



Daniel Nibouar  
Interim Director

Disaster Management  
1710 Red Soils Ct., Ste. 225  
Oregon City, OR 97045

T 503-655-8378

clackamas.us

December 9, 2021

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval of Addendum #2 to Board order #2020-71 Extending the Emergency Declaration of Wildfire Debris.  
No County General Funds Needed

<b>Purpose/Outcome</b>	Extend the current wildfire debris declaration until August 1, 2022
<b>Dollar Amount and Fiscal Impact</b>	Declaration does not have associated dollar amounts
<b>Funding Source</b>	No funding source required, No County General Funds needed.
<b>Duration</b>	The declaration will last until August 1, 2022, unless otherwise extended or the conditions requiring the condition no longer exist.
<b>Previous Board Action/Review</b>	Initial Declaration on October 8, 2020 First Addendum on January 7, 2021
<b>Strategic Plan Alignment</b>	1) How does this item align with your Department's Strategic Business Plan goals? Work to support recovery by removing wildfire debris aligns with both the mission of the Disaster Management Department including disaster recovery, and Department of Transportation and Development's mission to support disaster debris management and transportation safety. 2) How does this item align with the County's Performance Clackamas goals? Work to support recovery by removing wildfire debris helps to ensure safe, healthy and secure communities by removing hazards to public health, the environment, and the travelling public.
<b>Counsel Review</b>	The Addendum was drafted and cleared by County Counsel. 11/30/21 SM
<b>Procurement Review</b>	No. Procurement review is not applicable. Item is extension of emergency declaration.
<b>Contact Person</b>	Daniel Nibouar 971-219-6932

**BACKGROUND:**

The county is still actively working with the Oregon Department of Transportation (ODOT) to clean up debris from the 2020 Wildfires. ODOT has completed the private property debris removal in the county but is just starting on removing hazardous trees from the right-of-way. The emergency declaration allows the county to maintain flexibility in support ODOT's operations. The extension will also give the county the possibility of utilizing the county's debris removal contract, if ODOT is unable to perform the work.

**RECOMMENDATION:**

Staff respectfully recommends approval of Addendum #2 to Board Order #2020-71, extending the declaration until August 1<sup>st</sup>, 2022

Sincerely,

Daniel Nibouar  
Interim Director of Disaster Management

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

In the Matter of Declaring a Local  
State of Emergency and Declaring  
Emergency Measures in  
Abatement of Hazardous Waste  
and Debris Removal



**ADDENDUM No.2 to BOARD  
ORDER No. 2020-71**  
*Page 1 of 1*

1. By way of Board Order 2020-71, the Clackamas County Board of Commissioners formally declared a state of emergency for Clackamas County, effective on the 8th day of October 2020, for the entire County. That declaration of emergency was to expire on January 8, 2021.
2. On January 7, 2021, by way of a First Addendum, the Clackamas County Board of Commissioners found that the conditions giving rise to the declaration of emergency remained in existence and extended the duration of the declaration of emergency and all previously imposed emergency measures until December 31, 2021.
3. By way of the Second Addendum, the Clackamas County Board of Commissioners finds that the conditions giving rise to the declaration of emergency continue to exist and it is therefore necessary to extend the duration of emergency and all previously imposed conditions continue until August 1, 2022.

**IT IS FURTHER ORDERED that:**

All previously declared emergency measures (see attached) shall remain in effect for the duration of the declaration of emergency.

DATED this 9<sup>th</sup> day of December 2021.

**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

---

Chair

---

Recording Secretary

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

In the Matter of Declaring a Local  
State of Emergency and Declaring  
Emergency Measures in  
Abatement of Hazardous Waste  
and Debris Removal

ADDENDUM No.1 to BOARD  
ORDER No. 2020-71  
*Page 1 of 1*

1. By way of Board Order 2020-71, the Clackamas County Board of Commissioners formally declared a state of emergency for Clackamas County, effective on the 8th day of October 2020, for the entire County. That declaration of emergency was to expire on January 8, 2021.

2. By way of this First Addendum, the Clackamas County Board of Commissioners finds that the conditions giving rise to the declaration of emergency remain in existence and it is therefore necessary to extend the duration of the declaration of emergency and all previously imposed emergency measures until December 31, 2021.

**IT IS FURTHER ORDERED that:**

All previously declared emergency measures (see attached) shall remain in effect for the duration of the declaration of emergency.

DATED this 7<sup>th</sup> day of January 2021.

**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**



Chair



Recording Secretary

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

In the Matter of Declaring a State of  
Emergency and Declaring Emergency  
Measures for Abatement of  
Hazardous Waste and Debris  
Removal

Board Order No. 2020-71  
*Page 1 of 4*

**WHEREAS**, ORS 401.309 authorizes the governing body of a county to declare, by ordinance or resolution, that a state of emergency exists within the county. The ordinance or resolution must limit the duration of the state of emergency to the period of time during which the conditions giving rise to the declaration exist or are likely to remain in existence. And the county in this state may, by ordinance or resolution, establish procedures to prepare for and carry out any activity to prevent, minimize, respond to or recovery from an emergency. The ordinance or resolution shall describe the conditions required for the declaration of a state of emergency; and,

**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(s) (if Vice-Chair is unavailable) and County Administrator or designee (if Remaining Board Member(s) is unavailable); and

**WHEREAS**, on September 8, 2020 Governor Kate Brown approved an emergency conflagration declaration EO-20-41 for the Beachie Creek, Lionshead, and Holiday Farm Fire and determined that a threat to a life, safety, and property exists due to fire, and the threat exceeds the firefighting capabilities of local firefighting personnel and equipment. The declaration authorizes the Oregon Office of State Fire Marshal to mobilize resources to assist local resources battling the fire; and

**WHEREAS**, ORS 433.441(4) provides that if a state of emergency is declared as authorized under ORS 401.165, the Governor may implement any action authorized by ORS 433.441 to 433.452, which include actions relating to public health emergencies; and

**WHEREAS**, a federal emergency declaration was granted on September 10, 2020;

// // //

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

In the Matter of Declaring a State of  
Emergency and Declaring Emergency  
Measures for Abatement of  
Hazardous Waste and Debris  
Removal



Board Order No. 2020-71  
*Page 2 of 4*

**WHEREAS**, on September 14, 2020 Governor Kate Brown requested a Presidential Disaster Declaration for the ongoing wildfires in Oregon. The request included operational response support, such as additional communications resources, damage assessment teams, search and rescue (SAR) support, debris management, as well as shelter and medical assistance. Individual assistance for the counties and tribes was also included in the request.

**WHEREAS**, on September 16, 2020 the President approved the Disaster Declaration and made federal emergency aid available to the state to supplement state, tribal and local recovery efforts in the areas affected by wildfires and straight-line winds beginning on Sept. 7, 2020 and continuing.

**WHEREAS**, the Presidential Disaster Declaration makes federal funding available to affected individuals in Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn and Marion counties and federal assistance through FEMA's Public Assistance program available to Benton, Clackamas, Columbia, Coos, Deschutes, Douglas, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Multnomah, Tillamook, Wasco, Washington and Yamhill counties.

**WHEREAS**, the Clackamas County Board of County Commissioners hereby finds as follows:

1. Debris and ash from structure fires can contain hazardous substances. For example, building materials such as siding, roofing tiles, insulation, or household items such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals can result in dangerous ash that contains asbestos, heavy metals, and other hazardous materials; and,

2. Such waste is a threat to achieving a beneficial recovery from these fires for the community and to public health because it is hazardous and can cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed; and,

// // //

// // //

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

In the Matter of Declaring a State of  
Emergency and Declaring Emergency  
Measures for Abatement of  
Hazardous Waste and Debris  
Removal



Board Order No. 2020-71  
*Page 3 of 4*

3. Hazardous debris that remains after a wildfire can expose residents to toxic materials, improper transport and disposal of fire debris can create dangerous health impacts to workers removing the debris, such debris can threaten water supplies, and such harmful material can spread throughout the community at large impacting health and the ability for our communities to recover from the fires; and,

4. A person with heart or lung disease, an older adult, children (including teenagers), a person with diabetes, and pregnant women are particularly vulnerable to the presence of such hazardous waste; and,

5. The threat to public health creates the immediate need to facilitate assistance and undertake preventive measures to protect the health of people and the environment and to inform the affected public of any potential health issues associated with the hazardous waste created by the wildfires, thereby warranting the declaration of the existence of a local health emergency; and,

6. Regardless of cause, any commercial or domestic structure fires which have or will occur in Clackamas County from the time the Beachie Creek, Dowty, Graves Creek, Riverside, Unger, and Wilhoit Fires began until the conclusion of the local health emergency will significantly contribute to the hazardous waste load; and,

7. Assistance to private property owners and to others within Clackamas County is needed for timely implementation of necessary preventative measures to protect public health and the environment; and,

8. The scope and breadth of the Beachie Creek, Dowty, Graves Creek, Riverside, Unger, and Wilhoit Fires hazardous waste cleanup requires a rapid response due to the large area affected, the location of the fire, the number of structures damaged or destroyed and the imminent threat to public health; and,

9. The potential beginning of the rainy season offers little time to mitigate further environmental contamination, including contamination of the watershed, and, therefore, time is of the essence in removing hazardous waste from property sites; and,

10. That the protection of the County's natural resources and watershed from fire related debris runoff needs to be addressed; and,

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

In the Matter of Declaring a State of  
Emergency and Declaring Emergency  
Measures for Abatement of  
Hazardous Waste and Debris  
Removal

Board Order No. 2020-71

Page 4 of 4

11. Immediate action is necessary to ensure the most complete recovery from the recent fires and mitigate the harm that could be caused to the public health and safety and to the environment from improper disturbance, removal, and/or disposal of hazardous waste, including but not limited to toxic, flammable, corrosive, and reactive materials from property sites located within the Beachie Creek, Dowty, Graves Creek, Riverside, Unger, and Wilhoit Fires area because such debris can create dangerous health impacts.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that:

1. A state of emergency exists in Clackamas County due to the hazardous waste and materials created by the Beachie Creek, Dowty, Graves Creek, Riverside, Unger, and Wilhoit Fires, and that such condition may be exacerbated by the ongoing fires and upcoming rainy season and will continue until the conclusion of this emergency.

2. In connection with the foregoing declaration of emergency, Board of County Commissioners orders that immediate action be taken to remove the hazardous waste from property sites within the Beachie Creek, Dowty, Graves Creek, Riverside, Unger, and Wilhoit Fires area that are toxic, flammable, corrosive, or reactive and create an imminent threat to public health and safety and to the ability for Clackamas County to recover from the fires.


3. A state of emergency is declared in Clackamas County commencing on or about 10 am on the 8<sup>th</sup> day of October 2020.

4. This declaration of emergency shall expire on January 8, 2021.

DATED this 8<sup>th</sup> day of October, 2020.

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Jim Bernard, Chair

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

## RECORDING MEMO

- New Agreement/Contract
- Amendment/Change/Extension
- Other \_\_\_\_\_

Originating County Department: Disaster Management

Title from Business Meeting Agenda:

Approval of Addendum #2 to Board Order #2020-71 Extending the  
Emergency Declaration of Wildfire Debris. No County General Funds  
Needed.

After recording please return to: Aryka Hanto

Clerk to the Board please complete below this line after Board approval \_\_\_\_\_

Board Agenda Date: \_\_\_\_\_

Agenda Item Number: \_\_\_\_\_