



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: First Reading and Public Hearing– County Counsel

Agenda Title: **ADOPT EMERGENCY ORDINANCE NO. 863 AMENDING THE EMERGENCY CODE**

Presented by: Alan Rappleyea, County Counsel

SUMMARY:

The County has been under an emergency declaration since March 4, 2020. A declaration of emergency authorized under Chapter 8.36.030(B)(3) of the Washington County Code can only last 14 days. The Board has needed to extend that declaration on four separate occasions. In order to more efficiently use resources during this emergency, the length of the declaration needs to be extended. The proposed ordinance amends Washington County Code Section 8.36.030(B)(3) to extend the emergency declaration for up to thirty days.

As the County is under an emergency declaration, Counsel proposes an emergency ordinance that can be effective immediately upon adoption following Charter procedures. A typical ordinance requires an introduction and first reading followed in 14 days by a second reading, public hearing and adoption with an effective date of 30 days. The emergency charter proceedings of Chapter V, Section 50(e) and (f), allows a first reading, followed by a public hearing, followed by adoption and the ordinance can become effective immediately.

Washington County Code Section 8.36.030(B)(3) is amended to extend the emergency declaration for up to thirty days as described in Exhibit "A".

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): n/a

Legal History/Prior Board Action: Board work session on 2/11/2020 and Board presentation on 2/25/2020. Adopted a resolution and order declaring a county-wide emergency on March 4th, 2020, continued the declaration until March 31, continued the declaration until April 16, continued the declaration until April 21 and continued the declaration until May 5, 2020,

Budget Impacts: Unknown

Attachment: Ordinance Number 863

COUNTY ADMINISTRATOR'S RECOMMENDATION:

Declare that an emergency exists and the need to use the Emergency procedures of the Charter for ordinance adoption. Conduct a first reading, followed by a public hearing and adopt Ordinance 863 to be effective immediately.

Agenda Item No.	6.a.
Date:	05/05/20

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 ORDINANCE No. 863

4 AN EMERGENCY ORDINANCE AMENDING THE
5 EMERGENCY SERVICE CHAPTER 8.36.030 TO
6 ALLOW EXTENDING AN EMERGENCY DECLARATION
7 FOR 30 DAYS

8 WHEREAS, the Nation, State and County have declared emergencies because of the COVID-
9 19 pandemic; and

10 WHEREAS, the County Emergency Services Chapter section 8.36.030 only allows an
11 emergency to be declared for fourteen days; and

12 WHEREAS, the County has declared an emergency on March 4, 2020 and already had need
13 to extend the Emergency Declaration four times; and

14 WHEREAS, it is expected that the need to extend the Emergency Declaration will continue
15 and that it is more efficient and benefits the public to have up to thirty days to respond to an
16 emergency; and

17 WHEREAS, the Board finds that an actual emergency exists and that there is a need to
18 enact this ordinance under the emergency provisions of Washington County Charter Chapter 5,
19 Section 50(e) and (f); and

20 WHEREAS, pursuant to those procedures, in order to enact at emergency ordinance, it
requires a unanimous vote by the Board, or in the event that the emergency precludes one or
more commissioners from voting, a unanimous approval of those present; now therefore;

The Board of County Commissioners of Washington County, Oregon, ordains as follows:

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- 1. Washington County Code Section 8.36.030(B)(3) is amended to extend the emergency declaration for up to thirty days as described in Exhibit "A".
- 2. This ordinance is effective immediately upon adoption.

ENACTED this _____ day of _____, _____, being the _____ reading and _____ public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

CHAIRMAN

RECORDING SECRETARY

READING

PUBLIC HEARING

First _____

First _____

VOTE: *Aye*: _____

Nay: _____

Recording Secretary: _____ Date: _____

EXHIBIT A ORDINANCE No. 863

8.36.030 - Declaration of emergency.

A. The board of county commissioners may declare a state of emergency in the unincorporated area of the county or any part thereof if the board determines that such area is suffering or is in imminent danger of suffering a natural or manmade event that may cause injury or death to persons, or damage to, or the destruction of property, or that disrupts the provision of important government and public services. An event may include, but is not limited to, the following:

1. A civil disturbance, riot, or act of terrorism;
2. A disaster such as flood, windstorm, snow or ice storm, earthquake, volcanic eruption or related activity, fire, explosion or infestation;
3. The declaration of a national emergency or state emergency;
4. Any major disruption of community services such as transportation, power supply, water supply, sanitation or communications;
5. A health hazard, whether natural or manmade.
6. Spills or releases of hazardous materials or environmental contaminants;
7. An influx of refugees from other areas.

B. The declaration shall be in writing and shall specify:

1. The nature of the emergency;
2. The area(s) impacted with sufficient specificity to reasonably inform affected persons;
3. The effective time and date, and anticipated duration of the emergency. In no event shall a declaration extend beyond thirty calendar days unless extended by a further declaration.
4. To the extent reasonably known at the time, the specific actions or measures authorized to be taken under the declaration of emergency. This shall not limit modifications or additional measures unless expressly stated in the declaration.

C. Notwithstanding that the declaration must be in writing, if the exigencies of the situation make it impractical to secure an original signature or original document, the declaration or any other document provided for in this chapter may be evidenced by a fax or electronic copy, by documenting an oral declaration or such other steps as are reasonable under the circumstances, provided that an original signed declaration or other document shall be obtained or provided at the earliest practical opportunity.