

AGENDA FOR THE REGULAR MEETING  
ASHLAND CITY COUNCIL  
Tuesday, September 15, 2020

Held Electronically; View on Channel 9 or Channels 180 and 181 (for Charter Communications customers) or live stream via [rvtv.sou.edu](http://rvtv.sou.edu) select RVTV Prime.

**Note: Written and oral testimony will be accepted for public input. For written testimony, email [public-testimony@ashland.or.us](mailto:public-testimony@ashland.or.us) using the subject line: September 15 Business Meeting Testimony.**

**Those who wish to give oral testimony can fill out a Speaker Request Form at [ashland.or.us/speakerrequest](http://ashland.or.us/speakerrequest) and return it to the City Recorder. The deadline for submitting written testimony or speaker request forms will be on Monday, September 14 at 10 a.m.**

Note: Items on the Agenda not considered due to time constraints are automatically continued to the next regularly scheduled Council meeting [AMC 2.04.030.E.]

**I. CALL TO ORDER**

Mayor Stromberg called the Business Meeting to order at 6:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Councilors' Slattery, Graham, Akins, Seffinger, Rosenthal and Jensen were present.

**IV. MAYOR'S ANNOUNCEMENTS**

Mayor Stromberg announced the Commission Vacancies.

He also read a statement into the record (*see attached*).

Interim City Administrator Adam Hanks announced adding new items to the Agenda:

Bank Signatories, Rent Gouging and Water Curtailment.

**Akins/Graham moved to add a Resolution authorizing bank signatories to the Agenda. Discussion: None. Voice vote: All Ayes. Motion passed unanimously.**

**Rosenthal/Jensen moved to add Stage 1 Water Curtailment to the Agenda. Discussion: None. Voice Vote. All Ayes. Motion passed unanimously.**

**Akins/Slattery moved to add Rent Gouging to the Agenda. Discussion: None. Voice Vote: All Ayes. Motion passed unanimously.**

**V. APPROVAL OF MINUTES**

1. Study Session of August 31, 2020
2. Business Meeting of September 1, 2020

**Rosenthal/Slattery moved to approve the minutes. Discussion: None. All Ayes. Motion passed unanimously.**

**VI. SPECIAL PRESENTATIONS & AWARDS**

1. COVID-19 Emergency Declaration

Hanks gave a Staff report (*see attached*).

Jensen/Graham moved to ratify the extension of the Declaration of State of Emergency by the City Council, effective immediately, shall remain in effect until and including October 20, 2020, and may be extended thereafter as the City Council deems appropriate. Discussion: None. Roll Call Vote: Slattery, Graham, Akins, Seffinger, Rosenthal and Jensen: YES. Motion passed unanimously.

**VII. MINUTES OF BOARDS, COMMISSIONS, AND COMMITTEES**

<a href="#">Airport</a>	<a href="#">Budget</a>	<a href="#">Conservation</a>
<a href="#">Historic</a>	<a href="#">Housing and Human Svcs.</a>	<a href="#">Parks &amp; Recreation</a>
<a href="#">Forest Lands</a>	<a href="#">Climate Policy</a>	<a href="#">Cost Review</a>
<a href="#">Planning</a>	<a href="#">Public Arts</a>	<a href="#">Transportation</a>
<a href="#">Tree</a>	<a href="#">Wildfire Mitigation</a>	

**VIII. PUBLIC FORUM** Business from the audience not included on the agenda. (Total time allowed for Public Forum is 15 minutes. The Mayor will set time limits to enable all people wishing to speak to complete their testimony.) *[15 minutes maximum]* **See note above for how to submit testimony for Public Forum.**

**IX. CITY ADMINISTRATOR REPORT**

Interim City Manager Adam Hanks, Fire Chief David Shepherd, Police Chief Tighe O'Meara, Interim Public Works Director Scott Fleury, Parks and Recreation Director Michael Black and Fire Division Chief Chris Chambers each gave reports regarding their departments efforts since the start of the fire and currently.

For more information you call the Ashland Response Line: 541-552-2500 or go to the City Website: [Alameda Fire](#)

Council thanked Staff for their reports.

**X. CONSENT AGENDA**

1. Approval of Contract with Selectron Technologies, Inc.
2. ODEQ 2020 General Materials Management Grants Application Request
3. Resolution Updating City Banking Authorized Signatures

Rosenthal pulled item #2. Hanks gave a Staff report.

**Rosenthal/Graham moved to approve the Consent Agenda. Discussion: None. Voice Vote. All Ayes. Motion passed unanimously.**

**XI. PUBLIC HEARINGS** (Persons wishing to speak are to submit a “speaker request form” prior to the commencement of the public hearing. Public hearings shall conclude at 8:00 p.m. and be continued to a future date to be set by the Council, unless the Council, by a two-thirds vote of those present, extends the hearing(s) until up to 9:30 p.m. at which time the Council shall set a date for continuance and shall proceed with the balance of the agenda.)

1. Public Hearing and First Reading of Open Space Ordinance Amendment

The electronic public hearing regarding proposed land use ordinance amendments to Title 18 Land Use in the Ashland Municipal Code related to the open space standards for new multifamily and single-family residential development has been rescheduled to the October 20<sup>th</sup>. 2020 Council Meeting at 6:00 p.m.

## **XII. UNFINISHED BUSINESS**

### **XIII. NEW AND MISCELLANEOUS BUSINESS**

#### 1. Fire Chief Recruitment Process

Hanks gave a Staff report and introduced Human Resources Director Tina Gray. Gray gave a brief Staff report.

Council discussed options.

**Jensen/Rosenthal moved to recommend pursuing staff Option 3, authorizing staff to conduct a recruitment for a Limited Duration Appointment (1-3 year) of a Fire Chief to stabilize the leadership of the department. Discussion:** Jensen spoke in support of option number 3. Rosenthal agreed with Jensen. He spoke that this could open the doors towards partnerships with surrounding cities. Graham thanked staff. **Roll Call Vote: Rosenthal, Jensen, Seffinger, Slattery, Akins and Graham: YES. Motion passed unanimously.**

#### 2. Mandatory Water Curtailment (Phase I) Ratification Request

Hanks gave a Staff report and introduced Interim Public Works Director Scott Fleury. Fleury gave a Staff report.

Fleury gave an update on the water supply and each stage of curtailment.

Council discussed revenue implications when the city goes into curtailment. Fleury explained that the City does not expect any revenue impacts with Stage 1.

**Jensen/Seffinger moved to ratify the City Administrators decision to enter into water curtailment stage 1 as outlined in AMC 14.06. Discussion:** Jensen spoke that this is a wise move for the City and the sooner the better. Seffinger spoke in support of the motion and that this gives people some time to think about planning what they are going to do; such as landscaping. Graham spoke in appreciation of the motion and the importance of the community pulling together. **Roll Call Vote: Slattery, Graham, Akins, Seffinger, Rosenthal and Jensen: YES. Motion passed unanimously.**

#### 3. Discussion of Local Rental Property Rent Control Legislation

Hanks gave a Staff report. It was noted that Akins and Slattery suggested to add this item to the agenda.

Akins gave a brief staff report.

Council discussed rental hikes and the housing market. Council discussed rental control.

City Attorney David Lohman discussed options the City could do in an emergency and went over the memo (*see attached*).

Akins spoke to the importance of preventing housing prices to go up and would be great to have this as a regional effort to see that that doesn't happen.

Council discussed options regarding housing and rent control.

Graham suggested to get an overview of what the City can expect in the valley when FEMA arrives and the process of what they do.

## **XIV. ORDINANCES, RESOLUTIONS AND CONTRACTS**

## **XV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL**

**LIAISONS**

**XVI. ADJOURNMENT OF BUSINESS MEETING**

The Business Meeting was adjourned at 8:42

Respectfully submitted by:

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City Recorder Melissa Huhtala

Attest:

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Mayor Stromberg

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).*

First and foremost, our hearts go out to all those affected by the Alameda Fire. I'm totally overwhelmed at the enormity of this disaster and it must be horribly difficult to lose everything as happened to thousands of people. I want to do all we can to help.

The road to recovery is going to be long; this is an ultra-marathon and though many want to start out sprinting we can't sustain it, so we have to pace ourselves in order to rebuild lives, homes, and businesses with care and compassion.

Our city's staff has put together a great website to help our community members give whatever they can to those in need. I really hope that it makes a difference in how and what gets donated over the coming years of recovery. It's at [Ashland.or.us/ashlandresponse](http://Ashland.or.us/ashlandresponse).

I'm really proud of the firefighters and police officers throughout the Rogue Valley who put themselves in harm's way to get people evacuated, save as much as humanly possible and put the fire out. It would have been so much worse without their selfless work responding into the flames and smoke to get others out of it.

Our communities of Ashland, Talent, Phoenix, and Medford are connected in so many ways through people, water, commerce, and many activities and events each year. Our futures in this recovery will also be interwoven as we navigate the complex issues ahead, together. I want our staff to be available to help inform a new way of living that is more fire safe, sustainable, and embracing the diversity of our communities.

So many great local organizations are already at the table to help like La Clinica, Mercy Flights, Asante, Rogue Credit Union, the United Way, and many more with others yet to fill roles we haven't yet discovered we need. These partnerships will help this process in immeasurable ways.

We have support from FEMA in disaster declarations, the State of

Oregon , and Jackson County to move us along. I have been in contact with Senator Merkley and Wyden who both made personal calls and offers of help.

The ultimate impact of yesterday's Almeda Fire spreads out into the future, our futures, in many directions. The one lesson I would draw from what has happened so far is that regional collaboration holds great potential for our ability to heal and rebuild.

As Mark Johnston, the State of Oregon's fire team liaison said to us yesterday, "We've doing our specialty and we'll leave soon, turning it over to you all to work together. But I'll be back over time we'll get to know each other and then we can really achieve a lot."

“It all comes down to relationships of trust and respect.”

I think Mark is teaching by doing and we should turn this shocking disaster into an important step forward together, that we never would have done without it. The secret, I think, is figuring out what we can do to make our partners' lives better.

**CITY OF ASHLAND**  
**DECLARATION OF STATE OF EMERGENCY EXTENSION**

**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. 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.
- 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 May 14, 2020, the Governor of Oregon issued Executive Order 20-25 establishing a phased approach to removing previously-imposed COVID-19-related emergency restrictions.
- k. On June 3, 2020, Jackson County was approved for limited Phase 2 reopening.
- l. On June 5, 2020, the Governor of Oregon issued Executive Order 20-27 rescinding Executive Order 20-25 and replacing it with revised directives on reopening requirements for preventing COVID-19 infections.
- m. 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.
- n. On July 13, 2020, the Governor of Oregon announced expanded requirements for face coverings and stricter limits on social get-togethers.
- o. On April 7, April 21, May 5, May 19, June 2, June 16, July 21, and August 18, Ashland City Council approved extensions of the Declaration of State of Emergency through September 15, 2020.
- p. 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.
- q. 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.

- r. 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 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 October 20, 2020, and may be extended thereafter as the City Council deems appropriate.

Dated and effective at 5:00 p.m. this fifteenth day of September 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

# Memo

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TO: Mayor and Council  
FROM: Dave Lohman, City Attorney  
DATE: September 15, 2020  
RE: Potential City Prohibition of Rent Gouging

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To address the possibility of landlords in Ashland dramatically increasing residential rents following the loss of so much housing in between Ashland and Medford in the last few days, a Councilmember is advocating for Council discussion of an ordinance prohibiting “rent gouging” at the September 15, 2020 business meeting. In discussing the need for and potential effectiveness of a City ordinance prohibiting “rent gouging” following the wildfire emergency, Councilmembers may find the following points helpful.

1. The governor of California has issued an executive order prohibiting various forms of rent gouging in California in light of the extensive wildfires there. Oregon statutes dictate that the City of Ashland cannot administratively or legislatively replicate the action by California’s governor.
2. Oregon Revised Statute 401.965(5) currently prohibits a provider of consumer goods or services from raising prices by more than 15% during the declaration of abnormal disruption of the market. Oregon Governor Brown’s 9/10/2020 Executive Order 20-42 declared that an abnormal disruption of the market (including the market for lodging facilities) commenced at 12 AM on September 9, 2020, in all Oregon counties. This executive order directed persons who believe they have been subjected to unconscionably excessive prices due to this disruption to contact the Oregon Department of Justice Consumer Protection Division, which is responsible for investigating such complaints and prosecuting offenders. See attached Exhibit A.
3. Oregon Revised Statute 91.225(2) prohibits cities from enacting any ordinance or resolution which controls the amount that may be charged for rental of any dwelling unit. Subsection 5 of ORS 91.225 establishes an exception to this prohibition when disaster “materially eliminates a significant portion of the rental housing supply.” Whether “disaster-related loss of rental housing supply” outside the borders of a city can justify that city’s enactment of temporary rent controls within its borders has not been addressed in Oregon case law; probably no Oregon city has so far risked trying to justify its partial suspension of settled Contract Law on the basis of circumstances in geographic areas over which it has no legal authority.
  - a) The Alameda Fire did not reduce the housing supply in Ashland.



4. In its recent special session, the Oregon Legislature enacted HB 4213, which extended the moratorium on evictions previously included in Governor's executive orders through September 30, 2020. The wildfire emergency occurred after that session concluded; so the Governor is very likely to use a new executive order to extend the moratorium beyond September 30.

5. In 2019, the Oregon Legislature enacted Senate Bill 608, which prohibited landlords from increasing the rent during residential tenants' first year of occupancy and prohibited rent increases for existing tenants to no more than 7% per year, plus inflation.

a) The facts that the residential rental vacancy rate in Ashland is currently so low and that a moratorium on evictions is currently in place means that few opportunities exist for residential landlords to rent to new tenants outside the rent controls in SB 608.



**EXECUTIVE ORDER NO. 20-42**

**DECLARATION OF ABNORMAL DISRUPTION OF THE MARKET DUE TO WILDFIRES**

On August 20, 2020, I issued Executive Order No. 20-35 declaring a state of emergency due to the imminent threat of wildfires. This declaration recognized the extreme fire danger presented by hot, dry, windy conditions, as well as a significant risk that wildfires would result in evacuations, threats to critical infrastructure, and the destruction of homes and other structures. In recent days, that extreme danger has materialized, as several fires have burned across Oregon, destroying homes, displacing individuals, and causing injury and loss of life.

ORS 401.965(5) empowers the Governor to declare an abnormal disruption of the market when any emergency prevents ready availability of essential consumer goods and services. My office has received reports that some persons evacuated from fire areas to lodging facilities may be experiencing unusual increases in lodging rates. I am also concerned that that the wildfire emergency may prevent ready availability of other essential consumer goods and services.

**NOW, THEREFORE, IT IS DIRECTED AND ORDERED:**

1. Having found that the ongoing wildfires present an emergency that prevents ready availability of essential consumer goods and services, I hereby declare that that an abnormal disruption of the market commenced at 12:00 a.m. on September 9, 2020, in all Oregon counties.
2. Persons who believe that they have been subjected to unconscionably excessive prices for essential consumer goods and services due to this disruption should report that conduct to the Oregon Department of Justice Consumer Protection hotline, at 877-877-9392. (Consumers can also visit [www.OregonConsumer.gov](http://www.OregonConsumer.gov).) The Oregon Department of Justice has the authority to investigate unlawful trade practices.

EXHIBIT

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**EXECUTIVE ORDER NO. 20-42**  
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3. This order shall remain in effect for thirty days unless extended or terminated sooner.

Done at Salem, Oregon this 10<sup>th</sup> day of September, 2020.

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Kate Brown  
GOVERNOR

ATTEST:

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Bev Clarno  
SECRETARY OF STATE