

CHAPTER 25: NON-DEPARTMENTAL

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DIVERSITY AND EQUITY

(Ord. 1166, Add, 07/08/2010)

§ 25.110 OFFICE ESTABLISHED.

An office of Diversity and Equity (Office) is established. The Director of the Office is the Diversity and Equity Manager. The Director of the Office reports directly to the Chair.

(Ord. 1166, Add, 07/08/2010)

§ 25.120 DUTIES.

The Director will:

(A) Coordinate programs to enhance Diversity, Affirmative Action, Cultural Competency and Business Opportunities for Minorities, Women and Emerging Small Businesses;

(B) Provide overall strategic direction to the Office of Diversity and Equity;

(C) Manage contractors and other diversity and equity staff, budget and compliance;

(D) Provide regular updates to the Board.

(Ord. 1178, Amended, 04/14/2011; Ord. 1166, Add, 07/08/2010)

SUSTAINABILITY

(Ord. 1166, Add, 07/08/2010)

§ 25.210 OFFICE ESTABLISHED.

An office of Sustainability (Office) is established. The Director of the Office is the Sustainability Manager. The Director of the Office reports directly to the Chair.

(Ord. 1166, Add, 07/08/2010)

§ 25.220 DUTIES.

The Director will:

(A) Plan, implement and coordinate the county's environmental sustainability program;

(B) Provide overall strategic direction to the Office of Sustainability;

(C) Manage contractors and other sustainability staff, budget and compliance;

(D) Provide regular updates to the Board;

(Ord. 1166, Add, 07/08/2010)

COUNTY ATTORNEY

(Ord. 1166, Renum7.200*, 07/08/2010)

§ 25.310 OFFICE ESTABLISHED.

An office of County Attorney is established. The County Attorney is the Chief Legal Officer of the county and shall be the Office Director. The County Attorney shall be appointed by the Chair subject to consent of a majority of the entire Board. The County Attorney may be removed from office by the Chair after first consulting with each other member of the Board concerning the decision.

(Ord. 1166, Renum7.200-, 07/08/2010; Ord. 943, Amended, 02/24/2000; '90 Code, § 2.30.550, 07/01/1998; Ord. 884, passed, 09/04/1997)

§ 25.320 DUTIES.

The County Attorney shall:

(A) Provide legal advice and counsel to the Board and its various advisory boards, commissions and committees;

(B) Provide legal advice and counsel to the Chair and all county departments and offices;

(C) Provide legal advice and counsel to the Sheriff and Auditor;

(D) Prepare ordinances and other legal documents when requested by a member of the Board, Chair, Sheriff, Auditor or department director;

(E) Review and approve as to form all written contracts, ordinances, resolutions, Board orders, Chair executive rules, bonds and other legal documents;

(F) Control and supervise all civil actions and legal proceedings in which the county is a party or has a legal interest;

(G) Represent and defend the county and its elected officials, boards, commissions, committees, department directors and employees and other persons entitled to representation under the state Tort Claims Act in all appropriate legal matters, unless the county has an insurance policy or indemnification agreement which provides such representation and defense;

(H) Initiate, defend, appear or appeal any legal action, matter or proceeding in any court or tribunal when requested by the Board or as delegated by Board resolution, except that the Sheriff shall have authority over legal actions regarding operations of the Sheriff's Office;

(I) Submit formal annual report to the Board concerning the status of all legal actions in which the county is a party, and at the request of any elected official report on the status of any legal matter;

(J) Prepare formal written opinions deemed necessary by the County Attorney regarding significant interpretations of federal and state law, the Charter and ordinances and other documents. Formal opinions may be requested by any county elected official or department director. Formal opinions shall be official guidance to the county unless superseded by court or administrative decisions, or subsequent legislation or administrative rules;

(K) Maintain custody of records including the office pleadings and other documents of all legal actions, and all County Attorney formal written opinions;

(L) Codify county ordinances as provided by Chapter 1 of this code of ordinances; and

(M)Employ outside legal counsel on behalf of the county when the County Attorney deems it necessary or appropriate to do so. A majority of the entire Board may also employ outside legal counsel for a specific county matter, and a majority of the entire Board may authorize a Board member, Sheriff, District Attorney or Auditor to retain outside legal counsel to advise the elected county official on a specific county matter. The Board shall specify the amount of the elected official's budget that may be appropriated for this purpose. With these exceptions no county elected official, board, commission, committee, department director or employee shall employ or be represented by counsel other than the County Attorney.

(Ord. 1166, Renum7.201, 07/08/2010; Ord. 1090, Amended, 03/01/2007; Ord. 1024, Amended, 12/18/2003, eff. 1/18/2004; Ord. 943, Amended, 02/24/2000; Ord. 917, passed, 07/30/1998; ' 90 Code, § 2.30.550, 07/01/1998; Ord. 884, passed, 09/04/1997)

§ 25.330 RELATIONSHIP TO COUNTY.

The county and the office of County Attorney shall have an attorney-client relationship and the county is entitled to all benefits thereof. For purposes of the attorney-client relationship, the county is a single entity and its elected and appointed officials collectively and individually perform duties and exercise county legal authority.

(Ord. 1166, Renum7.202, 07/08/2010; Ord. 943, Amended, 02/24/2000; ' 90 Code, § 2.30.550, 07/01/1998; Ord. 884, passed, 09/04/1997)

EMERGENCY MANAGEMENT

(Ord. 1166, Renum7.500*, 07/08/2010; Ord. 1138, Renum27.300*, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.900*, 05/26/2005, eff. 7/1/2005)

§ 25.410 DEFINITIONS.

For purposes of this subchapter the following definitions apply:

EMERGENCY. As defined by ORS 401.025 (5).

ABSENCE. When the county official cannot be reached by available communications methods in time to respond appropriately to an emergency.

(Ord. 1166, Renum7.501, 07/08/2010; Ord. 1138, Renum27.301, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.901, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

§ 25.420 OFFICE OF EMERGENCY MANAGEMENT.

There is an Office of Emergency Management (Office). The Office maintains an emergency services coordination system by planning, preparing and providing for the mitigation, response and recovery coordination for emergencies and disasters in the County. The Director of the Office reports directly to the Chair. The Office will simultaneously notify the Chair and the Sheriff of all emergency response coordination center activations.

The Director will:

(A) Establish and identify personnel and material needs and to process, as eligible, requests for federal or state funding;

(B) Represent the county with other agencies regarding funding and performance matters;

(C) Represent jurisdictions within the county without emergency management programs;

(D) Develop and maintain emergency operations plans for jurisdictions within the county without emergency management programs;

(E) Adopt operational procedures and practices to prepare county to respond to and recover from major emergencies or disasters;

(F) Guide each county department in development, implementation, review and maintenance of emergency response plans for each critical facility, and department continuity of operations plans for Chair approval;

(G) Provide or arrange for training necessary to support these plans;

(H) Develop and conduct practice exercises to give county officers and employees practice in directing, coordinating and supporting operations under emergency conditions;

(I) Negotiate intergovernmental agreements for Board approval that further planning and preparedness to meet projected emergencies;

(J) Coordinate and apply for state and federal funds to achieve and maintain an effective program;

(K) Advise county officers and incident commanders during an emergency and in the development of a declaration of an emergency;

(L) Serve as contact for damage reports during and immediately following emergencies;

(M) Maintain a plan for the collection, evaluation, and dissemination of emergency incident status information, and for recommending to the Chair whether potential or actual damage justifies a declaration of emergency;

(N) Administer the county emergency management program.

(O) Create and train Incident Management Teams that will be responsible for:

(a) Incident management and coordination in an Emergency Coordination Center (ECC) environment within the scope of the emergency operations plan approved by the Board;

(b) Participating in Incident Command System (ICS) training;

(c) Participating in county emergency operations plan (EOP) exercises and event-driven ECC activations.

(P) Designate and train individuals to perform the ICS functions including incident commander, operations, planning, logistics, finance, public information, safety, liaison and legal counsel as well as other positions that may be needed in a large scale event.

(Ord. 1166, Renum7.502, 07/08/2010; Ord. 1138, Renum&Amd27.302, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.902&Amd, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

§ 25.430 INCIDENT COMMAND SYSTEM.

The Board adopts the National Incident Management System (NIMS) and the Incident Command System (ICS). These are the preferred incident management tools and will be integrated into all county emergency response and operations plans.

(Ord. 1166, Renum7.503, 07/08/2010; Ord. 1138, Renum&Amd27.303, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.903&Amd, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

§ 25.440 SUCCESSION; AUTHORITY.

(A) The Chair or in the Chair's absence or inability to perform the functions of the office, the most senior member of the Board, or in the senior Board member's absence or inability, the Sheriff, or

in the Sheriff's absence or inability, the Chair's designated interim, or in the Chair's designated interim's absence or inability, the Sheriff's designated interim, has authority to:

(1) Declare a state of emergency as defined by state law when conditions exist requiring such declaration;

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

(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;

(4) Designate an area within the county or over which the county may exercise police jurisdiction, an emergency area;

(5) Fix the limit of the area in the case of any disaster, catastrophe or civil disorder that warrants the exercise of emergency control in the public interest;

(6) Fix the time during which the area designated will remain an emergency area;

(7) Publicly announce or proclaim a curfew for the area that fixes the hours during which all persons other than authorized official personnel are prohibited from being on the streets, in parks or other public places without authorization of the Sheriff.

(8) Implement authority assigned by the emergency operations plan;

(9) Commit county resources for emergency response, restoration or recovery;

(10) Redirect county funds for emergency use and suspend standard county procurement procedures;

(11) Suspend any county code, resolution, executive rule, administrative rule, guideline or practice if compliance with such provision would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(12) Direct county officers and employees to perform or facilitate emergency services;

(13) Act on appropriate requests for compensation, commandeer or utilize any private property if deemed necessary to cope with the emergency;

(14) Prescribe routes, modes of transportation, and destinations in connection with evacuation within the county;

(15) Order any other action necessary to address and alleviate the emergency.

(B) The powers of the Chair's successor are limited to those granted by this subchapter and the duration of succession is only until the Chair is able and available to perform the duties or until the emergency is abated.

(Ord. 1181, Amended, 04/28/2011; Ord. 1166, Renum7.505, 07/08/2010; Ord. 1138, Renum.27.305, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.905, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

§ 25.450 DECLARATION OF EMERGENCY.

(A) When the county determines that a state of emergency exists, the document declaring a county emergency must:

- (1) State the nature of the emergency;
- (2) Designate the geographic boundaries of the impacted area;
- (3) Provide a preliminary or initial damage assessment including property loss, injuries and deaths;

(4) State the known emergency equipment and supplies, needed to accomplish emergency tasks;

(5) State the duration that the area will remain an emergency area.

(B) The emergency declaration will continue until the Chair finds that emergency conditions no longer exist. The state of emergency may be terminated at any time, but may not last for more than 30 days. A declaration of emergency may be extended or terminated by the Board.

(Ord. 1181, Amended, 04/28/2011; Ord. 1166, Renum7.506, 07/08/2010; Ord. 1138, Renum.27.306, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.906, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

§ 25.460 REGULATION OF PERSONS AND PROPERTY.

When an emergency is declared, for its duration the Chair has authority to impose one or more of the following measures within the emergency area:

(A) Prohibit or limit the number of persons who may congregate in public places;

(B) Suspend the sale of alcoholic beverages;

(C) Suspend or restrict the sale of gasoline or other flammable or combustible liquids;

(D) Suspend or limit the sale, dispensing, or transportation of any firearm or explosives on roads, streets, public places, or any outdoor place;

(E) Curtail or suspend commercial activity;

(F) Shut down water, gas or electric utilities;

(G) Order measures necessary to protect life or property, or facilitate recovery from the emergency.

(Ord. 1166, Renum7.507, 07/08/2010; Ord. 1138, Renum.27.307, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.907, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

§ 25.470 PRICE GOUGING PROHIBITED.

During a disaster declared by the Governor or an emergency declared by the Chair, the value received for goods and services sold within the designated disaster area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at, or immediately before, the time of the emergency. However, the value received may include reasonable expenses and a charge for any attendant business risk, in addition to the cost of the goods and services that necessarily are incurred in procuring the goods and services during the emergency. Each sale or offer for sale violating this provision constitutes a separate offense,

(Ord. 1166, Renum7.508, 07/08/2010; Ord. 1138, Renum.27.308, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.908, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

§ 25.480 VIOLATION OF CURFEW OR EMERGENCY REGULATION.

(A) It is unlawful for any person to violate any curfew established under MCC 25.440 or to violate any measure taken under authority of this subchapter. The provisions of this section do not apply to official personnel authorized to be on the streets or other public places during the period of time for which a curfew has been established or other measures taken.

(B) Any person convicted of violating any provision of this subchapter for which no other specific penalty is provided shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than six months, or both.

(Ord. 1166, Renum7.509, 07/08/2010; Ord. 1138, Renum.27.309, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.909, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

§ 25.490 EMERGENCY SERVICE WORKERS - VOLUNTEERS.

The Office will maintain a record of enrollment of emergency service workers. Each record will contain the name and address of the worker, the name of the employer of the worker, date of enrollment and authorized classification of assignment to duty, including the times of assigned duty, and changes in enrollment.

(Ord. 1166, Renum7.510, 07/08/2010; Ord. 1138, Renum.27.310, 06/18/2009, eff. 7/1/2009; Ord. 1061, Renum7.910, 05/26/2005, eff. 7/1/2005; Ord. 1000, Add, 11/14/2002)

COMMUNICATIONS

(Ord. 1178, Add, 04/14/2011)

§ 25.560- OFFICE ESTABLISHED.

A Multnomah County Communications Office (Office) is established. The Director of the Office is the Communications Manager. The Director of the Office reports directly to the Chair.

(Ord. 1178, Add, 04/14/2011)

§ 25.570 DUTIES.

The Director will:

(A) Plan, implement and coordinate county communications with the public and media;

(B) Provide overall strategic direction to the Communications Office;

(C) Manage contractors and other communications staff, budget and compliance;

(D) Provide regular updates to the Board.
(Ord. 1178, Add, 04/14/2011)

GOVERNMENT RELATIONS

(Ord. 1166, Renum7.560*, 07/08/2010; Ord. 1155, Add, 03/04/2010)

§ 25.610 OFFICE ESTABLISHED.

An office of Government Relations (Office) is established. The Director of the Office is the Government Relations Manager. The Director is appointed by the Chair subject to consent of a majority of the entire Board and reports directly to the Chair.

(Ord. 1166, Renum7.560-, 07/08/2010; Ord. 1155, Add, 03/04/2010)

§ 25.620 DUTIES.

The Director will:

(A) Manage federal and state legislative agenda set by the Board and provide overall strategic direction to the Office of Government Relations;

(B) Serve as the lead state lobbyist for the county;

(C) Manage contractors and other government relations staff, budget and compliance;

(D) Represent the county with coalitions and stakeholder meetings;

(E) Lead government relations meetings;

(F) Provide regular updates to the Board and staff;

(G) Submit a formal annual report to the Board concerning the status of all legislation concerning the county.

(Ord. 1166, Renum7.561, 07/08/2010; Ord. 1155, Add, 03/04/2010)

