

# Council Business Meeting

November 17, 2020

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| <b>Agenda Item</b> | November 17, 2020 Declaration of Emergency Extension through December 15, 2020              |               |
| <b>From</b>        | David Lohman  | City Attorney |
| <b>Contact</b>     | <a href="mailto:david.lohman@ashland.or.us">david.lohman@ashland.or.us</a> ; (541) 552-2091 |               |

## **SUMMARY**

This agenda item seeks Council approval to extend the Coronavirus and Alameda Fire emergencies through December 15, 2020.

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

N/A

## **PREVIOUS COUNCIL ACTION**

On March 17, 2020, Council ratified the City Administrator's Declaration of Emergency resulting from the Coronavirus contagion. On April 7, April 21, May 5, May 19, June 2, June 16, July 21, August 18, September 15, 2020, and October 20, City Council approved extensions of the State of Emergency through November 17, 2020. The September 15 and October 20 extensions included the additional emergency situation resulting from the September 8, 2020 Alameda fire.

## **BACKGROUND AND ADDITIONAL INFORMATION**

Ashland Municipal Code Chapter 2.62, specifically delegates authority to declare a state of emergency to the City Administrator, subject to subsequent ratification by City Council. Council may terminate or extend any declared emergency. Under the City's Emergency Management Plan, the City Administrator 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.

This proposed additional 28-day extension of the original March 17, 2020 City of Ashland Emergency Declaration is intended to continue authorization to take special measures to protect citizens' health and safety, to assure that critical public services are maintained.

The Coronavirus and Alameda fire 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 governments while the City is under local emergency management.
- The ability to bypass regular public procurement procedures 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 Administrator) to make quick commitments may make it possible to take advantage of emergency housing opportunities before the onset of severe winter weather.

## **FISCAL IMPACTS**

N/A

## **STAFF RECOMMENDATION**

Staff recommends Council approval of the proposed Emergency Declaration Extension.

**ACTIONS, OPTIONS & POTENTIAL MOTIONS**

- I move Council approval of the proposed Declaration of Emergency Extension through December 15, 2020.  
OR
- I move Council approval of the proposed Declaration of Emergency Extension through December 15, 2020, with the following revisions: ...

**REFERENCES & ATTACHMENTS**

Attachment 1: Proposed November 17, 2020 Declaration of Emergency Extension through December 15, 2020

**CITY OF ASHLAND**  
**NOVEMBER 17 DECLARATION OF STATE OF EMERGENCY EXTENSION**  
**THROUGH DECEMBER 15, 2020**

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

**FROM: Adam Hanks, Interim City Administrator, City of Ashland, Oregon**

**The City Administrator 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 Administrator, 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 12, 2020, the Governor of Oregon issued Executive Order 20-05 canceling all gatherings of more than 250 people and most large gatherings if a distance of 3 feet could not be maintained between individuals, and recommending other limitations including that individuals in high-risk populations (those over 60 years of age, or those with an underlying health condition) avoid gatherings of more than 10 people.
  - d. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.
  - e. On March 17, 2020, the Governor of Oregon issued Executive Order 20-07 rescinding Executive Order 20-05; prohibiting most gatherings of 25 people or more, including community events or activities if a distance of at least 3 feet between individuals cannot be maintained; prohibiting on-premises consumption of food and drink; and establishing limited exceptions.
  - f. On March 17, 2020, pursuant to Ashland Municipal Code Chapter 2.62, Ashland City Council ratified the City Administrator's 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.

- g. On March 23, 2020, the Governor of Oregon issued Executive Order 20-12, the stated purpose of which was “to reduce person-to-person interaction.” With a few exceptions for food and medical needs, this Order prohibited any non-essential social, recreational, and shopping-related aggregations of individuals unless a distance of at least 6 feet between individuals was maintained.
- h. On April 15, 2020, the Governor of Oregon issued Executive Order 20-16 directing that governing bodies of public bodies were to (1) hold their public meetings and hearings through electronic or virtual means whenever possible; (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.
- i. On May 1, 2020, the Governor of Oregon issued Executive Order 20-24 extending the COVID-19 Declaration of Emergency (Executive Order No. 20-03) for an additional 60 days, through July 6, 2020.
- j. On June 30, 2020, the Governor of Oregon issued Executive Order 20-30 extending the COVID-19 Declaration of Emergency (Executive Order No. 20-03) for an additional 60 Days, through September 4, 2020.
- k. On July 13, 2020, the Governor of Oregon announced expanded requirements for face coverings and stricter limits on social get-togethers.
- l. On September 1, 2020, the Governor of Oregon issued Executive Order 20-38 extending the COVID-19 Declaration of Emergency (Executive Order No. 20-03) for an additional 60 Days, through October 30, 2020. This Order also rescinded Executive Order 20-16 (Public Meetings and Local Government Operations) in recognition that the Legislature, in its recent Special Session, had passed House Bill 4212 which codified several provisions from Executive Order 20-16. Among other actions, HB 4212 authorized governing bodies of public bodies, other than the State of Oregon, to conduct all public meetings using telephone or video conferencing technology or through other electronic or virtual means.
- m. On October 27, 2020, the Governor of Oregon issued Executive Order 20-59 extending the COVID-19 Declaration of Emergency (Executive Order No. 20-03) through January 2, 2021.
- n. On September 8-10, 2020, Ashland and nearby cities experienced disastrous wildfires which severely disrupted the lives of Ashland residents, visitors, and workers, including City staff, some of whose properties and belongings in nearby cities were damaged or destroyed. The immediate fire danger has diminished, but immediate and extraordinary marshaling of City human, technical and financial resources will be required to achieve effective humanitarian assistance for wildfire-affected individuals and families, as well as recovery and rebuilding efforts.
- o. On September 10, 2020, the Governor of Oregon issued Executive Order 20-42 declaring an abnormal disruption of the market due to wildfires for period of 30 days and establishing a State administrative remedy for curbing excessive price increases for essential consumer goods and services, including lodging, due to this disruption. On October 6, the Governor issued Executive Order 20-57 extending the duration of Executive Order 20-42 until terminated by the Governor.

- p. On April 7, April 21, May 5, May 19, June 2, June 16, July 21, August 18, September 15, 2020, and October 20, Ashland City Council approved extensions of the Declaration of State of Emergency through November 17, 2020.
- q. A State of Emergency continues to exist in the City of Ashland, and the City has expended or shortly will expend its necessary and available resources for responding to the COVID-19 emergency and the wildfire emergency. The simultaneous emergencies, each with ongoing impacts to Ashland residents, workers, visitors, and businesses, have so far required and will continue to require significant City resources to keep the community informed and as safe as possible and have and will continue to have significant negative consequences for Ashland's economy and workforce.

C. The foregoing circumstances affect all of the territory within the corporate limits of the City of Ashland.

D. This extension of the original March 17, 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 Administrator 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 and the wildfire 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 this Declaration or any extension of it is in effect, the City Administrator is the Emergency Manager 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, and City officials are authorized to continue to take such actions and issue such orders as are determined by the City Administrator 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 situations. AMC 2.62.040; AMC 2.62.050B, EMP 5.1; and EMP 5.4.1.

5. Under direction from the City Administrator (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 this 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 this 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 and wildfire emergencies 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 December 15, 2020, 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 17<sup>th</sup> day of November 2020.

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Adam Hanks, Interim City Administrator

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John Stromberg, Mayor

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REVIEWED, David Lohman, City Attorney