

SECTION 1-A

EMERGENCY MANAGEMENT POLICY

I PURPOSE

This section sets forth the policies of the City of Hillsboro related to emergency management. This Section, together with the other sections included in the “Administrative Overview,” must be approved by the City Council; and all other sections of the Plan must comply with the policies contained herein.

II AUTHORITY

Emergency Management policy is set forth by the Hillsboro City Council pursuant to:

- A. Oregon Revised Statutes (ORS) Chapter 401.015 to 401.105, 401.260 to 401.325, and 401.335 to 401.580. (See excerpts at Section 1-D.)
- B. City of Hillsboro Municipal Code (HMC) Chapter 2.46, Emergency Management. (See full text at Attachment 6-B)

III DESCRIPTION

A. Continuity of Government

The City Manager is the person designated by Council to act as the administrative head of the city government and to exercise the authority under this Policy and Chapter 2.46 of the HMC. In the event the incumbent City Manager is unavailable for any reason to exercise the authority under Chapter 2.46 and this Policy, the individuals acting in the following positions shall be the line of succession, also known as “continuity of government,” necessary to ensure the legal continuation and leadership of city government during an emergency. When an emergency has been declared pursuant to HMC 2.46.060, the following line of succession applies and supersedes any internal policy that might apply when the City Manager is unavailable in non-emergency situations.

The line of succession within the City of Hillsboro during an emergency is:

- i City Manager
- ii Mayor
- iii Council President

- iv Assistant City Manager – the assistant manager who has been employed as an assistant city manager the longest, second longest and third longest in that order
- v Police Chief
- vi Fire Chief

B. General Policy Statements

These general policy statements shall guide emergency response and recovery actions.

- i The City of Hillsboro will take an all-hazards approach to emergency planning and preparedness, whenever practical.
- ii Vital city services will be maintained as long as possible. (See Attachment 8-D, Vital Services.)
- iii City staff will foster cooperative efforts with disaster relief agencies, volunteer organizations, and the private sector during mitigation and preparedness activities, with the added benefit of fostering prompt and effective cooperation during response and recovery activities.
- iv The City will use all available local and mutual aid resources prior to requesting additional assistance from Washington County or other outside sources.
- v Assistance from Washington County or other outside sources (beyond mutual aid) will be requested through the emergency declaration process. (See Section 5-E, Emergency Declaration Process.)
- vi City resources shall first be allocated to incidents within the city limits, second to mutual aid responders that may have an impact upon the city, third to other mutual aid responders, and fourth to other requestors. Resource allocation priorities may be changed by the Policy Group. (See Section 1-B, Emergency Management Authority, for a description of the Policy Group.)
- vii City Departments shall activate their staff in support of this Plan and their respective Department procedures, as necessary or as directed to support the emergency.
- viii On-scene incident management, Emergency Operations Center (EOC) staff, and city departments shall provide situation and resource status reports to the EOC Director, as requested. (See Section 5-N, Status Reporting.)

- ix Access to emergency services shall not be denied on the grounds of race, color, national origin, gender, sexual orientation, age, physical or mental abilities, marital status, or religious or political affiliation.
- x The City Manager has the authority to approve resource allocation decisions up to the current budget authorization. Beyond that, and for policy decisions, the City Manager will convene the Policy Group. (See Section 1-B, Emergency Management Authority, for a description of the Policy Group)
- xi The Incident Commander and Policy Group will make decisions based upon the best information available at the time. A formal evaluation will follow the incident to capture constructive criticism/lessons learned and to identify any necessary policy or procedural changes.
- xii The on-scene Incident Commander, EOC Director, or any member of the Emergency Management Group, has the authority to activate the Emergency Alert System or Community Notification System, when activation criteria are met. (See Section 5-A, Alert and Warning, for activation criteria. See Section 1-B, Emergency Management Authority, for a list of whom that includes.)

C. Levels of Emergency Operations

When an incident occurs, a simple, universally accepted language for describing its nature and magnitude can be a useful tool for estimating casualties, property damage, and resource requirements. The City of Hillsboro adheres to the incident typing scheme promulgated by the National Incident Management System (NIMS).

- i **Type V: Routine Operations.** Type V incidents comprise normal daily activities that are manageable by department/agency field resources without the need for higher-level coordination, such as responding to calls for service regarding injured persons and traffic accidents, investigating minor crimes, conducting traffic enforcement activities, and enforcing food sanitation rules. Type V incidents are not addressed in this plan.

Operational parameters:

- a Direction and control: nominal on-scene Incident Commander (IC)
- b Command and General Staff: not activated
- c Resources: internally managed; typically one or two single resources with up to six personnel
- d Information management: internal

- e Written Incident Action Plan (IAP): not required
- f Policy coordination: internal, with no major issues
- g Duration: one operational period, and often within an hour to a few hours after resources arrive on scene

ii **Type IV: Complex Routine Incident.**

Type IV incidents are those that are larger in scope and magnitude than those typically occurring on a day-to-day basis but are still manageable by department/agency field resources without the need for higher-level coordination. Examples include responding to major structural fires, tactical law enforcement situations, and hazardous material incidents. Type IV incidents are not addressed in this plan.

Operational parameters:

- a Direction and control: on-scene IC
- b Command and General Staff: activated as needed
- c Resources: several resources required to mitigate the incident
- d Information management: internal
- e Written IAP: not required, but a documented operational briefing is completed for all incoming resources
- f Policy coordination: agency administrator may have briefings and ensure that the complexity analysis and delegation of authority are updated; the role of the agency administrator includes operational plans containing objectives and priorities
- g Duration: usually limited to one operational period in the control phase

iii **Type III: Minor Incident.**

Type III incidents involve multiple sites and/or agencies, but they still involve a limited area and/or impact a limited population. Warning and public instructions are typically provided in the immediate area involved, and protective actions (evacuation and/or sheltering-in-place) are typically limited to the immediate area of the incident and a short duration. Such incidents can generally be managed with existing department/agency resources, although they may require limited external assistance from other local response agencies or contractors and may demand a higher level of management and coordination. Examples include a winter storm

with multiple road closures or a hazardous materials spill requiring an evacuation of a limited area. A local emergency may be declared.

Operational parameters:

- a Direction and control: on-scene IC or Unified Command (UC); typically requires coordination at a Department Operations Center (DOC) level and may require coordination at the EOC level; a Type 3 Incident Management Team (IMT) or incident command organization may manage initial action incidents with a significant number of resources, an extended attack incident until containment/control is achieved, or an expanding incident until transition to a Type 1 or 2 team
- b Command and General Staff: some or all positions may be activated, as well as Division/Group Supervisor and/or Unit Leader level positions
- c Resources: significant resource commitments; typically require
- d coordination at a DOC level and may require coordination at the EOC level
- e Information management: typically requires coordination at a DOC level and may require coordination at the EOC level; may require activation of the Joint Information Center (JIC) and the County PIC to provide emergency information and recommended actions to the public
- f Written IAP: may be required for each operational period
- g Policy coordination: may be required at departmental or County level to deal with a few major issues
- h Duration: the incident may extend into multiple operational periods

iv Type II: Major Incident.

Type II incidents are typically large in scale and scope (e.g., a major flood or moderate earthquake) and affect a wide area, large population, and/or important facilities. Centralization of departments' and agencies' incident management and coordination activities in the form of DOCs and the County EOC will be required; additionally, a JFO, a JIC, and perhaps a regional EOC may be activated to deal with resource, information, and command management.

Such situations may require community-wide warning and public instructions; implementation of large-scale protective measures

(evacuation or sheltering-in-place); and activation of temporary shelter and mass care operations, possibly for an extended duration. There may be a need for external assistance from other local response agencies and/or contractors, as well as limited assistance from state or federal agencies. Local states of emergencies (city and County) will be declared as appropriate, and the state may declare an emergency as well; additionally, the governor may request a Presidential Disaster Declaration.

Operational parameters:

- a Direction and control: sizable multiagency response operating under one or more ICs; requires coordination at the EOC level
- b Command and General Staff: most or all positions filled, along with many functional units
- c Resources: operations personnel normally do not exceed 200 per operational period, and total incident personnel do not exceed 500 (guidelines only); may require the response of out of area resources, including regional and/or national resources; resource management requires coordination at the EOC level
- d Information management: requires coordination at the EOC level; requires activation of the JIC and County PIC to provide emergency information and recommended actions to the public
- e Written IAP: required for each operational period
- f Policy coordination: required at the county level to deal with many major issues; agency administrator is responsible for the incident complexity analysis, agency administrator briefings, and the written delegation of authority
- g Duration: multiple operational periods

v **Type I: Catastrophic Incident.**

Type I incidents are complex, uncommon events of a scope and magnitude that significantly curtails local government ability to help its citizens; examples include a major subduction zone earthquake, or a nuclear attack. Such incidents may produce potentially lasting impacts on the population and/or on critical infrastructures and key resources. They would necessitate intensive community-wide warning and public instructions efforts; implementation of extensive protective measures (evacuation or sheltering-in-place); and activation of massive temporary shelter and mass care operations, potentially for an indefinite duration.

Consequently, a Type I incident demands extraordinary incident management and coordination measures, as well as significant external assistance from other local response agencies and contractors, plus extensive state and/or federal assistance. The EOC will be activated to provide strategic guidance and direction, provide emergency information to the public, coordinate state and federal support, and coordinate resource support for emergency operations; in addition, DOCs, a JFO, a JIC, possibly a regional EOC, the State Emergency Coordination Center (ECC) and FEMA Regional Response Coordination Center (RRCC) will be activated to deal with resource, information, and command management. Local and state emergencies will be declared, and the Governor will request a Presidential Disaster Declaration.

Operational parameters:

- a Direction and control: incident requires a response by all local agencies operating under one or more ICs, necessitating coordination at the EOC level
- b Command and General Staff: all positions are activated, and the ICS organization is substantially developed
- c Resources: Operations personnel often exceed 500 per operational period, and total personnel will usually exceed 1,000; significant resource commitments; typically require coordination at a DOC level and will require coordination at the EOC level. Information management: community-wide warning and public instructions require coordination at the EOC level and require activation of the County JIC and PIC to provide emergency information and recommended actions to the public.
- d Written IAP: required for each operational period
- e Policy coordination: required at the County level and above to deal with many major issues
- f Duration: multiple operational periods

D. Operational Policy Statements

i Response Actions

- a Departments involved in emergency response shall retain their identity and autonomy during a declared State of Emergency, except as required to activate and staff the Emergency Operations Center functions.

- 1 Those Departments with field operations shall activate a Department Operations Center (DOC) to dispatch and track resources according to the priorities set by Incident Command.
 - 2 The DOCs shall report their situation and resource status to the Emergency Operations Center.
- b The National Incident Management System Incident Command System (NIMS ICS) will be used to manage emergency response operations.
- 1 The Police and Fire Departments are responsible for training and staffing Incident Management Teams to provide on-scene management of emergency incidents. This does not preclude the use of a unified command involving personnel from other City Departments, or participation on Incident Management Teams by personnel from other City Departments.
 - 2 The Police and Fire Departments are responsible for training and staffing the Emergency Operations Center (EOC) Director position during EOC activations. This does not preclude the use of a unified command involving personnel from other City Departments, or the assumption of the EOC Director position by the City Manager, if appropriate.
- ii Recovery Actions
- a During declared emergencies which cause extensive damage, the EOC Director will appoint a Recovery Officer early in the incident.
 - b The National Incident Management System Incident Command System (NIMS ICS) will be used to manage recovery operations.
- iii All Departments will perform these common management functions in support of this Plan:
- a Participate in training and exercises.
 - b Provide a representative to the Disaster Planning Team.
 - c Provide staff to the Emergency Operations Center (EOC), as available or directed.
 - d Develop plans and procedures to activate a Department Operations Center (DOC), if needed.
 - e Establish internal lines of succession of authority.
 - f Protect department vital records, materials, facilities, and services.
 - g Develop and exercise procedures to warn department personnel of impending emergencies and actions to be taken.
 - h Develop and maintain mutual aid agreements with adjacent jurisdictions and a department-specific resource list.

- i Promote disaster preparedness and training, and encourage employees to develop a family disaster plan.
 - iv In consideration of the health and welfare of its employees, the City of Hillsboro sets the following standards for disaster preparedness:
 - a Each Department which operates a Department Operations Center (DOC) will stock sufficient non-perishable food, water, and basic supplies to sustain its DOC staff for a minimum of 72 hours.
 - b Each Department that expects its employees to respond during a disaster will stock sufficient non-perishable food, water, and basic supplies to sustain its responders for a minimum of 72 hours, and will also promote personal preparedness for the employees' families.
 - c The Emergency Manager will stock the Emergency Operations Center (EOC) with sufficient non-perishable food, water, and basic supplies to sustain the EOC staff for a minimum of 72 hours.
 - d Each Department will prepare to sustain their employees if, for some reason, they are prevented from returning home due to the impact of a disaster, by stocking basic supplies. They will also encourage each employee to supplement those supplies with personal items, such as additional food, toiletries, a change of clothing, and sturdy shoes.
 - v The City Manager has the authority and responsibility for the direction and control of city resources during a declared emergency. (See Hillsboro Municipal Code Chapter 2.46, Section 2.46.070.)
 - a The City Manager may authorize specific emergency powers for the duration of the emergency period, consistent with the declaration of emergency. Examples of emergency powers include setting a curfew and designating evacuation areas. (See Hillsboro Municipal Code Chapter 2.46, Section 2.46.070.)
 - b The City Manager may assume the Director position at the Emergency Operations Center if, in his or her judgment, emergency response will be enhanced by this action. (The City manager will attend NIMS ICS training in preparation for assumption of an EOC position.)
 - c The City Manager will ensure the Mayor and City Council are briefed on the status of response and recovery operations.

E. Emergency Management Policy Statements

- i The City will conduct an annual exercise of the Emergency Operations Center (EOC) function. There may also be other exercises of specific functions within the Incident Command System.

- ii When practical, emergency management training and exercises will be scheduled in conjunction with Washington County and surrounding jurisdictions and special service districts.
- iii Where appropriate, this Plan will reference applicable sections of the Washington County Emergency Plan for services provided by Washington County. Examples include: Mass Fatalities Incident Plan, Public Health Annex, and Mental Health Annex.
- iv The Emergency Manager is responsible for reviewing this plan for updates, with assistance from the Disaster Planning Team and other subject matter experts. Any changes to Section 1 of this plan must be adopted by Hillsboro's City Council.

F. Mitigation Policy Statements

- i The City of Hillsboro will, through land use planning, building and fire codes, ordinances, and public education, work to mitigate hazards in the community.
- ii Specific mitigation projects are described in the Multi-Hazard Mitigation Plan.
 - a The City of Hillsboro will seek mitigation grant funding for eligible projects.
 - b The City of Hillsboro will seek partners in implementing its mitigation projects. Possible partnerships include, but are not limited to, businesses, special service districts, non-profit organizations, civic organizations, citizen groups, and adjacent jurisdictions.
- iii The City of Hillsboro will encourage residents and businesses to purchase flood and earthquake riders to their property insurance policies, as appropriate.
- iv The City of Hillsboro promotes protection of city employees and property through the use of non-structural earthquake mitigation measures in employee-occupied workspaces.

G. Overtime Pay Policy for Exempt Employees During a Declared State of Emergency

- i The City of Hillsboro will provide additional compensation of exempt employees working in support of a disaster during a declared state of emergency, under the guidelines provided below. These guidelines are consistent with State and Federal regulations. These guidelines recognize that it is in the public interest that high-ranking staff from the City of

Hillsboro participate in activations in response to emergencies. These guidelines also recognize that:

- a The exempt status of these employees under the Fair Labor Standards Act (FLSA) is not compromised by additions to compensation from these sporadic and infrequent events. (The thrust of FLSA addresses the loss of exempt status when a salaried employee is subject to deductions from salary, not additions to salary.)
 - b Additional compensation does not conflict with the FLSA salary basis of pay, and, therefore, does not compromise the exempt status (29 CFR Section 541.109).
 - c Performance of non-exempt work under occasional emergency conditions will not be cause for these employees to lose exempt status (29 CFR Section 541.118(b)).
 - d Participation in a declared disaster activation under this Plan causes exempt employees to endure significant hardship.
 - e Internal equity issues arise when non-exempt subordinate employees are compensated more than their exempt supervisors during these infrequent events.
 - f Activation for these events is above and beyond the normally-assigned duties.
 - g The benefit to the community from the knowledge and experience gained by exempt employees participating in these events far outweighs other concerns.
- ii Guidelines for payment of additional compensation to exempt employees during a declared state of emergency:
- a The state of emergency must be declared in accordance with this Plan. The declaration of emergency is a legal document approved by City Council and signed by the Mayor. (Section 5-E, Emergency Declaration).
 - b The duration of the declared state of emergency must exceed twelve (12) hours.
 - c The exempt employee must be activated as staff for the Emergency Operations Center, a Department Operations Center, an Incident Management Team, an Incident Command Post, a Liaison Officer at another agency, or as a field worker in direct support of the incident.
 - d Compensation at straight time hourly rate will be paid for hours activated during normally-scheduled hours of work. This rate shall be calculated by dividing the normal monthly salary by 173.3 hours. The employee shall be compensated at a rate of one and one-half times the

hourly rate for all time engaged in support of the declared state of emergency outside the normal work schedule of that employee.

Annex A to Section 1-A

EMPLOYEE, ELECTED OFFICIAL, AND VOLUNTEER PREPAREDNESS

I PURPOSE

This section sets forth recommendations for family preparedness for City of Hillsboro employees, elected officials, and volunteers. These actions are intended to:

- A. Increase the probability that employees, elected officials, and volunteers will be available to provide leadership and services to residents during a major emergency by decreasing the potential for family emergencies caused by lack of preparation;
- B. Provide adequate food and water for employees who are required to work during a major emergency, when time or availability may preclude employees from obtaining meals on their own; and
- C. Increase the ability of the City of Hillsboro to provide vital services to residents and businesses during a major emergency.

II AUTHORITY

City of Hillsboro Emergency Management Plan, Section 1-A, Paragraph III.C.iii.i

All department will perform these common management functions in support of this Plan: ...”Promote disaster preparedness and training, and encourage employees to develop a family disaster plan.”

III DESCRIPTION

City of Hillsboro employees, elected officials, and volunteers are encouraged to:

- H. Access disaster preparedness flyers at
 - i <http://www.ci.hillsboro.or.us/EmergencyInfo/> or
 - ii Hillsboro Public Folders\Safety Committee\Disaster Preparedness Flyers.
- I. Attend Community Emergency Response Team (CERT) training
 - i Class teaches you to organize your neighborhood to get through the first 72 hours of a disaster, when emergency services might not be able to assist you. The City’s facilities could each be considered a “neighborhood” for CERT purposes, and employees and volunteers could form a CERT team to support them.
 - ii With your supervisor’s approval (city employees):
 - a CERT training is available during the regular work day for designated Emergency Action Plan floor monitors and disability assistants.
 - b CERT follow-on training is available during the regular work day for any employees who have attended the basic CERT class.
 - iii Or on your own:
 - a CERT training is available on your own time during evening hours.
 - b Attend CERT training with your family members aged 14 or older
- J. Stock personal preparedness supplies at your workplace.

SECTION 1-B

EMERGENCY MANAGEMENT AUTHORITY

I. PURPOSE

The purpose of this section is to define the membership and authorities of the:

- A. Emergency Management Group
- B. Policy Group

II. AUTHORITY

Oregon Revised Statutes 401.305 and 401.335 and the City of Hillsboro Municipal Code give the city responsibility and authority to direct activities which mitigate against, prepare for, respond to, and recover from emergencies or major disasters.

III. DESCRIPTION

A. The City of Hillsboro Emergency Management Group consists of:

- i. City Manager (Chair)
- ii. Assistant City Managers (3 positions)
- iii. Fire Chief
- iv. Police Chief
- v. Public Works Director
- vi. Water Director
- vii. Emergency Manager

Members of the Emergency Management Group have the authority to:

- i. Call for activation of the Emergency Operations Center to support emergency response operations
- ii. Prepare a Declaration of Emergency for approval by the Policy Group in order to:
 - a. Invoke special emergency powers or
 - b. Request additional resources from Washington County (outside and/or in addition to our normal mutual aid requests).
- iii. Convene the Policy Group to request additional budgetary authority, sign a declaration of emergency, or make policy decisions. (See paragraph III.B, below, for a description of the Policy Group.)

The Emergency Management Group is activated by contacting its members to request a meeting. In the event of an emergency in which telephone service is interrupted, members of the Emergency Management Group should ensure the safety of their families and then report to the EOC.

B. The City of Hillsboro Policy Group consists of

- i. Mayor (voting member, as provided by City Council procedure)
- ii. City Councilors (voting members)
- iii. Emergency Management Group (advisory capacity)
- iv. Others may be included, as needed, such as the Risk Manager and City Attorney (advisory capacity)

Voting members have the authority to:

- v. Approve a declaration of emergency, which may:
 - a. Authorize the City Manager to invoke emergency powers consistent with the declaration of emergency, and as required to protect the life and safety of city residents, businesses, and visitors, and/or
 - b. Request additional resources from Washington County (outside and/or in addition to normal mutual aid requests)
- vi. Allocate additional budgetary authority required to respond to or recover from the disaster
- vii. Make policy decisions affecting resource allocations or population protection

These same authorities are available to the voting members of the Policy Group when convened as the Hillsboro City Council.

SECTION 1-C
CITY OF HILLSBORO MUNICIPAL CODE
ON
EMERGENCY MANAGEMENT

Chapter 2.46 EMERGENCY MANAGEMENT
2.46.010 Definitions.

As used in this chapter, the following words and phrases mean:

“Emergency” means and includes any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or release of oil or other hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the city, civil disturbance, riot, sabotage and war.

“Emergency management plan” means the management plan adopted by the city council which addresses the possible emergencies that might occur within the city. The term “plan,” includes the emergency management plan along with all individual hazard-specific plans, resource lists and call lists and any changes or additions thereto.

“Emergency program manager” means the city manager or the city manager’s designee. (Ord. 4490 § 1 (part), 1997)

2.46.020 Emergency management program.

Pursuant to ORS Chapter 401, the city of Hillsboro establishes an emergency management program. The city council shall be responsible for setting policy direction for emergency management through the adoption of an emergency management plan (“plan”). Subject to the direction of the city manager, the emergency program manager shall have responsibility for the organization, administration and operation of the emergency management program during a declared emergency in accordance with the emergency management plan and state law. (Ord. 4490 § 1 (part), 1997)

2.46.030 Emergency program manager.

Subject to the direction of the city manager, the emergency program manager shall be responsible for carrying out the responsibilities of that position provided for in this chapter and ORS Chapter 401. The emergency program manager shall be authorized to negotiate, prepare and present for city council approval, any agreements between the city and other governmental entities or private parties that are deemed to be necessary and proper for the furtherance of the policies set forth in the emergency management plan. (Ord. 4490 § 1 (part), 1997)

2.46.040 Emergency management plan.

The plan shall address the emergencies likely to afflict the city and the

appropriate procedures and responses for each type of emergency. The city council shall by resolution adopt, and may from time to time amend, the plan, together with any hazard-specific plans. (Ord. 4490 § 1 (part), 1997)

2.46.050 Incident management.

The city council adopts the National Incident Management System (“NIMS”) as the foundation for incident command, coordination, and support activities. It shall further be the policy of the city of Hillsboro to provide appropriate training on the National Incident Management System and its core components to personnel responsible for managing and/or supporting major emergency and disaster operations. (Ord. 5489 § 1, 2005; Ord. 4490 § 1 (part), 1997)

2.46.060 Declaration of emergency.

When circumstances so warrant and subject to the direction of the city manager, the emergency program manager shall make a recommendation to the city manager that an emergency exists. The city manager shall either immediately declare an emergency in writing or call a regular or special meeting of the city council requesting a declaration of emergency. If the city manager immediately declares an emergency, the city council shall ratify that declaration within seven days. Such declaration will be effective for no longer than a two-week period but it may be extended for additional one week increments in the event that an emergency continues to exist. Such a declaration shall:

A. Describe the nature of the emergency;

B. Designate the geographic boundaries of the area where the emergency is deemed to exist, and that portion of the affected area lying within the city limits;

C. Estimate the number of individuals at risk, injured or killed;

D. Describe the actual or likely damage;

E. State the type of state, county and city assistance or resources required to respond to the emergency;

F. Estimate the length of time during which the designated area shall remain in an emergency status; and

G. State the specific regulations or emergency measures imposed as a result of the declaration of emergency. (Ord. 4490 § 1 (part), 1997)

2.46.065 Continuity of Government

The city manager is the person designated by the city council to declare an emergency, to act as the administrative head of the city and to exercise the authority under this Chapter. In the event the incumbent city manager is unavailable for any reason to exercise authority under this Chapter and the individuals acting in the following positions shall be the line of succession, also known as the “continuity of government”, necessary to ensure the legal continuation and leadership of the city government during an emergency. When an emergency has been declared pursuant to Section 2.46.060, the following line of succession applies and supersedes any internal policy that might apply when the City Manager is unavailable in non-emergency situations.

The line of succession within the city during an emergency is:

1. City Manager
2. Mayor
3. Council President
4. Assistant City Manager – the assistant manager who has been employed as an assistant city manager the longest, second longest and third longest in that order.
5. Police Chief
6. Fire Chief

2.46.070 Authority of city manager.

Whenever an emergency is declared under Section 2.46.060 of this chapter, the city manager may authorize specific emergency powers for the duration of the emergency period and the specific areas or portions of the city wherein the emergency is declared to exist and over which the city has authority, consistent with the declaration of emergency as required to protect the public health, safety and welfare, including the following:

A. A curfew may be established for the area designated as an emergency area which fixes the hours during which all persons, other than public officers and officials, may not be upon the public streets or in other places;

B. Streets and areas may be barricaded and vehicular and pedestrian traffic prohibited or regulated on streets leading to the area designated as an emergency area for such distance as may be deemed necessary under the circumstances;

C. Persons may be evacuated from the emergency area, instructed to

shelter in place or given instruction for other protective actions;

D. The city manager may prohibit or restrict the sale of alcoholic beverages and the sale of gasoline or other flammable liquids;

E. The city manager may declare other measures as are imminently necessary under the circumstances for the protection of life or property or to prevent or minimize danger to lives or property;

F. The city manager may approve non-substantive edits to this chapter of the Hillsboro Municipal Code in order to comply with state and federal emergency management regulations. (Ord. 5489 § 2, 2005; Ord. 4490 § 1 (part), 1997)

2.46.080 Violation of measure or order.

Any person who knowingly violates any emergency measure or lawful order of a city official taken pursuant to the plan or this chapter commits a civil infraction under Hillsboro Municipal Code Section 1.08.010 and shall be subject to prosecution in municipal court. (Ord. 4490 § 1 (part), 1997)

2.46.090 Authority to enter property.

During an emergency declared under Section 2.46.060 of this chapter, a city employee or agent may enter onto or upon private property, if the person has reasonable grounds to believe there is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto private land will allow the person to take steps to alleviate the emergency and prevent or

minimize danger to lives or property from the declared emergency. (Ord. 4490 § 1 (part), 1997)

2.46.100 Suspension of procurement requirements.

When an emergency is declared under Section 2.46.060 of this chapter, and consistent with the plan and applicable state law, the city manager is authorized to suspend the applicable public procurement requirements, and, to the extent sufficient funds are available and budgeted, to redirect city funds to pay expenses incurred as a result of responding to the emergency. (Ord. 4490 § 1 (part), 1997)

2.46.110 Nonliability for emergency services.

Pursuant to ORS 401.515, during the existence of a declared or undeclared emergency, the city and any agent of the city engaged in any emergency services activity, while complying with or attempting to comply with the plan, ORS 401.015 to 401.105 and 401.260 to 401.325 and 401.355 to 401.580 shall not, except in cases of willful misconduct, gross negligence or bad faith, be liable for the death or injury of any person, or damage or loss of property as a result of that activity. (Ord. 4490 § 1 (part), 1997)

SECTION 1-D

OREGON REVISED STATUTES CHAPTER 401

Emergency Services and Communications

2005 EDITION - Relevant Excerpts

EMERGENCY MANAGEMENT AND SERVICES

(Generally)

401.015 Statement of policy and purpose. (1) The general purpose of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 is to reduce the vulnerability of the State of Oregon to loss of life, injury to persons or property and human suffering and financial loss resulting from emergencies, and to provide for recovery and relief assistance for the victims of such occurrences.

(2) 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 government level. The state shall prepare for emergencies, but shall not assume authority or responsibility for responding to such an event unless the appropriate response is beyond the capability of the city and county in which it occurs, the city or county fails to act, or the emergency involves two or more counties. [1983 c.586 §1]

401.035 Responsibility for emergency services systems. (1) The Governor is responsible for the emergency services system within the State of Oregon.

(2) The executive officer or governing body of each county or city of this state is responsible for the emergency services

system within that jurisdiction.

(3) In carrying out their responsibilities for emergency services systems, the Governor and the executive officers or governing bodies of the counties or cities may delegate any administrative or operative authority vested in them by ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 and provide for the subdelegation of that authority. [1983 c.586 §3]

(Powers of Local Governments)

401.305 Emergency management agency of city or county; emergency program manager; coordination of emergency management functions. (1) Each county of this state shall, and each city may, establish an emergency management agency which shall be directly responsible to the executive officer or governing body of the county or city.

(2) The executive officer or governing body of each county and any city which participates shall appoint an emergency program manager who shall have responsibility for the organization, administration and operation of such agency, subject to the direction and control of the county or city.

(3) The local governing bodies of counties and cities that have both city and county emergency management programs shall jointly establish policies which provide direction and identify and define the purpose and roles of the individual emergency management programs, specify the

responsibilities of the emergency program managers and staff and establish lines of communication, succession and authority of elected officials for an effective and efficient response to emergency conditions.

(4) Each emergency management agency shall perform emergency program management functions within the territorial limits of the county or city and may perform such functions outside the territorial limits as required under any mutual aid or cooperative assistance agreement or as authorized by the county or city.

(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 Security Presidential Directive 5 of February 28, 2003. [1983 c.586 §12; 1993 c.187 §9; 2005 c.825 §11]

401.309 Declaration of state of emergency by local government; procedures; mandatory evacuations. (1)

Each county, city or other municipal corporation in this state may, by ordinance or resolution, establish procedures to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency. The ordinance or resolution shall describe 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.

(2) An ordinance or resolution adopted under this section may designate the emergency management agency, if any, or any other agency or official of the county, city or municipal corporation as the agency or official charged with carrying out emergency duties or functions under the ordinance.

(3) A county, city or municipal corporation may authorize an agency or official to order mandatory evacuations of residents and other individuals after a declaration of a state of emergency within the jurisdiction is declared. An evacuation under an ordinance or resolution authorized by this section shall be ordered only when necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency.

(4) Nothing in this section shall be construed to affect or diminish the powers of the Governor during a state of emergency declared under ORS 401.055. The provisions of ORS 401.015 to 401.105, 401.115 and 401.125 to 401.145 supersede the provisions of an ordinance or resolution authorized by this section when the Governor declares a state of emergency within any area in which such an ordinance or resolution applies.

(5) As used in this section, “emergency” has the meaning given that term in ORS 401.025. [1997 c.361 §2]

401.315 City or county authorized to incur obligations for emergency services; county determination of emergency. In carrying out the provisions of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580, counties or cities may enter into contracts and incur obligations necessary to

mitigate, prepare for, respond to or recover from emergencies or major disaster. A county shall assess whether an emergency exists. [1983 c.586 §13; 1991 c.418 §2]

401.325 Emergency management agency appropriation; tax levy. (1) Each county and city may make appropriations, in the manner provided by law for making appropriations for the expenses of the county or city, for the payment of expenses of its emergency management agency and may levy taxes upon the taxable property within the county or city.

(2) An appropriation made under subsection (1) of this section shall be budgeted so that it is possible to identify it as a distinguishable expense category. [1983 c.586 §14]

401.335 Temporary housing for disaster victims; political subdivision's authority. Any political subdivision of this state is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into arrangements necessary to prepare or equip such sites to utilize the housing units. [Formerly 401.620]

(Emergency Service Workers)

401.355 Eligibility of emergency service worker for benefits for injury sustained in emergency service. (1) An emergency service worker may apply for and may receive benefits as provided in ORS 401.355 to 401.465 for injury sustained in emergency service performed within or without the state:

(a) Where the injury is proximately caused by or in the course of emergency service, with or without negligence of the emergency service worker.

(b) Where the injury is not caused by the voluntary intoxication of the emergency service worker.

(c) Where the injury is not intentionally self-inflicted.

(2) No emergency service worker or beneficiary is eligible for benefits under ORS 401.355 to 401.465:

(a) If the emergency service worker is entitled to receive benefits under the workers' compensation laws of this state or similar statutes in other states or under any disability, retirement or liability insurance program of the worker's regular employer who has contributed to the cost thereof, or under any federal or local program for compensation of injuries of public employees, in those cases where the injury is compensable because it arose out of and in the course of emergency service duties performed as part of the regular employment of the emergency service worker.

(b) If the emergency service worker is a member of a federal emergency management or emergency service agency or an emergency management or emergency service agency of another state or foreign nation who is performing emergency services in this state. [Formerly 401.200]

401.365 Registration and qualification of emergency management agencies. All state and local emergency management agencies may register and qualify to come within the provisions of ORS 401.355 to 401.465. [Formerly 401.205]

401.375 "Emergency service" defined; service not in violation of child labor laws. Emergency service shall not be deemed employment in violation of any laws of this state relating to labor by minors. "Emergency service" includes all activities authorized and carried on pursuant to ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580, including such training

as is necessary and proper to engage in such activities. [Formerly 401.210]

401.385 Record of enrollment of emergency service workers. Each emergency program manager of an emergency management agency shall maintain a record of enrollment of emergency service workers who are personnel of the agency. Each record shall contain the name and address of the worker, the name of the employer of the worker, date of enrollment and authorized classification of assignment to duty, including the times of assigned duty, as well as changes in enrollment. The record forms shall be supplied by the Office of Emergency Management. Records of membership in the Oregon State Defense Force shall be maintained by the Military Department of the State of Oregon. [Formerly 401.215; 1989 c.361 §9; 1993 c.187 §11]

401.395 Benefits for injury sustained in emergency service. If an emergency service worker sustains an injury, benefits shall be paid in the same manner as provided for injured workers under the workers' compensation laws of this state, except that:

(1) If the injury results in temporary partial disability, no benefits shall accrue to the injured emergency service worker on account of loss of wages due to such disability.

(2) Costs of rehabilitation services to disabled emergency service workers shall be paid from funds specifically appropriated therefor in an amount approved by the Office of Emergency Management, which shall be the reasonable and necessary cost of such services, including services of a physician or rehabilitation facility specially qualified to render rehabilitation services. Expenses of rehabilitation may include travel, board and room, when necessary.

(3) The maximum amount payable for medical, surgical or hospital expenses, compensation and rehabilitation on any one claim shall not exceed \$20,000. [Formerly 401.220; 1993 c.187 §12]

401.405 Benefits not assignable; exempt from execution, attachment and garnishment. No benefits payable under ORS 401.355 to 401.465 are subject to assignment prior to their receipt by the person entitled thereto, nor shall they pass by operation of law. These benefits and the right to receive them are also exempt from seizure on execution, attachment or garnishment, or by the process of any court. [Formerly 401.225]

401.415 Benefits as exclusive remedy. The filing of claims for benefits under ORS 401.355 to 401.465 is the exclusive remedy of an emergency service worker or beneficiary for injuries compensable under ORS 401.355 to 401.465 against the state or its political subdivision or any emergency management agency or other person acting under governmental authority in furtherance of emergency service activities, regardless of negligence. [Formerly 401.230]

401.425 Claims for benefits. (1) Claims for benefits under ORS 401.355 to 401.465 shall be filed by application with the Office of Emergency Management in the manner provided by rules of the Department of State Police.

(2) The right to benefits under ORS 401.355 to 401.465 shall be barred unless written claim is filed with the office within 90 days after the injury, or, if death results therefrom, within 90 days after death. However, if death occurs more than one year after the injury, the right shall be barred unless prior written claim based on the injury has been timely filed. The requirements of this subsection may be

waived by the office on the ground that, for good and sufficient reason, claim could not be filed on time. [Formerly 401.235; 1993 c.187 §13]

401.435 Appeal. Any question of law or fact may be appealed to the circuit court of the county where the injury occurred within 30 days from the date of mailing of the final decision by the Office of Emergency Management, if the emergency service worker is dissatisfied with the final decision. [Formerly 401.240; 1993 c.187 §14]

401.445 Allocation of necessary funds. If funds are not available to the Office of Emergency Management to pay claims approved under ORS 401.355 to 401.465, the Department of State Police shall request allocation of necessary funds from the Emergency Board if the unavailability occurs during the interim between sessions of the Legislative Assembly. If the unavailability occurs during a session, the Department of State Police shall request the Joint Committee on Ways and Means to submit legislation necessary to provide such funds. [Formerly 401.245; 1993 c.187 §15]

401.455 Benefits limited by availability of funds; priority among claimants. Liability of the State of Oregon or any agency thereof for the payment of benefits under ORS 401.355 to 401.465 is contingent upon and limited by the availability of funds. In the event that funds are not sufficient to meet the benefit claims for a given period, priority among claimants shall be determined according to the time of filing of the claim. [Formerly 401.250]

401.465 Obtaining public or private insurance with available funds. Funds available for purposes of ORS 401.355 to 401.465 may be used to effect insurance or reinsurance with any authority or

instrumentality, public or private, or otherwise to distribute the liability for compensation payable to emergency service workers. [Formerly 401.255; 1993 c.187 §16]

(Miscellaneous)

401.480 Cooperative assistance agreements. The state, counties and cities may, in collaboration with public and private agencies, enter into cooperative assistance agreements for reciprocal emergency aid and resources. [1983 c.586 §15]

401.485 Leaves of absence for disaster relief volunteers; requirements; maximum period; effect on status of employees. (1) State agencies and political subdivisions described in ORS 243.325 (2) to (6) may grant leaves of absence to any public employee who is a certified disaster services volunteer of the American Red Cross to participate in disaster relief services in the State of Oregon. Cumulative leave granted shall not exceed 15 work days in any 12-month period. Such leave granted shall not result in a loss of compensation, seniority, vacation time, sick leave or accrued overtime for which the employee is otherwise eligible. Compensation to an employee granted leave under this section shall be at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

(2) As used in this section, "disaster" means those disasters designated at level II and above by the American Red Cross. [1995 c.70 §1]

Note: 401.485 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.515 Nonliability for emergency services; exception; emergency service workers as agents of state or local governments. (1) During the existence of an emergency, the state and any local government, any agent thereof or emergency service worker engaged in any emergency services activity, while complying with or attempting to comply with ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 or any rule adopted under those sections, is not, except in cases of willful misconduct, gross negligence or bad faith, liable for the death or injury of any person, or damage or loss of property, as a result of that activity.

(2) There shall be no liability on the part of a person who owns or maintains any building or premises which has been designated by any emergency management agency or emergency service agency or any public body or officer of this state or the United States as a fallout shelter or a shelter from destructive operations or attacks by enemies of the United States for the death of or injury to any individual or damage to or loss of property while in or upon the building or premises as a result of the condition of the building or premises or as a result of any act or omission, except willful misconduct, gross negligence or bad faith of such person or the servants, agents or employees of the person when the dead or injured individual entered or went on or into the building or premises for the purpose of seeking refuge therein during or in anticipation of destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority.

(3) The provisions of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 do not affect the right of any person to receive benefits or compensation to which the person would otherwise be entitled under ORS 401.015 to 401.105, 401.260 to

401.325 and 401.355 to 401.580, under ORS chapter 656, under any pension or retirement law or under any act of Congress.

(4) Emergency service workers, in carrying out, complying with or attempting to comply with any order or rule issued under ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its local governments performing similar work.

(5) This section does not excuse any governmental agency from liability for intentional confiscation or intentional destruction of private property.

(6) A person who complies with a lawful order of the Governor under ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 incurs no liability for damages resulting from compliance.

(7)(a) An officer, employee or agent of the federal government or another state, or an agency or political subdivision of another state, who is accepted by the Office of Emergency Management to act as an emergency service worker is an agent of this state for the purposes of this section and ORS 30.260 to 30.300.

(b) An officer, employee or agent of the federal government or another state, or an agency or political subdivision of another state, who is accepted by a local government emergency management agency to act as an emergency service worker is an agent of the local government emergency management agency for the purposes of this section and ORS 30.260 to 30.300. [1983 c.586 §20; 2005 c.825 §12]

EMERGENCY RESPONSE DRILLS

401.538 State and local agency emergency response drills. (1) Each state or local agency shall drill agency employees working in office buildings on emergency procedures so that the employees may respond to an earthquake emergency without confusion or panic. The agencies shall conduct the drills in accordance with Office of Emergency Management rules. The drills must include familiarization with routes and methods of exiting the building and methods of “duck, cover and hold” during an earthquake. An agency shall conduct the drills annually. The Office of Emergency Management may, by rule or on application, grant exemptions from the drill requirement for good cause.

(2) As used in this section, “state or local agency” means a state or local office, department, division, bureau, board or commission that is assigned, renting, leasing, owning or controlling office space for carrying out its duties. “State or local agency” includes the Legislative Assembly when in regular session. [2001 c.366 §1]

401.546 Conduct of earthquake emergency drills; rules. The Office of Emergency Management, in consultation with the State Department of Geology and Mineral Industries, shall adopt rules governing the conduct of earthquake emergency drills required by ORS 401.538 and 401.543. In addition to the office submitting the rules for publication pursuant to ORS 183.360, the office and the department shall each post the rules on an electronic bulletin board, home page or similar site. [2001 c.366 §3]

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