

August 1, 2019

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**

Purpose/Outcomes	<p>Reaffirms declaration of state of emergency and emergency measures to address the housing crisis, empowering the County in particular to:</p> <ul style="list-style-type: none"> • 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 • Redirect funds for emergency use • Order such other measures as are found to be immediately necessary for the protection of life and/or property • 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 • Waive Clackamas County Code regulations, administrative rules, and fees to the extent necessary and possible to respond to the housing emergency <p>Amends prior resolution to include requirement that 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.</p>
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	August 1, 2019 – July 31, 2020
Previous Board Action	Declaration of State of Emergency, 11/8/2017 (Board Order No. 2017-120), expired 5/7/ 2018, 8/2/2018 (Board Order No. 2018-73), expired July 26, 2019
Strategic Plan Alignment	<ul style="list-style-type: none"> • Improve community safety and health • Ensure safe, healthy and secure communities
Contact Person	Stephen Madkour, Richard Swift

BACKGROUND:

The Board approved a resolution declaring a local state of emergency and declaring emergency measures to address our housing crisis in November of 2017. That resolution, which expired in May of 2018, was reaffirmed with the approval of the same resolution in August of 2018. The 2018 resolution expired in July of 2019 and this action once again reaffirms the need for keeping a range of options available to respond to the local housing crisis, given that conditions creating a lack of adequate and safe shelter for all County residents have otherwise continued unchanged or have worsened. As the Board has made significantly increased financial commitments to addressing this crisis at the policy level, Health, Housing & Human Services seeks the flexibility to act quickly and ability to respond to emergent opportunities through a renewal of the declaration of a state of emergency.

The Emergency Declaration, which has been amended to include the requirement that all actions taken pursuant to the declaration must first be approved by the Chair of the Board of County Commissioners and the Clackamas County Administrator, is effective August 1, 2019 and terminates July 31, 2019, 2019. It has been approved by County Counsel.

RECOMMENDATION:

Staff recommends the Board approve this Resolution.

Respectfully submitted,

Richard Swift, Director
Health, Housing & Human Services

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

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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:

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

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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 2, 2018, the Board of Commissioners approved a Resolution declaring a housing state of emergency and such declared emergency was for a period of one year 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 _____, 2019 at _____, a.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:

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):

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_____ 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;

_____ 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

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_____ 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, 2020.

DATED this 1st day of August, 2019.

BOARD OF COUNTY COMMISSIONERS

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

Recording Secretary