

Support Annex 2. Declaration of Emergency

1. General Overview

Disaster assistance available from mutual aid agencies or under state or federal programs will be enhanced by prompt and thorough reporting of emergency conditions and resources needed. This is critical when assessing emergency conditions as a basis for requesting operational resources or for taking other life-saving measures. As the emergency response is taking place, there is a more formal process that must simultaneously occur to begin documentation for requests for assistance from higher authority.

Because of the variety of data needed, there are a number of processes to go through to gather needed information. If it is anticipated that a Presidential declaration of an emergency or major disaster may be requested, additional steps must be taken to document the situation. While this section will not deal with specific damage assessment procedures, (see Damage Assessment Annex) it will provide an overview of the formal declaration process.

2. Reporting

Accurate incident information is important to decision makers within the incident staff so that effective and efficient use of resources can occur. This information is also critical to mutual aid or assisting agencies and to the public. Pertinent information for an “Initial Damage Assessment” (see Damage Assessment Annex) will be collected by the EOC as soon as possible after the onset of a disaster event. This summary will be updated at least every twelve (12) hours and will be compiled for each. The summary will include, at a minimum, the following information:

- Incident type, location, date, time, area impacted,
- Deaths, injuries, people at risk, significant property damage,
- Actions taken and resources committed,
- Current status and anticipated resources requirements.

The Initial Damage Report is the basis on which State assistance may be provided and is required by Oregon Emergency Management as soon as possible following a disaster event.

3. Emergency Declaration

3.1 Local Emergency Declaration

Under ORS 401, the Coos County Board of Commissioners has the legal authority to declare that a local emergency or disaster exists. Declaration of a local disaster enables the Board of Commissioners to invoke emergency authorities and to request additional resources from State or Federal Government. Under the County’s Code Article Ten – Emergency Management Division, one of

the sections listed IN THIS MATTER OF ESTABLISHING EMERGENCY PROCEDURES FOR COOS OCUNTY on subsequent pages of this annex.

If State or Federal resources are necessitated, see the below section on “Elements for Official Declaration”.

3.2 State Emergency Declaration

Under ORS 401, the Governor has the authority to declare a “State of Emergency” in all or any part of the State. The declaration may be done for the purpose of activating state resources to support emergency response, to invoke emergency authorities, or may be done as a prelude to request a Presidential Declaration.

Requests for a State Declaration shall be made by the Executive Officer(s) of the County in which the emergency event is occurring. If the emergency area is within a city, the Chief Executive(s) of that city must process requests for assistance through the County Emergency Management Office. This includes requests for military assistance even if a local military installation exists within a city’s limits. State assistance will be provided only after a “good faith” effort has been made, local resources are exhausted or nearing depletion, and mutual aid agreements have been initiated. Local resources include those available under mutual aid, or those also available through the County.

3.3 Federal Emergency or Disaster Declaration

The Federal government may provide various resources to state and local governments following a major emergency or disaster. This assistance is provided under the provisions of the Federal Response Framework and the Robert T. Stafford Act. The President, in consideration of the Governor’s request, may declare either an Emergency or a Major Disaster, as defined below:

3.3.1 Emergency . . . is any occasion or event which, in the determination of the President, Federal assistance is needed to supplement local and State efforts to save lives and to protect property and public health and safety, or to lessen or avert the threat of catastrophe in your local jurisdiction.

3.3.2 Major Disaster. . . is any natural catastrophe, regardless of cause, any fire, flood, or explosion in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance. . . to supplement the efforts and available resources of State, local governments, . . and disaster relief organization in alleviating the damage, loss or suffering.

4. Elements for Official Declaration

The State of Emergency declared under the section shall specify the factors which warrant the declaration, i.e.:

- Geographic boundaries of event necessitating special consideration,

- Specific language outlining nature, extent and expected effects of event,
- Designation of special powers (if appropriate).

If State or Federal Declaration and/or assistance are requested:

- Language stating that local, county, mutual aid resources are close to/or have been depleted.
- Very specific assistance requirements to be requested, i.e., what type of equipment, how many of, for what type of assignment, and where. Multiple requests on the same declaration may be necessary. Be as detailed as possible.
- Time elements: expected duration of event or time expected to gain control.

5. Submission of Declaration Request

A request for declaration of an emergency in Coos County will be initiated by action taken through the County Emergency Management Office. The following documents will be forwarded to the Board for action:

- Board Order declaring an emergency,
- Supporting documentation as determined necessary by the Chief Administrative Officer,
- Letter to the Governor advising of declaration and specifying amount and type of assistance necessary (refer to the sample declaration in this annex). Be sure to include the “Elements” listed above.

Request for state assistance will be forwarded to Oregon Emergency Management as soon as practical. These requests may be sent via fax as the most expedient (if operable and available) method accessible. The OEM fax number is 503-588-1378. The original, signed copy will be either mailed or hand delivered, whichever is most secure and appropriate.

Example forms for declaring a state of emergency at either the city or county jurisdictional level are included at the end of this annex.

Channels for requesting operational assistance:

Oregon Revised Statutes (ORS), Chapter 401 of 1993 is the guidance utilized. Several appropriate references are noted here. For a more in-depth legal reference to emergency management procedures in the declaration process, refer to the previous section listed in this plan on the ORS 401, series.

6. Statutes Governing Emergency Authority

401.035 (2) It is declared to be 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 or county in which it occurs, the city or county fails to act, or the emergency involves two or more counties.

401.055 (2) All requests by a county governing body that the Governor declare an emergency shall be sent to the Office of Emergency Management. Cities must submit requests through the governing body of the county in which the majority of the city's property is located. Requests from counties shall be in writing and include the following:

401.055 (5) Any proclamation of a state of emergency must specify the geographical area covered by the proclamation. Such area shall be no larger than necessary to effectively respond to the emergency.

A disaster event occurs at the lowest possible level and responsibility to respond applies accordingly. The chain of events (or command) may look similar to the following:

Community/City >> County>>State (OEM)>>Federal FEMA)>>Presidential

The Coos County Office of Emergency Management or Sheriff's Office may be contacted for further details and assistance. Channels for requesting a disaster declaration rests with the Coos County Legal System and the senior County Administrator (Judge, Commissioner Chairperson).

Division One – Authority and Procedures

(Article Ten was adopted on November 3, 1999)

Section 10.01.010 Purpose

The purpose of this ordinance is to provide a procedure to minimize injury to persons, the environment, and property and to preserve the established civil authority in the event of a state of emergency exists within the unincorporated areas of Coos County or within the incorporated areas of Coos County if assistance is requested by such incorporated jurisdiction.

Section 10.01.020 Definition of Emergency

For the purposes of this ordinance, emergency is defined as any 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. Such event shall include, but not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, tsunami, spills of oil or other

hazardous substances, disease, blight, infestation, utility or transportation service disruptions, civil disturbance, riot, sabotage, and war or any other such emergency as defined under Oregon Revised Statute, Chapter 401.

Section 10.01.030 Authority of County

Under the provisions of ORS Chapter 401, the authority and responsibility for responding to emergencies is placed at the local government level. ORS Chapter 401 further mandates that the County shall establish an emergency management agency to perform emergency program management functions to include, but not limited to, program development, fiscal management, coordination with non-governmental agencies and organizations, public information, personnel training and development, and implementation of exercises to test the system.

Section 10.01.040 Declaration of Emergency

When, in judgment of the Board of County Commissioners, a state of emergency exists, they shall declare in writing and publicize the existence of same. At the earliest practical opportunity, a written declaration of emergency shall be adopted by the Board and made a part of the County's official records. If circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may declare a state of emergency provided that the approval of the majority of the Board of County Commissioners is sought and obtained at the first available opportunity.

Upon that declaration of emergency, the Chair of the Board is empowered to assume centralized control of and have authority over all departments, divisions, and offices of Coos County in order to implement the provisions of this ordinance. The state of emergency declared pursuant to this section shall specify the factors which warrant the exercise of emergency controls.

Section 10.01.050 Succession of Authority

In the event that the Chair of the Board of Commissioners is unavailable to serve as set forth in Section 10.01.040, such authority shall succeed to the first available official in the following order of preference:

1. Vice Chair
2. Commissioner
3. Sheriff
4. Criminal Division Sergeant
5. Emergency Management Program Manager

Section 10.01.060 Regulation and Control

Whenever a state of emergency has been declared to exist within unincorporated Coos County, or on the request of a municipality's governing body, the Board of County Commissioners, or the official acting pursuant to Section 10.01.050, is empowered to order and enforce the measures listed herein below. However, if circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may order emergency measures provided that approval from a majority of the Board of County Commissioners is sought and obtained at

the first available opportunity, or the Chair's order will become null and void. Such emergency measures shall include but not be limited to:

1. 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.
2. 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.
3. 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.
4. Evacuate persons from the area designated as an emergency area.
5. Close taverns or bars and prohibit the sale of alcoholic beverages throughout Coos County or a portion thereof.
6. Commit to mutual aid agreements.
7. Suspend standard competitive bidding procedures to obtain necessary goods, services, and/or equipment, to respond to the emergency.
8. Redirect funds for emergency use.
9. Order such other measures as are found to be immediately necessary for the protection of life and/or property.

Section 10.01.070 Acquisition of Resources

Under this section, the Board of County Commissioners 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.

Section 10.01.080 Penalty

1. Any person, firm, corporation, association, or entity that violates any emergency measure taken by the Board of County Commissioners under authority of this ordinance shall be subject, upon conviction, to a fine of not more than \$500. per offense.
2. Each day a violation shall be deemed a separate offense for purposes of imposition of penalty.
3. 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.

Section 10.01.090 Responsibility for Emergency Management

In accordance with ORS 401, the Board of Commissioners of Coos County is responsible for Emergency Management. The Board of Commissioners has delegated that responsibility to the Coos County Sheriff. The Emergency Management program will be managed by the Emergency Management Program Manger of the Sheriff's Office.

Division Two – Closure Of Roads During Emergencies

(Adopted November 3, 1999)

Section 10.02.010 Policy and Purpose

The Coos County Board of Commissioners finds that there is a need for Code provisions that will clearly establish when and who may close County Roads and Local Access Roads during local State of Emergency.

Section 10.02.020 Definitions

As used in this Division, unless the context requires otherwise:

1. "Emergency" has that meaning provided in ORS 401.025 (4), to wit: " 'Emergency' includes any man-made 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, tsunami, volcanic activity, spills or releases of oil or contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage and war."
2. "State of Emergency" means a verbal or written declaration that an emergency has occurred or is imminent.
3. "closure Order" means a verbal or written order issued by the Coos County Sheriff after the declaration of a local State of Emergency closing any County Road, Local Access Road, or County Forest Road in Coos County as authorized by Section 04.09.040(1) or such other areas as authorized by Section 04.09.040 (2).
4. "County Road" has that meaning provided in ORS 368.001 (1), to-wit: "'Local Access Road' means a public road under the jurisdiction of a county that has been designated as a County Road under ORS 368.016."
5. "Local Access Road" has that meaning provided in ORS 368.001 (3), to-wit: "'Local Access Road' means a public road that is not a county road, state highway, or federal road."
6. "County Forest Road" means any non-public road owned or maintained wholly or in party by Coos County for access to the Coos County Forest."

Section 10.02.030 Declaration of State of Emergency

1. A local State of Emergency may be declared after a determination is made that an Emergency has occurred or is imminent. A declaration of a local State of Emergency may be verbal or in writing and shall specify the geographical area covered by the declaration. Such area shall be no larger than necessary to effectively respond to the emergency.

2. In order of descending authority, the following persons shall have the authority to declare a local State of Emergency or its termination. No such person shall declare or terminate a local State of Emergency unless, despite reasonable efforts to contact each and every person of a higher authority to make such a declaration, such efforts were unsuccessful. If the situation presents such a grave risk of loss of life or serious physical injury as to require an immediate Closure Order, any of the below listed persons may declare a local State of Emergency immediately. However, all reasonable and practical attempts to contact persons of higher authority shall be made as soon as the situation allows it.
 - a. Chairperson of the Coos County Board of Commissioners.
 - b. Vice-chairperson of the Coos County Board of Commissioners.
 - c. Commissioner of the Coos County Board of Commissioners.
 - d. Sheriff of Coos County.
 - e. Criminal Division Sergeant of the Coos County Sheriff's Office.
 - f. Coos County Emergency Management Program Manager.
 - g. Shift Commander of the Coos County Sheriff's Office.
3. As soon as practical after the declaration of a local State of Emergency, if not already terminated, the Coos county Board of Commissioners shall meet in person or by telephone and determine whether existing conditions require the continuation of the State of Emergency. Upon a determination that the emergency no longer exists, or when the threat of an emergency has passed, the local State of Emergency shall be terminated in accordance with this section.

Section 10.02.040 Powers of the Sheriff

Upon the declaration of a local State of Emergency, the Sheriff of Coos County, or the Sheriff's designee, shall have the following powers:

1. To issue a Closure Order closing to all persons any County Road, Local Access Road, or County Forest Road in Coos County. A Closure Order issued by the Sheriff, or the Sheriff's designee, shall close an area no larger than reasonably necessary to effectively respond to the emergency.
2. The request to other public agencies, private person, or private entities for permission to close roads, waterways, or other property under their jurisdiction. After receiving such permission, the Sheriff may issue a Closure Order for such roads, waterways, or other property.
3. To prohibit any person from traveling upon a road subject to a Closure Order pursuant to Section 04.09.040 (1) or from entering or remaining in an area closed pursuant to Section 04.09.040 (2).

Section 10.02.050 Affected Areas

Pursuant to ORS 203.040, except with the consent of the governing body or electors of a city, this Division shall not be applicable inside an incorporated city.

DECLARATION OF EMERGENCY (county-level)
BEFORE THE BOARD OF COMMISSIONERS
FOR COOS COUNTY, OREGON

Page 1

In the Matter of Declaring)
A State of Emergency within)
Coos County)

RESOLUTION

This matter came before the Board of Commissioners at an emergency meeting on _____,
involving an emergency situation created by _____

_____; and
(Date/time of occurrence; cause of incident)

WHEREAS, _____

_____; and
(Specify location of incident and effects)

WHEREAS, the following situation and conditions _____
_____ exist in the impacted area; and

WHEREAS, there have been _____ fatalities and _____ injuries and persons are at risk
of _____; and

WHEREAS, initial estimates of costs and losses total \$ _____ as summarized on the
attached initial damage assessment documentation (this paragraph is optional depending on needs and
type of emergency and whether damage assessments have been/can be made); and

WHEREAS, the county EOC has been activated and emergency responders are _____; and

BE IT RESOLVED that the Board of Commissioners, under the emergency powers granted by ORS
401.305, declares that a State of Emergency exists within Coos County and that county and local
resources have been or shortly will be exhausted. Further, Coos County Emergency Management office
is hereby directed to take all necessary steps authorized by law to secure the persons and property of the
citizens of Coos County.

BE IT FURTHER RESOLVED THAT State assistance is requested immediately and includes the
following:

- *
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*
*
*
*
*
*

DECLARATION OF EMERGENCY (county-level)
BEFORE THE BOARD OF COMMISSIONERS
FOR COOS COUNTY, OREGON
(continued)

Page 2

Dated at Coquille, Oregon, this _____ day of _____

COOS COUNTY BOARD OF COMMISSIONERS

Chairperson

Commissioner

Commissioner

This declaration will be passed to the recipient via radio, telephone, or fax, with the signed, hard-copy original following. The County EM office will forward it to Oregon Emergency Management (OEM).

DECLARATION OF EMERGENCY (city-level)
BEFORE THE CITY COUNCIL
IN THE COUNTY OF COOS, OREGON

Page 1

In the Matter of Requesting the Board of Commissioners)
of Coos County and the Governor of Oregon to)
Declare a State of Emergency for the City of)
_____)

RESOLUTION

WHEREAS, an emergency situation created by _____

_____ ; and
(Date/time of occurrence; cause of incident)

has affected the City of _____, specifically:
_____ and
(specify N, E, W, S boundaries of impacted area, entire city limits)

WHEREAS, the following situation and conditions _____

_____ exist in the impacted area; and

WHEREAS, there have been _____ fatalities and _____ injuries and residents of the
City are at risk of _____ because of this emergency and

WHEREAS, initial estimates of costs and losses total \$ _____ as summarized on the attached
Initial Damage Assessment report form (this paragraph is optional depending upon needs and type of
emergency and whether damage assessments have been/can be made); and

WHEREAS, the City Ordinance _____ serves as a basis for an emergency
declaration and shall be an exercise of police power and emergency control in the public's interest; and

WHEREAS, the City has declared the area described in the first paragraph above to be in a State of
Emergency on the ____ day of _____ [month], _____ [year] at _____ o'clock am/pm;
and

WHEREAS, the City has expended all its own resources and the resources of its mutual aid/cooperative
assistance agencies in response to the emergency and further response to the emergency is beyond the
City 's capability.

IT IS HEREBY RESOLVED that:

- 1. A "State of Emergency" exists in the City of _____, and
2. All appropriate and available resources have been expended and further response is beyond
the capability of the City of _____.

DECLARATION OF EMERGENCY (city-level)
BEFORE THE CITY COUNCIL
IN THE COUNTY OF COOS, OREGON

Page 2

I RESPECTFULLY REQUEST appropriate support from County, State, and/or Federal agencies as provided in ORS 401.055 for the following forms of assistance [state actual needs or support, not agencies]:

- *
*
*
*
*
*
*

BE IT FURTHER RESOLVED that it is respectfully requested that the Board of Commissioners of Coos County and the Governor of the State of Oregon declare a State of Emergency for the City of _____ as provided in ORS 401.055.

Dated this _____ day of _____ [month], _____ [year]

[City] _____, OREGON

By _____
Authorized Official Title

Reviewed by:

City Attorney

This request may be passed to the County via radio, telephone, or fax. Hard copies of the signed original must be sent to County Emergency Management, with a copy placed in the final incident package.