

RESOLUTION NO. 2020-06

A RESOLUTION OF THE CITY OF LINCOLN CITY DECLARING AN EMERGENCY AS A RESULT OF THE COVID-19 PANDEMIC

RECITALS

WHEREAS, at its special City Council meeting on March 16, 2020, the City Council heard a report from the City Manager concerning a request to declare an emergency. The conditions identified in the Report by the City Manager are detailed below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. EMERGENCY DECLARATION. The City of Lincoln City does hereby declare a State of Emergency to Exist in the City of Lincoln City, and under the authority of Oregon Revised Statutes, the Lincoln City, City Charter and LCMC Chapter 2.72., the City Council does hereby Order as follows:

A. A description of the nature of the emergency;

The Manager reported that the following conditions have resulted in the need for a declaration of a state of emergency:

- COVID-19 was declared a pandemic by the World Health organization on March 11, 2020.
Coronavirus are 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.
COVID-19 requires a significant amount of resources at the local level to keep the public and community informed and as safe as possible.
On March 8, 2020, Governor Kate Brown declared a state of emergency due to COVID-19 outbreak in Oregon (Executive order No. 20-03), finding that COVID-19 has created a threat to public health and safety, and constitutes a statewide emergency under ORS 401.025(1).
In an Order dated March 12, 2020, Governor Kate Brown provided additional mitigation measures on the Coronavirus Response.

- 1 • The unknown duration of the COVID-19 Pandemic will have significant
2 financial impact to the community.
- 3 • Pursuant to ORS 401.309(1), the governing body of a city may declare, by
4 Ordinance or Resolution, that a state of Emergency exists within a city.
- 5 • Pursuant to Lincoln City Municipal Code Section 2.72.040, the City Council
6 of the City of request may declare an emergency at a regular, special or
7 emergency meeting of the City Council. All declarations must address the
8 required terms as set forth in LCMC 2.72.060.

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10 **B. The geographic boundaries of the area where the emergency exists as**
11 **well as the portions lying within the city's boundaries and areas to be**
12 **subject to emergency powers/controls:**

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14 The geographic boundaries of the emergency are:

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16 The boundaries of the emergency are the city limits of the City of Lincoln
17 City.

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19 **C. An estimate of the number of individuals at risk, injured or killed; and**

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21 The emergency impacts the entire population of the City of Lincoln City,
22 including residents, visitors and the homeless.

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24 **D. A description of the actual or likely damage caused by the emergency;**
25 **and**

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27 Illness caused by exposure to COVID-19; suffering due to inadequate
28 diagnostic and health care treatment facilities for those infected.

29
30 **E. A statement of the type of assistance or resources required to respond**
31 **to the emergency; and**

- 32
33 • Reimbursement for salaries, resources, provisions and other expenses
34 incurred by the city in responding to the emergency from federal and state
35 sources.
- 36 • Technical assistance from the County Health Department, the State of
37 Oregon and Federal government.
- 38 • Provision of emergency supplies from those in need from emergency
39 caches.

1 **F. An estimate of the length of time during which the designated area**
2 **will remain under the emergency declaration; and**

3
4 Through April 8, 2020, but may be extended by the City Manager without
5 further Order of the Council for two week increments each extension or for
6 increments consistent with State of Oregon emergency declarations.

7
8 **G. Any special regulations or emergency measures, powers or orders**
9 **imposed as a result of the declared emergency; and**

10 The City Manager, the City Emergency Preparedness Coordinator, and all
11 City Department Heads, and their designees, (hereinafter Designated City
12 Staff) are authorized, without further Order of the City Council to use any
13 and all emergency powers, including those specifically listed in Lincoln City
14 Municipal Code [LCMC 2.72.070] to appropriately respond to the
15 emergency and to minimize loss of life.

16 Designated City Staff are to assist in the implementation of any order of the
17 federal government, the Governor, State Public Health Director, or local
18 public health representative related to public health or public health
19 emergency, as directed, pursuant to ORS 431.270, 431.264, 433.411 or
20 401.055, or other applicable statute or order.

21 The Emergency Preparedness Coordinator is expressly authorized to take all
22 actions authorized by law to coordinate the City's response to this
23 emergency, including but not limited to requesting assistance from State,
24 County and Federal authorities.

25 The following emergency powers are as operative, without limitation or
26 prejudice to other authorized powers:

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- 28 • All necessary city funds shall be redirected for emergency use, and
29 standard city procurement procedures shall be suspended for any
30 contract or purchase necessary to combat the COVID-19 Pandemic.
 - 31 • Price gouging is prohibited – specifically no person or business may sell
32 or attempt to sell any goods or services for a price in excess of the
33 "normal market price," which shall mean that person's or business's
34 average of the regular price of the goods or services for the 30 days
preceding the declaration of the state of emergency.


- 1 • All mutual aid agreements are operative and Designated Staff may
2 make application for such emergency assistance as is needed from local,
3 state or federal sources.
- 4 • All non-essential City Commissions, Boards, Committees and the like as
5 well as all City Events are cancelled until April 8, 2020. Designated staff
6 may revoke permits for events within the designated emergency period.
- 7 • Without further order of the Council, Designated City Staff may restrict,
8 regulate or prohibit vehicular or pedestrian traffic for such distance or
9 degree as may be deemed necessary under the circumstances, including
10 the closing to the public of any or all public places, including streets,
11 alleys, public ways, schools, parks, beaches, amusement areas and
12 public buildings.
- 13 • The City Manager or his designee may establish a curfew during
14 specified hours in specified geographic areas and locations.
- 15 • The City Manager or his designee may prohibit or limit the number of
16 persons who may gather or congregate upon any public street, public
17 place, or any outdoor place within the area designated as an emergency
18 area.
- 19 • The City Manager or his designee may curtail or suspend commercial
20 activity.
- 21 • The City Manager or his designee may designate any developed or
22 undeveloped city property for temporary emergency operations uses,
23 including but not limited to use as an emergency facility, shelter,
24 overnight shelter, bivouac, mess hall, temporary campground, staging
25 area, inoculation center, distribution center, or similar emergency
26 operation uses. Private or other public property may similarly be
27 designated by the city, with the permission of the property owner, for
28 such emergency uses. The duration of such authorized uses is only
29 during the period of the emergency and for a reasonable period of time
30 after the end of the declared emergency.
- 31 • The City Manager or his designee may take such other measures [by
32 written order] as are found to be necessary for the protection of life,
33 property, infrastructure, the environment, or for the recovery from the
34 emergency.

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36 **SECTION 3. AMENDMENT.** This emergency declaration may be amended and
37 updated as necessary, and shall be amended when necessary to reflect needed
38 assistance of state, county and federal authorities consistent with LCMC Chapter
39 17.52.

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SECTION 4. EFFECTIVE DATE. This resolution is effective as of the date of its adoption and signature by the Mayor.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 16TH day of March 2020.


DICK ANDERSON, MAYOR

ATTEST:


CATHY STEERE, CITY RECORDER

