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LINDA BROWN
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF AN ORDINANCE)
REGULATING LOCAL EMERGENCY) ORDINANCE
DECLARATIONS IN WASCO COUNTY) #13-002

THE BOARD OF COMMISSIONERS OF WASCO COUNTY, OREGON,
ORDAINS AS FOLLOWS:

WHEREAS, ORS 401.032(2) states, "It is declared to be the policy and intent of the Legislative Assembly that preparations for emergencies and governmental responsibility for responding to emergencies be placed at the local level. The state shall prepare for emergencies, but shall not assume authority or responsibility for responding to an emergency unless the appropriate response is beyond the capability of the city and county in which the emergency occurs, the city or county fails to act, or the emergency involves two or more counties; and

WHEREAS, Wasco County will, to the extent practicable, prepare for respond to, recover from and mitigate emergencies that occur in Wasco County with local resources; and

WHEREAS, when an emergency condition exists that is beyond the County's ability to effectively respond and recover from with local resources, the County will

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submit a request for Emergency Declaration to the Governor as provided for in ORS 401.165(1) and (2).

NOW THEREFORE, the Commission ordains that in order to effectively respond to and recover from a locally declared emergency, the following provisions are established under the authority of ORS 401.039 to assist the Board of Commissioners with local emergency response activities:

Sections:

1. Definitions
2. Authority of County
3. Declarations of Local Emergency
4. Authority of County Administrator
5. Emergency Measures
6. Succession of Authority
7. Penalty

Section 1 – Definitions

- A. "Board" means the Wasco County Board of Commissioners.
- B. "Chair" means the Chairperson of the Wasco County Board of Commissioners.
- C. "County Administrator" means the Wasco County administrator.
- D. "Sheriff" Means the chief law enforcement officer of Wasco County.
- E. "Emergency" has the same meaning as ORS Chapter 401.025 (1):

"1) "Emergency" means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss, including but not limited to:

- (a) Fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts or terrorism and war; and
- (b) A rapid influx of individuals from outside this state, a rapid migration of individuals from one part of this state to another or a rapid displacement of individuals if the influx, migration or displacement results from the type of event or circumstance described in paragraph (a) of this subsection.

F. "Emergency Area" means the geographical area, as identified by the County through an Emergency Declaration, where an emergency exists.

G. "Emergency management functions" has the same meaning as that found in ORS 401.305(5):

- 5) The emergency management functions shall include, as a minimum:
 - a. Coordination of the planning activities necessary to prepare and maintain a current emergency operations plan, management and maintenance of emergency operating facilities from which elected and appointed officials can direct emergency and disaster response activities;

- b. Establishment of an incident command structure for management of a coordinated response by all local emergency service agencies; and
- c. Coordination with the Office of Emergency Management to integrate effective practices in emergency preparedness and response as provided in the National Incident Management System established by the Homeland and Security Presidential Directive 5 of February 28, 2003."

H. "Unavailable" means for any reason rendering the individual unable to perform official acts.

Section 2 – Authority of County

In accordance with ORS Chapter 401 the County shall have the authority and responsibility to respond to emergencies.

Section 3 – Declaration of Local Emergency

- A. The Board may declare that a local state of emergency exists; such declarations shall:
 - 1) Be in writing and 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.
 - 2) State the factors which give rise to the emergency and shall designate all emergency areas covered by the declaration.
 - 3) Be immediately communicated to the public at large.

- B. If time is of the essence the Chair, or County Commissioner by seniority in the absence of the Chair, or successor pursuant to Section 6 or this Ordinance, may declare a local state of emergency; however, a majority of the Board must adopt the declaration at the first available opportunity.

Section 4 – Authority of County Administrator

- A. If authorized by the Commission, the County Administrator shall be responsible for emergency management functions within the County under an emergency declaration;
- B. If a local state of emergency has been declared and if authorized by the declaration, the County administrator may exercise control over all departments, divisions, and officers of Wasco County for the purpose of addressing the emergency.

Section 5 – Emergency Measures

- A. Upon a declaration of a local state of emergency, the Board, its designated representative, or successor authorized under Section 6 of this Ordinance, may:
- 1) Establish a curfew for emergency areas;
 - 2) Prohibit or limit public gatherings within the emergency area;
 - 3) Prohibit or limit public gatherings within the emergency area;
 - 4) Restrict access to, or expel persons from, emergency areas;
 - 5) Order mandatory evacuations of residents within an emergency area;
 - 6) Implement mutual aid agreements;

- 7) Suspend competitive bidding procedures in obtaining necessary goods, services and equipment during the emergency;
- 8) Redirect county funds for emergency use;
- 9) Order all other measures reasonably necessary to protect life, property and the environment, and;
- 10) Petition the Governor of the State of Oregon to declare a state of emergency.

Section 6 – Succession of Authority

- A. If during a state of emergency no members of the Board are available; the powers vested in the Board under this Ordinance shall pass as follow:
 - 1) To the County Administrator; or
- B. If the County Administrator is unavailable, the authority granted in this section shall pass as follows:
 - 1) To the County Sheriff; or
 - 2) If the Sheriff is unavailable, to the Sheriff's Chief Deputy; or
 - 3) If the Sheriff's Chief Deputy is unavailable, to the County Emergency Manager.
- C. The line of succession set forth in this section shall apply to all provisions of this Ordinance except as otherwise provided in Section 3.
- D. Authority granted to county officials under this section shall be limited exclusively to the provisions of this Ordinance.
- E. Authority granted to county officials under this section shall apply only if and when no person holding a higher place in the line of succession is available.

Section 7 – Penalty

Any person who violates any provision of this Ordinance is guilty of a violation.

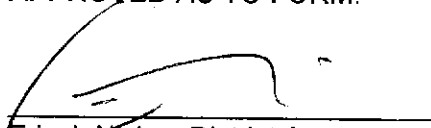
Violation of the provisions of this Ordinance is punishable, upon conviction, by a fine of not more than \$500.00 for each violation.

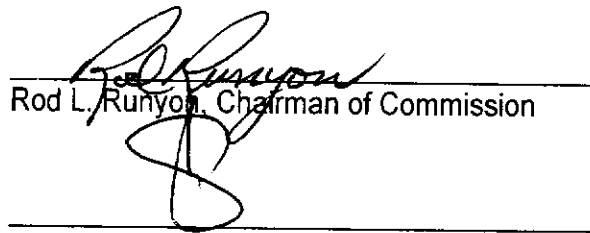
THIS ORDINANCE shall take effect on May 21, 2013.

Regularly passed and adopted by the Board of Commissioners of the County of Wasco, State of Oregon, by a 3 to 0 vote this 20th day of February, 2013.

APPROVED AS TO FORM:

WASCO COUNTY BOARD
OF COMMISSIONERS


Eric J. Nisley, District Attorney


Rod L. Runyon, Chairman of Commission

ATTEST:

Scott Hege, County Commissioner


Kathy White, Executive Asst.


Steve Kramer, County Commissioner