together. Legislative action may be needed for funding or stronger language to encourage coordination.

Issue – Hospital & physician patient standards of care in emergency incidents

There is ambiguity as to who has the authority to change hospital and physician patient standards of care and protocols in emergency incidents.

Recommendation – During disasters and emergencies when the medical system is overwhelmed, new protocols may be needed to address the needs of patient care. It is unclear at this time as to who has the authority to do this. Addressing this issue could be done through negotiations, planning and policy setting and the regulation (WAC) development process.

Summary of Issues and Recommendations

Priority	Brief Description	Legislative	Plan Together	Review Later
1	Environmental regulations vs. emergency response	x		
2	County executive's or commission's authority in regards to protective measures in cities	x		
3	Fire Mobilization for All Hazards, Fire Chief vs. Emergency Manager	x		
4	Governor's authority regarding interim housing locations	x		
5	EMS responders providing vaccinations	x		
	MACC organization and operation		x	
	Cross county coordination of health related issues involving State DOH		x	
	Health laws and overlapping authority between local, state and federal		x	
	Government benefiting private citizens or businesses		x	
	Clarifying State processes regarding resource coordination			x
	Mutual aid for non first response agencies			x
	Fatalities in a Public Health Emergency			x
	Schools and Emergency Management			x
	Hospital & physician patient standards of care in emergency incidents			x

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Attachments

Attachment 1 – Survey Form - Local/State.

Attachment 2 – Survey Form - Federal

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Attachment 1 – Survey Form (Local/State)

RCPGP Emergency Authorities Matrix Project	
Emergency Authorities Survey	
Name:	
Position:	
Jurisdiction:	
E-mail:	
Phone:	
1. Please cite any state statutes or local codes which provide you or your organization with specific emergency authority. <i>(Example: RCW 38.52.110, or a particular County or City code. You do not have to summarize what it is—we can look it up.)</i>	
2. Describe any experience you have had where there were issues or conflicts among different emergency authorities of local or state officials. <i>(Example: Conflict between emergency response requirements and environmental laws and regulations in flood fighting)</i>	
3. If you had an experiences in #2, please describe what you feel should be done to correct the situation.	

4. Describe any situations where you felt there were gaps in emergency authorities that prevented or interfered with what you felt was an appropriate response. (Example: Lack of the authority to require mandatory evacuation in the threat of a natural disaster)

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5. If you had an experiences in #4, please describe what you feel should be done to correct the situation.

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6. Describe any situation where you feel there is ambiguity in emergency authorities. (Example: The emergency authority of county or city elected officials and the emergency authority of other elected and appointed officials from other public agencies such as ports, school districts, health departments, etc.)

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7. If you had an experiences in #6, please describe what you feel should be done to correct the situation.

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8. Describe any situation where you feel existing emergency authorities are working well.
(Example – Delegation of Authority under the Fire Mobilization Plan or the emergency authority of a county or city to finance disaster costs.)

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9. Please describe any other issue, gap, best practice or lesson learned concerning emergency authority in Washington State.

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10. If you are **NOT federally funded or using your non-federal salary for other match requirement please let us know how much time you spent with this survey.**

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Thank you for your assistance. Please E-mail this form to wlokey@wittassociates.com

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Attachment 2 – Survey Form (Federal)

RCPGP Emergency Authorities Matrix Project	
Emergency Authorities Survey	
Name:	
Position:	
Jurisdiction:	
E-mail:	
Phone:	
<p>1. Please cite any federal statutes or regulation which provides you or your organization with specific emergency authority. <i>(Example: The Stafford Act, or a particular CFR. You do not have to summarize what it is—we can look it up.)</i></p>	
<p>2. Describe any experience you have had where there were issues or conflicts among different emergency authorities of other federal agencies. <i>(Example: Conflict between emergency response requirements and environmental laws and regulations in flood fighting)</i></p>	
<p>3. If you had an experiences in #2, please describe what you feel should be done to correct the situation.</p>	

4. Describe any situations where you felt there were gaps in emergency authorities that prevented or interfered with what you felt was an appropriate response. *(Example: Lack of the authority to require mandatory evacuation in the threat of a natural disaster)*

5. If you had an experiences in #4, please describe what you feel should be done to correct the situation.

6. Describe any situation where you feel there is ambiguity in emergency authorities.

7. If you had an experiences in #6, please describe what you feel should be done to correct the situation.

8. Describe any situation where you feel existing emergency authorities are working well.

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9. Please describe any other issue, gap, best practice or lesson learned concerning emergency authority in disaster response at the Federal level.

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10. If you are **NOT** federally funded or using your non-federal salary for other match requirement please let us know how much time you spent with this survey.

N/A for Federal Employees

Thank you for your assistance. Please E-mail this form to wlokey@wittassociates.com

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