

**DECLARATION OF EMERGENCY FOR WILDFIRES
CITY OF WEST LINN**

WHEREAS, the City of West Linn has enacted a local Ordinance (West Linn Municipal Code Section 2.700 et seq.) pursuant to the authority granted by ORS Chapter 401 granting the City Manager the authority to declare a local state of emergency if the nature of the emergency requires immediate action be taken; and

WHEREAS, the following conditions have resulted in the need for a state of emergency:

On September 8, 2020, the Clackamas County Board of County Commissioners declared a state of emergency under ORS 401.305 due to several wildfires in Clackamas County; and

High winds, drought conditions and dry air mass have caused large, unprecedented and dangerous wildfires in Clackamas County and elsewhere in the state, resulting in large-scale evacuations and orders for evacuation readiness. Although high winds have abated, drought conditions and dry air mass continue to create extreme fire risk throughout the City; and

The City of West Linn was under Evacuation Level 1, meaning that all residents must be prepared for potential evacuation; and

As of September 23, while the evacuation designation had been removed, dry air mass, poor air quality, and future weather conditions persist so emergency readiness remains necessary; and

Firefighters and other public safety personnel and resources are limited within the City, as some resources have been deployed to assist other communities during this emergency; and

Because of the current extreme conditions and the demands placed on firefighting and other public safety resources, it is necessary that extraordinary measures be taken to prevent and reduce the risk of wildfires within the City, and to suppress any fires that may occur; and

WHEREAS, the following damage to life and property can be expected from the above conditions:

Several active fires in the Clackamas County area threaten damage to life and property; and

Firefighting resources are limited due to fires throughout the county, state, and nation; and

WHEREAS, a declaration of state of emergency is necessary to ensure public safety and ensure that the City of West Linn and other agencies have the appropriate resources to respond to wildfire emergencies; and

WHEREAS, ORS 401.309 authorizes certain actions to be taken during a state of emergency when necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency; and

WHEREAS, the extensive nearby wildfires and the drought conditions within the City described in these findings also meet the definition of an "emergency" under ORS 401.025(1) and West Linn Municipal Code 2.710; and

WHEREAS, all local resources have, or will likely be, expended, and there may be need of additional resources from the State and other agencies.

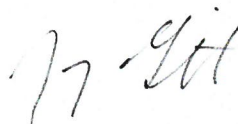
NOW, THEREFORE, BE IT DECLARED BY THE CITY MANAGER OF THE CITY OF WEST LINN:

1. A state of emergency for the entire City of West Linn is immediately in effect and shall remain in effect until October 5, 2020, unless sooner terminated by the City Council, and may be further extended by the City Council if the conditions for the emergency continue to exist.
2. The Deputy City Manager, who issued the original declaration as Interim City Manager and who is the designee of the City Manager, and the City Manager, remain empowered to carry out the appropriate functions and duties identified in Municipal Code 2.700 *Emergency Planning* during times of emergency and shall implement the Emergency Operations Plan.
3. The City Manager and Deputy City Manager shall take all necessary steps authorized by law to coordinate response and recovery from this emergency, including, but not limited to, requesting public assistance from United States of America federal government as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended (Stafford Act), Title 42 of the United States Code (U.S.C.) § 5121 et seq., the State of Oregon and Clackamas County.
4. The following measures are necessary, or may become necessary as determined for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency:
 - a. Commit to mutual aid agreements;
 - b. Redirect funds for emergency use;
 - c. Order such other measures as are found to be immediately necessary for the protection of life and/or property;
 - d. The City may close or restrict access to City parks and other facilities as necessary where the extreme risk of fire exists. Those restrictions may include the cancellation of programs. Public information about closures, cancellations and restrictions will be posted on the City website.
 - e. To respond to fires and extreme fire risks, the City may procure needed goods and services in accordance with ORS 279B.080 and without compliance with normal procurement procedures, redirect any necessary City funds for emergency purposes, and take any other actions set forth or authorized in WLMC 2.700 through 2.750.
5. Except for use by City, County, State, and Federal personnel and entities working under contract with those agencies to ensure the public health, safety and welfare of the public, the following activities are impacted until further written notice to the public:
 - a. **Prohibited activities:** Any open burning, including, but not limited to, bonfires, recreational fires, and outdoor fireplaces.
 - b. **Please limit the following activities to the greatest degree possible:**
 - i) Any outdoor open flames, including candles, torches and lanterns.

- ii) Use of powered yard maintenance and construction equipment that creates sparks, including, but not limited to, lawnmowers, chainsaws, chippers, blowers and weed whackers.
- iii) Use of any other device that causes an outdoor spark or flame, as outlined in the 2019 Oregon Fire Code.
- iv) Use of outdoor maintenance equipment that further impacts the then current air quality.

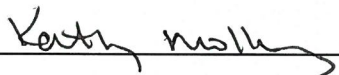
6. All provisions herein are enforceable as code violations and may be prosecuted in Municipal Court by municipal citation as authorized by CDC 2.750. Enforcement through the West Linn Municipal Court is in addition to all other legal remedies available to the City and does not preclude pursuit of multiple remedies for violation of this Declaration.

DATED THIS 23rd DAY OF SEPTEMBER 2020.



JERRY GABRIELATOS, CITY MANAGER

ATTEST:



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY