

**RESOLUTION NO. 1589**

**A RESOLUTION PROVIDING FOR AUTHORITY TO DECLARE A STATE OF EMERGENCY, IMPOSE EMERGENCY MEASURES, IMPLEMENT THE BASIC EMERGENCY OPERATING PLAN, AND COORDINATE WITH LOCAL, STATE AND FEDERAL AGENCIES.**

WHEREAS, the City of Wilsonville adopted Resolution No. 1338: "A Resolution of the City of Wilsonville Adopting the City of Wilsonville Basic Emergency Operating Plan, Dated December 1, 1996, and Authorizing Staff to Operate Under the New Plan in the Event of Disaster and to Coordinate Said Emergency Plan with Other Governmental Agencies, and Repealing Resolution No. 426"; and

WHEREAS, On November 20, 1998, city staff conducted an Emergency Operating Plan Desk Top Drill; and

WHEREAS, city staff analyzed major issues raised as a result of the drill and concluded there was need for authorizing legislation granting authority to city officers and employees to conduct emergency operations; and

WHEREAS, ORS 401.309 provides for cities to establish by ordinance or resolution "The conditions required for the declaration of a state of emergency within the jurisdiction and the agency or individual authorized to declare that a state of emergency exists"; and

WHEREAS, ORS 401.305 et seq. grant general and specific powers to cities to respond to emergencies.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

**1. Short Title.** This resolution shall be known as the "Wilsonville State of Emergency Resolution" and may be so cited and pled.

**2. Purpose.** The purpose of this resolution is to provide a procedure to minimize injury to persons, property, and the environment and to preserve the established civil authority in the event that a state of emergency exists within the City of Wilsonville.

**3. Definition of Emergency.** A state of emergency exists whenever any part of the City of Wilsonville is suffering or in imminent danger of suffering an event that may cause injury or death to persons, or damage to, or the destruction of property or the environment 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, the following:

A. A disaster such as fire, explosion, flood, windstorm, snow or ice storm, severe weather, earthquake, volcanic eruption or related activity.

B. A health hazard, disease, blight, infestation, spills or releases of oil or other toxic or hazardous substances, contamination.

C. The declaration of a war-caused national emergency.

D. Civil disturbance, or riot, or sabotage.

E. Any major disruption of community services such as transportation service, power supply, water supply, sanitation, communications service, or other necessary service.

F. Any other emergency defined under Oregon Revised Statue Chapter 401.

**4. Authority.** Under ORS Chapter 401, local jurisdictions have the authority and responsibility for responding to emergencies.

**5. Declaration of Emergency.**

A. When in the judgment of the City Council a state of emergency exists, the City Council shall so declare in writing and publicize the existence of same. If circumstances make it impractical or prohibitive for the City Council to take timely action, the Mayor may declare a state of emergency provided that the approval of a majority of the City Council is sought and obtained at the first available opportunity after order has been restored and the emergency has subsided.

B. If the Mayor is unavailable for any reason, then the authority to declare an emergency shall pass to the President-Elect of the City Council; if such person is unavailable for any reason, then to the City Manager, acting in capacity as Emergency Operations Director under the City's duly adopted Basic Emergency Operating Plan; if such person is unavailable, then to the order of succession as provided in the Basic Emergency Operating Plan; provided that the approval of a majority of the City Council

is sought and obtained at the first available opportunity after order has been restored and the emergency has subsided.

C. Upon the declaration, the Mayor or person authorized under the above order of succession to declare an emergency has the power to assume centralized control of and have authority over all departments and offices of the City of Wilsonville, including Clackamas County Sheriff Deputies acting as city police, in order to implement the provisions of this resolution.

D. If the exercise of any emergency authority is assumed by anyone in the line of succession as set forth above, based upon a reasonable belief under the circumstances then and there existing that a predecessor in the line of succession is unavailable, or that he or she is authorized to act under the terms of this resolution and the Basic Emergency Operating Plan, then any subsequent approval by a majority of the City Council for any emergency declaration or emergency action shall not be withheld for lack of emergency authority.

**6. Regulation and Control.** Whenever the circumstances arise upon which a state of emergency has been declared to exist within the City of Wilsonville, the powers, actions, and authorities set forth in the Basic Emergency Operating Plan shall be in effect. The City Council is empowered to order and enforce the measures listed herein. However, if circumstances prohibit the timely action of the City Council, the Mayor, or his or her successor as set forth in Section 5, may order emergency measures, provided that approval from a majority of the City Council is sought and obtained at the first available opportunity after order has been restored and the emergency has subsided. 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, and 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 beverages throughout the City of Wilsonville or a portion thereof.

F. Commit to mutual aid agreements.

G. Suspend standard competitive bidding procedures, as authorized by ORS 279.019, to obtain necessary goods, services and/or equipment, utilizing the procedures in the Attorney General Model Public Contract Rules, OAR 125-310-030 et seq.

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.

**7. Acquisition of Resources.** Under this section, the City Council 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.

**8. Penalty.**

A. Any person, firm, corporation, association or entity who violates any emergency measure taken by the City Council under authority of this Ordinance shall be subject, upon conviction, to a fine of not more than \$500.00 per offense.

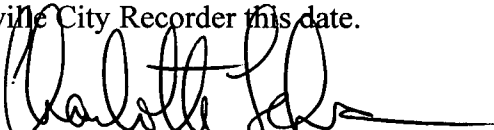
B. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

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.

**9. Responsibility for Emergency Management.** For the purpose of this resolution, in accordance with ORS Chapter 401, the emergency management agency for the City of Wilsonville shall be the Emergency Management Team as set forth in the Basic Emergency Operations Plan; the City Manager is the designated Emergency Operations Director.

**10. Separability.** If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 16<sup>th</sup> day of August, 1999, and filed with the Wilsonville City Recorder this date.

  
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CHARLOTTE LEHAN, MAYOR

ATTEST:

  
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Sandra C. King, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	YES
Councilor Helser	YES
Councilor Barton	YES
Councilor Kirk	YES
Councilor Holt	YES