

Council Business Meeting

August 17, 2021

Agenda Item	Discussion on Extending the COVID-19 Emergency Declaration	
From	Gary Milliman	City Manager Pro Tem
Contact	garymilliman@ashland.or.us ; 541-552-2091	

SUMMARY

This agenda item seeks City Council approval to extend the City of Ashland COVID -19 State of Emergency through and including October 19, 2021.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

On March 17, 2020, the City Council ratified the City Administrator's March 15, 2020 Declaration of Emergency resulting from the COVID-19 pandemic. On April 7, April 21, May 5, May 19, June 2, June 16, July 21, August 18, September 15, October 20, and November 17, 2020, and January 19, March 16, 2021, May 18, and July 6, 2021, the City Council approved extensions of the Declaration of Emergency through August 17, 2021.

BACKGROUND AND ADDITIONAL INFORMATION

Ashland Municipal Code Chapter 2.62, Emergency Powers, specifically delegates the authority to declare a state of emergency to the City Manager, subject to subsequent ratification by the City Council. The City Council may terminate or extend any declared emergency.

Under the City's Emergency Management Plan, the City Manager is the Emergency Manager during a declared emergency and has responsibility for command-and-control of City departments and resources and for providing public information and is exclusively responsible for approving City agreements and deploying City resources to minimize or mitigate the effect of the emergency situation.

The proposed extension of the original March 15, 2020 City of Ashland Emergency Declaration through October 19, 2021 is intended to continue authorization to take special measures to protect citizens' health and safety and to assure that critical public services are maintained.

The COVID-19 emergency circumstances are somewhat unusual in that the response measures needed generally have not been short-lived. At least for the time being, continuing to operate under local emergency management can have at least the following benefits:

- Partial reimbursements for emergency response measures may continue to be available from federal and state while the City is under local emergency management.
- The ability to bypass regular public procurement procedures so as to quickly issue contracts for timely responses to emergency needs will continue to be useful for a while longer.
- The ability of the Emergency Manager (City Manager) to make quick commitments may make it possible to take advantage of emergency federal assistance opportunities that otherwise would not be timely.
- The ability for various City commissions and boards to continue to meet via electronic means until the adoption of amendments to their by-laws to continue such electronic meetings if desired.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION

Staff recommends Council approval of the proposed Emergency Declaration Extension.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move Council approval of the proposed Declaration of Emergency Extension through October 19, 2021.
2. I move Council approval of the proposed Declaration of Emergency Extension through October 19, 2021, with the following revisions: . . .

REFERENCES & ATTACHMENTS

Attachment 1: Proposed City of Ashland Declaration of State of Emergency Extension through October 19, 2021

CITY OF ASHLAND
DECLARATION OF STATE OF EMERGENCY - EXTENSION
AUGUST 17, 2021, THROUGH OCTOBER 19, 2021

TO: Danny Jordan, County Administrator and the Jackson County Office of Emergency Management

FROM: Gary Milliman, City Manager Pro Tem, City of Ashland, Oregon

The City Manager Pro Tem of the City of Ashland finds that:

- A. Pursuant to the authority granted by Oregon Revised Statutes Chapter 401, the City of Ashland has enacted a local ordinance codified in Ashland Municipal Code Chapter 2.62, Emergency Powers, that provides direction for the City, its officials, and others in the event that an emergency or disaster exists within the City and assigns executive responsibility in times of emergency. The City Council has approved a detailed Emergency Management Plan in Ashland Municipal Code Chapter 2.62, which specifically delegates the authority to declare a state of emergency to the City Manager, subject to subsequent ratification by the City Council.

- B. The following conditions have resulted in the need for a City of Ashland Declaration of a State of Emergency:
 - a. On March 8, 2020, the Governor of Oregon issued Executive Order 20-03 declaring a statewide state of emergency due to the COVID-19 outbreak in Oregon.
 - b. On March 11, 2020, COVID-19 was declared a pandemic by the World Health Organization, in recognition that this fast-spreading contagion is part of a group of viruses that can cause respiratory disease, with the potential to cause serious illness or loss of life for individuals with underlying health conditions.
 - c. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.
 - d. On March 17, 2020, pursuant to Ashland Municipal Code Chapter 2.62, the Ashland City Council ratified the City Administrator's March 15, 2020 Declaration of State of Emergency vesting in the City Administrator authority to take such actions and issue such orders as the City Administrator deems necessary to protect the public and to minimize or mitigate the effect of the emergency. By its terms, this initial Declaration was to be in effect through April 7, 2020, and could be extended thereafter in increments.
 - e. In its June 2020 Special Session, the Oregon Legislature passed, and the Governor signed, House Bill 4212 authorizing governing bodies of public bodies, other than the State of Oregon, until termination of any extensions of Governor's Executive Order 20-03, to: (1) conduct all public meetings and hearings using telephone or video conferencing technology or through other electronic or virtual means; (2) make available a method by which the public can listen to or virtually attend such public meetings or hearings at the time they occur, without necessarily providing a space for public attendance; and (3) provide an opportunity for submission of testimony either by timely submission of written testimony or by electronic or virtual means – notwithstanding any requirements by law or policy that testimony during a public meeting or hearing be taken in person.

- f. On April 7, April 21, May 5, May 19, June 2, June 16, July 21, August 18, September 15, October 20, and November 17 of 2020, and on January 19, March 16, May 18, and July 6 of 2021, the Ashland City Council approved extensions of the City of Ashland's State of Emergency and extended the initial Emergency Declaration through August 17, 2021.
 - g. A State of Emergency continues to exist in the City of Ashland, and the City has expended and will continue expending resources for responding to the COVID-19 emergency. The COVID-19 contagion continues to have impacts to Ashland residents, workers, visitors, and businesses; will continue to require City resources to keep the community informed and as safe as possible; and will continue to have negative consequences for Ashland's economy and workforce at least through October 19, 2021.
- C. The foregoing circumstances affect all of the territory within the corporate limits of the City of Ashland.
- D. This extension of the initial March 15, 2020 City of Ashland Declaration of a State of Emergency is intended to continue the authorization to take special measures to protect citizens' health and safety, to assure that critical public services are maintained, and to reduce stress and fear. The City urges citizens to show even greater-than-normal neighborliness, tolerance, and patience in the face of inconveniences and uncertainty during this period.

NOW, THEREFORE, based upon the circumstances set forth above, the following emergency orders have been issued by the City Manager Pro Tem and ratified by the City Council:

1. A State of Emergency is declared to continue to exist in the City of Ashland, Oregon.
2. The City of Ashland respectfully requests that Jackson County continue to provide any needed assistance, consider the City an "emergency area" as provided for in ORS Chapter 401, and request support from state agencies and/or the federal government.
3. The City shall take all necessary steps authorized by law to coordinate the response to and recovery from the COVID-19 emergency including, but not limited to, requesting assistance and potential reimbursements from the State of Oregon and the appropriate federal agencies for the City, business owners, social service agencies, and citizens in general.
4. In conformance with AMC Chapter 2.62 and the adopted City Emergency Management Plan ("EMP"), during the time the March 15, 2020 Declaration or any extension of it is in effect, the City Manager is the Emergency Manager and has responsibility for command-and-control of City departments and resources and for providing public information; the City Manager is exclusively responsible for approving City agreements and deploying City resources; and City officials are authorized to continue to take such actions and issue such orders as are determined by the City Manager to be necessary to protect the public and property and to continue to efficiently conduct activities that minimize or mitigate the effect of the emergency situation. (AMC 2.62.040; AMC 2.62.050B; EMP 5.1; and EMP 5.4.1)
5. Under direction from the City Manager (EMP 3.2.1.2), the duties of the Emergency Operations Public Information Officer include: developing and coordinating release of information to incident personnel,

media, and the general public; implementing information clearance processes with the Emergency Manager; and conducting and/or managing media briefings and implementing media-monitoring activities. (EMP 5.5.2.2) With respect to public information, the responsibilities of the Mayor and City Council during these emergencies include acting as liaison to the community and attending Public Information Officer briefings. (EMP 3.2.1.1) Accordingly, during the time the initial March 15, 2020 Emergency Declaration or any extension of it is in effect, the role of the Mayor and City Councilors is to convey the questions and concerns of community members through the Public Information Officer to the Emergency Manager and to convey communications from the Public Information Officer to community members.

6. During the time the City’s initial March 15, 2020 Emergency Declaration or any extension of it is in effect, the City, the City Council, and any City commissions, committees, or taskforces may: (1) conduct any or all public meetings and hearings using telephone or video conferencing technology or through other electronic or virtual means; (2) make available a method by which the public can listen to or virtually attend such public meetings or hearings at the time they occur, without necessarily providing a space for public attendance; and (3) provide an opportunity for submission of testimony either by timely submission of written testimony or by electronic or virtual means – notwithstanding any requirements by law or policy that testimony during a public meeting or hearing be taken in person.

7. Due to the economic impact COVID-19 emergency will have on its residents and businesses, the City recommends that residential and commercial eviction proceedings based on failure to pay rent be suspended during this State of Emergency or any extension thereof.

8. This extension of the Declaration of State of Emergency has been ratified by the City Council, is effective immediately, shall remain in effect until and including October 19, 2021, unless terminated earlier by the Emergency Manager, and may be extended thereafter as the City Council deems appropriate.

Dated and effective at 6:00 p.m. this 17th day of August, 2021.

Gary Milliman, City Manager Pro Tem

Julie Akins, Mayor

REVIEWED:

Katrina L. Brown, Interim City Attorney