

# Council Business Meeting

January 19, 2021

<b>Agenda Item</b>	Declaration of Emergency Extension through March 16, 2021	
<b>From</b>	David Lohman	City Attorney
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## **SUMMARY**

This agenda item seeks Council approval to extend the City of Ashland COVID -19 State of Emergency through March 16, 2021.

## **POLICIES, PLANS & GOALS SUPPORTED**

N/A

## **PREVIOUS COUNCIL ACTION**

On March 17, 2020, 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, 2020, October 20, and November 17, 2020, the City Council approved extensions of the State of Emergency through January 19, 2021. The September 15, October 20, and November 17 extensions included the additional emergency situation resulting from the September 8, 2020 Almeda fire.

## **BACKGROUND AND ADDITIONAL INFORMATION**

Ashland Municipal Code Chapter 2.62, specifically delegates authority to declare a state of emergency to the City Administrator (now City Manager), subject to subsequent ratification by City Council. 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. Responsibilities of the Emergency Manager includes commanding and controlling of City departments and resources, providing public information, approving City agreements, and deploying City resources to minimize or mitigate the effect of the emergency situation.

This proposed extension of the original March 15, 2020 City of Ashland Emergency Declaration through March 16, 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.

## **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 March 16, 2021.

OR

2. I move Council approval of the proposed Declaration of Emergency Extension through March 16, 2021, with the following revisions: ...

**REFERENCES & ATTACHMENTS**

Attachment 1: Proposed City of Ashland January 19 Declaration of State of Emergency Extension through March 16, 2021

**CITY OF ASHLAND**  
**JANUARY 19 DECLARATION OF STATE OF EMERGENCY EXTENSION**  
**THROUGH MARCH 16, 2021**

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

**FROM: Adam Hanks, 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. City Council has approved a detailed Emergency Management Plan in Ashland Municipal Code Chapter 2.62, which specifically delegates authority to declare a state of emergency to the City Manager, subject to subsequent ratification by 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, 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 in property and 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. Through Executive Orders 20-24, 20-30, 20-38, 20-59, and 20-67, the Governor of Oregon has extended through March 3, 2021 the initial COVID-19 Declaration of Emergency (Executive Order No. 20-03), as well as Executive Orders 20-06 and 20-15 (declaring abnormal disruption of the market for essential consumer goods and state investigatory powers), Executive Order 20-37 (foreclosure moratorium) and Executive order 20-56 (residential eviction moratorium).
  - f. 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..

- g. On April 7, April 21, May 5, May 19, June 2, June 16, July 21, August 18, September 15, 2020, October 20 of 2020, Ashland City Council approved extensions of the City of Ashland’s State of Emergency and on November 17, 2020 extended the initial Emergency Declaration through January 19, 2021. The latter three Extensions of the City’s Emergency Declaration included the aftermath of the Almeda Fire as part of the State of Emergency. This extension of the City Emergency Declaration through March 16, 2021 no longer includes the Almeda fire aftermath as part of Ashland’s State of Emergency.
- h. 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 is having ongoing impacts to Ashland residents, workers, visitors, and businesses; will continue to require significant City resources to keep the community informed and as safe as possible; and will continue to have significant negative consequences for Ashland’s economy and workforce at least through March 17, 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 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 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 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 initial March 15, 2020 Emergency Declaration or any extension of it is in effect, meetings of the City Council and any City commissions, committees or taskforces shall occur in conformance with enacted House Bill 4212 and any subsequent Governor's Executive Orders concerning such meetings.

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 March 16, 2021, unless terminated earlier by the Emergency Manager, and may be extended thereafter as the City Council deems appropriate.

Dated and effective at 5:00 p.m. this 19<sup>th</sup> day of January, 2021.

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Adam Hanks, Interim City Manager

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Julie Akins, Mayor

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REVIEWED, David Lohman, City Attorney