



# KING COUNTY AUDITOR'S OFFICE

JANUARY 11, 2022

## Office of Emergency Management: Ongoing Weaknesses in County Preparedness Require Code Refinements

*This letter provides information that will assist the King County Council, the County Executive, and the Office of Emergency Management in developing and approving clear code guidance related to emergency management to address four key gaps we identified in audit reports between 2016 and 2022.*

**In 2016, we made recommendations to clarify the roles and responsibilities for county emergency preparedness through code changes.** Three recommendations in our 2016 Office of Emergency Management (OEM) audit specifically suggested code changes to address gaps:

- Naming the OEM director as the county emergency manager<sup>1</sup>
- Formalizing the role of the Emergency Management Coordination Committee (EMCC) as the body responsible for coordinating county agency<sup>2</sup> preparedness<sup>3</sup>
- Requiring agencies to develop continuity of operations plans (COOP Plans), to update and train on them, and to designate a staff person responsible for emergency preparedness<sup>4</sup>
- An additional recommendation directed the Executive to develop and implement a plan for OEM to effectively and efficiently drive the county's emergency preparedness activities.<sup>5</sup>

These recommendations addressed two interrelated problems found by the audit regarding essential emergency preparedness activities—specifically, that county agencies were not completing COOP Plans or updating or training on them, and that OEM could not compel them to do so. Taken together, the recommendations clarify the chain of accountability for emergency preparedness: each agency's responsibility to complete COOP Plans and conduct periodic updates and emergency exercises, OEM's responsibility to oversee their efforts and overall emergency preparedness, coordinated through the EMCC. They also direct the Executive to make a plan for doing so.

**Ongoing weaknesses in county emergency preparedness persist because of incomplete implementation of these recommendations.** Two 2018 ordinances addressed the first two bullets above, designating the OEM director as the county emergency manager<sup>6</sup> and creating the EMCC in

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<sup>1</sup> *Emergency Management: Insufficient Authority and Communication Hinder Emergency Preparedness and Response in King County* (OEM audit), June 2016—Recommendation 6.

<sup>2</sup> In this letter, the term "agency" means all executive departments and all agencies led by elected officials in all branches of King County government.

<sup>3</sup> OEM audit—Recommendation 1.

<sup>4</sup> OEM audit—Recommendation 2.

<sup>5</sup> OEM audit—Recommendation 5.

<sup>6</sup> Ordinance 18664, enacted March 8, 2018



**King County**

King County Code (KCC).<sup>7</sup> But as of December 2021, the recommendations to codify agency preparedness standards and craft a plan for OEM emergency preparedness leadership remain unfinished. In our 2022 pandemic planning audit,<sup>8</sup> we found the quality and completeness of county agency COOP Plans were inconsistent because of the lack of clear responsibilities for them. As the audit explains, many of the issues it identifies are likely caused by the gaps originally identified in our 2016 OEM audit that remain unresolved. As a result, we reiterated the elements of the incomplete 2016 recommendations in recommendation 1 of the 2022 pandemic planning audit; the recommendations from both audits are in the appendix. In addition, given their importance to ensuring effective emergency planning and response and the lack of implementation progress, we have outlined specific code changes that should be a part of a comprehensive guiding framework for emergency preparedness.

**Code refinements can address the ongoing gaps in county emergency preparedness without changing the current coordination structure.** Under the King County Code, the EMCC's role is to coordinate agency emergency preparedness. As a body, the EMCC "assist[s] in the review, development, and maintenance of department and agency continuity of operations plans," (KCC 2A.310.070 (C)(3)) and "assist[s] in the review, development, and maintenance of any other plans, programs, rules, and policies concerning emergency management, as requested by the Office of Emergency Management and consistent with state law." (KCC 2A.310.070 (C)(6)). Other local governments have similar coordinating groups. The ongoing gaps in emergency preparedness result from the lack of agency and OEM accountability for the bodies of work the EMCC helps coordinate.

**Specifying responsibilities and accountability for the EMCC's bodies of work could bolster its effectiveness.** During the December 2020 follow-up to the OEM audit, OEM pointed to positive examples of their engagement with agencies—and the EMCC as a whole—in county preparedness. OEM stressed the importance of the EMCC in organizing internal county emergency preparedness. But, as we commented then, "as positive as these collaborative efforts may be, they are not a directive that compels the participation of all county functions [in emergency preparedness]." Without unambiguous standards for emergency preparedness activities—COOP Plans, updates, exercises—for all county agencies, the EMCC's role is limited to voluntary assistance and participation. Without defining OEM's responsibility for leading emergency preparedness activities—through the EMCC or other means—the issues in COOP Plan quality and consistency found in both the 2016 and the 2022 audits will continue. Ensuring comprehensive county preparedness requires defined standards and clear responsibilities for both agencies and OEM—and can build on the EMCC's current role.

**Code refinements should address the four key emergency preparedness gaps identified in the audit recommendations:**

1. All county agencies must designate a staff lead(s) responsible for emergency preparedness activities.
2. All county agencies must be responsible for completing and updating a COOP Plan that meets completeness and quality standards and conducting emergency training and exercises on a defined schedule.
3. OEM must be responsible for ensuring that agency COOP Plans are complete, of high quality, updated, trained on, exercised, and dependencies across agencies are aligned.

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<sup>7</sup> Ordinance 18679, enacted March 15, 2018.

<sup>8</sup> "Emergency Preparedness Limited by Planning Gaps" can be found on the [King County Auditor's Office Website](#).

4. OEM must be responsible for leading county emergency preparedness, through the EMCC and/or other means.

### **PROBLEM STATEMENT 1: Agency Emergency Planning Leads**

**Code should require agencies to designate the staff responsible for coordinating emergency preparedness activities.** At the time of the 2016 OEM audit, EMCC attendance was poor; participation has improved since the formalization of its role in 2018. Federal Emergency Management Agency (FEMA) continuity of operations plans (COOP) guidance states that agencies should designate a staff person responsible for COOP Plans and preparedness efforts. During the 2022 pandemic planning audit, agencies generally had designated COOP coordinators. However, this is not a codified requirement; EMCC participation “may” include a representative from each county agency. Without a designated agency lead for emergency planning, the emergency preparedness work advanced by the EMCC—and the agency responsibilities for COOP Plans, updates, and training—may not occur.

#### **POTENTIAL APPROACH:**

- KCC 2A.310.070(B) could be changed to read “shall include, but not be limited to” at least one representative from each county agency.
- Multiple options exist to designate the emergency liaisons within each agency. These could be included as part of COOP planning requirements (below), a general direction in KCC Chapter 2.56, or other means.
- KCC 2A.310.070(E) should specify that the OEM annual report include the designated staff responsible for agency emergency planning efforts, and agency EMCC representative(s) (if not the same person), by each individual agency.

### **PROBLEM STATEMENT 2: Agency Emergency Preparedness Activities**

**Five years after our original audit of OEM, there are still no formal requirements for agencies to engage in continuity planning or to conduct training on their COOP Plans and other emergency operations on a fixed schedule.** Some jurisdictions specify these requirements in code or other guidance explicitly; others designate the responsibility for determining the standards and schedules to their emergency management function or a coordinating body (such as EMCC). FEMA continuity planning guidance indicates that these responsibilities should be specified annually, for example. Despite some positive actions in the past five years, critical gaps continue in county emergency planning—the 2022 pandemic planning audit documented multiple COOP Plans with conceptual gaps, aged COOPs, and agencies without COOPs at all. This may be because the EMCC’s current role is limited to assisting with COOP Plan development and is silent regarding agency emergency preparedness training expectations. Adding specific expectations in code would make clear that agencies are accountable for completing these bodies of work.

#### **POTENTIAL APPROACH:**

The following changes would clarify the requirements and responsibility for emergency planning for all county agencies through the existing duties of the EMCC:

- Either a new subsection of KCC 2A.310.070 or language in Chapter 2.56 should state that all county agencies shall “prepare and maintain continuity of operations plans.”

- KCC 2A.310.070(C) could specify periods for review and updating of COOPs and trainings and exercises (e.g., “continuity of operations plans shall be reviewed and updated at least every three years” ... “departments and agencies shall participate in at least one emergency operations training on their continuity of operations plan at least every other year”).<sup>9</sup>
- Alternatively, KCC 2A.310.070(C) could specify that the EMCC “shall” develop a required schedule for COOP reviews, updates, and trainings for all agencies. This approach should include a method for evaluating compliance against a published schedule or some other means.

### **PROBLEM STATEMENT 3: OEM Responsibility for Oversight of Agency Emergency Planning**

**OEM does not regularly review all COOP Plans for comprehensiveness and quality as part of its current responsibilities, allowing issues to continue without resolution. OEM also does not proactively monitor for plan updates or emergency-specific training, exercises, or dependencies across agencies.** As explained in the 2016 OEM audit, some jurisdictions specifically empower their emergency management function with authority to compel agency emergency preparedness activities; others provide the emergency management function a general mandate to oversee emergency preparedness while specifying agencies’ duties. Either approach would address direction in FEMA guidance and standards for internal control in the federal government. However, OEM presently has neither accountability structure; it has no responsibility for directing agencies to complete emergency preparedness activities, or to review agency work. Most critically, it has no responsibility to review COOP Plans for interdependencies (such as when multiple agencies expect to use the same location as an alternative site during a disaster), despite FEMA guidance. The changes below address these gaps:

#### **POTENTIAL APPROACH:**

- A new subsection of KCC 2A.310.070 should state that that the OEM director has responsibility, in consultation with EMCC, to develop requirements for agency COOP Plans, updates, and trainings, and to oversee their completion and quality.
- KCC 2A.310.070(E) should specify that the OEM annual report include summary information on the status of agency COOP Plans, updates, and trainings consistent with the schedule of activities in subsection (C).

### **PROBLEM STATEMENT 4: OEM Responsibility for Leading County Emergency Preparedness**

**OEM still does not have responsibility for leading county emergency preparedness efforts.** In the December 2020 OEM audit follow-up, we noted there appeared to be gaps in the expectations of county leaders regarding OEM’s responsibilities in code. For example, motion 15650 (July 2020) tasked OEM—working with Public Health – Seattle & King County—to update agency COOPs to address the threat of pandemics by September 1, 2021. But, as discussed at length in that follow-up, OEM does not have responsibility for agency COOP Plans or related standards—even as part of the EMCC. Under KCC 2A.310.070 (D), OEM provides the staffing, work plans, and other resources to “effectively support the work of the committee and its activities,” but it has no express duty to convene the EMCC or lead its work. As also explained in the December 2020 follow-up, OEM developed guidelines in October 2019 that specified each agency should develop a COOP Plan, but was then limited to EMCC’s collaboration in

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<sup>9</sup> As explained above, in this letter the term “agency” means all executive departments and all agencies led by elected officials in all branches of King County government; however, the code generally uses the term “departments and agencies” inclusively, so this phrasing is used specific to proposed code language (in quotes).

sharing them. And, in February 2021, the EMCC issued a COOP policy statement that each King County agency should commit to maintaining COOP Plans, signed by the OEM director—but noting “King County Code does not establish a structure for the EMCC,” with signature “on behalf of the EMCC membership.” Even considering positive results of OEM’s EMCC facilitation, its ability to drive county preparedness is limited to the effectiveness of its persuasion.

**The lack of express responsibility for county emergency preparedness limits OEM’s overall effectiveness.** In our December 2020 Facilities Management Division (FMD) safety audit, we noted significant problems in FMD emergency practices for county buildings. However, OEM had no functional role in this critical element of county emergency planning. Similarly, in our July 2021 pandemic response audit, we found that OEM’s restricted role in personal protective equipment (PPE) procurement and administration may have, in turn, limited using the expertise of procurement staff in coordinating PPE purchases across the county. And in the December 2020 OEM audit follow-up, we observed that OEM’s access to senior executive leadership was informal, despite best practice. These limitations on OEM’s authority are discussed at length in the 2016 OEM audit and are broader than the focus on county code in this letter. However, key elements of these concerns directly relate to code: clarifying OEM’s responsibilities for coordinating emergency planning with county agency leaders and in leading the EMCC.

**POTENTIAL APPROACH:**

Responsibility for emergency preparedness and access to leadership:

- KCC 2.56.030 could specify that OEM, among its other duties, is responsible for supervision and coordination of county emergency preparedness, including agency emergency preparedness, and that the OEM director shall work with the “director of each executive department and designated official of each county agency” as part of these duties.

EMCC leadership:

- KCC 2A.310.070(B) should specify that the EMCC is chaired by the OEM director or their designee and shall meet as determined by the director (see, e.g., SMC 10.02.060).

**Incorporating the changes to county code proposed above will increase the resiliency of county agencies, and the county organization as a whole, to future disasters.** Quality continuity of operations planning and organized training advance emergency preparedness. The 2022 pandemic planning audit revealed significant issues in COOP Plans among county agencies because there are limited standards for emergency planning and preparedness efforts, and no responsibility for their quality—either with agencies or with OEM. In addition, the 2016 emergency management audit found that OEM lacks the ability to advance emergency preparedness because it does not have responsibility for it. The proposed changes to county code above address the need for clearer expectations of both OEM and county agencies and provide greater transparency regarding the status of internal emergency preparedness efforts in OEM’s annual reporting. These changes will also address the issues underlying the three recommendations from both audits.



## Appendix

The following are recommendations including language suggesting changes to county code to address gaps in emergency planning from the 2016 emergency management audit and the 2022 pandemic planning audit. Note that recommendation 1 of the 2022 pandemic planning audit in exhibit A reiterates incomplete elements from recommendations 2 and 5 of the 2016 emergency audit in exhibit B.

### Exhibit A: 2022 Pandemic Planning Audit Recommendation.

#### Recommendation 1

**The County Executive should develop and propose revisions to King County Code to the County Council, including:**

- a. defining a structure that provides the Office of Emergency Management with the responsibility to effectively drive the County's emergency preparedness and response activities**
- b. requiring the development of complete continuity of operations plans for all agencies**
- c. developing a schedule for all agencies to regularly review, update, and conduct training and exercises for continuity plans.**

### Exhibit B: 2016 Office of Emergency Management Audit Recommendations.

#### Recommendation 2

The County Executive should develop and propose to the County Council specific emergency preparedness-related requirements for King County Code and/or Executive Orders for all county departments and separately-elected offices, related to:

- a. development of continuity of operations plans
- b. annual plan reviews, exercises, and updates
- c. designation of a departmental emergency management liaison (with emergency management as an express function in its job description) as the employee responsible for leading compliance with continuity of operations plan requirements and coordination between the department and the Office of Emergency Management and other county functions.

#### Recommendation 5

The County Executive should develop, document, and implement a plan to provide the Office of Emergency Management (OEM) with the visibility, leadership, and relationships necessary to effectively and efficiently drive the county's emergency preparedness and response activities. The plan should include implementation timeframes and consideration of making OEM an executive-level department or incorporating it into the Office of the Executive if other strategies do not achieve the desired outcomes.