

## AGENDA COVER MEMO

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**AGENDA DATE:** February 17, 2009

**TO:** Board of County Commissioners

**DEPARTMENT:** Lane County Sheriff's Office, Emergency Management Division

**PRESENTED BY:** Linda L. Cook

**AGENDA TITLE:** ***IN THE MATTER AUTHORIZING USE OF THE FORMER ARMORY AS AN EMERGENCY SHELTER AND DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON MILITARY DEPARTMENT FOR SAID USE.***

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### **I. MOTION**

Move to authorize use of the former Armory, located on Martin Luther King Blvd., as an emergency warming shelter for homeless people and delegating authority to the County Administrator to execute an intergovernmental agreement with the Oregon Military Department for said use.

### **II. DISCUSSION**

#### **A. Background**

A 60-year old decorated war veteran, Thomas Eagan, was homeless at the time of his death in the city of Eugene on December 16, 2009. The cause of death as determined by the medical examiner's office was exposure to freezing weather.

Since that time the citizens of the cities of Eugene, Springfield and Lane County have sought public accountability for responding to the needs of homeless people during periods of extreme weather by providing short term emergency shelter.

In response to a Call for Action put forth by the Human Services Commission, an ad hoc collaborative partnership has emerged among shelter partners, social service agencies, faith-based community members, Lane County Public Health, Lane County Emergency Management and the Lane Transit District. The members of this partnership have conducted extensive debriefings and problem-solving sessions regarding the lack of adequate shelter space in Lane County. As a result, the partnership made the decision to have partners work together on a single warming shelter in an attempt to accomplish more together than any one organization or agency could do on their own. This partnership has named itself the EAGAN\* Shelter Coalition (\*Extreme Weather Accommodations Given All Night)

The EAGAN Shelter Coalition is proposing the use of the old National Guard Armory owned by Lane County to be used as a temporary warming shelter from now until March 31, 2009. It is anticipated that freezing temperatures will create the need for this space for up to 10 nights between now and the end of March. The coalition will use the lessons learned from opening this temporary warming center in its creation of a longer term, more sustainable solution for the fall.

The coalition is developing Operational Guidelines to address Direction & Control, Health & Safety, Communications, Logistics, Planning, Finance & Budgeting, Operations, Volunteer Coordination and Donations Management.

To mitigate risks introduced with opening the armory as a warming center, any areas in the facility posing a potential environmental health risk will be secured and posted as off-limits to all facility occupants. In addition, waivers will be signed by both volunteers and guests indicating that they will hold the County harmless of any injuries incurred while on the premises. Lastly, paid staff with expertise in working with vulnerable persons such as the homeless population will be present during hours of operation to diffuse complicated situations that may arise.

### **III    ATTACHMENTS**

**Order**

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

***IN THE MATTER AUTHORIZING USE OF  
THE FORMER ARMORY AS AN  
EMERGENCY SHELTER AND  
DELEGATING AUTHORITY TO THE  
COUNTY ADMINISTRATOR TO  
EXECUTE AN INTERGOVERNMENTAL  
AGREEMENT WITH THE OREGON  
MILITARY DEPARTMENT FOR SAID USE***

WHEREAS, ORS 401.015(2) provides that responding to emergencies is a County responsibility unless: 1) the response is beyond the capability of the County, 2) the County fails to act, or 3) the emergency involves two or more Counties,

WHEREAS ORS 401.025(4) provides the definition that "Emergency" means a human created or natural event or circumstance that causes or threatens widespread: (a) Loss of life; (b) Injury to person or property; (c) Human suffering; or (d) Financial loss,

WHEREAS, the Pacific Northwest, including Lane County, experiences severe weather systems every winter that bring extreme temperatures that cause or threaten widespread loss of life, injury to person and human suffering, especially for homeless persons living on the streets without adequate shelter, and

WHEREAS, the Human Services Commission reports that the number of shelter spaces for the homeless in Lane County are insufficient for meeting the increased demand during extreme weather emergencies.

NOW, THEREFORE, IT IS HEREBY ORDERED that the county owned facility known as the former National Guard Armory located on Martin Luther King Blvd in the City of Eugene may be used as an emergency warming center for the homeless from now until March 31, 2009, and that it will be operated according to the Operational Guidelines developed by the EAGAN Shelter Coalition, and

IT IS FURTHER ORDERED that the Board delegates authority to the County Administrator to execute an Intergovernmental Agreement between Lane County and the Oregon Military Department regarding use of the Armory that contains the substantive provisions included in the draft attached as Exhibit A.

Adopted this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date \_\_\_\_\_ Lane County

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

## INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is entered into by and between LANE COUNTY, a political subdivision of the State of Oregon, ("County"), and the STATE OF OREGON, acting by and through the OREGON MILITARY DEPARTMENT ("OMD").

### RECITALS

A. ORS 190.010 and the Lane County Home Rule Charter provide that units of local governments may enter into agreements for the performance of any or all functions and activities that a party to the agreements, its officers or agents, have authority to perform.

B. The County has experienced winter conditions and associated cold temperatures that are hazardous to the homeless population that have caused, and will cause again, harm to the homeless population.

C. The County has an interest in opening a temporary warming shelter to bring homeless people out of the cold when temperatures drop to freezing or below in order to save lives and prevent human suffering.

D. The most suitable facility for this purpose has been identified as the County owned facility known as the National Guard Armory located on Martin Luther King Blvd in the City of Eugene.

E. OMD has an interest in the Armory property by virtue of a lease agreement with County.

### NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

OMD will allow temporary use of the Armory property from the date of this agreement until April 1, 2009, according to the following conditions:

1. County will arrange for security and trained staff to ensure the safety of the occupants and protection of the facilities.
2. County will provide liability coverage through its self insurance fund or secure insurance sufficient to cover potential liability arising from the use of the Armory, to the extent of the Tort Claims Acts limits.
3. County will restrict occupancy of the Armory property to those areas designated on the attached floor plan, and will not allow any access to other areas, including the firing range and other areas where environmental contaminants may be present.
4. OMD will not interfere with the use of the Armory as an emergency warming shelter as contemplated by this agreement.
5. This agreement is effective upon execution and continues until April 1, 2009.
6. The parties will comply with all applicable state and federal laws and regulations.

7. No amendment to this agreement is effective unless made in writing and signed by both parties.

OREGON MILITARY DEPARTMENT

LANE COUNTY

By: \_\_\_\_\_

By: \_\_\_\_\_

Title:

Title: County Administrator

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM

Date \_\_\_\_\_ Lane County

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL