

State of Oregon



EMERGENCY DECLARATION GUIDELINES

for

LOCAL ELECTED and APPOINTED OFFICIALS

November 2006



guidelines developed by

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M E M O R A N D U M
Oregon Emergency Management

DATE: November 2006

TO: Local Elected and Appointed Officials

FROM: Kenneth D. Murphy, Director

SUBJECT: Guidance on Emergency Declarations

Oregon Emergency Management (OEM) is providing the guidance in this booklet in order to assist and expedite the emergency and disaster declaration process. We have included information necessary for the Governor when considering a state of emergency declaration or a request for federal assistance. You will also find state and federal legal references regarding disaster assistance.

County and city governing bodies should clearly identify who is authorized to declare a local emergency. It is recommended that each jurisdiction prepare a local draft “declaration of emergency” that need only be supplemented with essential information on actual impacts should a disaster occur. Appropriate documentation of the initial and projected impacts of an event are required in order to support a request to the Governor for state or federal assistance.

Local Emergency Program Managers and Coordinators are provided extensive training and are generally familiar with the appropriate processes to be followed. They also have direct access to OEM policy-level personnel for questions you may have about the process.

A basic *County Request for State Assistance* document is included as Appendix B of this booklet to serve as a model for the format and information to include in a declaration request to the Governor.

Additional information is available on the OEM website:

<http://egov.oregon.gov/OOHS/OEM/>

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INTRODUCTION

Important questions include:

- # What does a declaration do?
- # What is the benefit to community leaders in declaring a local emergency?
- # What kind of a declaration should be made?
- # What should be requested of the Governor?

The answer to these questions can depend on a number of factors, such as:

- T Scope and magnitude of the event;
- T Impact of damage and losses;
- T Ability of local jurisdictions to respond;
- T Economic health of the area affected;
- T Current status of the local government budget;
- T Time-frame before the next budget cycle;
- T Number and magnitude of emergencies the jurisdiction has already experienced since the beginning of the last budget period; and
- T Outlook for known threats to the community until the new budget cycle begins.

TYPES OF DECLARATIONS

Local Declarations

Based on local codes and state statutes, a local declaration can allow a city or county governing body flexibility in managing resources under emergency conditions such as:

- # Diverting resources appropriated for other purposes in order to meet immediate needs.
- # Authorizing activation of local emergency operations plans and implementation of extraordinary protective measures.
- # Initiating mutual aid and cooperative assistance agreements, and receiving resources from other organizations or individuals, including additional funding.
- # Providing specific legal protection for actions initiated under emergency conditions.
- # Setting the stage for requesting state and/or federal assistance to augment local resources and capabilities.
- # Raising public awareness and encouraging the community to become involved in protecting their resources.

***The declaration of a local emergency is the first step in requesting additional state resources from the Governor, including use of the National Guard.*¹**

Additional state and National Guard resources may be critical to an effective response to citizen and community needs.

The local declaration must:

- T Describe the circumstances impacting an identified area;
- T Identify the problems for which assistance is needed; and
- T Clearly state what has been done locally to respond to the impact and needs.

OEM will assist local officials in developing and reviewing declarations and requests that would provide appropriate essential assistance in a timely manner.

State Declarations

State of Emergency

The Governor can declare a state of emergency under authority granted in Oregon Revised Statutes (ORS) Chapter 401. Under a “declaration,” the Governor has complete authority over all state agencies and has the right to exercise, within the area designated in the proclamation, all police powers vested in the state by the *Oregon Constitution*.

Under extreme circumstances, a Governor’s declaration provides authority for the Governor to suspend provisions of any order or rule of any state agency if the Governor determines and declares that strict compliance with the provisions of the order or rule would in any way prevent, hinder, or delay mitigation of the effects of the emergency.

It also provides for the authority to direct state agencies to utilize and employ state personnel, equipment, and facilities for activities designated to prevent or alleviate actual or threatened damage due to the emergency.

It specifies that the Governor may direct the agencies to provide supplemental services and equipment to local governments to restore any services in order to provide for the health and safety of citizens of the affected area.

A state of emergency is usually enacted by a Governor’s Executive Order, which establishes directions to, and expectations of state agencies to use available resources to assist local communities and alleviate disaster conditions.

¹ Use of National Guard resources must be authorized by the Governor because it involves shifting this federal resource to state active duty, which impacts the state budget. In most situations, the National Guard requires 24 to 72 hours to mobilize resources, depending on what and where they are needed. Such use cannot be committed or authorized by the local Guard Commander unless there is an imminent threat to life and property. Under federal statutes, Guard resources are prohibited from competing with the private sector.

Conflagration Act

The Office of State Fire Marshal assists and supports Oregon fire services during major emergency operations through the Conflagration Act (ORS 476.510), which can be invoked only by the Governor. The act allows the State Fire Marshal to mobilize firefighters and equipment from around the state and provides for the funding of resources through state funds. It is *used only for fires that involve or threaten life and structures*.

To determine if the Conflagration Act should be invoked, the local fire chief and county fire defense chief assess incident status with the following questions in mind:

- # Are there structure fires not controlled due to sheer size and/or speed of the fire?
- # Is a wildland fire threatening structures?
- # Have all local and mutual aid resources been depleted?
- # Would mobile support resources be effective?

If the answers are yes, then the county fire defense chief notifies the State Fire Marshal through the Oregon Emergency Response System. The State Fire Marshal discusses the situation with the county fire defense chief, and then decides if the situation warrants implementation of the Conflagration Act. Once decided, the State Fire Marshal notifies the Governor, who authorizes the act to be invoked. For more information, see:

http://www.oregon.gov/OOHS/SFM/Emergency_mobilization.shtml

Federal Declarations

U.S. Secretary of Agriculture

Farm Service Agency (FSA) uses the terms natural disaster determination, designation, or declaration almost interchangeably. A request for the Secretary of Agriculture to declare a disaster for a natural hazard event such as drought is a fairly simple process.

At the request of county officials, the Governor asks the Secretary to make a natural disaster determination, usually following these steps:

- # If it has not already occurred, Oregon Department Agriculture (ODA) asks the FSA to convene the County Emergency Board (CEB), which is a county organization comprised of state and federal agricultural agencies and local producers.
- # The CEB convenes and produces a *Flash Situation Report*, which is the first assessment of damage and impacts caused by a natural disaster on the agricultural sector of the economy. This is usually done within 24 hours of disaster occurrence.

- # The FSA State Emergency Board (SEB), which is equivalent to the CEB at the state level, reviews and analyzes one or more county *Flash Reports* and notifies the Governor and ODA of its findings.
- # If the findings appear to be favorable to requesting federal assistance, the Governor must *within 90 days of occurrence, in writing*, notify the Secretary of Agriculture that a natural disaster has occurred and request a determination (designation/declaration) for the event in one or more counties.
- # The FSA, through the SEB, then has one or more CEBs develop a *Damage Assessment Report* as a means of better demonstrating the total disaster impact on agriculture in one or more counties.
- # The U.S. Secretary of Agriculture reviews the *Damage Assessment Report* and makes a determination regarding which FSA disaster programs to activate in the affected counties. The Governor, ODA, SEB, and CEBs are notified of the decision.
- # This process will take several weeks to complete and does not require a Presidential declaration.

Many FSA programs can be made available *without* a determination by the U.S. Secretary of Agriculture. For example, the FSA Administrator may make emergency loans available to farmers with qualifying physical, not production, losses without an action by county or state government.

The following programs can also be activated by the FSA *without* a disaster declaration:

- # Noninsured Assistance Program
- # Emergency Conservation Program
- # Emergency Haying and Grazing Assistance

The FSA has local offices throughout the state, usually co-located with the Oregon State University (OSU) Extension Service, and often with the Natural Resources Conservation Service (NRCS) and/or the local soil and water conservation district office. Encourage your Local Emergency Program Manager to develop a relationship with the local office of the FSA, NRCS, and OSU Extension.

More information on Farm Service Agency programs, including the three non-declaration programs noted above may be found via:

<http://disaster.fsa.usda.gov/fsa.asp>

U.S. Small Business Administration

Small Business Administration (SBA) disaster loans can be made available to homeowners, renters, and businesses by means of a declaration by the SBA Administrator or the President. These low-interest loans are made to help disaster-affected persons and businesses recover. The interest rate varies depending on the availability of loans and other economic factors. Types of loans available are:

- # Physical Disaster Loans - homeowners, renters, and businesses
- # Economic Injury Disaster Loans - small businesses only

These loans are not automatic; they require data gathering by the local jurisdiction to support the request:

- # **Criteria for a physical disaster declaration** are that in any county, a combination of at least 25 homes and businesses have each sustained uninsured losses of 40% or more of their pre-disaster fair market value;
- # **Criteria for an economic injury declaration** are that at least five small businesses in the state have suffered substantial economic injury due to a sudden physical event, and there is not reasonable financial assistance available in the area.

SBA loans may also involve restructuring debt load at a lower interest rate. To be approved for an SBA loan, applicants must show the ability to repay the loan.

More information on Small Business Administration disaster programs may be found via:

http://www.sba.gov/disaster_recov/index.html

U.S. Army Corps of Engineers (USACE)

Because the USACE has first-hand knowledge of local conditions, they are able to play a major role in saving lives and easing human suffering when disasters occur. Local officials are encouraged to contact the closest USACE office for information concerning programs and to accomplish joint planning, training, and information exchange opportunities.

USACE can assist state and local governments without a Presidential declaration to accomplish mitigation, response, and recovery, especially for the flood hazard. ***With the exception of the rehabilitation program on page 8, any other request from local officials for USACE assistance should be made through the OEM Director to the Governor.*** OEM will work with appropriate USACE officials and advise the Governor on how to proceed with the request.

Most assistance requires a written request from the Governor. USACE resources noted here are supplemental to local and state resources. For Indian tribal lands, the Bureau of Indian Affairs will normally submit the request for assistance.

Exclusive assistance to individual homeowners and businesses, including agricultural businesses, is not authorized. Also, USACE has no authority to reimburse local governments for the costs of local emergency response and recovery actions.

The authority for the USACE “emergency operations” resources described below is granted via Public Law 84-99, as amended. These resources are directed at flood and coastal storm response such as:

- # Temporarily raising the elevation of existing levees with sandbags or by other means;
- # Strengthening and providing emergency repairs to levees and other flood control projects;
- # Evacuating people and assisting in search and rescue operations;
- # Providing materials and equipment, such as sandbags,² plastic sheeting, lumber, rock, and pumps, if USACE is actively participating in a flood fight;³
- # Providing twenty-four hour technical assistance during the event; and
- # Loaning equipment or emergency contracting of equipment.

Under post-flood response, also known as "Ten Day Authority," USACE can assist in:

- # Removing logs, debris, and ice jams from drainage channels, bridge openings, water supply intakes, and sewer outfalls;
- # Removing debris as necessary to reopen vital transportation routes;
- # Assisting in the temporary restoration of critical public services or facilities;
- # Providing emergency water—this is limited to 30 days or up to the date of the Presidential declaration, whichever comes first;
- # Providing technical assistance; and
- # Assisting in identifying hazard mitigation opportunities.

² Sandbags are only available to communities which have made a good faith effort to stock a supply prior to a flood, and only after mutual aid and/or state resources have been engaged.

³ If USACE is not actively participating in a flood fight, federal supplies may be furnished only if local resources are exhausted or will be exhausted; under such circumstances, supplies must be replaced in-kind or paid by local interests. All unused stock should be returned or reimbursed to the federal government at replacement cost.

"Ten Day Authority" requires the Governor's written request to both USACE and FEMA. The ten days begin with the Governor's request to FEMA for a joint Preliminary Damage Assessment (PDA) and end after ten days or with receipt of a Presidential major disaster or emergency declaration, whichever comes first.

Once the declaration has been made, USACE resources can continue to assist, but a non-federal cost share begins, usually at a rate of 25%.

Emergency Water

USACE can provide emergency supplies of potable water to any locality faced with a source of contaminated water, or a drought causing, or likely to cause, a substantial threat to the public health and welfare. Assistance can include:

- # Transportation of water by vehicles or small diameter pipelines—water tank trucks typically haul water from a safe source to a point established for local distribution;
- # Procurement and distribution of bottled water;
- # Temporary connection of a new supply to the existing distribution system;
- # Installation of a temporary filtration system;
- # Provision of mobile military purification units; and
- # Construction of wells.

State and/or local interests should have:

- T A drought state of emergency declaration by the Governor;
- T Utilized all available state/local resources;
- T Instituted mandatory water conservation measures;
- T Prioritized use of available water (human consumption and sanitary needs take priority over industry/agriculture);
- T Established minimum requirements for public health and welfare; and
- T Initiated a long-term solution.

Assistance is limited to 30 days or until such time as FEMA takes the lead under its authority, whichever is earlier.

Rehabilitation Program

This program is an exception in that local governments such as diking and drainage districts have a direct relationship with USACE. This program assists local governments to repair flood control structures damaged or destroyed by wind, wave, or water action to their pre-disaster condition if:

- T The structure has a public sponsor;
- T Has been properly maintained by the sponsor; and
- T The proposed rehabilitation is cost effective.

USACE can provide 100% federal funding if the water control structure, usually a levee, was built by USACE, and has since been properly maintained. It is an 80% federal and 20% non-federal cost-share program if the levee or other structure meets USACE standards but was locally built. The sponsor has 30 days to request rehabilitation assistance following a flood or coastal storm.

Advanced Measures

Under this program USACE can conduct preventative work prior to predicted unusual flooding. This may have applications for ice jam removal, snowmelt flooding, unusual flooding on the lower reaches of larger watersheds, etc. There must be an imminent threat to life or improved property. There must also be a reasonable assurance that the work can be completed in time to prevent or reduce damages, and the proposed work must be both technically feasible and cost effective.

Types of assistance can include:

- # Strengthening of federal and non-federal flood control structures;
- # Construction of temporary levees to protect life and improved property;
- # Channel clearance and dredging of federal projects to restore original design capacity;
and
- # Relieving the threat of flooding from possible dam failures by de-watering the impoundment, controlled breaching, or strengthening the structure.

Costs associated with removing a measure, or upgrading it to a permanent facility are generally borne by the local or state government sponsor.

Conditions of USACE Assistance

In many circumstances USACE assistance requires that the public sponsor agree to conditions similar to the following:

- # Provide without cost to the United States all lands, easements, and rights-of-way necessary;
- # Hold and save the United States free from damages due to the authorized work, exclusive of damages due to the fault or negligence of the United States or its contractor; and
- # If feasible, operate and maintain the emergency work or remove temporary work constructed by USACE or its contractor.

More information on USACE disaster programs may be found via:

<http://www.usace.army.mil/public.html#Emergency>

Federal Highway Administration (FHWA)

The FHWA Program called Emergency Relief (ER) helps pay for the repair of roads and bridges on federal aid highways and on non-federal aid roads on federal lands, which have been damaged by a natural disaster or catastrophic failure.

Assistance through the ER Program can be rendered with or without a Presidential major disaster declaration. Authority for providing ER to states can be found at Title 23, USC, Section 125.

Highways are eligible for ER funds if:

- T The highway is classed a major collector or above;
- T The Governor declares a state of emergency in the affected county or counties—occasionally the Governor will make a state of emergency declaration strictly in order to request FHWA Emergency Relief;
- T Estimated cost of repairs to FHWA eligible highways statewide due the disaster total at least \$700,000; and
- T There is a favorable finding of eligibility by FHWA.

Local government application for Emergency Relief is made through the Highway Division of the Oregon Department of Transportation (ODOT); it assists local road departments and public works agencies with application, preparation of necessary documentation, and in establishing funding and reimbursement mechanisms.

One important early step in a local government request for ER is the damage survey conducted by local public works, ODOT, and FHWA staff. This usually involves on-the-ground visits to damaged areas.

More information on Federal Highway Administration ER may be found via:

<http://www.fhwa.dot.gov/////programadmin/erelief.html>

Presidential Declarations

The most familiar disaster assistance programs are those provided under a Presidential declaration of “emergency” or “major disaster” via the Robert T. Stafford Emergency Relief and Disaster Assistance Act, Public Law 93-288, as amended. These Presidential declarations can provide funding and/or technical assistance from numerous federal agencies under coordination of the Federal Emergency Management Agency (FEMA).

Congress recognizes that disasters cause loss of life, income and property, adversely affect individuals and families and disrupt the functioning of governments and communities. The Stafford Act provides measures to assist states in expediting assistance and emergency services, and reconstructing and rehabilitating devastated areas.

Congress intends to provide an orderly and continuing means of assistance by the federal government to state and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from disasters by providing federal assistance programs for both public and private losses sustained in disasters.

The process for implementing federal emergency response under the Stafford Act is outlined in the *Federal Response Plan*. The details for implementing the provisions of the Stafford Act are also contained in the *Code of Federal Regulations*, Title 44.

BASIC PROCESS FOR REQUESTING ASSISTANCE

These guidelines are provided in accordance with provisions in ORS Chapter 401. They are intended as guidance related to situations that occur in jurisdictions which require state assistance.

Many, but not all, disasters result in significant physical damage to public infrastructure and private property. Federal law establishes emergency powers for many federal agencies to provide assistance to state and local governments and to tribes. Most emergency assistance programs are intended to render assistance for high impact catastrophic events such as floods, hurricanes, earthquakes, etc. that devastate communities. Such programs have policies and procedures which have been well developed over time through addressing numerous events.

Some events are slow to develop and long term in nature, and it is more difficult to identify specific immediate community needs, such as a drought or an El Niño event. Increasingly, federal laws and policies have contributed to the magnitude of some events by restricting access to resources or conflicting with state and local laws and policies that could alleviate existing or impending disaster conditions. The processes and procedures for addressing these more complex events have not been developed and often stretch the application of existing provisions of the Stafford Act.

Each event that is likely to result in a request for federal assistance must be evaluated at the local and state levels to determine the nature and magnitude of the losses that have occurred or are imminent and to identify what local and state resources have been expended or applied to alleviate disaster conditions.

If the local jurisdiction has conducted an Initial Damage Assessment (IDA) and a request for federal assistance is anticipated, the Director of Oregon Emergency Management may request the FEMA regional office to conduct a joint Preliminary Damage Assessment (PDA). This involves a team of local, state, and federal personnel jointly reviewing the local IDA to verify and expand upon findings to further justify a request for federal assistance. Such an assessment will assist the Governor in determining whether federal assistance is necessary, and it will serve to support a request for a Presidential emergency or major disaster declaration.

The request and supporting information from local officials must be submitted to the Governor through the Director of Oregon Emergency Management as prescribed under ORS 401.055. If it is determined that local and state resources are insufficient to meet the needs of the area impacted, the Governor may submit a request to the President through the FEMA Regional Director. Stafford Act disaster assistance generally follows a cost share of 75% federal and 25% non-federal.

If it appears that state or federal assistance may be needed to augment local resources, it is essential that the jurisdiction conduct a quick but accurate Initial Damage Assessment.

The Local Emergency Program Manager or their designee coordinates this effort with OEM. It is recognized that circumstances may preclude the inclusion of all of the information listed below. However, an effort should be made to include as much as possible prior to requesting a Governor's declaration.

- T Specify the area(s) of impact and describe the emergency situation as it exists within the impacted area(s).
- T Describe the severity of the situation and the effect on lives, public health and safety, and property. Particular attention should be paid to special populations such as elderly or handicapped, that may be less able to manage on their own.

T Identify and evaluate the severity and magnitude of impacts that have or are expected to occur in the following areas:

- < Public safety and emergency services, such as firefighting, law enforcement, hazardous materials response, emergency medical services and hospitals
- < Communication resources
- < Health and mental health services
- < Public infrastructure, including debris clearance, emergency response costs, transportation systems, dams and levees, public buildings and equipment, and public utilities such as water, sewer, electricity, etc.
- < Vital community businesses and private nonprofit organizations which provide essential services to the general public
- < Housing
- < Agriculture

To the extent possible, provide supporting documentation of damage, losses, costs, and impacts.

T Identify the efforts local jurisdictions have taken to resolve the situation:

- < Has the local jurisdiction's governing body declared an emergency and implemented their emergency operations plan?
- < Has the local jurisdiction's emergency operations center been activated?
- < Has the local jurisdiction committed all available local resources to alleviate the emergency, such as mutual aid/cooperative assistance agreements?

T Describe in as much specificity as possible disaster related unmet needs:

- < What local government resources or assets have been expended, resulting in shortfalls?
- < What situations exist that require assistance from state or federal resources?

PRESIDENTIAL DECLARATION EVALUATION FACTORS

For all requests under the Stafford Act, FEMA will evaluate the severity, magnitude, and impact of the event, and will evaluate whether the impact appears to exceed state and local capabilities, and whether there are federal resources which may be appropriate to address severe, disaster related needs.

Some agencies may provide specific resources without the need for a Presidential declaration through existing emergency authorities. Considering all factors, FEMA will make a recommendation to the President.

A federal evaluation will focus on the following factors:

Threat to Life, Health, or Safety

If there are significant threats to the lives, health, or safety of individuals that cannot be met with state, local, and /or voluntary organization resources, federal assistance may be warranted. For example, if critical facilities are affected such as water treatment or distribution, federal assistance might be necessary if state and local government cannot meet the emergency needs.

Special Populations and Considerations

Attention will be paid to special populations, such as the elderly or disabled, that might be more likely to face threats to life, health, and safety.

Critical Facilities

If critical facilities, such as hospitals, fire and police stations, water or sewage treatment facilities, etc. are seriously affected, and state and local government cannot adequately correct the problem or address the impacts, federal assistance may be warranted.

Large Scale Disruptions of Normal Community Functions and Services

If disruptions of normal community functions and services occur that threaten the well being of an economic base of the community, and cannot be corrected with state or local assistance, federal assistance may be warranted.

Technical Assistance

There may be situations where there are not significant impacts, but states may need technical assistance, such as that provided by the U.S. Army Corps of Engineers.

For more information on FEMA, see: <http://www.fema.gov/>

APPENDIX A: ORS Chapter 401.055 and .309

401.055 Declaration of state of emergency procedure

1. The Governor may declare a state of emergency by proclamation at the request of the county governing body or after determining that an emergency has occurred or is imminent.
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:

- a. A certification signed by the county governing body that all local resources have been expended; and
 - b. A preliminary assessment of property damage or loss, injuries and deaths.
3. a. If, in the judgment of the Superintendent of the State Police, the Governor cannot be reached in time to respond appropriately to an emergency, the Superintendent shall notify the Secretary of State or, if the Secretary of State is not available, the State Treasurer that the Governor is not available.
 - b. After notice from the Superintendent that the Governor is not available, the elected state official so notified may declare a state of emergency pursuant to the provisions of subsections (1) and (2) of this section.
 - c. If the Superintendent of the State Police is unavailable to carry out the duties described in this subsection, such duties shall be performed by the Director of the Office of Emergency Management.
4. Any state of emergency declared by the Secretary of State or State Treasurer pursuant to this section has the same force and effect as if issued by the Governor, except that it must be affirmed by the Governor as soon as the Governor is reached. However, if the Governor does not set aside the proclamation within 24 hours of being reached, the proclamation shall be considered affirmed by the Governor.
 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.

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 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 in ORS 401.025.

APPENDIX B: County Request for State Assistance

(Date of Request)

To: Governor
State Capitol

Through: Director, Oregon Emergency Management
P.O. Box 14370
Salem, Oregon 97309

Dear Governor:

We request that you declare a state of emergency for _____ County under the provisions of ORS 401.055 as a result of _____ **(type of incident, e.g., severe storm, flooding, earthquake, etc. Include the time period involved, e.g., _____ through _____, 200__ or, beginning __ and continuing. Describe the affected areas for which assistance is being requested).**

In response to this event, we have taken appropriate actions under the laws of _____ County and directed implementation of the county emergency plan on **(date)**. **(If the county has declared an emergency, indicate when and to what area(s) it is applicable.)** Our initial assessment of impacts indicates severe losses and damage to: _____ **(Describe the number of injuries and/or deaths, the type of facilities damaged or destroyed, and the impacts the event has had on the public and private sectors. Attach or enclose a completed *Initial Damage Assessment Summary Report Form*.)**

The nature and amount of county and local resources that have been or will be used to alleviate the conditions of this disaster include: **(List actions: include actions pending or taken by county and other local governments with regard to the disaster.)**

With this request _____ County has determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the county and affected local governments and that supplementary state assistance is required, and further that federal assistance may also be necessary. We are specifically requesting: _____ **(Describe the problems and assistance needed, e.g., " We have a power outage at our hospital due to a landslide, which is also blocking the access road. We need assistance clearing and stabilizing the landslide and also need electric power restored at the hospital." Rather than asking for specific pieces of equipment, it is usually best to let the state determine how it can best help solve the problem.)**

Requested this ___ day of _____, 200__.

Signatures of authorized officials:

Title

Title

Title

APPENDIX C: Disaster Recovery Checklist for Public Officials

Actions to consider taking before the disaster:

- ___ Keep a copy of this checklist handy; work on its implementation.

- ___ Related information beyond this scope of this document is available in OEM's on-line *Disaster Recovery Assistance Guidebook*:

http://egov.oregon.gov/OOHS/OEM/fin_rec/disaster_recover_guide.shtml

- ___ "Brainstorm" with your LEPM to determine which departments and individuals have a disaster recovery role. Then work with your LEPM to develop (or refine an existing) recovery organizational model. This model can be expanded into a recovery plan. At a minimum, the organizational model should include a list of personnel and their roles and responsibilities post-disaster. Some local jurisdictions in Oregon already have a recovery plan; if your jurisdiction does, review it and work with your LEPM to improve it.

- ___ Impact and damage assessments will be a *huge* job during and immediately following the disaster; work with your LEPM to designate a person to take the lead on these assessments, and to organize and train the needed teams in advance. Have trained alternates for members of the teams, and for their leader (the impact and damage assessment coordinator). The LEPM may or may not be the best person for the job of coordinating these teams. There are many factors in favor of the LEPM, but those not in favor are the fact that this work may occur while response is still underway, or may occur after days of very little rest for the LEPM and his or her staff.

- ___ Talk with your legal counsel, LEPM, and others about the extent to which the jurisdiction has ordinances in place which will facilitate recovery. Examples might include ordinances regarding disaster area security such as restricting entry and curfew, debris removal, condemnation, streamlining permit processes to the extent allowed by law, waiving permit fees, etc.

- ___ Talk with legal counsel, LEPM, public works, and others regarding the extent to which the jurisdiction has codes and standards in place which require that buildings and infrastructure built or repaired post- disaster are built in a more disaster resistant way. FEMA's infrastructure repair program ("Public Assistance") can help fund rebuilding public facilities to a higher standard in some circumstances.

- ___ Talk with your LEPM and other public safety officials to determine whether additional cooperative assistance agreements (ORS Chapter 401.480) are needed with neighboring jurisdictions. These agreements can provide many resources to assist with recovery, including building officials. These agreements may also provide well-rested people with needed expertise who can give your exhausted staff an opportunity to get some needed rest. Disaster recovery typically begins while disaster response is still underway, and can last weeks, months, or years. Prepare for the long haul.

- ___ Have your LEPM participate in Oregon Emergency Management's Disaster Response and Recovery Course (DRRC) the next time it is offered (if your LEPM hasn't taken this course recently - he or she may have). Identify and train your key accounting and finance staff in the documentation requirements of disaster recovery programs.

- ___ People will want to return to their damaged buildings after the event. In some cases, for their own safety, they should not be allowed, or should be allowed only under certain conditions. Learn from your lead building official what procedures are in place for restricting access to, and for the post-disaster safety evaluation and posting of buildings.

- ___ Have your building officials take the class "ATC-20" on post-disaster safety evaluation of buildings. ATC is Applied Technology Council. The ATC-20 process includes a well accepted process for "tagging" buildings with the following designations; "inspected" (green tag), "restricted use" (yellow tag), and "unsafe" (red tag).

- ___ Have sufficient copies of the ATC-20 placards (tags) printed and widely distributed throughout the jurisdiction prior to the event; you may not be able to make color copies after the event, and you may not be able to enter the building officials office. Some jurisdictions have building officials store these placards at their homes. See:
<http://www.atcouncil.org/reports.htm>

- ___ Work with your LEPM and others to develop a strategy for effectively using volunteers post-disaster. Your community will find itself with both organized volunteers (e.g., the American Red Cross and similar organizations) and "emergent" volunteers. Poorly managed, emergent volunteers will be ineffective, probably time-consuming, and possibly a liability. Well managed, they may be an asset in recovery. Pre-designate a volunteer coordinator; plan to screen and assign volunteers who approach local government with offers of assistance following a disaster.

- ___ Likewise, work with your LEPM before the disaster to develop a plan for the management of donated goods, which can become a huge problem rather than a potential asset. Related: if private monetary donations are made to your jurisdiction, do you have a mechanism for accepting them? OEM has written guidance available on development of donated goods plans.

- ___ Engage your land use planners in a discussion about community redevelopment post-disaster. While having a disaster is awful, stressful, damaging, even devastating; disaster recovery oftentimes does provide a community with an opportunity to re-build in a safer, less hazardous way. (Even better, of course, is hazard mitigation planning/implementation prior to the disaster!)

Actions to consider taking after the disaster:

- ___ If you have not already done so, consider designating a person to coordinate the jurisdiction's recovery. Depending on the organization of your jurisdiction, needed skills, training, workload, and other factors, this may or may not be the Local Emergency Program Manager (LEPM). Examples: in Washington County following the flood and landslides of February 1996, the recovery manager worked for the Department of Land Use and Transportation; in Crook County and Prineville following the May and June 1998 flood, these two jurisdictions jointly hired a private sector consultant to manage the recovery for both jurisdictions.

- ___ Impress upon your managers and staff that they may not be able to go back to doing their "normal" jobs for a long time. Sometimes people think that when the "response" is over, the disaster is over. This is seldom, if ever true. Prepare your people for the long haul.

- ___ Related to the above: take care of your staff. Some of your staff or their families may have been directly impacted by the event. Some of your staff will try to work too many hours or without proper meals and breaks. Some of your staff will eventually face burnout, and possibly physical and/or mental health effects from stress and lack of rest or proper nutrition. Counseling can be made available for both disaster victims and disaster workers. Make sure your managers and staff take a day or two off every once in a while during disaster recovery.

- ___ Consider establishing regular meetings with key staff to discuss the day's events and tomorrow.

- ___ Begin documentation and financial record-keeping immediately; have accounting and finance staff involved in disaster recovery as soon as possible.

- ___ You may want to establish a recovery committee consisting not only of the involved government agencies, but also some representatives of key outside organizations to guide overall policy and recovery decisions. It may be helpful to modify or expand an existing structure to provide continuity. If you establish such a committee, clearly define its authority and responsibilities, and whom it takes direction from and reports to.

- ___ Assess the kinds of donated goods that are needed and issue a press release describing them; state a preference for money and indicate the organizations that can use it. Establish a warehouse for receiving, sorting, and disbursing donated goods. Decide how to distribute donated funds and/or goods. Set-up a coalition of voluntary organization leaders (or, better yet, tap into an existing one) to decide who is most in need and what kinds of needs will be your highest priority. Please also review the notes on donated goods on page 18.

- ___ Identify a volunteer staging area where people can be screened, trained, and assigned to assistance roles. See also the notes on volunteer coordination on page 18.

- ___ Coordinate the work of your public information officers (PIOs) to avoid conflicting information (this may only apply in jurisdictions with large staffs).

- ___ Consider establishing an information “hotline” regarding office closures, relocations, new hours, and so on. Also keep this information updated on your website.

- ___ Do a series of outreach efforts devoted to a single topic, e.g., insurance, mental health, erosion control, the permitting and rebuilding process, etc. These may be covered in a multimedia way such as local newspapers, community access television, website, etc.

- ___ Via newspapers and your website, publish a list of recovery resource telephone numbers.

- ___ During recovery efforts for which federal resources are being made available (FEMA, SBA, etc.) and in which there are many individuals and families impacted by the event, if you are concerned that other outreach efforts aren’t working or won’t work, consider asking OEM to work with you to set-up disaster recovery centers (DRC). In addition to the federal agencies providing information at these centers, other organizations involved in recovery can provide information; e.g., voluntary agencies, your departments such as planning/development, building, and health departments, organizations providing crisis counseling or legal assistance, etc.

- ___ Following catastrophic disasters (for example, a large earthquake), some people may assume new roles; for example, property owners with no previous development experience may suddenly try to become developers; or alternatively, a jurisdiction with a regulatory orientation towards development may find itself needing to court and solicit new development.

- ___ The process of recovery may uncover philosophical difference about the “proper roles” of the private and public sectors in rebuilding; development of a common understanding may be needed to move forward.

- ___ Keep in mind that the major recovery decisions hinge on the choice between trying to recreate the jurisdiction as it was, or recognizing the inevitability of change and managing it to create a safer community; a disaster resistant community.

- ___ Be prepared to respond to media requests for updated information prior to important anniversaries; six months, one year, and so on.