

EXHIBIT A**Chapter 3.124 Portland Office of Emergency Management****3.124.010 Definitions.**

The following definitions apply to Chapters 3.124 through 3.126:

- A. “Comprehensive Emergency Management Plan (CEMP)” means a written document that describes the City’s overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.
- B. “Director” means the director of the Portland Office of Emergency Management.
- C. “Emergency” means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.
- D. “Emergency Coordination Center (ECC)” means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor.
- E. “Emergency Management” means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.
- F. “Emergency Notices” means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.
- G. “Emergency Plan” means an ongoing plan for responding to a wide variety of potential hazards.
- H. “Incident” means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.
- I. “National Incident Management System” (NIMS) means the Federal Government’s standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.

3.124.020 Portland Office of Emergency Management.

There is established by the City Council the Portland Office of Emergency Management (POEM) as a part of the Mayor's portfolio.

3.124.030 Purpose.

The purpose of POEM is to centralize leadership and coordination of emergency management.

3.124.040 Organization.

The Portland Office of Emergency Management shall consist of the Director and such other employees as the Council may provide. The Director shall be immediately responsible to the Mayor and, thereafter, to the City Council.

3.124.050 Director's Powers and Duties.

The Director of the Portland Office of Emergency Management's duties and powers include, but are not limited to the following:

- A. Overall administrative authority for the Office.
- B. Serve as principal strategic advisor to the Mayor concerning emergency management;
- C. Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;
- D. Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;
- E. Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F. Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than POEM possesses such records, the bureau shall immediately produce them upon the request of the Director;
- G. Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;

- H. Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I. Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J. Evaluate the effectiveness of the City's response to an emergency event.

3.124.060 Staff and Delegation.

- A. The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this chapter, when in keeping with the adopted budget for POEM or specially funded projects.
- B. The Director may delegate to staff members any of the Director's duties.
- C. In the event of an emergency, the line of succession for the POEM is: Director, Operations Manager, Training and Exercise Manager, Planning Manager, and Planning Program Specialist.
- D. When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

3.124.070 Neighborhood Emergency Team Program

- A. The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

3.124.080 Neighborhood Emergency Teams

- A. As part of the Neighborhood Emergency Team Program, the Director is authorized to:
 - (1.) Create Neighborhood Emergency Teams (NET) and define the qualifications for membership therein;
 - (2.) Develop written processes and procedures governing the conduct of members;
 - (3.) Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
 - (4.) Conduct or approve of ongoing training for NET members;
 - (5.) Designate certain NET members as team leaders for the purpose of supervision;
 - (6.) Dismiss or remove NET members.

B. When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

3.124.090 Neighborhood Emergency Team Leaders

A. All NET members shall be immediately responsible to a team leader and thereafter the Director. The Director may dismiss or remove a NET Leader.

B. NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.

C. NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.

D. NET leaders shall attend regularly scheduled meetings for the purposes of training and communicating with NET members.

E. NET leaders shall evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

Chapter 3.125 Disaster Policy Council

3.125.010 Disaster Policy Council.

The Disaster Policy Council (DPC) is hereby created for the purpose of promoting interbureau cooperation in furtherance of the City's integrated emergency management goals.

3.125.020 Duties.

The DPC's duties include, but are not limited to, the following:

A. During an emergency, advise the Mayor on policy matters pertaining to management of the emergency;

B. Approve strategic, response and work plans developed by the Portland Office of Emergency Management and the Emergency Management Steering Committee defining the City's emergency management program goals and priorities;

C. Monitor individual bureau progress on work plan tasks, strategic plan tasks, and response plan updates. The Mayor, in consultation with the DPC, may compel bureaus to create and complete plans and updates;

- D.** Convene meetings no less than twice a year whenever:
 - 1. The President of the City Council changes, in which case the meeting shall be held within one month of the change;
 - 2. Requested by the Mayor.
 - E.** Keep records of meetings and decisions.
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3.125.030 Membership.

The DPC shall consist of the following members:

- A.** The Mayor, who shall be Chair;
- B.** Commissioner serving as President of the City Council, who shall be Vice Chair;
- C.** Chief Administrative Office;
- D.** City Attorney;
- E.** City Auditor;
- F.** Director, Portland Office of Emergency Management;
- G.** Chief of Portland Fire & Rescue;
- H.** Chief of Portland Police Bureau;
- I.** Director, Bureau of Emergency Communications;
- J.** Administrator, Portland Water Bureau;
- K.** Director, Bureau of Transportation;
- L.** Director, Human Resources;
- M.** Director, Bureau of Environmental Services.
- O.** If the Mayor is unavailable to Chair the DPC, the duties shall be performed and authority exercised by the first of the City officials in the order of membership listed in subsections A.-M. above who is able and available.

3.125.040 Procedures

When the DPC is required to approve plans under subsection 3.125.020 C., the decision making process shall be by consensus. The consensus shall be determined by the Chair.

3.125.050 Staff Support to Disaster Policy Council.

The Portland Office of Emergency Management shall provide staff support to the DPC, including recording and communicating its decisions.

Chapter 3.126 Emergency Management Steering Committee

3.126.010 Emergency Management Steering Committee.

The Emergency Management Steering Committee (EMSC) is hereby created for the purpose of assisting the Portland Office of Emergency Management in developing emergency management policies and procedures for incidents requiring significant interbureau coordination.

3.126.020. Duties.

The EMSC's duties include, but are not limited to, the following:

- A. Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B. Develop strategic, response, and work plans in coordination with the Portland Office of Emergency Management defining the City's emergency program goals and priorities;
- C. Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D. Assess individual Bureau compliance with emergency plans;
- E. Keep records of decisions;
- F. Convene meetings at least monthly and at other times as requested by the Director;
- G. Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under PCC 3.125.020.

3.126.030. Membership.

The EMSC shall consist of qualified staff from the following Bureaus:

- A. Water Bureau;
- B. Portland Fire & Rescue;
- C. Portland Police Bureau;
- D. Bureau of Environmental Services;
- E. Portland Parks & Recreation;
- F. Bureau of Transportation;
- G. Bureau of Emergency Communications;
- H. Portland Office of Emergency Management;
- I. Bureau of Development Services; and
- J. Bureau of Technology Services.
- K. Office of Neighborhood Involvement

3.126.040 Staff Support to the Emergency Management Steering Committee

The Portland Office of Emergency Management shall provide staff support to the EMSC.

Title 15 Emergency Code

Chapter 15.04 Emergency Code

15.04.010 Title.

This Title shall be known as the “Emergency Code.”

15.04.020 Purpose.

The purpose of this Title is to provide for regulations which set forth the responsibilities of the City in the event an emergency exists within the City. The regulations are intended to reduce the risk of the City to loss of life, injury to persons, property, and the environment. The goal of regulations and the emergency code is to decrease human suffering and financial loss resulting from emergencies or disasters and to assign authority and responsibilities to various City bureaus. The State has assigned the responsibility for responding to emergencies and disasters to local governments.

15.04.030 Definitions.

A. "Emergency" means any natural, technological or human-made event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.

15.04.040 Declaration of State of Emergency.

A. A state of emergency exists when:

1. The situation requires a coordinated response beyond that which occurs routinely;
2. The required response is not achievable solely with the added resources available through mutual aid or cooperative assistance agreements; and
3. The Mayor or other City official, as provided in Portland City Code Section 15.08.010, has declared by proclamation that a State of Emergency exists.

B. The declaration shall be in writing, shall designate the geographic boundaries of the area in which the State of Emergency exists, and shall fix the duration of time in which the State of Emergency shall exist. The initial duration shall not exceed a two-week period, but may be extended in two-week increments.

C. The Mayor must declare the City in a State of Emergency prior to requesting from the governing body of Multnomah County resources not available through mutual aid or cooperative assistance agreements.

D. The Mayor shall have the power to ask the Governor to declare a State of Emergency within the City. Pursuant to ORS 401.165 (2), the Mayor must submit the request through the governing body of Multnomah County.

E. The Mayor shall terminate the State of Emergency by proclamation when the emergency no longer exists or when the threat of an emergency has passed. The Mayor will communicate the change from the disaster response phase to the recovery phase with all appropriate officials.

Chapter 15.08 Executive Responsibility

15.08.010 Succession

A. The Mayor is the Chief Executive of the City of Portland. If the Mayor, for any reason, is unable or unavailable to perform the duties of office under this Title during a State of Emergency, the duties shall be performed and authority exercised by the first of the following who is able and available:

1. The President of the Council;
 2. The Council member who served as the immediate past President of the Council;
 3. The Council member holding the position with the lowest number if no member present has served formerly as President of the Council;
 4. The first of the City officials in the following order: City Auditor, City Attorney, Chief Administrative Officer of Office of Management and Finance, executive assistant to the Mayor, the executive assistants of Council members in the order of their seniority as an executive assistant, and thereafter the Directors of the Bureaus largest to smallest as determined by the number of full-time employees; .
- B. The powers of the successor to the Mayor's authority shall be the same as the Mayor and the duration of succession shall be until such time as the Mayor is able to perform the duties of office or a proclamation has been issued to terminate the State of Emergency.

15.08.020 Authority During a State of Emergency

A. Upon the declaration of a State of Emergency, the Mayor shall assume centralized control and shall have authority over all bureaus, departments and other City offices as among other powers. The Mayor may delegate any authority vested in the Mayor.

B. Upon the declaration of a State of Emergency, in addition to any other power that may lawfully be exercised by a local government, the Mayor may:

1. Utilize all City owned resources;
2. Designate persons to coordinate the work of public and private relief agencies operating in the area and exclude from the area, any person or agency refusing to cooperate and work under the

Director and/or Incident Commander or to coordinate with other agencies engaged in the emergency work;

3. Regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods and services;
4. Order the removal of debris and wreckage which may threaten the public health or safety on public or private property consistent with the provisions of PCC 15.08.030;
5. Barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the area designated as an emergency area for such distance as may be deemed necessary under the circumstances;
6. 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;
7. Establish a curfew for the designated emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;
8. To the extent allowed by law, prohibit the sale, carrying or possession of explosives of any kind or weapons of any kind other than firearms on public streets or public places;
9. Establish rent controls and provide temporary or permanent housing by purchase, lease or otherwise and to enter into arrangements necessary to prepare or equip the living units for occupancy;
10. Order the evacuation of persons from designated areas when necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency;
11. Order such other measures as may be necessary to protect the life, safety and health of persons, property or the environment;
12. Adopt rules for the expeditious issuance of permits necessary to address issues that arise from the emergency or disaster;
13. Enter into contracts to the extent authorized by Charter Sections 8-104 and 8-105;
14. Activate emergency plans.

15.08.030 Declaration of Nuisance.

- A. Debris or wreckage resulting from a disaster or emergency situation is declared to be a nuisance.
- B. The nuisance shall be abated as provided by City Code, however, in situations where the public health or safety may be in danger, the City may summarily abate the nuisance and assess the property for the actual cost. Assessment procedures shall be followed.

15.08.040 Enforcement and Penalties.

- A. Enforcement of this Chapter may be by civil action as provided in ORS 30.315, or by criminal prosecution.
- B. In addition to any other penalty provided by law, refusal to obey an order issued under the authority of PCC 15.08.020 shall be punishable upon conviction by a fine of not more than \$500 per occurrence.
- C. Any peace officer may issue a citation for violation of this section.

15.08.050 Controlling Provisions.

In the event of an emergency, the provisions in this Title shall control over any conflicting provisions in the Code of the City of Portland.