



**FRANKLIN COUNTY
EMERGENCY MANAGEMENT**

1011 E. Ainsworth St.
Pasco, WA 99301
(509) 545-3546



EMERGENCY MANAGEMENT ORGANIZATION INTERLOCAL AGREEMENT

January 2021 – December 2028

THIS AGREEMENT, made and entered into by and between the COUNTY OF FRANKLIN, a political subdivision of the state of Washington, and CITY OF PASCO, CITY OF MESA, CITY OF CONNELL, and the CITY OF KAHLOTUS, all incorporated municipalities of the State of Washington.

WHEREAS, RCW 38.52.070, EMERGENCY MANAGEMENT ACT, authorizes and directs each political subdivision of this state to establish a local organization for emergency management in accordance with the State Emergency Management Plan and Program and, specifically permits the General of the State Military Department to authorize two or more entities to join together in the establishment and operation of a local organization for emergency management; and,

WHEREAS, RCW 39.34, INTERLOCAL COOPERATION ACT, authorizes political subdivisions to jointly exercise their powers, privileges, or authorities with other political subdivisions of this state through the execution of an interlocal cooperative agreement; and,

WHEREAS, the Board of County Commissioners of Franklin County and the incorporated municipalities of Pasco, Mesa, Connell, and Kahlotus desire to join together to establish and operate a program to mitigate, prepare for, respond to, and recover from, disasters and other extraordinary emergencies, both natural and human caused;

NOW, THEREFORE, in consideration of the promises and agreements herein contained, and subject to terms and conditions hereinafter set forth, it is mutually understood and agreed by the parties signatory to this Agreement as follows:

Section 1. Definitions. The following terms when used herein are defined as follows:

- A. "Agency" refers to Franklin County Emergency Management.
- B. "Board" refers to the Board of Directors of Franklin County Emergency Management.
- C. "County" refers to the County of Franklin.
- D. "Director" refers to the Director of Franklin County Emergency Management.
- E. "Emergency or Disaster" shall mean an event or set of circumstances which: (a) Demands

immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

- F. "Emergency Management" refers to the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from emergencies or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support to search and rescue Coordination for persons or property in distress. However, "emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.
- G. "Hazard" is a dangerous event or circumstance which has the potential to escalate into an emergency or a disaster.
- H. "Incorporated Municipalities" refers to the cities of Pasco, Mesa, Connell, and Kahlotus.

Section 2. Agency Established.

- A. The Agency hereby established by this agreement is to be comprised of the County and the Incorporated Municipalities and shall be designated The Franklin County Emergency Management Agency as defined in RCW 38.52.005.
- B. The Agency shall commence its existence upon the approval of this agreement by appropriate ordinance or resolution adopted by the Board of Franklin County Commissioners and the Councils of the Incorporated Municipalities, subject to the approval of the State Emergency Management Division.
- C. Any incorporated city or town within the county may become a participating member of this agency upon the adoption of the resolution by its council to that effect, its agreement to the provisions hereof, and the deposit with the Director of Franklin County Emergency Management, a copy of this agreement duly executed by such city or town.

Section 3. Powers and Responsibilities of the Agency.

In accordance with RCW 38.52.070, the agency is designated as the local organization for emergency management for the incorporated municipalities, and shall:

- A. Operate and have emergency powers as authorized by RCW 38.52.070 and exercise disaster control and coordination through the agency office or through the Emergency Coordination Center.

- B. Provide service, equipment, and personnel to the member jurisdictions to assist them with emergency management functions.
- C. Provide an emergency management organization to coordinate organizational activities and to minimize death, injury, and damages during natural disasters or man-made disasters.
- D. Coordinate local emergency service planning with the federal government, State of Washington, neighboring counties and states, military organizations, and other support networks.
- E. Provide for the effective utilization of resources within or from outside the Incorporated Municipalities to minimize the effects of disaster and to request assistance as needed through established emergency service avenues, county to state, state to region, region to national levels.
- F. Seek compensation coverage for volunteers who suffer injury or equipment loss or damage as a result of emergency service duty.
- G. Establish and maintain training and public information programs.
- H. Identify and develop capability and protection for the population to monitor and decontaminate the effects of radioactivity.
- I. Develop a system for warning and providing information and instruction to the general public.
- J. Perform routine office procedures, correspondence, and inventory.

Section 4. Board of Directors.

- A. Board of Directors is created to directly govern the Agency for the executive heads of the Incorporated Municipalities signatory to this Agreement and to establish policies and to do all things necessary to insure efficient and functional operation thereof.
- B. The Board of Directors shall consist of seven (7) members as follows:
 - 1. The executive head of the County of Franklin or his or her officially designated representative.
 - 2. One appointee by the executive head of the County of Franklin or his or her officially designated representative.
 - 3. The mayor of the City of Pasco or his or her officially designated representative.

4. One appointee by the executive head of the City of Pasco or his or her officially designated representative.
5. The executive head of the City of Mesa or his or her officially designated representative.
6. The executive head of the City of Connell or his or her officially designated representative.
7. The executive head of the City of Kahlotus or his or her officially designated representative.

The Director of the Agency shall be the ex-officio, nonvoting member of the Board.

- C. The Board shall follow the approved By-laws of the Agency.

Section 5. Powers and Responsibilities of the Director.

- A. Subject to the direction and control of the Board, the Director shall have direct responsibility for the day to day development, operation, and management of the Agency, including, but not limited to:
1. Implementation of policies, programs, and directives of the Board.
 2. Issuance of recommendations and reports to the Board as deemed necessary by the Board.
 3. Representation of Agency programs on behalf of the Board in dealings with public and/or private organizations pertaining to emergency services and disasters.
 4. Recruitment, development, and training of employees and volunteers in the coordination, advancement, and exercising of an overall Agency effort for the purposes of this Agreement.
 5. Maintaining of the Franklin County Comprehensive Emergency Management Plan for the County and its Incorporated Municipalities which conforms to the State Comprehensive Emergency Management Plan and Program.
 6. Preparation and submittal to the Board of an annual budget and work program for the Agency.
- B. In the event of a disaster as defined by RCW 38.52.010(6) or as declared by the Governor of the State of Washington as provided by law, the Director shall be empowered, with the concurrence of the Board:

1. To make and issue regulations and rules on matters reasonably related to the immediate protection of life and property as affected by such disaster, provided, however, such rules and regulations shall be confirmed by the Board at the earliest practicable time.
2. To obtain vital supplies, equipment, and such other properties found to be lacking and necessary for the protection of life and property, and to bind the Agency for the fair value thereof, and, if required immediately to commandeer the same for public use in accordance with law.
3. To acquire emergency services of any officer or employee of the parties signatory to this Agreement, to requisition necessary personnel or material of any County department or agency with concurrence of the Chair of the Board of Franklin County Commissioners or of any city department or agency with concurrence of the Mayor of such city, to command the aid of as many citizens of Franklin County as deemed necessary in the execution of the Director's duties, such persons to be entitled to all privileges, benefits, and immunities provided by State law for registered emergency workers.
4. To execute the special powers conferred upon the Director by this Agreement, or by resolution adopted pursuant hereto, or conferred upon the Director by statute, or by agreements approved by the Board, or other lawful authorities.

Section 6. Fund Establishment.

- A. There is hereby created and established a special pooled fund designated the "Franklin County Emergency Management Fund". It is agreed upon by the parties signatory to this Agreement that said fund shall be administered by the Treasurer of Franklin County. Any and all unexpended Agency monies at year end shall be carried forward into the following fiscal year budget.
- B. All monies collected and received on account of the Agency, including financial contributions by the parties' signatory to this Agreement in accordance herewith, shall be deposited into said fund.
- C. The Director of the Agency shall authorize expenditures from said fund in accordance with the Director's Extent of Administrative Authority approved by the Board.

Section 7. Budgets.

1. Fiscal year budgets for the Agency shall be prepared by the Director not later than October 30, for the following year, subject to approval by the Board

2. Budgets shall not be approved at any meetings of the Board without at least fourteen (14) days notice thereof to members of the Board.

3. Approval shall be by a simple majority of the voting members of the Board

Section 8. Funding.

A. Deficit portions of Board approved Agency budgets not funded by grants or gifts shall be funded by contributions paid by the parties' signatory to this Agreement.

B. The contribution amounts shall be reviewed yearly by the Board for inclusion into the annual budgets of the parties' signatory to this Agreement and shall be calculated by the following formula:

$$\frac{\text{POPULATION OF INCORPORATED MUNICIPALITY}}{\text{TOTAL COUNTY POPULATION FUNDED BY SIGNATORIES}} = \% \text{ OF DEFICIT PORTIONS}$$

C. In the event of an emergency which results in costs to the agency above and beyond the normal, budgeted expenses for operation and administration, such excess costs shall be borne by the party or parties affected by the emergency and promptly remitted to the Agency fund, provided, that the Director of the agency shall obtain approval of the affected parties at the earliest opportunity. If in any case, the Board is unable to agree upon the proper contributions of the parties signatory to this Agreement for the cost of emergency management, the question of such decision shall be referred to the State Emergency Management Council for arbitration and the decision of that Council shall be final and binding upon the parties signatory to this Agreement.

Section 9. Property.

A. For the purposes of this agreement, both monies and property shall be considered a part of the agency fund.

B. The Director of the Agency shall maintain the custody and control of all property and equipment acquired by or loaned to the Agency fund.

C. The ownership of all property, equipment, or monies acquired by or through the Agency fund on or after the execution of this Agreement shall be shared by the parties' signatory to this Agreement in proportion to the financial and contributed service value of each party in the year of acquisition of such property, equipment, or monies.

D. The ownership of property or equipment loaned or contributed for use by the Agency by any party signatory to this Agreement shall remain the property of the loaning or contributing party.

- E. In the event that any party signatory to this Agreement withdraws from this Agreement prior to its termination as provided herein, any property or equipment loaned or contributed by such party shall be returned to such party within ninety (90) days following the date of such party's withdrawal.

Section 10. Liability.

Liability for Agency Coordination shall be limited as provided by Chapter 38.52 RCW.

Section 11. Compensation Board Established.

A Compensation Board if required, shall be established, meet, and perform such duties in the manner authorized and required by RCW 38.52.210 -280.

Section 12. Severability.

If any portion of this Agreement or its application to any person, place, or circumstance is held invalid, the remainder or application to other persons or circumstances shall not be affected.

Section 13. Duration.

The duration of this Agreement shall commence upon approval by the Washington State Military Department, Emergency Management Division and thereafter on or after the first day of January, 2021, and shall terminate at midnight on the thirty-first day of December, 2028, unless this Agreement is terminated earlier.

Section 14. Withdrawal.

Any party signatory hereto may withdraw from this Agreement effective December 31, of any year by providing written notice to the Board at least 6 months prior to the planned termination date.

Section 15. Amendments.

This Agreement may be amended or extended in duration for additional successive periods by approval of each member agency's legislative body.

COUNTY OF FRANKLIN

ATTEST:



County Commissioner



County Clerk to the Board

Approved As To Form:

Brad Peck
Approved Telephonically

County Commissioner



Prosecuting Attorney, Deputy



County Commissioner

2020 - 232

FRANKLIN COUNTY RESOLUTION 2020-232

BEFORE THE BOARD OF COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

**RE: EMERGENCY MANAGEMENT ORGANIZATION INTERLOCAL AGREEMENT
BETWEEN COUNTY OF FRANKLIN, CITY OF PASCO, CITY OF MESA, CITY OF
CONNELL, AND THE CITY OF KAHLOTUS, EFFECTIVE JANUARY 1, 2021
THROUGH DECEMBER 31, 2028**

WHEREAS, the Board of County Commissioners of Franklin County and the incorporated municipalities of Pasco, Mesa, Connell and Kahlotus desire to join together to establish and operate a program to mitigate, prepare for, respond to and recover from disasters and other extraordinary emergencies, both natural and human caused; and

WHEREAS, pursuant to RCW 36.01.010 and RCW 36.32.120 the legislative authority of each county is authorized to enter into contracts on behalf of the county and ensure the care of county property and management of county funds and business; and

WHEREAS, the Board of Franklin County Commissioners constitutes the legislative authority of Franklin County and desires to enter into the attached agreement as being in the best interest of Franklin County; and

NOW, THEREFORE, BE IT RESOLVED that the Franklin County Board of Commissioners hereby approves the attached Emergency Management Organization Interlocal Agreement between the County of Franklin, City of Pasco, City of Mesa, City of Connell, and the City of Kahlotus, effective January 1, 2021 through December 31, 2028.

APPROVED this 27 day of October, 2020.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON


Chairman

Brad Peck
Approved Telephonically

Chairman Pro Tem


Member

ATTEST:



Clerk to the Board

CITY OF PASCO

ATTEST:



City Manager



City Clerk

Approved As To Form:



City Attorney

COPY

RESOLUTION NO. 4000

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE AN INTERLOCAL AGREEMENT BETWEEN FRANKLIN COUNTY, THE CITIES OF CONNELL, KAHLOTUS, AND MESA AND THE CITY OF PASCO FOR FRANKLIN COUNTY EMERGENCY MANAGEMENT SERVICES.

WHEREAS, RCW 38.52.070, EMERGENCY MANAGEMENT ACT, authorizes and directs each political subdivision of this state to establish a local organization for emergency management in accordance with the State Emergency Management Plan and Program and, specifically permits the General of the State Military Department to authorize two or more entities to join together in the establishment and operation of a local organization for emergency management; and,

WHEREAS, RCW 39.34, INTERLOCAL COOPERATION ACT, authorizes political subdivisions to jointly exercise their powers, privileges, or authorities with other political subdivisions of this state through the execution of an interlocal cooperative agreement; and,

WHEREAS, the Board of County Commissioners of Franklin County and the incorporated municipalities of Pasco, Mesa, Connell, and Kahlotus established a joint program to mitigate, prepare for, respond to, and recover from, disasters and other extraordinary emergencies, both natural and human caused in the 1980s; and

WHEREAS, the Board of County Commissioners of Franklin County and the incorporated municipalities of Pasco, Mesa, Connell, and Kahlotus desire to continue to operate a program to mitigate, prepare for, respond to, and recover from, disasters and other extraordinary emergencies, both natural and human caused;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON:

Section 1. That the City Council of the City of Pasco approves the terms and conditions of the Interlocal Agreement between Franklin County, the Cities of Connell, Kahlotus and Mesa and the City of Pasco; a copy of which is attached hereto and incorporated herein by reference as **Exhibit A**; and

Section 2. The City Manager of the City of Pasco, Washington, is hereby authorized, empowered, and directed to sign and execute said Agreement on behalf of the City of Pasco.

Be It Further Resolved, that this Resolution shall take effect immediately; and

PASSED by the City Council of the City of Pasco, Washington this 19th day of October, 2020.



Saul Martinez
Mayor

ATTEST:



Debra Barham, CMC
City Clerk

APPROVED AS TO FORM:



Kerr Ferguson Law, PLLC
City Attorney

CITY OF CONNELL

ATTEST:




Mayor



City Clerk

Approved As To Form:



City Attorney

CITY OF MESA

ATTEST:



Mayor



City Clerk


Approved As To Form:



City Attorney

CITY OF KAHLOTUS

ATTEST:



Mayor



City Clerk

Approved As To Form:



City Attorney

CITY OF KAHLOTUS

RESOLUTION NO. 2021-501

A RESOLUTION ADOPTING FRANKLIN COUNTY EMERGENCY MANAGEMENT ORGANIZATION INTERLOCAL AGREEMENT 2021-2028

WHEREAS, RCW 38.52.070 (Emergency Management Act) authorizes and directs each political subdivision of this state to establish a local organization for emergency management in accordance with the State Emergency Management Plan and Program and, specifically permits the General of the State Military Department to authorize two or more entities to join together in the establishment of a local organization for emergency management; and,

WHEREAS, RCW 39.34 (Interlocal Cooperation Act) authorizes political subdivisions to jointly exercise their powers, privileges, or authorities with other political subdivisions of this state through the execution of an interlocal agreement; and,

WHEREAS, the Board of County Commissioners of Franklin County and the incorporated municipalities of Pasco, Mesa, Connell, and Kahlotus desire to join together to establish and operate a program mitigate, prepare for, respond to, and recover from, disasters and other extraordinary emergencies, both natural and human caused;

NOW THEREFORE, BE IT RESOLVED that the City of Kahlotus enters into and adopts the Franklin County Emergency Management Organization Interlocal Agreement 2021-2028, effective immediately.

PASSED by the City Council and approved by the Mayor of the City of Kahlotus, Washington, on the 21st day of January, 2021.



David Wooten, Mayor

ATTEST:



Delaina Goggin, Clerk/Treasurer