

CHAPTER 5.04
EMERGENCY MANAGEMENT

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5.04.010 PURPOSE. The declared purposes of this chapter in accordance with RCW 38.52, are to provide for the preparation and carrying out of plans, including mock or practice drills, for the 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. Any expenditures made in connection with such emergency management and services activities, including mutual aid activities, and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Benton.
[Ord. 59 (1959) § 1; Ord. 158 (1982) § 1]

5.04.020 DEFINITIONS. The following terms, as used in this chapter, shall mean:

(a) "Emergency Management" shall mean a system that integrates and coordinates vital agencies and resources into a program of disaster mitigation, preparedness, and response and recovery for natural, man-made and war-related disaster situations;

(b) "Emergency Services" (aka Civil Defense) shall mean those organizations which carry out all emergency functions other than those for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake or other natural causes, or by man-made disasters, and to provide support for search and rescue operations for persons and property in distress. The functions include without limitation:

Fire fighting, police services, medical and health services, rescue, engineering, communications, special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, mutually agreed upon industrial plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions.

(c) "Participating Incorporated Municipalities" shall be those municipalities who contribute to the cost of the emergency management organization upon such fair and equitable basis as may be determined by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost, the matter shall be referred to the Council for arbitration and its decision shall be final. (Refer to RCW 38.52.070)

[Ord. 59 (1959) ▪ 2; Ord. 158 (1982) ▪ 2; Ord. 238 (1992) ▪ 1]

5.04.030 EMERGENCY MANAGEMENT COUNCIL (EMC). The Benton County Emergency Management Council is hereby created.

(a) Membership. In accordance with RCW 38.52.070 and the Interlocal Cooperative Agreement dated 10/15/90, the Benton County EMC shall consist of the Board of County Commissioners and the Mayor of each participating incorporated municipality. The chairperson of the Board of County Commissioners will act as Chairperson of the Emergency Management Council. The Director of Benton County Emergency Management shall be an ex-officio, non-voting member and will act as secretary.

(b) Council Authority and Duties. It shall be the duty of the Benton County Emergency Management Council, and it is hereby empowered, to review and recommend for adoption emergency services and mutual aid plans, by-laws, and agreements and such resolutions and rules and regulations as are necessary to implement such plans, by-laws, and agreements.

(c) Council Quorum and Meetings. A majority of the members of the Emergency Management Council shall constitute a quorum. Any meeting in which a budget is to be adopted or a financial obligation is to be assessed to a participating incorporated municipality shall require a quorum. Meetings shall be called by the chairperson or in his absence from the county or inability to call such meeting, by the secretary.

[Ord. 59 (1959) § 3; Ord. 158 (1982) § 3; Ord. 238 (1992) § 2]

5.04.040 EMERGENCY MANAGEMENT ADVISORY COMMITTEE (EMAC). The Benton County Emergency Management Advisory Committee is hereby created.

(a) Membership. The Emergency Management Advisory Committee shall be composed of the various participating Emergency Services representatives and users within Benton County as follows:

- Police Chiefs
- Benton County Sheriff
- Fire Chiefs
- District Commander, Washington State Patrol
- Benton County Engineer
- Emergency Medical Services Council Chairperson
- American Red Cross
- Salvation Army
- Other representatives as designated by Emergency Management Director

(b) Duties. The EMAC shall assist, advise and cooperate with the Director of Benton County Emergency Management in the development of emergency plans and training operations. The EMAC would meet as needed. The Director of Benton County Emergency Management shall serve as Chairperson of EMAC.

[Ord. 59 (1959) § 4; Ord. 158 (1982) § 4; Ord. 238 (1992) § 3]

5.04.050 DIRECTOR OF EMERGENCY MANAGEMENT - AUTHORITY AND DUTIES. The Benton County Emergency Management Director shall be selected by the Benton County Emergency Management Council. Subject to the direction of the Emergency Management Council; the Director is hereby empowered and directed:

(a) To prepare a comprehensive management operating plan for the county conforming to the State Emergency Services Plan and program.

(b) To coordinate the effort of the emergency management organization for the accomplishment of the purpose of this chapter.

(c) To direct coordination and seek cooperation between divisions, services and staff of the emergency services organizations of this county and to resolve questions of authority and responsibility that may arise between them.

(d) To represent the emergency management organization of this county in all dealings with public or private agencies pertaining to emergency services and disaster.

(e) To keep and maintain an inventory of all goods, supplies and equipment of Benton County Emergency Management or in its custody, including federal excess property on loan to Benton County Emergency Management, with said inventory to specify the location of each item listed thereon.
[Ord. 59 (1959) ▪ 5; Ord. 158 (1982) ▪ 5; Ord. 238 (1992) ▪ 4]

5.04.060 DIRECTOR'S AUTHORITY AND DUTIES IN EVENT OF DECLARED DISASTER. In the event of a disaster declared by the Governor of the State of Washington as provided by law, the Director shall be empowered:

(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 Benton County Emergency Management Council.

(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.

(c) To require the services of any county officer or employee, to command the aid of as many citizens as he considers necessary in the execution of his duties; such persons being entitled to all privileges, benefits and immunities as are provided by state law for registered emergency service workers.

(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/her by state statute, agreement approved by the Benton County Emergency Management Council, or by any other lawful authority.

(e) To requisition necessary personnel or material of any county department or agency.

[Ord. 59 (1959) ▪ 6; Ord. 158 (1982) ▪ 6; Ord. 238 (1992) ▪ 5]

5.04.070 ORGANIZATION. All county and participating city officers and employees of this county, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may, by agreement or operation of law, including persons pressed into service under the provision of BCC 5.04.060(c), be charged with the duties incident to the protection of life and property in this county during disaster, shall constitute the Emergency Services Organization of the County of Benton.

[Ord. 59 (1959) ▪ 7; Ord. 158 (182) ▪ 7]

5.04.080 DIVISIONS, SERVICES AND STAFF ORGANIZATION. The functions and duties of the Emergency Management Organization shall be distributed among such divisions, services and special staff as the Benton County Emergency Management Council shall prescribe.

The Benton County Emergency Management Council shall concurrently with the adoption of this chapter, prescribe the form of organization, establishment and designation of divisions and services, the assignments of functions, duties and authority, and the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the Federal Government and the Department of Emergency Services of the State of Washington.

[Ord. 59 (1959) ▪ 8; Ord. 158 (1982) ▪ 8; Ord. 238 (1992) ▪ 6]

5.04.090 VIOLATIONS - PENALTIES. It shall be a misdemeanor for any person during a disaster:

(a) To willfully obstruct, hinder or delay any member of the emergency services organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon him/her by virtue of this chapter;

(b) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this county, or to prevent, hinder or delay the defense or protection thereof;

(c) To wear, carry or display without authority any means of identification specified by the Department of Emergency Services of the State of Washington.
[Ord. 59 (1959) § 9; Ord. 158 (1982) § 9; Ord. 214 (1987) § 5]