



CITY OF BEND

FIRST AMENDED ADMINISTRATIVE ORDER DATED MARCH 16, 2020 AND
EXTENSION OF ORDER TO MAY 6, 2020
of the
City Manager of the City of Bend, Oregon

**DECLARING A LOCAL STATE OF EMERGENCY IN
THE CITY OF BEND AS A RESULT OF COVID-19 PANDEMIC**

The City Manager of the City of Bend finds that:

- A. The following conditions have resulted in the need for a state of emergency declaration.
- B. On March 11, 2020, the World Health Organization declared COVID-19 (novel coronavirus) a pandemic.
- C. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.
- D. Coronaviruses are a group of viruses that can cause respiratory disease, with the potential to cause serious illness or loss of life. Current indications suggest that individuals who are elderly and/or have underlying health conditions are most at risk from COVID-19.
- E. COVID-19 requires a significant amount of resources at the local level to keep the public and community informed and as safe as possible.
- F. On March 8, 2020, Governor Kate Brown declared a state of emergency due to the 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). Governor Brown also issued guidance regarding group gatherings and social distancing to minimize potential opportunities for the COVID-19 to spread (Executive Order No. 20-05).
- G. On March 17, 2020, the Governor prohibited additional gatherings of people, banned on-site consumption of food and drink at food establishments statewide and extended school closures until April 28, 2020. By Executive Order 20-12, dated March 23, 2020, the Governor issued the Stay Home, Save Lives Order, ordering Oregonians to stay at home, closing specified retail businesses, requiring social distancing of at least six feet for any person not an immediate family member when individuals need to leave their homes, adding restrictions for other public and private facilities, closing state

government buildings, imposing requirements for outdoor recreation, travel and licensed childcare facilities, and including enforcement provisions. On April 7, 2020, by Executive Order the Governor extended school closures through the end of the 2020 school year.

H. The COVID-19 pandemic will create significant financial and other impacts to the community of unknown duration.

I. I have been in regular contact with local agency leaders and public health experts, including the Deschutes County Health Services Director for countywide information and updates. The City has been closely monitoring updated information for the state through the Oregon Health Authority (OHA), and the Centers for Disease Control (CDC) for U.S. updates. The primary focus at the City is to restrict the spread of COVID-19 and to maintain the health of our workforce and the community so the City can continue to provide crucial City services.

J. Pursuant to ORS 401.309(1), the governing body of a city may declare, by ordinance or resolution that a state of emergency exists within the city, which ordinance/resolution may establish procedures to prepare for and carry out activity to prevent, minimize, respond to or recover from an emergency. The City's emergency ordinance (codified in the Bend Code) establishes the procedures for declaring a state of emergency by the City Manager, with ratification by the City Council, and the actions that can be taken.

K. Pursuant to Bend Municipal Code (BMC) Chapter 1.60, if the City Manager determines that a state of emergency exists, the City may declare a state of emergency when "the health, safety or welfare of the City" is "threatened by a potential or actual natural disaster, accident, act of war or terrorism, disease, or other event or ongoing occurrence that results in an immediate and substantial threat to life, health or property." Section 1.60.010 sets out the actions the City can take, which include the ability to close or limit access to public places, other actions, and also broad authorization: "Any other action for the protection of safety, health, life or property."

L. The Updated Order Declaring a Local State of Emergency, dated March 16, 2020 ("Order"), was ratified by the City Council by unanimous vote at its City Council meeting on March 18, 2020. The Order was also submitted to the Emergency Manager for County Commissioner approval. I have made reasonable efforts to inform the City Council of the need to declare an extension to the state of emergency. As provided in the Order, the City Manager has the authority to extend the Declaration of Local State of Emergency, to be ratified by Council at subsequent regularly scheduled Council meetings.

Now, therefore, based on the above findings, THE CITY MANAGER OF THE CITY OF BEND ORDERS THAT:

1. A Local State of Emergency is declared to continue to exist throughout the City of Bend.

2. This First Extended Declaration of Local State of Emergency is effective immediately and will remain in effect until May 6, 2020. It may be extended in additional increments so long as COVID-19 continues to pose an ongoing, immediate, and substantial threat to life, safety, health, or property in the City of Bend. The City will look to national, state and county public health orders and recommendations in determining the necessity for further extension(s).

3. By the ratification below, the City Council is asked to give the City Manager authority to order further extensions of this Declaration of Local State of Emergency, to be ratified by Council at subsequent regular or specially scheduled Council meetings.

4. To protect the health and safety of City employees, with input from the City Human Resource Department, IT, Legal and other City department heads, the City Manager has and will continue to develop emergency policies and guidance on the use of sick leave, vacation leave, telecommuting, meeting protocol, physical distancing (also called social distancing), identification of essential and non-essential staff for ongoing presence at City facilities, and other policies that will be in effect for the duration of the emergency. This may include limiting City staff interaction with the public and restricting access to City facilities, while seeking to preserve the continuation essential public services.

5. To eliminate exposure to and spread of COVID-19, and in support of state and federal guidelines for physical distancing, public project-based and standing committee meetings and open houses continue to be mostly cancelled until a web-based platform is developed that is secure, supported by the City's IT department and any needed staff training can occur. This platform is actively being analyzed so that public meetings can continue to be transparent, carry out City business, comply with City code, the Oregon Public Meetings Law and land use hearings regulations. The anticipated timing is 3-6 weeks from the date of this Extended Declaration.

Until the web-based platform becomes available:

- All open houses and other similar outreach meetings are cancelled.
- All project-based (temporary) committee meetings, and all standing advisory committee or board meetings are cancelled, unless needed for a time sensitive decision, essential to maintain current city services, or are necessary for the City's ability to secure funding for the community. If held, the meetings will be public meetings use a streaming platform that is open to the public. The City will provide an ability for members of the public to submit written comments.
- The regularly scheduled City Council and any needed Planning Commission meetings will occur, but with modifications for public and staff safety, including reduced meeting length and livestreaming options. The public will be able to livestream, listen via phone, email Council/Planning Commission directly; if no other option is available, a person can attend physically in council chambers

using physical distancing measure and after temperature checking to ensure a safe environment. The City will provide the ability for members of the public to submit written comments. The City will continue to monitor and consider federal, state and local public health recommendations carefully in determining whether to cancel or continue future Council or Planning Commission meetings during this emergency.

- Public hearings necessary to meet state-mandated land use review timelines may be held with modifications for public and staff safety. Planning and legal staff are directed to develop interim procedures consistent with local and state law to be used during this emergency period.
- Municipal court (which occurs on Thursdays) is closed through May 7, 2020. City staff will explore the option of virtual court sessions, if needed, after that time.

6. The City will not send shut-off notices or shut off water for non-payment of unpaid water bills while this emergency is in place, and may suspend enforcement of other utility billing and finance department rules, regulations and code provisions, in the City's discretion.

7. To respond to the COVID-19 Pandemic, the City may procure needed goods and services in accordance with ORS 279B.080 and without compliance with normal procurement procedures, redirect any necessary City funds for emergency purposes, and take any other actions set forth in Section 1.60.010 of the (BMC), including any actions necessary for the protection of health and safety.

8. All permitted special events are cancelled during this emergency, and no new permits will be issued.

9. To respond to the crisis, and to particularly ease burdens on businesses and service sector workers, the City may relax or adjust enforcement of City codes, including but not limited to parking restrictions downtown and elsewhere in the City, sign code (e.g., allow sandwich boards signs without permits), and other Bend Code or Development Code provisions.

10. The City may adjust, waive, or defer permit fees for building modifications or other purposes, business registration fees, other city fees and charges, for businesses, agencies, individuals or entities, to facilitate services during this emergency or for those seeking to respond to this crisis.

11. The City may adjust land use permitting processes (as legally allowed) during this emergency. Adjusted land use processes will be communicated to applicants, any person(s) for whom notice is required, and generally to the public as much as possible. Altered structures/uses may be required to be restored to their original configuration once this emergency is over.

12. Pursuant to ORS 446.265, the City may establish on City property or allow a private or public entity to establish on private or public property, transitional housing,

which may include yurts, huts, cabins, fabric structures, tents and similar accommodations. The transitional housing operation must be established pursuant to a plot plan, to be approved by the Community Development Department, and reviewed by the Police and Fire departments, establishing the total number of units, location of units, spacing, and location for sanitation facilities including portable toilet(s) and portable handwashing station(s). Authorized accommodations at this location may include recreational vehicles, cars, and tents. The City will work with a non-profit or other entity for case management and/or supervision of the transitional housing; any private or public entity operation must likewise include a non-profit or other entity for case management and/or supervision of the transitional housing.

13. A provider of emergency shelters may establish a shelter at a site with an approved or established permanent use, where use as an emergency shelter bears an ancillary relationship to the permanent use (e.g., an established church providing alternative shelter as part of its mission or services) without obtaining development approval from the City. The shelter use must cease once this emergency is over.

14. The City may set up a Business Recovery Fund, with eligibility criteria, for loss of income due to COVID-19, available to all businesses based in Bend; federal regulations require that businesses provide proof of loss of revenue due to a destabilizing event. Subject to City Council approval, the program will establish the eligibility criteria, amounts available, and what the grant can be used for (generally operating expenses).

15. Due to the unprecedented economic consequences, state of uncertainty and economic strain on local businesses due to the pandemic, the City may establish a crisis assistance program for businesses for water and sewer bill relief. Subject to City Council approval, the program will establish the eligibility criteria, the amounts available and its administration procedures.

16. The City will take all necessary steps authorized by law to coordinate the response and recovery of this emergency, including but not limited to, requesting assistance from the State of Oregon and Deschutes County.

Dated this 9th day of April, 2020



City Manager, City of Bend

Ratified by City Council action on April 15, 2020

