

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Study Session Worksheet

**Presentation Date:** 5/14/13 **Approximate Start Time:** <sup>1:30</sup>~~2~~ pm **Approximate Length:** 30 min

**Presentation Title:** Emergency Declaration for "PACESETTER" Regional Exercise

**Department:** Emergency Management (CCEM)

**Presenters:** Nancy Bush, Dana Lord, Stephen Madkour, and Tim Heider.

**Other Invitees:** Dr. Paul Lewis, Sarah Stegmuller Eckman, Terri Poet, and Larry MacDaniels

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

THIS IS AN EXERCISE – CCEM is requesting the Board to promote County preparedness by their participation in an exercise briefing from the Emergency Operations Center (EOC) Command and consideration of the proposed exercise Disaster Declaration.

### EXECUTIVE SUMMARY (why and why now):

Clackamas County is participating in the PACESETTER Regional Exercise on May 22 and 23, 2013. As an advanced element of the exercise the Emergency Operation Center (EOC) Command will use this study session to brief the Board on the scenario; just as they would in a real event. This will provide an opportunity for commanders and staff to interface with the Board, and submit a simulated local Emergency Declaration for the Board's consideration. In this practice session, EOC incident commanders and staff will discuss the conditions that warrant the need for an emergency declaration, the incident impacts to the community, the resources needed from the State of Oregon and the Emergency Measures needed to effectively manage the event. The Board will have the opportunity to discuss the legal ramifications of the declaration with Counsel and, because this event has a public health component, discuss how the Board would function as the Board of Health during a public health disaster. The declaration will be shared with County EOC staff during the exercise on May 22 to guide response activities.

### FINANCIAL IMPLICATIONS (current year and ongoing):

There is no fiscal impact to the Emergency Declaration Exercise other than staff time and presentation.

### LEGAL/POLICY REQUIREMENTS:

An emergency declaration is a legal process that is outlined in Oregon Revised Statute 401 and County Code 6.03. The declaration, once approved is a legal document and puts items into place that are outlined in County Code 6.03.

### PUBLIC/GOVERNMENTAL PARTICIPATION:

Clackamas County is participating in the exercise along with other jurisdictions in the County including Clackamas Fire District, Boring Fire, City of Milwaukie, City of Happy Valley, Canby Fire, Lake Oswego Fire, Clackamas County Sheriff's Office, and the National Guard. In addition, two private entities are participating – AMR and Life Flight. There are 64 agencies participating in the exercise region-wide.

### OPTIONS:

Option 1) Discuss and approve the exercise emergency declaration. 2) Discuss and disapprove the exercise emergency declaration instructing staff to reconsider some emergency measures.

**RECOMMENDATION:**

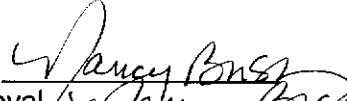
Discuss the exercise emergency declaration and approve the document for signature.

**ATTACHMENTS:**

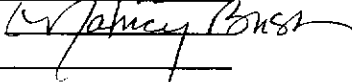
Emergency Declaration Executive Summary, Emergency Declaration for PACESETTER Exercise, and County Code 6.03.

**SUBMITTED BY:**

Division Director/Head Approval



Department Director/Head Approval



County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Nancy Bush @ 503-655-8665

## Fiscal Impact Form

**RESOURCES:**

Is this item in your current work plan and budget?

- YES  
 NO

**START-UP EXPENSES AND STAFFING (if applicable):**

N/A

**ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):**

N/A

**ANTICIPATED RESULTS:**

Emergency declaration for the PACESETTER exercise will be signed and education of the Board regarding the process will be successful.

**COSTS & BENEFITS:**

<b>Costs:</b>							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
	N/A						
<b>Total Start-up Costs</b>							N/A
<b>Ongoing Annual Costs</b>							N/A
<b>Benefits/Savings:</b>							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
	N/A	XXX					
<b>Total Start-up Benefit/Savings</b>							
<b>Ongoing Annual Benefit/Savings</b>					N/A		N/A

# Emergency Declaration Executive Summary

## Emergency Declaration process

- ✓ Emergency Declarations are prepared by County Counsel under the direction of Incident Command.
- ✓ Emergency Declarations must be approved by the BCC or as specified in County Code 6.03.
- ✓ Once approved, an Emergency Declaration empowers the Board of Commissioners to order and enforce the measures listed in the declaration.
- ✓ Authorizes the Board of Commissioners to extend government authority to non-governmental resources that may support regular government forces during the emergency.
- ✓ A County Emergency Declaration applies to the unincorporated area and those incorporated areas where jurisdictions have requested County assistance. The exception is a Health Emergency Declaration, which applies countywide.
- ✓ Copies of the Emergency Declaration are sent to the State Emergency Coordination Center (ECC) and to each of the cities in the County.
- ✓ If state assistance was not requested initially, a subsequent request for assistance may be made as long as an Emergency Declaration is in effect.

## An Emergency Declaration does not automatically ensure state or federal assistance of any kind (equipment, supplies, personnel, money).

- ✓ Only the Governor can approve use of State resources.
- ✓ Only the Governor can request Federal assistance.
- ✓ Federal assistance can only be authorized by the President, or in limited instances, by Department Secretaries.

# **Emergency Declaration Executive Summary**

## **Emergency Declaration Authority**

- ✓ Oregon Revised Statute 401 gives counties and cities the authority to declare emergencies.
- ✓ County Code 6.03 authorizes the BCC to declare an Emergency Declaration in Clackamas County.

## **An Emergency Declaration is made for one or more of the following reasons:**

- ✓ To request outside assistance from the state when emergency response requires resource capability that cannot be provided by the county or mutual aid partners.
- ✓ To make available the Emergency Measures listed in County Code 6.03 in the event these additional actions might be necessary to effectively manage the incident.
- ✓ To support a city Emergency Declaration when the county is unable to meet the city's request for assistance.
- ✓ To make available separate, health-related emergency measures in the event they are needed to effectively manage a Health Emergency.

## **An Emergency Declaration contains the following information:**

- ✓ Describes the hazards/conditions warranting the emergency declaration (hazard characteristics, number of injuries/deaths, citizens at-risk, property and infrastructure damage).
- ✓ Describes response actions taken by the County including resources committed and, if applicable, the type of additional resources needed to effectively manage the incident.
- ✓ Identifies the geographic boundaries of the emergency area.
- ✓ Specifies the effective time/date of the emergency declaration and the date on which it will expire (maximum duration two weeks).
- ✓ If requesting resource assistance from the state, the Emergency Declaration must identify the tasks to be accomplished and the type and quantity of resource assistance requested.

**In the Matter of Declaring a Local State of  
Emergency and Declaring Emergency Measures**

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

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

An extremist organization has dispersed anthrax spores throughout the Portland metropolitan region. The suspected release of the anthrax was in Clark County, Washington between the dates of May 15 – 17, 2013 at a school band competition and at a sporting event in Portland on May 19, 2013.

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

The anthrax release was in the Portland metropolitan region and Clackamas County residents and visitors have potential exposure to the agent through attendance at the band competition or sporting event or by being in the general area of the release on the dates listed above. The treatment for anthrax is needed as soon as possible for the best chance to save lives and the entire population in Clackamas County potentially will require prophylaxis/treatment. Therefore, the public health system in the region will request assistance from the state and federal governments to respond to the attack.

WHEREAS, the entire County is in a state of emergency.

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, ORS 401.055 provides that upon request of Clackamas County, the Governor may declare a state of emergency by proclamation; and

WHEREAS, a preliminary assessment of property damage or loss, injuries or death is set forth hereinabove; and

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Emergency and Declaring Emergency Measures**

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WHEREAS, all local resources have, or will likely be, expended, and there is need of the following additional resources from the State:

It is expected that the County will need the following resources to respond to the anthrax attack: Antibiotics from the Strategic National Stockpile (SNS), medical staff, medical equipment (i.e. ventilators), and other materials and supplies as needed to respond to the event.

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. I, John Ludlow, formally declares a state of emergency for Clackamas County, effective on this 21st day of 2013, at \_\_\_\_\_ for the area described above.
2. Upon this declaration of a state of emergency the undersigned official is empowered to assume centralized control of and have authority over all departments and offices of the County, and further the County Department of Emergency Management is empowered to carry out the appropriate functions and duties identified in County Code Chapter 6.03 during times of emergency and shall implement the Clackamas County Emergency Operations Plan.
3. Incident Command shall take all necessary steps authorized by law to coordinate response and recovery from this emergency, including, but not limited to, requesting assistance from the State of Oregon. If this declaration is not ordered by a majority of the Clackamas County Board of Commissioners, it shall be taken before the Board at its next available meeting for ratification.
4. 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 ORDERED that:

5. The following measures are necessary, or may become necessary as determined by Incident Command, 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;

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\_\_\_\_\_ 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. Redirect funds for emergency use;

\_\_\_\_\_ H. Order such other measures as are found to be immediately necessary for the protection of life and/or property. [Codified by Ord. 05-2000, 7/13/00]

6. Emergency measures invoked under 5(H), or that are not selected in section 5 above, may be implemented by Incident Command, provided however that such measures shall be taken before the Clackamas County Board of Commissioners at its next available meeting for ratification.

7. This declaration of emergency shall expire on \_\_\_\_\_ (no later than two weeks from signature date).

DATED this \_\_\_\_\_ day of \_\_\_\_\_ BOARD OF COUNTY COMMISSIONERS

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John Ludlow, Chair



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## Chapter 6.03

### 6.03 EMERGENCY REGULATIONS

#### 6.03.010 Purpose

The purpose of this chapter is to provide a procedure to minimize injury to persons, the environment, and property. In addition, to preserve the established civil authority in the event a state of emergency exists within the unincorporated areas of Clackamas County or within the incorporated areas of Clackamas County if assistance is requested by such incorporated jurisdiction. [Codified by Ord. 05-2000, 7/13/00]

#### 6.03.020 Definition Of Emergency

For the purposes of this ordinance, emergency is defined as any 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. Such event shall include, but not be limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills of oil or other hazardous substances, disease, blight, infestation, utility or transportation service disruptions, civil disturbance, riot, sabotage, terrorism, war or any other such emergency as defined under Oregon Revised Statute, Chapter 401. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 04-2006, 6-29-06]

#### 6.03.030 Authority Of County

Under the provisions of ORS Chapter 401, the authority, and responsibility for responding to emergencies is placed at the local government level. ORS Chapter 401 further mandates that the County shall establish an emergency management agency to perform emergency program management functions to include, but not limited to, program development, fiscal management, coordination with non-governmental agencies and organizations, public information, personnel training and development and implementation of exercises to test the system. [Codified by Ord. 05-2000, 7/13/00]

#### 6.03.040 Declaration Of Emergency

When, in the judgment of the Board of County Commissioners, a state of emergency exists, it shall declare in writing and publicize the existence of it. At the earliest practical opportunity, a written declaration of emergency shall be adopted by the Board and made a part of the County's official records. If circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may declare a state of emergency provided that the approval of a majority of the Board of County Commissioners is sought and obtained at the first available opportunity. Upon that declaration of emergency, the Chair of the Board is empowered to assume centralized control of, and have authority over, all departments, divisions, and offices of Clackamas County in order to implement the provisions of this chapter. The state of emergency

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declared pursuant to this section shall specify the factors which warrant the exercise of emergency controls. [Codified by Ord. 05-2000, 7/13/00]

#### **6.03.050 Succession Of Authority**

In the event that the Chair of the Board of County Commissioners is unavailable or unable to perform his or her duties under the ordinance, the duties shall be performed by:

- a. The Vice-Chair of the Board of County Commissioners; if the Vice-Chair is unable to perform, then:
- b. The remaining members of the Board of County Commissioners; if the remaining members of the Board are unable to perform, then:
- c. The Clackamas County Administrator or designee. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 04-2006, 6-29-06]

#### **6.03.060 Regulation And Control**

Whenever a state of emergency has been declared to exist within unincorporated Clackamas County, or on the request of a municipality's governing body, the Board of County Commissioners is empowered to order and enforce the measures listed herein below. However, if circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may order emergency measures, provided that approval from a majority of the Board of County Commissioners is sought and obtained at the first available opportunity, or the Chair's order will become invalid. Such emergency measures shall include but not be limited to:

- 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 Control Review Board rules, Appendix "B", Section B110.030, et seq.;
  - h. Redirect funds for emergency use; and
  - i. Order such other measures as are found to be immediately necessary for the protection of life and/or property. [Codified by Ord. 05-2000, 7/13/00]
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**6.03.070 Acquisition Of Resources**

Under this section, the Board of County Commissioners is authorized to extend government authority to non-governmental resources (i.e.: personnel, equipment) which may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation.

Under the provisions of ORS Chapter 401, State resources are available when the appropriate response to an emergency is beyond the capability of the county in which it occurs. [Codified by Ord. 05-2000, 7/13/00]

**6.03.080 Penalty**

- A. Any person, firm, corporation, association or entity who violates any emergency measure taken by the Board of County Commissioners under authority of this chapter shall be subject, upon conviction, to a fine in an amount set by resolution of the board of County Commissioners.
- B. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty up to the maximum allowed by law.
- C. Where the Oregon Revised Statutes provide for a penalty for the act, commission, or omission, the penalty prescribed herein shall be no greater than prescribed by said Oregon Revised Statutes. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03]

**6.03.090 Responsibility For Emergency Management**

For purposes of this Ordinance, in accordance with ORS Chapter 401, the Emergency Management Agency for Clackamas County shall be the Clackamas County Department of Emergency Management. The Clackamas County Administrator is hereby designated as the Emergency Program Manager. Day-to-day management of the emergency program may be delegated to the Emergency Management Director. The National Incident Management System (NIMS) shall be used as the foundation for incident command, coordination and support activities. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 04-2006, 6-29-06]

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