



**City of Bellingham**  
210 Lottie Street  
Bellingham, WA 98225

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**MEMORANDUM**

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**TO:** BELLINGHAM CITY COUNCIL  
**FROM:** PETER RUFFATTO, CITY ATTORNEY  
**CC:** MAYOR SETH FLEETWOOD  
**SUBJECT:** ORDINANCE REGARDING EMERGENCY SERVICES COUNCIL  
**DATE:** MARCH 22, 2020

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**Summary:** This ordinance is being introduced at this time because, given the present crisis, it will be very difficult to convene emergency and ongoing meetings in the timeframes prescribed by the current code. The proposed ordinance is entirely procedural in nature. No new authority or power is being added to City government, and no new authority or power is being executed by this ordinance. This ordinance is intended to align emergency functions with the City Charter and with modern emergency response, including the Incident Command System and National Incident Management System (ICS/NIMS). The ICS and NIMS have been adopted by the City as the framework for emergency response.

**Elements of proposed ordinance:** This ordinance amends the Bellingham Municipal Code, regarding emergency process as follows:

- Membership of the emergency service council (ESC) will include the mayor, the director of emergency services, and the city council president or designee. The ESC will be a resource to the City during an emergency.
- The timeline for review of emergency action by the ESC will be every 48 hours, but this period can be extended based on the nature of the emergency.
- The timeline for confirmation of mayoral orders requiring legislative action will be as soon as practicable following execution of the order.
- This ordinance clarifies that mayoral orders that are primarily internal to City processes do not require legislative confirmation. Examples include proclamation of emergency; action authorized by BMC 2.57.060 (B) through (E); and action under RCW 38.52.070.
- Confirmation of emergency orders by legislative action is reserved for city council which holds legislative authority under the City Charter.

- One example order is being added to the list of emergency orders that require city council confirmation, i.e. an order allowing the siting and operation of essential facilities. The other examples, which date back to 1977, are left unchanged.

**What the proposed ordinance does not do:**

- This ordinance does not add any specific emergency powers to the City as a whole or to the mayor.
- This ordinance does not invoke, execute, or implement any emergency orders such as those listed in BMC 2.57.060.
- This ordinance does not remove the legislative power of the city council. This ordinance clarifies that all legislative power resides with city council.
- This ordinance does not preclude the city council from calling a special meeting or an emergency meeting to review the operations regarding an emergency, discuss policy matters, or take action with respect to an emergency. Special meetings require a 24-hour notice period.
- This ordinance does not preclude further code amendments as the City reviews, discusses, and determines the best approach to the matters set forth in BMC 2.57.