

SUMMARY:

The declaration of emergency ("Declaration") establishes that emergency conditions exist relating to the COVID-19 Pandemic. The Declaration authorizes the City Manager to take all necessary actions to implement the Declaration, and specifically, prohibits all public gatherings in public spaces, including sidewalks and parks, with certain exceptions. Adopting this resolution will extend the declaration through August 31, 2020.

FACTS AND FINDINGS:

SRC 2.660 to 2.680 establish the City's Emergency Management Agency and designates the City Manager as the Emergency Program Manager. SRC 2.670 authorizes the City Council to declare an emergency through resolution or ordinance. "Emergency" is not defined by the SRC but is defined by ORS 401.025 to mean "a human created or natural event or circumstance that cause or threatens widespread loss of life, injury to person property, human suffering or financial loss." ORS 401.309 also requires that any city or county emergency declaration limit the duration of the state of emergency to the period of time during which the conditions giving rise to the declaration exist or are likely to remain in existence.

Under the SRC, once an emergency has been declared, the City may issue an order authorizing certain actions that may otherwise be restricted under the SRC. These actions include waiver of certain regulations, redirecting funds for emergency use, suspending procurement rules, and the establishment of certain emergency regulations.

The Declaration:

- 1) Authorizes the City Manager to issue order and take other necessary steps to implement the Declaration,
- 2) Prohibits "public gatherings" in "public spaces" and restricts public spaces to active pedestrian use, and
- 3) Suspends the public camping prohibition (SRC 95.720) in all unimproved areas in Wallace Marine and Cascade Gateway parks.

"Public space" is defined to mean the Salem Civic Center, publicly-owned right-of-way, including sidewalks and landscape strips, and City parks.

"Public gathering" is defined to mean any assembly of two or more people remaining in the same area for ten minutes or more.

The allowance for public camping in unimproved areas at Wallace Marine and Cascade Gateway has the following requirements:

- 1) Campsite may have up to ten people,
- 2) Campsite must be separated by at least 50 feet from each other and any improved area within the park or abutting properties.

The Mid-Willamette Valley Community Action Agency (“Arches”) has recommended that groups camping on City sidewalks be required to disburse in order to protect the health of the individuals and help mitigate the spread of COVID-19. Arches has indicated they will provide tents and sleeping bags for anyone displaced from public sidewalks as a result of this action.

On March 17, 2020, the City Council extended the Declaration through June 30, 2020. While both Marion and Polk Counties have entered Phase I reopening, infection trends throughout Oregon, including both counties, have caused Governor Brown to delay any additional reopening. Therefore it is necessary to extend the City’s emergency declaration to protect public health and safety.

BACKGROUND:

The State of Oregon has declared a state of emergency regarding the COVID-19 Pandemic on March 8, 2020, the World Health Organization announced that COVID-19 is a global pandemic, Governor Kate Brown has limited gatherings to no more than 25 people, and the federal government recommends gatherings be limited to no more than 10 people. All public health authorities have urged social distancing as a way to protect from infection and mitigate the spread of the virus through the community. Limiting public gatherings in public spaces is consistent with this advice.

Attachments:

1. Resolution No. 2020-32 - Extension of the City’s Emergency Declaration