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18. ANNEX L: Legal

➔Lead Department: City Manager's Office
➔Lead ICS Section: Command

18.1 PURPOSE

The purpose of the Legal Annex is to provide a plan for utilizing emergency powers of government that can be activated during disaster situations and to advise staff and officials on specific liabilities associated with disaster response and recovery activities.

18.2 SITUATION AND ASSUMPTIONS

18.2.1 Situation

The City of Springfield potentially is subject to a number of emergency or disaster circumstances that could occur locally, or as part of a national crisis, that would require elected officials to take extraordinary measures in the interest of effective emergency management.

18.2.2 Assumptions

Short-term extraordinary measures, such as curfews, may be required to manage the emergency and to ensure a rapid return to normal conditions.

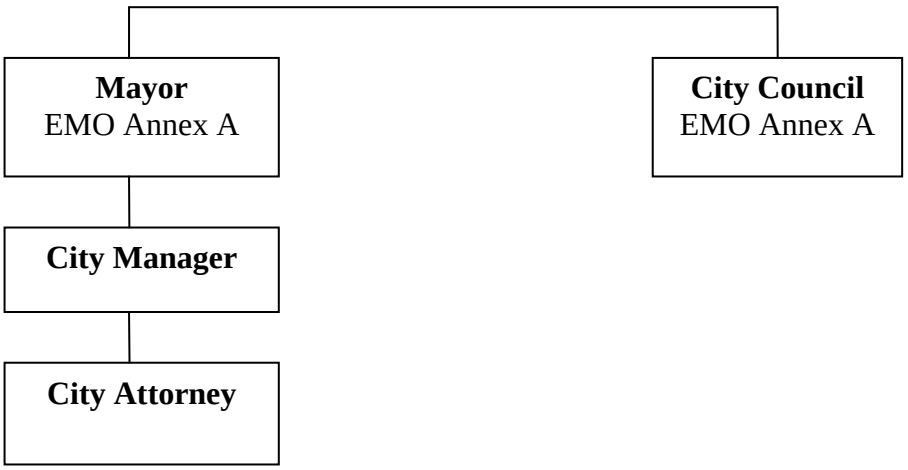
18.3 GENERAL PROCEDURES AND RESPONSIBILITIES

- Advise City officials on emergency powers of local government and necessary procedures for invocation of various measures required to protect the public health, safety, and welfare;
- Review and advise City officials on possible liabilities arising from disaster operations, including the exercising of any or all of the above powers;
- Prepare and/or recommend local legislation to implement emergency powers that may be required during an emergency.

18.3.1 Legal Annex Organizational Chart

See the organizational chart on the following page.

CHAIN OF COMMAND
Legal Annex
Organizational Chart



18.4 PHASES OF EMERGENCY MANAGEMENT

18.4.1 Mitigation

➔Departments Involved: City Attorney

- Advise elected officials on ordinances and codes that could lessen the effects of a disaster;
- Prepare sample documents.

18.4.2 Preparedness

➔Departments Involved: City Attorney

- Stay abreast of current disaster-related laws;
- Advise staff on necessary legal action;
- Prepare and recommend legislation on implementing emergency powers that may be required during an emergency;
- Assist in the adoption of general emergency management ordinance(s);
- Review and prepare updated mutual aid agreements.

18.4.3 Response

➔Departments Involved: City Attorney

Position:	**City Attorney**
Responsible Department/Division:	City Attorney
Emergency Supervisor (title):	EMOC Incident Command/Executive Team
Reports to (location):	EOC
Applicable ICS Section:	N/A

- Advise officials on emergency powers of local government and necessary procedures for invocation of measures to:
  - ♦ Enter into contracts;
  - ♦ Acquire and distribute, with or without compensation, supplies, materials, and facilities;
  - ♦ Appropriate and expend public funds;
  - ♦ Implement wage, price, and rent controls;
  - ♦ Establish rationing of critical resources;
  - ♦ Establish curfews;
  - ♦ Restrict or deny access;
  - ♦ Specify routes of egress;

- ♦ Limit or restrict use of water or other utilities;
- ♦ Utilize any publicly or privately owned resource with or without payment to the owner;
- ♦ Remove debris from publicly or privately owned property;

- Review and advise officials on possible liabilities arising from disaster operations, including exercising or any or all of the above emergency powers;
- Advise officials and department heads on record-keeping requirements and other documentation necessary in conjunction with exercising emergency powers;
- Prepare ordinances to be adopted during an emergency situation and obtain approval from appropriate members of Executive Team;
- Review and prepare contracts as necessary.

18.4.4 Recovery

➔Departments Involved: Police

- Advise Executive Team. Assist in preparation of ordinances to aid in redevelopment of city economy, infrastructure, and buildings;
- Assist in termination of temporary emergency ordinances.

CITY OF SPRINGFIELD EMERGENCY INTERIM SUCCESSION

Springfield Code, section 2810, provides that the City Manager designate emergency interim successors and specify the order of succession. These designations must be in writing and filed with the city recorder.

MAYOR (Sid Leiken)

1. Councilor John Woodrow — Sworn in: 1/6/2003
2. Councilor Anne Ballew — Sworn in: 1/1/1995
3. Councilor Tammy Fitch — Sworn in: 1/1/1999
4. Councilor Christine Lundberg — Sworn in: 11/17/2000
5. Councilor Dave Ralston — Sworn in: 12/4/2000
6. Councilor Joe Pishioneri — Sworn in: 1/10/2005

CITY MANAGER (Gino Grimaldi)

1. Assistant City Manager (Jeff Towery)
2. Public Works Director (Dan Brown)
3. Fire Chief (Dennis Murphy)
4. Police Chief (Jerry Smith)
5. Other members of the Executive Team (Bob Duey, Bill Grile, Rod Lathrop, Niel Laudati, Bob Russell, Bill Spiry)

FIRE and LIFE SAFETY DIRECTOR/Fire Chief (Dennis Murphy)

1. Deputy Chief/Fire Marshall (Al Gerard)
2. Deputy Chief/Operations (Mark Walker)
3. Battalion Chief/Operations (Bruce Hocking)
4. Battalion Chief/Operations (Dana Burwell)
5. Battalion Chief/Operations (Paul Esselstyn)
6. Battalion Chief/Training (Jeff Kronser)

POLICE DEPARTMENT DIRECTOR (Jerry Smith)

1. Chief of Police (Jerry Smith)
2. Captain (Rich Harrison)
3. Captain (Richard Lewis)

HUMAN RESOURCES DIRECTOR (Bill Spiry)

1. **Human Resources Manager** (Ardis Belknap)

FINANCE DIRECTOR (Bob Duey)

LIBRARY DIRECTOR (Bob Russell)

1. Youth Services Division Manager (Judy Harold)
2. Adult Services Division Manager (Jenny Peterson)
3. Volunteer Coordinator/Manager (Debbie Steinman)

INFORMATION TECHNOLOGY DIRECTOR (Rod Lathrop)

1. Network Manager (Shawn Zweibohmer)

DEVELOPMENT SERVICES DIRECTOR (Bill Grile)

1. Community Services Manager (Dave Puent)
2. Community Planning Manager (Greg Mott)

PUBLIC WORKS DEPARTMENT DIRECTOR (Dan Brown)

1. Assistant Public Works Director (Len Goodwin)
2. Environmental Services Manager (Susie Smith)
3. Maintenance Manager (Ed Black)
4. Transportation Manager (Tom Boyatt)

18.5 Administrative Orders

2.808 Declaration of Emergency.

(1) When, in the judgment of the Council, a state of emergency exists, the Council shall declare in writing and publicize the existence of the emergency. If circumstances prohibit the timely action of the Council, the Director of emergency services may declare a state of emergency, provided that the approval of a majority of the Council is sought and obtained at the first available opportunity.

(2) Upon that declaration, the Director of emergency services is empowered to assume control of and have authority over all departments, divisions and offices of the city in order to implement the provisions of sections 2.800 to 2.818. The state of emergency declared pursuant to sections 2.800 to 2.818 shall specify the events or circumstances that warrant the exercise of emergency controls. The Council shall terminate the state of emergency when the Council determines the emergency no longer exists or the threat of an emergency has passed.

ADMINISTRATIVE ORDER NO. _____
of the
City Manager
City of Springfield, Oregon

Declaring a State of Emergency Under Section 2.800 of the Springfield Code, 20__Within the City of Springfield, Oregon.

The City Manager of the City of Springfield finds that:

A. Commencing at approximately _____ hours on _____, 20___, _____occurred within the City of Springfield, which constitutes a Level 3 emergency, defined by the City's Emergency Management Plan as an emergency that is "*** of a magnitude requiring country, state, and/or federal assistance. Local resources, including mutual assistance response, are insufficient to cope with the situation, and the incident requires response from other levels of government to protect lives and minimize property damage for a large portion of the population."

B. The emergency described in paragraph A requires a coordinated response beyond that which occurs routinely, and the required response is not achievable solely with the added resources acquired through mutual aid or cooperative assistance agreements.

C. I have used all reasonable efforts to contact the Mayor and all City Councilors seeking their input concerning this declaration.

[ ] I contacted at least a majority of City Councilors.

[ ] I was unable to contact a majority of the City Councilors. The Mayor and Councilor _____ have approved this declaration.

Now, **therefore**, based on the above findings, which are hereby adopted,

The City Manager of the City of Springfield Orders and declares that:

1. As of the effective date and time indicated below, a state of emergency as defined by SC 2.808 exists within the area generally bounded by _____ on the north, _____ on the south, _____ on the east, and _____ on the west within the City of **Springfield**, Oregon.

2. This declaration of a state of emergency continues until _____, 20____ [not to exceed a period of two weeks from the effective date indicated below] unless extended for additional periods [each of which cannot exceed two weeks] by additional administrative orders.

3. A copy of this order shall be immediately provided to the Mayor and City Council.

Dated and effective at _____ __-m this _____ day of _____, 20____.

_____
City Manager

ADMINISTRATIVE ORDER NO. _____
of the
City Manager of the City of Springfield

DECLARING A LOCAL EMERGENCY IN THE CITY OF SPRINGFIELD AND REQUESTING A GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY.

The City Manager of the City of Springfield finds that:

A. Commencing at approximately _____ hours on _____, 20___,

_____

occurred within the City of Springfield, threatening life and property.

B. The severity and magnitude of the emergency is beyond the timely and effective response capability of the City of Springfield and all local resources have been expended.

C. I have determined that there is a need for extraordinary state assistance to respond to the emergency condition.

D. A preliminary assessment of property damage or loss, injuries, or death is described on the worksheet attached as Exhibit A.

Now, therefore, based on the above findings, which are hereby adopted,

THE CITY MANAGER OF THE CITY OF SPRINGFIELD ORDERS AND DECLARES THAT:

1. A local emergency now exists in the City of Springfield.

2. By copy of this Order, Lane County is requested to ask the Governor of the state of Oregon to declare a State of Emergency and consider Springfield an "emergency area" as provided for in ORS 401.055, and provide such assistance as requested by the City of Springfield and available from the state of Oregon.

3. Lane County is further requested to ask that the Governor request additional assistance from the President of the United States, if needed.

Dated this _____ day of _____, 20____, at _____ hours.

_____
City Manager

Preliminary Assessment of Property Damage or Loss, Injuries and Deaths

1. Property Damage or Loss: _____

_____

_____

_____

_____

_____.

2. Injuries: _____

_____

_____

_____

_____

_____.

3. Deaths: _____

_____

_____

_____

_____.

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