

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1000

Amending MCC Chapter 7 to Add a Subchapter Relating to Emergency Management

The Multnomah County Board of Commissioners Finds:

- a. State law requires counties to establish emergency management programs responsible to county governing bodies or executive officers.
- b. Counties must appoint an emergency program manager. The manager is responsible for the organization, administration and operation of the program.
- c. The emergency management program manages functions within county territory and may perform functions outside the county by intergovernmental agreement.
- d. The Chair established the office of emergency management by Executive Order No. 194 effective January 1, 1988.
- e. The Board now wishes to adopt an Emergency Management Ordinance.

Multnomah County Ordains as follows:

Section 1. MCC Chapter 7, Administration, is amended to add the following subchapter:

§7.900* *EMERGENCY MANAGEMENT*

§ 7.901 *Definitions.*

For purposes of this subchapter the following definitions apply:

EMERGENCY. As defined by ORS 401.025.

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

§ 7.902 Office of Emergency Management.

There is an Office of Emergency Management (Office) within the Department of Business and Community Services (Department). The Office maintains an emergency services system by planning, preparing and providing for the prevention, mitigation and management of emergencies or disasters in the County. The Director of the Office reports to the Director of the Department but has direct access to the Chair in emergencies. The Office will simultaneously notify the Chair, the Sheriff and the Department Director of all emergencies.

The Office 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 the Federal Emergency Management Agency in 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 safety action plans for each critical facility, and department business continuation plans for Chair approval;

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

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

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

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

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

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

(N) 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;

(O) Administer the county emergency management program.

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

(a) Incident management and coordination in an EOC 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.

(Q) Designate and train individuals to perform the ICS functions of incident commander, operations, planning, logistics, finance, public information, safety, liaison and legal counsel.

§ 7.903 Incident Command System.

The Board adopts the Incident Command System (ICS) component of the National Interagency Incident Management System (NIIMS) as the preferred incident management tool, and it will be integrated into all county emergency response and operations plans.

§ 7.904 Emergency Management Advisory Council (EMAC).

(A) The county establishes an Emergency Management Advisory Council chaired by the Director of the Office. The council will develop, review, evaluate and recommend projects and programs for the emergency management program including:

(1) Emergency management program goal setting;

(2) Development, review and maintenance of an all-hazard emergency operations plan;

(3) Establishing 'Incident Management Teams' (IMT);

(4) Incident command system training;

(5) Coordinating local and regional exercises to validate the emergency operations plan.

(B) The EMAC will have a representative from each county elected official and department. Each city in the county, each fire department in the county, the Port of Portland, each public utility in the county, the state Fire Marshall, each school district in the county, and the Willamette Chapter of the American Red Cross may have a representative on the EMAC. The Office Director will also appoint one public, one business and one media representative.

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

(3) 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;

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

(5) 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.

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

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

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

(9) 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;

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

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

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

(13) 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.

§ 7.906 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) Certify all local resources have been expended

(4) Provide a preliminary or initial damage assessment including property loss, injuries and deaths;

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

(6) 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.

§ 7.907 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;
- (H) Order measures necessary to protect life or property, or facilitate recovery from the emergency.

§ 7.908 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,

§ 7.909 Violation of Curfew or Emergency Regulation.

(A) It is unlawful for any person to violate any curfew established under § 7.905 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.

§ 7.910 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.

Section 2. MCC Chapter 15 is amended by deleting §§ 15.325 and 15.327 and amending §§ 15.326 and 15.328 as follows:

§ 15.325* EMERGENCY AREA REGULATIONS

§ 15.326 Powers Of Sheriff.

(A) Whenever any area has been designated as an emergency area under § 7.905, within the boundaries of the area the Sheriff shall have authority to:

- (1) Regulate or prohibit ingress and egress to and from the area;
- (2) Limit or prohibit the movement of any persons within the area;
- (3) Move any property within the area;

(4) Evacuate any persons from the area whenever and to the extent that the Sheriff finds human lives or property are endangered; and

(5) Enter into or upon private property, or direct entry to prevent or minimize danger to lives or property.

(B) The Sheriff has authority to barricade streets and to prohibit or regulate travel upon any street, avenue or highway leading to an area designated as an emergency area for such distance as the Sheriff considers necessary under the circumstances.

§ 15.328 Access Prior To Declaration As Emergency Area; Findings.

The Board finds that certain emergencies may require the responding peace officers to immediately restrict public access to the areas affected, before the area has been designated as an emergency area under § 7.905. Peace officers that respond to such emergencies have authority to restrict access to the area affected to protect the health, welfare and safety of the people of the county. Sections 15.328 through 15.330 must be liberally construed to effectuate the purposes expressed herein.

FIRST READING:

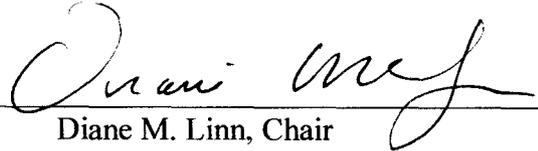
November 7, 2002

SECOND READING AND ADOPTION:

November 14, 2002



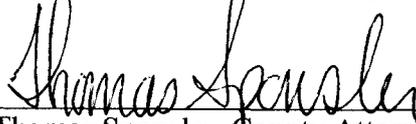
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
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By 

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