

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. \_\_\_\_\_**

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

(Language ~~stricken~~ is deleted; double underlined language is new.)

**The Multnomah County Board of Commissioners Finds:**

- a. ORS 401.309 gives the County’s “governing body” the authority to declare an emergency and to take appropriate steps to plan for and respond to an emergency.
- b. The Chair or the Chair’s successor is authorized under MCC § 25.440(A)(1) to declare an emergency and to take appropriate steps to respond to the emergency. The Board has retained the authority under MCC § 25.450(B) to revise, extend, or terminate any emergency declaration by the Chair.
- c. If local resources are not adequate to respond to the emergency, ORS 401.165(1) provides that the County’s governing body may seek an emergency proclamation by the Governor. As in other areas relating to the response to an emergency, the Chair needs to be able to request the State’s assistance without delaying until the whole Board can meet.
- d. MCC Chapter 25 needs to be updated to clarify that the Board has delegated the authority to seek the State’s assistance to the Chair or the Chair’s successor.
- e. ORS 401.309(4) provides that the 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 an emergency.
- f. MCC Chapter 25 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.
- g. The County Code currently provides that the Chair’s emergency declaration must include, among other things, a certification that “all local resources have been expended.” However, that condition does not need to exist if the County is not seeking the State’s assistance to respond to the emergency.
- h. MCC Chapter 25 needs to be updated to clarify that there may be instances in which the Chair will need to declare an emergency even if there are adequate resources at the County to deal with the emergency.

**Multnomah County Ordains as follows:**

**Section 1.** MCC Chapter 25 is amended to add new subsections delegating to the Chair the Board's authority to request an emergency proclamation from the governor and delegating to the Chair the Board's authority to order evacuations during an emergency as follows:

**25.440 Succession; Authority.**

(A)(2) Seek an emergency proclamation from the Governor when local resources are not adequate to deal with a state of emergency.

(A)(3) Order mandatory evacuations of residents and other individuals when doing so is necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency.

**Section 2.** MCC Chapter 25 is amended to delete the following section:

**25.450 Declaration of Emergency.**

(A)(3) ~~Certify all local resources have been expended.~~

FIRST READING: \_\_\_\_\_

SECOND READING AND ADOPTION: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

REVIEWED:  
HENRY H. LAZENBY, JR., COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Patrick W. Henry, Assistant County Attorney

SUBMITTED BY:  
Patrick W. Henry, Assistant County Attorney