



OFFICE OF MAYOR
TED WHEELER

City of Portland

IN THE MATTER OF THE LOCAL)
EMERGENCY WITHIN THE CITY OF)
PORTLAND DECLARED ON)
JANUARY 30, 2024)

EMERGENCY DELCARATION TO
ADDRESS THE FENTANYL CRISIS
ED-2024-02

WHEREAS, along with the State of Oregon (“State”), Multnomah County (“County”), and other partners, the City of Portland (“City”) must address the fentanyl crisis impacting our community, particularly in Portland’s central city; and

WHEREAS, the opioid epidemic, exacerbated by substances like fentanyl and counterfeit fentanyl, frequently involves drugs categorized as controlled substances under ORS 475.005; and

WHEREAS, according to the CDC, national accidental drug overdose deaths surpassed 100,000 for the first time on record between May 2020 and April 2021, primarily because of synthetic opioids such as illicitly manufactured fentanyl; and

WHEREAS, Oregon saw a 74% surge in fentanyl-related deaths from 2019 to 2020; and

WHEREAS, according to [recent data from the State](#), the number of opioid overdose visits to emergency departments and urgent care centers is highest in Multnomah County, the number of unintentional opioid overdose deaths in Oregon more than tripled from 2019 to 2022, and the number of unintentional opioid overdose deaths appears to be trending even higher for 2023; and

WHEREAS, [CDC data](#) also indicates that polysubstance drug overdose deaths involving synthetic opioids are increasing, with approximately 40% of deaths in 2020 involving illegally made fentanyl also involved stimulants; and

WHEREAS, the highly addictive nature combined with the adverse behavioral health effects of fentanyl has wide ranging impacts on both people using the drug and the entire community, particularly in Portland’s central city; and

WHEREAS, the fentanyl crisis has also sharply impacted the City’s first response systems, including Portland Fire & Rescue, Portland Police Bureau, the Bureau of Emergency Communications, and others, which has exacerbated the strain on resources that support these critical services; and

WHEREAS, addressing the fentanyl crisis requires a coordinated approach by the three governments with authority and responsibility for providing public safety, addiction and public health services, crisis response, and other resources and services to those impacted by the fentanyl crisis in our community; and

WHEREAS, the Governor of the State of Oregon convened the Portland Central City Task Force (PCCTF) to make recommendations regarding action needed to respond to the needs of Portland’s central city; and

WHEREAS, on December 11, 2023, the PCCTF presented recommendations, including a recommendation that the City, the County, and the State declare a 90-day state of emergency regarding the impacts of fentanyl to facilitate urgent and coordinated action by all governments; and

WHEREAS, the City must continue to organize any and all available resources to appropriately respond to the fentanyl crisis to ensure continuity of services to the City and its inhabitants; 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 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 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 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 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 is committed to partnering with the County and the State to implement this PCCTF recommendation and take action to address the fentanyl crisis, in its many manifestations, in the central city using all available resources, and

WHEREAS, the City is also reliant upon its partners at the County and State to ensure that the City's efforts are immediately supported through services outside its purview, including behavioral health and recovery services, medical transport, outreach and case management, and supportive housing; and

THEREFORE, in reliance upon the commitments concurrently made by the County and the State through corresponding emergency declarations, and 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's central city¹ under Portland City Code Chapter 15.04 effective at 5:00 p.m. on January 18, 2024, for the purpose of addressing the fentanyl crisis and its impacts on our community. Any action taken or authorized in anticipation of this emergency declaration shall be deemed as being taken or authorized under the authority of this declaration.
2. **Mayor's Designee.** The Community Safety Transition Director 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 and supporting the unified command provided by the Command Center. In addition to other priority tasks, the Mayor's Designee will undertake to:
 - a. **Executive Policy Group and Unified Command.** Establish, as may be necessary, an Executive Policy Group to set incident priorities and provide policy direction and support, and a Unified or Incident Command, to set incident objectives and direct all City resources, including but not limited to public safety bureaus. The emergency response under this Declaration shall be operated in a Command Center within Portland's central city. The operation, coordination, and direction of the Command Center shall be conducted in collaboration with the State through the Governor's Designee under an emergency declaration by the State and the Chair's Designee under a County emergency declaration to address the fentanyl crisis and its impacts on our community. The Command Center shall focus on enhanced coordination between the City, County, and State, and shall leverage the resources available from community-based

¹ In this Emergency Declaration, the "central city" refers to the Lloyd, Lower Albina, Pearl, Old Town / Chinatown, West End, Goose Hollow, Downtown, Central Eastside, University District – South Downtown, and South Waterfront Neighborhoods, as defined by the Portland Bureau of Planning and Sustainability. A reference map is posted at <https://www.portland.gov/bps/documents/citywide-neighborhood-associations-and-districts-map/download>.

providers (including outreach workers and peers), public health efforts, and law enforcement resources across all three governments. In addition to any other available strategy, the Command Center shall refocus existing resources, including expanding hours of operation which providers can accept clients to better create a path out of this emergency.

- b. **Continuity.** Preserve the continuity of essential services to the public.
- c. **Expedited Response.** Ensure an expedited and coordinated response to the impacts of the fentanyl crisis.
- d. **Contractors.** 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.
- e. **Emergency Procurements.** 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.
- f. **City Employees.** The Mayor's Designee has the authority to reprioritize the work and assignments of City personnel to advance the purposes of this Emergency Declaration; provided, however, this Emergency Declaration does not change the employment status of any City employees. Employees assigned to perform work for City programs shall perform the same type of duties as listed in their classification specifications; additionally, employees shall remain under their existing supervision and management for all purposes other than receiving prioritizing direction from the Mayor's Designee for work related to addressing the purposes of this Emergency Declaration.
- 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 and as may be necessary. 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. **Coordination.** 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.
- c. Portland City Code 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 4:59 p.m. on February 13, 2024, 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 30th day of January, 2024
City of Portland, Oregon

By: _____
Ted Wheeler, Mayor

APPROVED AS TO FORM:
Robert Taylor, City Attorney