



OFFICE OF MAYOR
TED WHEELER

City of Portland

IN THE MATTER OF THE LOCAL)
EMERGENCY WITHIN THE CITY OF)
PORTLAND DECLARED ON JANUARY)
26, 2023)

EMERGENCY DELCARATION DUE
TO WORK STOPPAGE

WHEREAS, LiUNA Laborers Local 483 represents City employees covered under the collective bargaining agreement between the City and Portland City Laborers (PCL) and PCL has notified the City of its intent to strike starting on February 2, 2023, at 12:00 a.m.; and

WHEREAS, the City is committed to ensuring continuity of services to the community from the impacted City Bureaus; and

WHEREAS, the strike requires a coordinated response beyond that which occurs routinely; and

WHEREAS, the City must take steps to ensure continuity of services to the community, including hiring replacement workers and contracting with vendors to perform the work of those PCL-represented employees who choose to exercise their right to strike; and

WHEREAS, pursuant to the Portland City Charter Section 2-302, the Mayor is authorized to assign and reassign bureaus and liaison responsibilities during non-emergencies including assigning City bureaus to the administration under the Mayor as the commissioner-in-charge; and

WHEREAS, under Portland City Code Chapter 15.08, the Mayor has authority to centralize control and authority over all bureaus, departments and other offices and vest power in the Mayor upon declaration of a State of Emergency; and

WHEREAS, pursuant to Portland City Code Chapter 15.08.020, with a State of Emergency Declaration, the Mayor is authorized to direct the coordination of the City's resources, including its programs and personnel, to work collaboratively under a centralized manager who serves as the designee of the Mayor; and

WHEREAS, pursuant to Portland City Code Chapter 15.08.020.B(11), the Mayor is authorized to hire staff and contractors in an expedited manner as may be necessary to protect the life, safety and health of persons, property or the environment; and

WHEREAS, pursuant to Portland City Code Chapter 15.08.020.B(1), the Mayor is authorized to utilize all City owned resources during a State of Emergency; and

WHEREAS, pursuant to Portland City Code Chapter 15.08.020.B(13), the Mayor is authorized to enter into contracts to the extent allowed by Charter Sections 8-104 and 8-105; and

WHEREAS, the City of Portland must organize any and all available resources to appropriately prepare for continuity of services to the city and its inhabitants.

THEREFORE, pursuant to my authority under the Portland City Charter, City Code, and any other applicable law, I hereby Order as follows:

1. **State of Emergency.** A State of Emergency exists within the City of Portland under Portland City Code Chapter 15.04 effective at **5:00 p.m. on January 26, 2023.**
2. **Mayor's Designee.** The Director of the Bureau of Emergency Management or their designee, acting in coordination with the Director of the Bureau of Human Resources as applicable, shall serve as the Mayor's designee under this Emergency Declaration. Each Commissioner and Bureau Director shall cooperate and support the Mayor's designee in the centralization of City resources and efforts related to addressing the purposes of this Emergency Declaration. In addition to other priority tasks, the Mayor's designee will undertake to:
 - a. Preserve the continuity of essential services to the public.
 - b. Decrease any potential impact on the environment and property that may result from the State of Emergency by hiring replacement workers to perform the work usually performed by PCL-represented employees.
 - c. Shall have all authority authorized under Portland City Code 5.33.135, including but not limited to, the authority to award Emergency Procurement Contracts without competition for the acquisition of goods, services, construction services, and public improvements for the purpose of responding to this Emergency Declaration.

- d. Hire contractors and other vendors to perform the work usually performed by PCL-represented employees.
- e. Hire other vendors and contractors to perform support work deemed warranted to respond to the impacts resulting from the reasons for the State of Emergency.
- f. **City Employees.** Mayor's Designee is authorized to reassign City employees to perform work in support of the City's effort to address this emergency. City employees who are exempt from the Fair Labor Standards Act, but who work extended hours to meet the needs of the City during this emergency are authorized to receive hour-for-hour (straight time) overtime upon approval of the Mayor's Designee.
- g. **Costs Associated with Response.** All costs associated with supporting the City's efforts to respond to this emergency shall be tracked and borne by the respective bureaus. The Mayor's Designee is authorized to charge expenses to the City's emergency expense fund, as allowable. Bureaus will be provided further instructions.
- h. **Financial Resources.** The Mayor's Designee shall pursue any and all available financial resources from any lawful source whatsoever that may be used to protect and promote the public health, safety and welfare from the threats to the public health and environment, and otherwise respond to the threats giving rise to this Emergency Declaration.
- i. Coordinate with government and nonprofit partners to endeavor to ensure continuity of services impacted reasons for the State of Emergency.

3. Other Provisions.

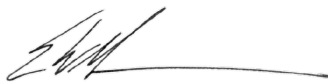
- a. In addition to any other power that may lawfully be exercised by local government, the powers listed in Portland City Code 15.08.020.B are vested in the Mayor.
- b. For the duration of this emergency, unless otherwise specified by the Mayor and subject to the terms of this Emergency Declaration, the unified command, and any orders issued under the authority of this declaration, the current bureau assignments to the members of the City Council shall remain in effect as delegated authority under Portland City Code 15.08.020.A, except that the Portland Bureau of Transportation and the Bureau of Environmental Services shall be assigned to and under the authority of the Mayor solely for the period of time of the State of Emergency, including the period of time of any extensions. At the

conclusion of the State of Emergency, and any extensions thereto, the Portland Bureau of Transportation and the Bureau of Environmental Services shall revert to their previously assigned City Council member unless such assignments are otherwise reassigned by the Mayor pursuant to Portland City Charter Section 2-302.

- c. Portland City Code Section 15.04.040.B limits the initial duration of an emergency declaration to two weeks and therefore this State of Emergency shall remain in effect through **5:59 p.m. on February 9, 2023**, unless otherwise extended, modified, or terminated.
- d. If any provision of this Declaration of Emergency, or any Emergency Orders, directives, commands, or other orders issued under the authority of the Declaration, or their application to any person or circumstance is held to be invalid, then the remainder of the duly exercised authority, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the Declaration of Emergency, or any Emergency Orders, directives, commands, or other orders issued under the authority of the Declaration, are severable.

IT IS SO ORDERED:

**Dated this 26th day of January 2023
City of Portland, Oregon**

By: 

Ted Wheeler, Mayor

APPROVED AS TO FORM:

Robert Taylor, City Attorney, Portland, Oregon