



OFFICE OF COUNTY COUNSEL

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December 3, 2015

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Board of County Commissioner
Clackamas County

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Members of the Board:

Second Reading of Ordinance No. 08-2015 Amending Chapter 6.03,
Emergency Management, of the Clackamas County Code

Purpose/Outcomes	Amend County Code - Chapter 6.03 Emergency Management
Dollar Amount and Fiscal Impact	No fiscal impact
Funding Source	Not applicable
Safety Impact	The amendments are recommended to further the safe and efficient use of county resources and operations.
Duration	Indefinite; ordinances are effective ninety days after second reading.
Previous Board Action	The Board met in an October 20, 2015 policy session on this matter and decided to proceed to a public hearing and a first reading of the proposed ordinance. The first reading took place on November 12, 2015.
Contact Person	Stephen L. Madkour, County Counsel

BACKGROUND:

County Counsel is responsible for maintaining and updating the County Code. A Code Update Committee meets monthly to prioritize code amendments and draft new code provisions. The current code amendments concern revisions to County Code Chapter 6.03.

Chapter 6.03 - The amendments to Chapter 6.03 serve to clarify and update the emergency management regulations. County Counsel has worked with the Department of Emergency Management regarding three areas to be updated in Chapter 6.03 of the County Code. The first

deals with Board functions. The current provisions are premised on a three member board, so the update adds clarity on order of authority succession and the timing and effect of orders without a quorum. The second area of the update includes some best practices language to better address the contribution of private resources to recovery efforts in 6.03.070. Finally, the proposed amendments provide technical updates to the statutory references and clarify the process.

The code updates are intended to clarify and refine those sections of the County Code that require revisions. The amendments to Chapter 6.03 update the Code to make it consistent with the five-member board.

These amendments are proposed by the Code Update Committee, which is comprised of a cross section of county staff and a commissioner representative.

RECOMMENDATION:

Staff recommends the Board of County Commissioners read the proposed ordinance by title only and proceed to adoption.

Respectfully submitted,

Stephen L. Madkour
County Counsel

ORDINANCE NO. 08-2015

**An Ordinance Amending Chapter 6.03, Emergency Regulations, of the
Clackamas County Code**

WHEREAS, the Board finds it beneficial to update and clarify the Emergency Regulations of the County; and

WHEREAS, the Board finds that the order of succession for the Emergency Regulations Board needs clarification; and

WHEREAS, the Board finds it necessary to update language regarding the contribution of private resources to recovery efforts; now, therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 6.03 of the Clackamas County Code is hereby amended as shown in Exhibit A attached hereto.

ADOPTED this 3rd day of December, 2015.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

[Codified by Ord. 05-2000, 7/13/00]

Chapter 6.03

6.03 EMERGENCY REGULATIONS

6.03.010 Purpose

The purpose of this chapter is to provide a procedure to minimize injury to persons, the environment, and property. In addition, to preserve the established civil authority in the event a state of emergency exists within the unincorporated areas of Clackamas County or within the incorporated areas of Clackamas County, if assistance is requested by such incorporated jurisdiction.

[Codified by Ord. 05-2000, 7/13/00]

6.03.020 Definition Of Emergency

For the purposes of this ordinance, emergency is defined as any man-made or natural event or circumstance causing or threatening loss of life; injury to persons, the environment, or property; human suffering; or financial loss to the extent that extraordinary measures must be taken to protect the public health, safety, and welfare. Such event shall include, but not be limited to; fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills of oil or other hazardous substances, disease, blight, infestation, utility or transportation service disruptions, civil disturbance, riot, sabotage, terrorism, war or any other such emergency as defined under Oregon Revised Statute, Chapter 401, as may be amended from time to time.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 04-2006, 6-29-06]

6.03.030 Authority Of County

Under the provisions of ORS Chapter 401 and any successor statutes, the authority, and responsibility for responding to emergencies is placed at the local government level. ORS Chapter 401 further mandates that the County shall establish an emergency management agency to perform emergency program management functions ~~to including~~, but not limited to; program development, fiscal management, coordination with non-governmental agencies and organizations, public information, personnel training, and development and implementation of exercises to test the system.

[Codified by Ord. 05-2000, 7/13/00]

6.03.040 Declaration Of Emergency

When, in the judgment of the Board of County Commissioners, a state of emergency exists, it shall declare in writing and publicize the existence of it. At the earliest practical opportunity, a written declaration of emergency shall be adopted by the Board and made a part of the County's official records. If circumstances prohibit the timely action of the Board of County

Commissioners, the Chair of the Board may declare a state of emergency, provided that the approval of a majority of the Board of County Commissioners is sought and obtained at the first available opportunity. Upon that declaration of emergency, the Chair of the Board is empowered to assume centralized control of, and have authority over, all departments, divisions, and offices of Clackamas County in order to implement the provisions of this chapter. The state of emergency declared pursuant to this section shall specify the factors ~~that~~^{which} warrant the exercise of emergency controls.

[Codified by Ord. 05-2000, 7/13/00]

6.03.050 Succession Of Authority

In the event that the Chair of the Board of County Commissioners is unavailable or unable to perform his or her duties under the ordinance, the duties shall be performed by:

- A. The Vice-Chair of the Board of County Commissioners;
- B. ~~If the Vice-Chair is unable to perform the required duties, then t~~
- B. ~~The remaining members of the Board of County Commissioners in order of seniority;~~
- C. ~~If the remaining members of the Board are unable to perform the required duties, then~~
- C. ~~The Clackamas County Administrator or designee.~~

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 04-2006, 6-29-06]

6.03.060 Regulation And Control

Whenever a state of emergency has been declared to exist within unincorporated Clackamas County, or on the request of a municipality's governing body, the Board of County Commissioners is empowered to order and enforce the measures listed herein below. However, if circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may order emergency measures, provided that approval from a majority of the Board of County Commissioners is sought and obtained at the first available opportunity, or else the Chair's order will become invalid after if such approval is not granted. Such emergency measures shall include, but not be limited to:

- A. Establish a curfew for the area designated as an emergency area, which fixes the hours during which all persons other than officially authorized personnel may be upon the public streets or other public places;
- B. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place within the area designated as an emergency area;
- C. Barricade streets and roads, as well as access points onto streets and roads, ~~and p.~~ ~~In addition,~~ prohibit vehicular or pedestrian traffic, or restrict or regulate the same in any reasonable manner in the area designated as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances;
- D. Evacuate persons from the area designated as an emergency area;
- E. Close taverns or bars and prohibit the sale of alcoholic beverage throughout Clackamas County or a portion thereof;
- F. Commit to mutual aid agreements;
- G. Suspend standard competitive bidding procedures to obtain necessary goods, services and/or equipment, utilizing the procedures in the Clackamas County Local Control

Contract Review Board rules, Appendix "B", Section B110.030, et seq.;

- H. Redirect funds for emergency use; and
- I. Order such other measures as are found to be immediately necessary for the protection of life and/or property.

[Codified by Ord. 05-2000, 7/13/00]

6.03.070 Acquisition Of Resources

Under this section, the Board of County Commissioners is authorized to extend government authority to non-governmental resources (i.e.: personnel, equipment) that which may support regular government forces during an emergency and may enter into agreements with other public and private agencies for either use of governmental resources in aid of authorized private agency efforts related to the emergency or for private resources to aid governmental efforts. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to immediate notice of the requisition by the Board County under its authority hereunder and to receive reasonable compensation within a reasonable time period.

Under the provisions of ORS Chapter 401, State resources are available when the appropriate response to an emergency is beyond the capability of the county in which it occurs.

[Codified by Ord. 05-2000, 7/13/00]

6.03.080 Penalty

- A. Any person, firm, corporation, association or entity who violates any emergency measure taken by the Board of County Commissioners under authority of this chapter shall be subject, upon conviction, to a fine in an amount set by resolution of the Board of County Commissioners.
- B. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty up to the maximum allowed by law.
- C. Where the Oregon Revised Statutes provide for a penalty for anthe act, commission, or omission, the penalty prescribed herein shall be no greater than the penalty prescribed by said Oregon Revised Statutes.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03]

6.03.090 Responsibility For Emergency Management

For purposes of this Ordinance, in accordance with ORS Chapter 401 or any successor statutes, the Emergency Management Agency for Clackamas County shall be the Clackamas County Department of Emergency Management. The Clackamas County Administrator is hereby designated as the Emergency Program Manager. Day-to-day management of the emergency program may be delegated to the Emergency Management Director. The National Incident Management System (NIMS) shall be used as the foundation for incident command, coordination and support activities.