



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 08/02/10)

Board Clerk Use Only

Meeting Date: 4/28/11
Agenda Item #: R.2
Est. Start Time: 9:35 am
Date Submitted: 4/11/11

Agenda Title: PUBLIC HEARING & 2ND READING of an ORDINANCE Delegating to the Chair the Authority to Seek an Emergency Proclamation from the Governor and to Order an Emergency Evacuation; Clarifying that Local Resources Do Not Need to Be Exhausted Before an Emergency Can Be Declared

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: April 21, 2011 **Amount of Time Needed:** 5 minutes
Department: Non-departmental **Division:** County Attorney
Contact(s): Patrick Henry
Phone: 503-988-3138 **Ext.** X 29545 **I/O Address:** 503/5
Presenter Name(s) & Title(s): Dave Houghton and Patrick Henry

General Information

1. What action are you requesting from the Board?

Adoption of an Ordinance that revises MCC Chapter 25.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

- a. State law provides that the “county governing body” has the authority to request that the Governor declare an emergency when local resources are not adequate to deal with an emergency. ORS 401.165(1). The Multnomah County Code needs to be updated to clarify that the Board intends to delegate this authority to the Chair.
- b. The County Code currently provides that the document declaring an emergency must include, among other things, a certification that “all local resources have been expended.” However, under State law that condition does not need to exist before an emergency is declared by the County. Therefore, the paragraph requiring the certification should be removed from the Code.

**Agenda Placement Request
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- c. State law provides that the “county governing body” may authorize an agency or official to order mandatory evacuations of residents and other individuals when doing so is necessary for public safety or necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency. The Multnomah County Code needs to be updated to clarify that the Board has delegated the authority to order mandatory evacuations to the Chair or the Chair’s successor.

3. Explain the fiscal impact (current year and ongoing).

none

4. Explain any legal and/or policy issues involved.

See paragraph 2 above.

5. Explain any citizen and/or other government participation that has or will take place.

none

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 4.11.11