



**Richard Swift**  
*Director*

August 13, 2020

Board of Commissioners  
Clackamas County

Members of the Board:

Approval of a Resolution declaring a state of emergency and emergency measures to address housing crisis.

<b>Purpose/Outcomes</b>	Reaffirms declaration of state of emergency and emergency measures to address the housing crisis, empowering the County in particular to: <ul style="list-style-type: none"> <li>• Suspend standard competitive bidding procedures to obtain necessary goods, services and/or equipment, utilizing the procedures in the Clackamas County Local Contract Review Board rules</li> <li>• Redirect funds for emergency use</li> <li>• Order such other measures as are found to be immediately necessary for the protection of life and/or property</li> <li>• Authorize County staff to explore the acquisition, temporarily or permanently, by purchase, lease, or otherwise, sites suitable for shelter, temporary housing, or installation of temporary housing units for the homeless population, and to enter into arrangements necessary to prepare or equip such sites to support and utilize those housing units</li> <li>• Waive Clackamas County Code regulations, administrative rules, and fees to the extent necessary and possible to respond to the housing emergency</li> </ul>
<b>Dollar Amount and Fiscal Impact</b>	\$0
<b>Funding Source</b>	N/A
<b>Duration</b>	August 1, 2020 – August 1, 2021
<b>Previous Board Action</b>	Declaration of State of Emergency, 11/8/2017 (Board Order No. 2017-120), renewed in Resolution no. 2019-80, expiring August 1, 2020.
<b>Strategic Plan Alignment</b>	<ul style="list-style-type: none"> <li>• Improve community safety and health</li> <li>• Ensure safe, healthy and secure communities</li> </ul>
<b>County Counsel Review</b>	<ul style="list-style-type: none"> <li>• 7/29/20 by KR</li> </ul>
<b>Procurement Review</b>	<ul style="list-style-type: none"> <li>• Was the item processed through Procurement? No This item is a legal declaration.</li> </ul>
<b>Contact Person</b>	Richard Swift (503) 849-2882
<b>Contract No.</b>	N/A

*Healthy Families. Strong Communities.*

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**BACKGROUND:**

On August 1<sup>st</sup>, 2019, the Board of County Commissioners renewed a declaration of a local state of emergency, declaring emergency measures to address the housing crisis (Resolution 2019-80). In that resolution, the Board recognized that “the increasing numbers of county residents, including families and children that are considered homeless, the need for safe, warm, and habitable shelter for the homeless population, and the recognized lack of adequate temporary or emergency shelters for the county’s homeless population, does indeed constitute an emergency.” This renewed a similar declaration first made by the Board in November of 2017, which allowed H3S to rapidly expand severe weather capacity during that winter, and subsequently renewed again in July of 2018. The conditions that caused the Board of County Commissioners to declare this emergency have not improved: the numbers of people experiencing homelessness continue to increase, and the COVID19 pandemic is expected to lead both to an increase in housing insecurity and homelessness and to a set of challenges to providing adequate shelter that is safe for houseless people with respect to virus transmission.

The Emergency Declaration is effective August 1, 2020 and terminates August 1, 2021. It has been approved by County Counsel.

**RECOMMENDATION:**

Staff recommends the Board approve this Resolution.

Respectfully submitted,



Richard Swift, H3S Deputy / For

Richard Swift, Director  
Health, Housing & Human Services

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Declaring a Local  
State of Emergency an  
Declaring Emergency Measures  
To Address Housing Crisis



RESOLUTION NO. \_\_\_\_\_  
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WHEREAS, ORS 401.305 provides authority for Clackamas County to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during time of emergency; and

WHEREAS, Clackamas County has enacted a local ordinance (County Code Chapter 6.03) pursuant to the authority granted by ORS Chapter 401, that provides for executive responsibility in times of emergency and specifically delegates authority to declare a state of emergency to the County Chair, Vice-Chair (if Chair is unavailable), Remaining Board Member (if Vice-Chair is unavailable) and County Administrator or designee (if Remaining Board Member is unavailable); and

WHEREAS, both state law and the County Code define emergency as a 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; and

WHEREAS, although not specifically articulated as qualifying as an emergency or disaster, the increasing numbers of county residents, including families and children that are considered homeless, the need for safe, warm and habitable shelter for the homeless population, and the recognized lack of adequate temporary or emergency shelters for the county's homeless population, does indeed constitute an emergency; and

WHEREAS, the following conditions have resulted in the need for a state of emergency for unincorporated Clackamas:

National, state, and local economic and demographic factors contributing to an ever increasing population of individuals and families without adequate, safe, secure, suitable, and healthy shelter; shortage of shelters to safely and securely house those individuals and families lacking such facilities.

WHEREAS, the following damage to life and property can be expected from the above conditions:

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Individuals and families without adequate, safe, secure, suitable and healthy shelter face exposure to the elements and potential for loss of property and life.

WHEREAS, the entire County is in a state of emergency and if not the entire County, an emergency is declared for the following area(s):

All unincorporated areas of Clackamas County.

WHEREAS, County Code Chapter 6.03 and ORS 401.309 authorizes certain actions to be taken during a state of emergency when necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency; and

WHEREAS, on August 13, 2020, the Board of Commissioners approved a Resolution declaring a housing state of emergency and such declared emergency was for a period of six month and has expired by its terms.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. \_\_\_\_\_ (Chair/Vice-Chair/Remaining Board Member/County Administrator or designee), formally declares a state of emergency for Clackamas County, effective on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_, \_\_.m. for the area described above.
2. As practically as possible, the Board of Commissioners will be involved and informed of decisions and actions prior to enactment, and
3. Emergency procurements of goods or services are authorized pursuant to ORS 279B.080, ORS 279C.335(6), ORS 279C.380(4), and Local Contract Review Board Rules C-047-0280 and C-049-0150.

**IT IS FURTHER RESOLVED THAT:**

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4. The following measures are necessary, or may become necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency (indicate selected measures):

\_\_\_\_\_ 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. 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 Contract Review Board rules;

H. Redirect funds for emergency use;

I. Order such other measures as are found to be immediately necessary for the protection of life and/or property;

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  X   J. Authorize County staff to explore the acquisition, temporarily or permanently, by purchase, lease, or otherwise, sites suitable for shelter, temporary housing, or installation of temporary housing units for the homeless population, and to enter into arrangements necessary to prepare or equip such sites to support and utilize those housing units; and

  X   K. Waive Clackamas County Code regulations, administrative rules, and fees to the extent necessary and possible to respond to the housing emergency;

5. All actions taken pursuant to this declaration must first be approved by the Chair of the Board of County Commissioners and the Clackamas County Administrator.

6. This declaration of emergency shall expire on August 1, 2021.

**DATED** this \_\_\_\_ day of August 2020.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair/Vice-Chair/Remaining Board Member/County Administrator or designee

\_\_\_\_\_  
Recording Secretary