

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO THE DEPARTMENT OF EMERGENCY MANAGEMENT AND ENHANCING THE CITY'S ABILITY TO ACT TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE IN RESPONSE TO EMERGENCIES, AMENDING CHAPTER 2.24 OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, on March 17, 2020, the Olympia City Council passed Ordinance No. 7233 declaring a state of emergency relating to the novel coronavirus (COVID-19) pandemic under the authority of Article XI, Section 11, of the Washington State Constitution; 35A.11.020 RCW; 35A.11.030 RCW; 35A.13.190 RCW; 35A.38.010 RCW; 35.33.081 RCW; Chapter 38.52 RCW; Chapter 39.04 RCW; WAC 197-11-880; and other applicable laws and regulations; and

WHEREAS, the Olympia City Council finds it necessary to amend Olympia Municipal Code Chapter 2.24 for the purpose of adopting into code the necessary statutes and language to fully address public health emergencies consistent with state law;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Findings Adopted. The above stated recitals are adopted as findings of the Olympia City Council and are incorporated by reference as though fully set forth herein.

Section 2. Amendment of OMC Chapter 2.24. Olympia Municipal Code Chapter 2.24 is hereby amended to read as follows:

2.24.000 Chapter Contents

Sections:

- 2.24.010 Purpose.
- 2.24.020 Emergency management policy.
- 2.24.030 Definitions.
- 2.24.040 Emergency management plan.
- 2.24.050 Emergency management committee created-membership.
- 2.24.060 Emergency management committee duties.
- 2.24.070 Adoption of emergency management plan.
- 2.24.075 Adoption of state statutes by reference.
- 2.24.080 Continuity of government.
- 2.24.090 Effect of chapter on other rules and regulations.
- 2.24.100 Interpretation of chapter.
- 2.24.110 Nonliability of city and complying agents.
- 2.24.120 Violation-penalty.

2.24.010 Purpose

The declared purposes of this chapter are to provide for the preparation and carrying out of the plans for mitigation, preparedness, response and recovery for persons and property within the City of Olympia in the event of an emergency or disaster, and to provide for the coordination of emergency functions and services of this city with other affected public agencies and 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 Olympia.

2.24.020 Emergency management policy

It is the policy of the city to make effective preparation and use of staff/volunteers, 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 to respond to protect life, public health and public property. Therefore, citizens should be prepared to be on their own for at least 72 hours should an emergency or disaster occur.

2.24.030 Definitions

- A. Continuity of government. Continuity of government shall mean city government's ability to carry out essential processes and services under the threat of or occurrence of an emergency or disaster.
- B. Disaster. Disaster as used in this chapter shall mean an event or set of circumstances which:
 - 1. Reaches or soon shall reach such a dimension or degree of destructiveness as to exceed the scope of local resources, warranting the declaration of a disaster by the City Council, requesting the need of specific state assistance, or
 - 2. Results in the Governor declaring a state of emergency in accordance with state statutes.
- C. Emergency. Emergency as used in this chapter shall mean an event or set of circumstances which:
 - 1. Demands immediate action to preserve public health, protect life, protect public property or provide relief to any stricken neighborhood overtaken by such occurrences, and
 - 2. Reaches such a dimension or degree of destructiveness as to warrant the City Manager or Emergency Management Director proclaiming the existence of an emergency, with such action subject to prompt confirmation of the City Council by adoption of a resolution or ordinance at a special or regular meeting, authorizing and directing all city personnel, services and facilities to be assigned to the emergency response and recovery effort.
- D. Emergency management. Emergency management shall mean the 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 human caused, and to provide support for search and rescue operations for persons and property in distress.

E. Emergency management director. Emergency management director shall mean the person responsible for the administration and operation of the emergency management plan for the City of Olympia. This person shall be appointed by the City Manager.

F. Unavailable. Unavailable shall mean for "members of the city council" that an apparent temporary vacancy has occurred due to illness, injury, absence, or other inability to exercise the powers and duties of the office, and that the temporary vacancy is declared by a majority of the council members present and voting in emergency session. Unavailable shall mean for "appointive offices" that the City Manager has determined that a vacancy has occurred due to illness, injury, temporary absence from duty, or other temporary inability to act.

2.24.040 Emergency ~~m~~Management ~~p~~Plan

The emergency management plan, prepared by the Emergency Management Director, and promulgated by the Mayor and City Council is the official emergency management plan of the City of Olympia. The Emergency Management Director shall file a copy of this plan in the office of the City Clerk, and distribute copies of said plan to appropriate city departments.

2.24.050 Emergency ~~m~~Management ~~e~~Committee created-membership

There is created the Olympia Emergency Management Committee which shall consist of such department heads and/or their designees, or other personnel as deemed appropriate by the City Manager.

2.24.060 Emergency ~~m~~Management ~~e~~Committee duties

The ~~e~~Emergency Management Committee shall perform the following duties:

- A. The Director of emergency management shall act as chairperson of the committee.
- B. Each member shall serve as a liaison to the Department of Emergency Management in order to coordinate the emergency management plan so that the citizens of Olympia may benefit from a workable plan.
- C. Each member shall report to the emergency operations center (EOC) when requested by the Director of Emergency Management in order to coordinate response activities.
- D. Each member shall create an emergency management organization within the member's department to guide the employees of the City during disasters and give employees a clear understanding of the emergency management plan and its principles.

E. Each member shall guide the emergency organization of the member’s department in writing disaster operating guidelines and/or including emergency/disaster provisions in the regular operating guidelines.

F. The Committee, as a whole, shall assist departments not represented on the Committee in development of an emergency management organization and written disaster operating guidelines.

2.24.070 Adoption of ~~e~~Emergency ~~m~~Management ~~p~~Plan

There is adopted for the City of Olympia a Comprehensive Emergency Management Plan dated January 2016, including appendices and its Annex A--Counter Terrorism, one (1) copy of which is on file in the office of the City Clerk and available for public inspection insofar as permitted by law. This plan is adopted by reference as though fully set forth herein. The emergency support function (ESF) of said plan, pertaining to operational matters, may be amended from time to time by the City Manager to reflect changed conditions or different standards applicable to Olympia.

2.24.075 Adoption of state statutes by reference

The following statutes set forth in the Revised Code of Washington (RCW) are hereby adopted by reference as if fully set forth herein:

<u>Statute</u>	<u>Summary of Content*</u>
<u>RCW 38.52.010</u>	<u>Definitions applicable to Chapter 38.52 RCW, Emergency Management</u>
<u>RCW 38.52.020</u>	<u>Declaration of policy and purpose of Chapter 38.52 RCW</u>
<u>RCW 38.52.070</u>	<u>Local organizations and joint local organizations authorized—Establishment, operation—Emergency powers, procedures—Communication plans</u>
<u>RCW 38.52.080</u>	<u>Outside aid—Rights and liabilities—Claims</u>
<u>RCW 38.52.091</u>	<u>Mutual aid and interlocal agreements—Requirements</u>
<u>RCW 38.52.100</u>	<u>Appropriations—Acceptance of funds, services, etc</u>
<u>RCW 38.52.110</u>	<u>Use of existing services and facilities—Impressment of citizenry—First informer broadcasters</u>
<u>RCW 38.52.115</u>	<u>Liability of federal, state, and local agencies, and employees—Facilitation of access of first informer broadcaster</u>
<u>RCW 38.52.120</u>	<u>Political activity prohibited</u>
<u>RCW 38.52.140</u>	<u>Status of civil service employee preserved</u>
<u>RCW 38.52.150</u>	<u>Orders, rules, regulations—Enforcement—Availability—Penalty</u>
<u>RCW 43.06.220</u>	<u>State of emergency—Powers of governor pursuant to proclamation—Penalty</u>
<u>RCW 43.06.250</u>	<u>State of emergency—Refusing to leave public way or property when ordered—Penalty</u>

**Summary of Content column in the table above is for informational purposes only*

2.24.080 Continuity of government

In the event of an emergency or disaster as defined in OMC Section 2.24.030 affecting the City of Olympia, the following policy is hereby established to provide for continuity of city government.

CITY COUNCIL: In the event the emergency or disaster results in one or more council members being unavailable after a reasonable attempt at notice to convene by the Mayor, City Manager or Director of Emergency Management, those council members available for duty shall constitute the City Council, and shall have full power to act by majority vote of those present for the purpose of meeting temporary immediate and emergency needs brought on by the emergency or disaster.

CITY MANAGER: In the event that the City Manager and Assistant City Manager are unavailable by reason of an emergency or disaster, the City Council shall by majority vote of those present select an emergency interim city manager to exercise and discharge the duties of that office.

DEPARTMENT HEADS: In the event that a department director is unavailable by reason of an emergency or disaster, the City Manager shall appoint an emergency interim director.

COUNCIL MEETINGS AT OTHER THAN USUAL PLACES: In the event of a declared emergency or disaster which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the City of Olympia which may be overtaken by such occurrences, or which reaches such a dimension or degree of destructiveness as to warrant the Governor proclaiming a state of emergency pursuant to RCW 43.06.010, or as provided in the state Emergency Management Act (RCW Chapter 38.52), the Council will make available a speakerphone, conference call-in number or video streaming available at a location in Olympia City Hall or other city meeting location where the public can attend, except when in person attendance is otherwise prohibited by Order of the Governor, and listen to the City Council business or committee meeting. A request to change the location of Council meetings may be made on the call of the Mayor or any two Councilmembers:

2.24.090 Effect of chapter on other rules and regulations

At all times when the orders and regulations made and promulgated pursuant to this chapter are in effect, they shall supersede all existing ordinances, orders and regulations insofar as the latter may be inconsistent therewith.

2.24.100 Interpretation of chapter

This chapter shall be construed so as not to conflict with any state or federal statute or with any military rule or regulation.

2.24.110 Nonliability of city and complying agents

This chapter is an exercise by the city of its governmental functions for the protection of the public peace, health and safety and neither the city, the agents and representatives of the city, nor an individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of such activity. No individual, firm, association, corporation or other party owning, maintaining or controlling any

building or premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate and use for the purpose of sheltering persons during a mock, impending or actual natural or human caused disaster, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon the building or premises or as a result of the condition of the building or premises or as a result of any act or omission in connection with the upkeep or maintenance thereof (except willful act of misconduct), when such person has entered or gone into or upon such building or premises for the purpose of seeking refuge therein or thereupon during an actual, impending, or mock, natural or human caused disaster.

2.24.120 Violation –Penalty

~~It is unlawful for any person to willfully obstruct, hinder or delay the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It is likewise unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency services organization of the city unless authority to do so has been granted to such person by the proper officials. Convictions for violations of the provisions of this chapter shall be punishable by a fine of not more than \$100.00 or imprisonment in the city jail for not more than one year or by both fine and imprisonment.~~

A. Penalties for violation of the following RCW's are as indicated in the table below:

Statute	Summary of Content*	Penalty for Violation
<u>RCW 38.52.150</u>	<u>Orders, rules, regulations—Enforcement—Availability—Penalty.</u>	<u>1st Offense – Misdemeanor 2nd Offense - Gross Misdemeanor</u>
<u>RCW 43.06.220</u>	<u>State of emergency—Powers of governor pursuant to proclamation—Penalty.</u>	<u>Gross Misdemeanor</u>
<u>RCW 43.06.250</u>	<u>State of emergency—Refusing to leave public way or public property when ordered—Penalty.</u>	<u>Misdemeanor</u>

**Summary of Content column in the table above is for informational purposes only*

B. Except as provided in (A) of this subsection, every violation of any rule, regulation, proclamation or order issued in a disaster or emergency under the authority of this chapter by the City Manager, the Mayor, or the Director of Emergency Management is a misdemeanor. Where no penalty is otherwise specified for a violation of this chapter, the penalty is a misdemeanor.

C. The penalties for a misdemeanor and gross misdemeanor are as follows:

(1) Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

(2) Gross misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

Section 3. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance is for the immediate preservation of public peace, health, safety, and welfare pursuant to City of Olympia public health emergency Ordinance No. 7233 and shall take immediate effect upon adoption, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

/s/ Annaliese Harksen
DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: