



**CITY OF KIRKLAND**

Fire Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.kirklandwa.gov

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Heather Kelly, Emergency Manager  
Kevin Raymond, City Attorney  
Joe Sanford, Fire Chief

**Date:** September 20, 2018

**Subject:** CITY COUNCIL ROLE AND RESPONSILITIES IN AN EMERGENCY OR OTHER DISASTER

**RECOMMENDATION:**

As a wrap-up to National Preparedness Month, it is recommended the City Council review Council communication protocols, and discuss the proposed proclamation of emergency and resolution ratifying proclamation of emergency templates. Staff would bring forward the proclamation of emergency template for Council approval by resolution at a future meeting.

**BACKGROUND DISCUSSION:**

The ability of City of Kirkland ("City") government to quickly and efficiently respond and recover from emergencies and disasters is directly related to its ability to coordinate actions in a commonly understood structure and method. September is National Preparedness Month, promoting personal and community emergency preparedness across the country. As part of this initiative, the City facilitated an all-day Emergency Operations Center ("EOC") exercise on September 6<sup>th</sup>, followed by a 3-hour Incident Policy Group ("IPG") exercise on September 11<sup>th</sup>. In a continuation of preparedness efforts, the Council is being engaged through a Study Session focused on Council roles and responsibilities in major emergencies.

The Council has four primary responsibilities during and after an emergency or other disaster:

- Proclaim emergencies and ratify prior City acts of emergency response;
- Serve as a communication conduit to the community;
- Offer guidance to City staff leadership; and
- Engage elected and appointed officials at all levels to assist City efforts.

*Council Communications*

Effective public messaging is critical to maintaining trust in City government, as well as reassuring and helping motivate the community to act in response to an emergency. Councilmembers are in a position to assist the City's response and recovery by delivering key messages in meaningful ways. Best practices from the Center for Disease Control ("CDC"), Jane's Crisis Communication Handbook, and communication experts offer guidance and

recommendations for successful communication with constituents. A concise communication guide for elected leaders is included as Attachment 1.

Some "Do's and Don't's" of Council communication will be presented at the Study Session. In general, the best practice recommendations for common Councilmember communications are:

- Use only information that comes from the Joint Information Center ("JIC") in the EOC, as that information will be verified, accurate and approved for public release;
- Each Councilmember should maintain personal voice and style with a consistent common message; and
- When using social media, retweet or share JIC-approved messages to maintain accuracy.

#### *Emergency Proclamations*

The roles and authorities of the City Manager and the Council in emergencies are outlined in KMC Ch.3.20, relating to Emergency Management. A copy of KMC Ch.3.20 is included as Attachment 4. The exercises undertaken recently by City staff identified opportunities for clarification and improvements related to the process and documentation supporting a proclamation of emergency within Kirkland. This has resulted in a draft emergency proclamation template and a draft resolution of ratification for Council review and discussion. It is critical that the City Manager is aware, empowered and able to provide policy and budget direction to the EOC as soon as practical during and following an emergency or disaster. Through a standard proclamation template, outlining the range of legal authorities afforded to a jurisdiction under state and local law, the City Manager can quickly direct response and recovery actions. Proclamations of emergency are disaster-specific and the legal authorities utilized will accordingly vary. Through the use of a standard template, however, the use of the response tools needed can be expedited. In addition, the use of a standard resolution specific to emergency proclamation ratification will affirm the actions taken by City staff in the anticipated interim period between the emergency itself and the Council's ability to gather and meet, most likely at a special meeting as provided for in emergency circumstances by the Washington Open Public Meetings Act, Chapter 42.30 RCW.

Attachment 1: Communication Guide  
Attachment 2: Draft Proclamation Template  
Attachment 3: Draft Resolution Template  
Attachment 4: KMC Ch.3.20

*“I think the most important thing to learn from this or any other tragedy is that unlike the frustration we feel sometimes on an airplane when something goes crack or the plane doesn’t leave and there’s total silence from the cockpit, that’s the worst thing to do. The best thing is transparency and openness.”*

— Frank Keating, Governor  
Oklahoma City, Bombing, 1995

## SUCCESSFUL COMMUNICATION

- Be the first source for information
- Express empathy early
- Show competence and expertise
- Remain honest and open
- Commit and remain dedicated

There are a number of psychological barriers that could interfere with the cooperation and response from the public. Many of them can be mitigated through the work of a leader with an empathetic and honest communication style. **Give people things to do.** As much as possible, give them relevant things to do; things that are constructive and relate to the crisis they’re facing. Anxiety is reduced by action and can restore a sense of control. The actions may be symbolic (e.g., put up the flag), or preparatory (e.g., donate blood or create a family check-in plan).

## COMMUNICATING DURING A CRISIS IS DIFFERENT:

Communicating in a crisis is different. In a serious crisis, all affected people take in information differently, process information differently, and act on information differently. As a leader, you need to know that the way you normally communicate with your community may not be effective during and after it suffers a crisis.



## BUILD AND MAINTAIN PUBLIC TRUST IN A CRISIS

**Empathy and caring.** Empathy and caring should be expressed within the first 30 seconds. Acknowledge fear, pain, suffering, and uncertainty.

**Competence and expertise.** Education, position title, or organizational roles and missions are quick ways to indicate expertise. Another useful means is to have established a relationship with your audiences in advance of the emergency. If that is not possible, have a third party, who has the confidence of the audience, express his or her confidence in you or your organization.

**Honesty and openness.** This does not mean releasing information prematurely, but it does mean facing the realities of the situation and responding accordingly. It means not being paternalistic in your communication but, instead, participatory—giving people choices and enough information to make appropriate decisions.

**Commitment.** State up front what your organization’s objective is in this emergency response, and commit to reaching that objective. Show dedication by sharing in the sacrifices and discomforts of the emergency. Don’t fake hardship for the cameras.

**Accountability.** Be as transparent as possible. If government or non-profit money is being spent in the response to a disaster, sooner or later the public and media will demand to know to whom that money or resources are being distributed.

### WHAT ABOUT PANIC?

Contrary to common belief, people seldom act completely irrationally or panic during a crisis. **The overwhelming majority of people do not engage in extreme behavior.**

## FIVE COMMUNICATIONS FAILURES

**Mixed messages from multiple experts.** In a crisis, people don’t want to “just pick one” of many messages, they want the best one or the right one to follow.

**Information released late.** If the public expects an answer from your organization on something that is answerable and you won’t provide it or direct them to someone who can, they will be open to being taken advantage of by unscrupulous or fraudulent opportunists.

**Paternalistic attitudes.** help the public to reach the same conclusion you did by sharing with them what you learned to reach that conclusion.

**Not countering rumors and myths in real time.** For example, what if a rumor starts that there isn’t enough drugs for everyone? What is your system to monitor what is being said by the public and the media? What is your system to react to false information?

**Public power struggles and confusion.** Sometimes there may be a power struggle over jurisdictions or other issues. The important thing is to make sure these are worked out quickly and confidentially. It’s naturally disconcerting to the public to think that the people responsible for helping them are not getting along.

## PRESS CONFERENCE PITFALLS

Don’t allow “hangers on” from your organization to circle in the back of the room. Reporters might have their eyes pointed toward you, but their ears are listening for off-the-cuff comments and they are watching for nonverbal communications (e.g., a nod or wink).

The second major mistake is thinking the press conference doesn’t begin until you step up to the microphone. Actually, the press conference begins the minute you enter the room.

## GRIEF AND YOUR ROLE AS SPOKESPERSON



Your presence is more important than your conversation. Family members may voice feelings with such strong emotion as “I don’t know how I’m going to live without my husband,” or “Why would God allow this to happen?” Short statements of condolence, such as “I’m so sorry,” “This is a sad time,” or “You’re in my prayers,” are enough of a response. If a person tenses at your touch, withdraw. Use “death” or “dying” not softer euphemisms. Many people feel patronized by words like “expired” or “received his heavenly reward.” Use the same words as the grieving person to respect cultural differences. Religious customs for bereavement vary. While most of the U.S. population professes to be of a Christian faith, remember that other religions are also prominent in the United States.

*“Empathy is the door that opens your voice to the information that you want to communicate. So if people can perceive that you actually care about them in a genuine, human way, I think they’re much more willing to listen to anything else that you have to say. If you don’t do that, you have really lost your audience because people won’t listen to you.”*

— Julie Gerberding,  
M.D., Director, CDC  
SARS, 2003

## HANDLING DIFFICULT BEHAVIORS

### Dependence on special relationships

Some people will attempt to bypass official channels to get special treatment or access to what they want during a crisis. Good communication can reduce some of these reactions. The more honest and open response officials are about what is available and for whom, the better odds officials have of reducing the urge among individuals in the community to seek out their own options.

### Vicarious rehearsal

Sometimes individuals not directly affected by an event may mentally rehearse the crisis and “try on” the courses of action presented to them. Such persons can heavily tax recovery and response efforts. Consider creating alternate messages encouraging them to delay taking the same action until it’s warranted by circumstances. Provide alternative things for them to do.

### MUPS: Multiple Unexplained Physical Symptoms

Commonly called the “worried well”, the fact is that stress caused by a crisis situation will make some people physically ill. Overburdened medical providers may have a difficult time trying to figure out who is really sick and who is sick from the stress of the situation. Communicate to the community that they need to consider whether their symptoms are from stress and, if so, provide them steps to help them reduce the stress such as deep-breathing exercises, physical exercise and talk therapy with friends and relatives.

### Stigmatization

Fear and isolation of a group perceived to be contaminated or risky to associate with will hamper community recovery and affect evacuation and relocation efforts. This could have both economic and psychological impact on the well-being of members of the community and should be challenged immediately.

**The First 48 Hours**  
BE FIRST. BE RIGHT. BE CREDIBLE

CS115054

For more information about CERC: [CERC\\_info@cdc.gov](mailto:CERC_info@cdc.gov)

To request CERC training tools: [CERCrequest@cdc.gov](mailto:CERCrequest@cdc.gov)

## **PROCLAMATION OF EMERGENCY**

WHEREAS, [initial "whereas" provisions describe the facts and circumstances giving rise to the proclamation of emergency and/or disaster by the City Manager or designee]; and

WHEREAS, the facts and circumstances set forth above constitute an emergency [and/or disaster] as defined by Chapter 3.20 of the Kirkland Municipal Code ("KMC") and the City of Kirkland ("City") Comprehensive Emergency Management Plan ("CEMP") and necessitates the utilization of emergency powers granted by applicable state and local law, including but not limited to Chapter 3.20 KMC, KMC Section 3.85.090 and Revised Code of Washington ("RCW") Sections 35.33.081, and RCW 38.52.070(2); and

WHEREAS, KMC Section 3.20.070 provides that the City shall have the broadest authority and greatest discretion consistent with state law with respect to emergency response and operation; and

WHEREAS, KMC Section 3.20.090 grants to the City Manager the authority to take action on behalf of the City in the event of an emergency or disaster, subject to ratification by the City Council as soon as practicable; and

WHEREAS, the City Manager wishes to exercise such authority to proclaim an emergency in order for the City to timely respond to such emergency [and/or disaster] subject to ratification by the City Council as soon as practicable.

NOW, THEREFORE, be it proclaimed by the City Manager that an emergency exists in the Kirkland and City departments and relevant staff are hereby authorized and directed to respond to such emergency as follows:

Section 1: Undertake measures in response thereto and without regard to time-consuming procedures and formalities generally applicable under state or local law, subject only to any mandatory constitutional requirements, in connection with one or more of the following:

- (1) Budget law limitations;
- (2) Requirements of competitive bidding and publication of notices;
- (3) Provisions pertaining to the performance of public works;
- (4) Entering into contracts;
- (5) Incurring obligations;
- (6) Employment of temporary workers;
- (7) Rental of equipment;
- (8) Purchase of supplies and materials;

(9) Reduction or waiver of fees and charges, such as those related to permits and other City approvals; and

(10) Appropriation and expenditure of funds.

Section 2: Enter into agreements and incur obligations necessary to recall City employees from vacation, cancel days off, authorize overtime, or recall selected retired employees in order to help protect the health and safety of persons and property.

Section 3: Undertake such additional measures pursuant to the City's police power authority under Washington Constitution Article XI, Section 11 to protect the public health, safety and welfare, including such measures as are imminently necessary for the protection of life and property, including but not limited to:

- (1) Imposition of general curfews;
- (2) Temporary closures of public places and businesses, including those selling or dispensing alcoholic beverages;
- (3) Limitations on the sale of fuel or other essential materials where demand is expected to exceed supply;
- (4) Evacuation or clearing of debris and wreckage from publicly and privately owned lands and waters;
- (5) Destruction of private property if necessary;
- (6) Imposition of rationing; and
- (7) Use of volunteer workers provided they are afforded the privileges, benefits and immunities provided by state law and state or federal regulations for registered emergency workers so long as they remain under the direction and control of an authorized official.

Section 4: In implementing the provisions of this proclamation, City departments and staff are not subject to generally applicable departmental and individual expenditure limits; provided, however, that City departments and staff, individually and in the aggregate, as the case may be, shall not exceed the following financial expenditure limits without the prior written approval of the City Manager or designee:

- (1) Per agreement or transaction: \$ \_\_\_\_\_
- (2) Per day: \$ \_\_\_\_\_
- (3) Per emergency or other disaster: \$ \_\_\_\_\_

Section 5: This proclamation shall be subject to ratification by the City Council as soon as practicable. The City Council may meet during the pendency of such emergency in accordance with the special provisions provided therefore under the Washington Open Public Meetings Act, RCW 42.30.070.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Kurt Triplett, City Manager

RESOLUTION R-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING PROCLAMATION OF EMERGENCY.

WHEREAS, Kirkland Municipal Code ("KMC") Section 3.20.090 grants the City Manager the authority to take action on behalf of the City of Kirkland ("City") in the event of an emergency or disaster, subject to ratification by the City Council as soon as practicable; and

WHEREAS, in the exercise of such authority the City Manager did execute a Proclamation of Emergency dated \_\_\_\_\_, 20\_\_; and

WHEREAS, the City Council held a special meeting on \_\_\_\_\_, 20\_\_ [in accordance with the emergency meeting provisions of the Washington Open Public Meetings Act, specifically RCW 42.30.070]; and

WHEREAS, the City Council wishes to ratify the above-referenced Proclamation of Emergency and the acts of City departments and staff that have been and will be taken in connection with such emergency [and/or disaster].

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. Any and all acts undertaken by City departments and staff consistent with the Proclamation of Emergency issued by the City Manager dated \_\_\_\_\_, 20\_\_ and prior to the effective date hereof are hereby ratified and confirmed.

Section 2. Any and all acts undertaken by City departments and staff consistent with the Proclamation of Emergency issued by the City Manager dated \_\_\_\_\_, 20\_\_ and following the effective date hereof are hereby authorized until such time as such proclamation has been amended, rescinded or otherwise terminated by the City Manager or City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 20.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 20.

\_\_\_\_\_  
Amy Walen, Mayor

Attest:



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Kathi Anderson, City Clerk

**Chapter 3.20****EMERGENCY MANAGEMENT\***

## Sections:

- 3.20.010 Definitions.
- 3.20.020 Purpose.
- 3.20.030 Office created.
- 3.20.040 Director.
- 3.20.050 Comprehensive emergency management plan.
- 3.20.060 EOC.
- 3.20.070 Emergency powers.
- 3.20.080 Emergency management action team.
- 3.20.090 Ratification of actions.
- 3.20.110 Emergency management compensation board.
- 3.20.120 *Repealed.*

\* For the statutory provision authorizing noncharter code cities to enact such ordinances as necessary to preserve the peace not in conflict with the constitution or specifically denied by the general laws, see RCW 35A.11.020.

**3.20.010 Definitions.**

For the purposes of this chapter the following terms shall have their ordinary meaning and, in addition:

- (a) “Emergency or disaster” means an incident or set of circumstances which:
  - (1) 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
  - (2) Reaches such a dimension or degree of destructiveness as to warrant the proclamation of a state of emergency.
- (b) “Emergency management” means the preparation for and the carrying out of emergency services and functions to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid those suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, human-made or technological, and to provide support for search and rescue operations for persons and property in distress. (Ord. 4611 § 1, 2017; Ord. 3476 § 2 (part), 1995)

**3.20.020 Purpose.**

Because of the possibility of the occurrence of emergencies or disasters of unprecedented size and destructiveness, and in order to help ensure that preparations of the city will be adequate to deal with such disasters, and generally to protect the public peace, health, and safety, and to preserve the lives and property of the people of the city of Kirkland, it is the purpose of this chapter to provide for emergency management in the city in accordance with the city’s comprehensive emergency management plan providing for coordination of the city’s emergency management and other essential government functions. (Ord. 4611 § 2, 2017; Ord. 3476 § 2 (part), 1995)

**3.20.030 Office created.**

There is hereby created, within the fire department, an office of emergency management to perform emergency management functions. The office of emergency management is the city’s local organization for emergency management for the purposes of RCW 38.52.070. (Ord. 4611 § 3, 2017; Ord. 4491 § 4 (part), 2015; Ord. 3476 § 2 (part), 1995)

**3.20.040 Director.**

The office of emergency management shall be headed by the director of emergency services. The city manager shall appoint the fire chief as the director of emergency services. The director of emergency services shall be directly responsible to the city manager for the organization, administration, and operation of the office of emergency

management. The director of emergency services shall appoint an emergency manager, subject to the approval of the city manager. (Ord. 4611 § 4, 2017; Ord. 4491 § 5, 2015; Ord. 3476 § 2 (part), 1995)

### **3.20.050 Comprehensive emergency management plan.**

The director of emergency services shall create and maintain the city's comprehensive emergency management plan as described in Chapter 118-30 WAC. The city manager shall ensure that the city executes its comprehensive emergency management plan in the event of disaster and operates in accordance with said plan. (Ord. 4611 § 5, 2017; Ord. 3476 § 2 (part), 1995)

### **3.20.060 EOC.**

The comprehensive emergency management plan shall provide for activation of the city's emergency operations center (EOC). Operation of the EOC shall be under the direction of the director of emergency services by and through the emergency manager. (Ord. 4611 § 6, 2017; Ord. 3476 § 2 (part), 1995)

### **3.20.070 Emergency powers.**

In the event of an emergency or disaster coming within the scope of this chapter, the city shall have the broadest authority and greatest discretion consistent with state law with respect to emergency response and operation. These powers include, but are not limited to, those provided for in RCW 38.52.070; namely, the authority to act in light of the exigencies of an 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 works, 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 expenditure of funds. (Ord. 4611 § 7, 2017; Ord. 3476 § 2 (part), 1995)

### **3.20.080 Emergency management action team.**

There is hereby established an emergency management action team (EMAT), which shall be composed of at least the following: director of emergency services, emergency manager, city attorney, communication manager, and one representative from each city department. The EMAT shall support the activities of the office of emergency management to help ensure that all city departments are prepared to help respond to needs in the city of Kirkland during and after a disaster. (Ord. 4611 § 8, 2017; Ord. 3476 § 2 (part), 1995)

### **3.20.090 Ratification of actions.**

The city manager shall have the authority to take action on behalf of the city in the event of an emergency or disaster, subject to ratification by the city council as soon as practicable. (Ord. 4611 § 9, 2017; Ord. 3476 § 2 (part), 1995)

### **3.20.110 Emergency management compensation board.**

There is hereby established an emergency management compensation board for the processing of claims arising from emergency management related activities. This board shall function as provided for in the emergency management plan and be guided by applicable state law such as RCW 38.52.210(2) through 38.52.260. The board shall be composed of: one councilmember selected by the council; the city manager; the director of emergency services; the emergency manager; and the city attorney. The councilmember shall serve as the chair of the board and the emergency manager shall serve as secretary of the board. (Ord. 4611 § 10, 2017; Ord. 3476 § 2 (part), 1995)

### **3.20.120 Search and rescue.**

*Repealed by Ord. 4611.* (Ord. 3476 § 2 (part), 1995)