



Staff Report

File #: 20-295

Version: 1

Date: 8/10/2020

Item #: 5. a.

TO: Mayor and City Council

FROM: Steve Powers, City Manager

SUBJECT:

Extension of the declaration of state of emergency related to the COVID-19 Pandemic

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community;

ISSUE:

Shall City Council adopt resolution no. 2020-36, extending the declaration of a state of emergency within the city of Salem related to the COVID-19 Pandemic through January 12, 2021?

RECOMMENDATION:

Adopt resolution no. 2020-36, extending the declaration of a state of emergency within the city of Salem related to the COVID-19 Pandemic through January 12, 2021.

SUMMARY:

Adoption of the resolution will extend the City Council's Emergency Declaration until January 12, 2021.

Council originally declared an emergency related to COVID-19 on March 16, 2020. Council extended the declaration until August 31, 2020. The declaration limits gathering in public places, suspends camping restrictions in undeveloped areas in Wallace Marine and Cascades Gateway parks, and authorizes the City Manager to issue emergency orders to protect public health and safety. The City Manager's emergency order has put in place measures related to the pandemic, including, closure of City offices and facilities to public walk-in visits, closure of playgrounds and play courts in City parks, and directing employees to work from home to the greatest extent possible. The Order also implements other actions, such as restricting the shut-off of City water service for non-payment and adjustments to parking regulation and enforcements. The City Manager's emergency order will remain in place so long as the City Council's emergency declaration is effective.

COVID-19 remains a threat to public health and safety. The State of Oregon, through Governor Brown and the Oregon Health Authority ("OHA") have implemented a number of mandates and guidelines, including a requirement to social distance and wear masks in public places, restrictions on businesses and public meeting venues.

Until the threat to public health and safety is eliminated, the emergency conditions within our community continue to exist, and therefore it is necessary to extend the Emergency Declaration.

ORS 401.309(1) requires any local government emergency declaration to the period during which the conditions giving rise to the declaration exist or are likely to remain in existence. The Declaration may be rescinded at anytime by City Council. Further, the City Manager may revise, amend, or rescind the Emergency Order as circumstances warrant.

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 Cascades Gateway has

the following requirements:

- 1) A campsite may have up to ten people,
- 2) Campsites 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.

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. 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. 2020-36 - Extension of the City's Emergency Declaration