



## CITY OF BEND

### ADMINISTRATIVE ORDER DATED AUGUST 5, 2020, EFFECTIVE THROUGH PHASE 2 OF THE STATE'S REOPENING FRAMEWORK

of the  
City Manager of the City of Bend, Oregon

#### **TO PROTECT HEALTH AND SAFETY OF THE HOSPITAL/MEDICAL SYSTEM, VISITORS AND THE BEND COMMUNITY DURING STATE OF PUBLIC HEALTH EMERGENCY: OPERATING REQUIREMENTS FOR LODGING FACILITIES**

The City Manager of the City of Bend finds that:

A. The novel coronavirus (COVID-19) is a highly contagious respiratory disease that can lead to serious and sometimes fatal illness. On March 11, 2020, the World Health Organization declared COVID-19 (novel coronavirus) a pandemic, acknowledging the virus will likely spread to all countries around the world.

B. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. Oregon Governor Kate Brown issued a series of executive orders, beginning March 8, 2020, responding to a growing number of cases in Oregon. On March 23, 2020, Governor Brown issued Executive Order 20-12, 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, the Governor issued an Executive Order extending school closures through the end of the 2020 school year.

C. On March 16, 2020, I issued an Administrative Order Declaring a Local State of Emergency in the city of Bend (Emergency Order), which was ratified by the City Council on March 18, 2020 and submitted to the Deschutes County Commissioners, pursuant to Bend Municipal Code 1.60.015. On April 9, 2020, and May 5, 2020, I extended the Local Emergency Order, both of which Council ratified at council meetings. I have since extended the Local Emergency Order through Phase 2 of the Reopening, including any resurgence of COVID-19 that might trigger increased restrictions from the State. The City Council ratified this latest extension on May 20, 2020.

D. On March 26, 2020, I issued an Administrative Order to Protect Health and Safety of the Hospital/Medical System and Bend Community during State of Emergency; Discouraging Tourist Travel and Related Activities Except for Permitted Tourist Travel, which was through May 20, 2020 (the Order was amended May 5,

2020). On March 18, 2020, I extended the Order through Phase I of the Reopening Plan. The Order was not extended when Deschutes County entered into Phase 2 reopening on June 6, 2020.

E. On May 14, 2020, the Governor replaced the Stay Home, Save Lives Order, and in its place established a phased, regionally-tailored framework for reopening the state (Executive Order 20-25), and required compliance with future Oregon Health Authority (OHA) guidance. The reopening framework keeps in place a majority of the restrictions set forth in the Stay Home, Save Lives Order, but relaxes the restrictions on local gatherings and allows certain business sectors to reopen in counties that meet the Governor's reopening criteria. Deschutes County was approved for Phase 1 reopening on May 15, 2020, and for Phase 2 reopening on June 6, 2020.

F. On June 5, 2020, the Governor replaced EO 20-25 with Executive Order-27 (EO 20-27), which sets forth baseline requirements to apply statewide for a phased reopening. The Order provides for a phased, data-driven and regionally tailored approach. Phase 2 allows indoor gatherings of up to 50 people, and 100 people outdoors, with six feet of physical distancing and other measures in place; offices began reopening, increased travel was allowed throughout Oregon, though staying local was still recommended, restaurants and bars were allowed to remain open until midnight. Declining disease prevalence, adequate contact tracing, and maintaining adequate testing, isolation and quarantine facilities, sufficient hospital surge capacity, and sufficient personal protective equipment supply are required to be maintained in Phase 2.

G. On July 1, 2020, OHA issued statewide Reopening Guidance, which provided a framework of actions for Oregonians to follow, including practicing physical distancing of at least six feet between people who do not live together, wearing cloth, paper, or disposable face coverings in public, staying close to home, avoiding overnight trips and minimizing non-essential travel. On July 15, 2020, OHA issued Statewide Mask, Face Shield, Face Covering Guidance, requiring businesses and a person responsible for indoor and outdoor spaces open to the public to require employees, customers and visitors to wear a mask, face shield, or face covering, and requiring individuals to wear masks, face shields, or face coverings when at businesses or indoor or outdoor spaces open to the public, with specified exceptions.

H. On May 15, 2020, when Deschutes County entered Phase 1 reopening, Deschutes County had 94 confirmed cases of COVID-19, and zero deaths<sup>1</sup>. On June 6, 2020, the day Deschutes County entered Phase 2 reopening, Deschutes County had 133 confirmed cases<sup>2</sup>.

I. As of August 4, 2020, Deschutes County had 540 confirmed or suspected cases, and eight residents have died<sup>3</sup>. OHA reports that from July 13-19 there was a 26%

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<sup>1</sup> <https://ktvz.com/news/coronavirus/2020/05/15/oregon-reports-no-new-covid-19-deaths-64-new-cases-3-in-deschutes/>

<sup>2</sup> <https://ktvz.com/news/coronavirus/2020/06/06/oregon-reports-2-more-covid-19-deaths-93-new-cases/>

<sup>3</sup> <https://www.deschutes.org/health/page/covid-19-novel-coronavirus>

increase in new cases from the previous week in Oregon.<sup>4</sup> Mt. Bachelor Memory Care Facility in Bend has had more than 41 residents and 23 staff members test positive.<sup>5</sup> The Bend Bulletin reported on July 23<sup>rd</sup> that St. Charles Bend is nearing capacity, with a new high of 16 COVID-19 patients; the intensive care unit has 30 beds, now occupied by 26 non-COVID and COVID-19 patients.<sup>6</sup>

J. OHA reports that 20% of all the positive COVID-19 cases in Oregon were detected from June 29 to July 5. During that same week, Dr. Jenny Faith, Deschutes County Health Services epidemiologist, reported an increase of 47 cases. Cases in Deschutes County are also increasing in younger (under age 40) populations<sup>7</sup>.

K. On July 13, 2020, at a press conference, Governor Brown reported that: (1) there were more cases in Oregon in the past week than the entire month of May; (2) the last time we had less than 100 cases in a single day was more than a month ago; (3) half of all cases are from people under the age of 40 and one third of all cases are people under the age of 30; (4) people in their 20s and 30s are the most likely group to get sick from COVID-19, and (5) Oregon has announced the second death of an Oregonian in their 30s. She went on to sound the alarm as “we are at risk of allowing the virus to spiral out of control. This is what we saw in New York this spring. It’s what we are seeing today in Texas, Arizona and Florida. The question now is whether Oregon will be the next New York or the next Texas.”

L. At this press conference, the Governor announced a statewide ban on indoor social gatherings of more than 10 people (not changing the operations of businesses or churches at this time.). July 15, 2020 OHA Guidance applies statewide to gatherings and indoor social gatherings. Phase 2 counties remain at 50 people indoors and 100 people outdoors, but statewide, no matter what phase a county is in, the maximum capacity for an indoor social get-together is ten. A social get-together is a gathering for a common social or recreational purpose indoors, included but not limited to dinner parties, birthday parties, graduation parties, celebrations of any kind, potlucks, book clubs, game nights, and other similar indoor gathers. Indoor social get-togethers do not include the meeting of people for civic, cultural, or faith-based purposes.

M. On July 24, 2020, OHA revised the Statewide Mask, Face Shield, Face Covering Guidance, requiring customers and visitors five years and older to wear a mask, face shield, or face covering at all times when at businesses or indoor spaces open to the public, or outside when distancing is not possible, with specified exceptions.

N. The City Council directed me to issue an Order adopting OHA’s statewide guidance on masks, face shields, and face coverings as local requirements, enforceable

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<sup>4</sup><https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/DISEASESAZ/Emerging%20Respiratory%20Infections/COVID-19-Weekly-Report-2020-07-22-FINAL.pdf>

<sup>5</sup> <https://centraloregondaily.com/3-new-deaths-now-linked-to-covid-outbreak-at-bend-memory-care-facility/>

<sup>6</sup> [https://www.bendbulletin.com/coronavirus/st-charles-bend-nearly-at-capacity/article\\_ab4fcbd0-cd27-11ea-871f-f31e59dc811b.html](https://www.bendbulletin.com/coronavirus/st-charles-bend-nearly-at-capacity/article_ab4fcbd0-cd27-11ea-871f-f31e59dc811b.html)

<sup>7</sup> <https://www.deschutes.org/health/page/covid-19-novel-coronavirus>.

through the City's civil infraction process at a July 23, 2020 special meeting. I signed an Order to be ratified by the City Council at the August 5, 2020 Council meeting.

O. Bend has and continues to be a significant destination for tourism and other vacation travel. As other states and international travel have been restricted, numerous Bend residents are expressing concerns to the City about an influx of visitors to Bend. The Visit Bend occupancy data shows that occupancy rates steadily increased through June and July, to near normal levels on the weekends in July.<sup>8</sup>

P. The presence of COVID-19 in Deschutes County and throughout the state of Oregon continues to make tourism and other recreational and non-essential travel potentially hazardous to public health in this reopening phase. Gatherings in close proximity remains potentially hazardous. Travel between communities poses a risk to travelers, the communities they visit, those in their home communities, and others. The compounding impacts and highly infectious nature of the novel coronavirus demand unprecedented measures to protect everyone.

Q. As of August 3, 2020, per the Centers for Disease Control and Prevention (CDC) the confirmed total cases in the United States have climbed to 4,649,102, with 154,471 reported deaths. As the cases have climbed, to prevent spread many cities and states have adopted orders, regulations or laws that require any visitors to the area to produce documentation of a negative COVID-19 test within a specified number of days prior to departure or testing upon arrival, and/or a period of self-quarantining. A recent Forbes article listed 17 states and localities with restrictions or guidance for testing and/or quarantining in place, with a variety voluntary or regulatory enforcement provisions.<sup>9</sup> (Hawaii, for example, has a \$5,000 penalty for violating the traveler quarantine.)

R. Although centered on the Mid-west and Mid-Atlantic regions, recent projections by the PolicyLab at Children's Hospital in Philadelphia forecast spread in the next four weeks, and the researchers "suggest that increased travel as communities reopen, combined with lack of vigilance and adherence to masking recommendations, is creating this new risk to former areas of concern."<sup>10</sup>

S. The CDC is continuing to caution against travel, both internationally and within the United States.<sup>11</sup>

T. If the spread of COVID-19 continues in Bend and Deschutes County, it has the potential to strain the resources and capabilities of county and municipal governments and the healthcare system. As symptoms may take up to 14 days to appear, if at all, but

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<sup>8</sup> <https://www.visitbend.com/wp-content/uploads/2020/07/2020-June-Occupancy-Report-WEB-1.pdf>); [https://www.bendbulletin.com/business/central-oregon-hotel-occupancy-continues-to-rise-in-july/article\\_83cf446e-d2a9-11ea-a741-e7cee0fd53dc.html](https://www.bendbulletin.com/business/central-oregon-hotel-occupancy-continues-to-rise-in-july/article_83cf446e-d2a9-11ea-a741-e7cee0fd53dc.html) <https://www.bendoregon.gov/Home/ShowDocument?id=47008>

<sup>9</sup> <https://www.forbes.com/sites/suzannerowankelleher/2020/07/08/road-trip-alert-the-list-of-states-with-travel-quarantines-keeps-growing/#402dbb8566bd>

<sup>10</sup> <https://policylab.chop.edu/press-releases/new-covid-19-projections-show-growing-risk-known-hotspots-stabilization-northeast>)

<sup>11</sup> <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html>

asymptomatic people can spread the virus unawares, immediate action is necessary to protect the health and safety of the community.

U. On July 17, 2020, I issued an Administrative Order, To Protect Health and Safety of the Hospital/Medical System and Bend Community During State of Emergency: Discouraging Tourist, Recreational, and Discretionary Travel to Bend Except for Permitted Travel, which was ratified by the City Council at the July 23, 2020 special meeting.

V. Although the City has adopted this Order Discouraging Non-Essential Travel to Bend and the booking of new reservations for tourist or vacation accommodation, the City is aware that this Order asks for voluntary compliance and that visitors have and will continue to come to Bend. The City understands that while many lodging facilities will comply with the Order, others may not for a variety of economic or other reasons, and that essential travel will also continue.

W. The City has reviewed models from other jurisdictions which are also tourist destinations in Oregon, including Lincoln County (and potential independent action by cities of Lincoln City, Depoe Bay, Newport, Toledo, Siletz, Waldport and Yachats) and Tillamook County.

X. This Order is intended to ensure visitors follow safe practices, and that lodging facilities do their part to follow safe practices by establishing baseline required practices for lodging facilities and short term rentals. The City expects that most facilities already follow these practices, but desires to ensure uniformity and consistency.

Y. The City Council by majority vote directed me and the City Attorney to develop this Order and these regulations at its duly noticed July 23, 2020, special meeting.

Z. This Order should be broadly distributed, including through the City's social media channels, so the community and Lodging Operators are aware of these Operating Requirements.

Now, therefore, based on the above findings,

THE CITY MANAGER OF THE CITY OF BEND ORDERS THAT:

1. A State of Emergency continues to exist throughout the city of Bend.
2. The Operating Regulations in the attached Exhibit A are adopted for short term rentals and lodging properties, and will remain in effect until the City enters Phase 3 of the reopening framework.
3. This Administrative Order and these Regulations may be modified, rescinded or extended, as more information from the Governor on Phase 2 and 3 restrictions are developed. The City Manager may exercise the discretion to amend, terminate, or otherwise change this Order or how it is administered, subject to subsequent ratification by the City Council.

4. This Order does not apply to reservations for stays longer than 30 days, or that do not qualify as short term rentals under the City's short term rental code. It also does not apply to residential stays, of any length, for people without permanent homes (unhoused or homeless individuals) who are staying at a temporary lodging facility through a voucher or other program, or any other primarily residential purpose.
5. This Order is in addition to and extends beyond the July 17, 2020 Administrative Order adopted under emergency authority and ratified by a majority of the City Council, discouraging non-essential travel through the Labor Day weekend.
6. Failure to adhere to these regulations shall be grounds for revocation of permission to remain open and may subject owner/operator to other remedies available under state and local law.

Dated this \_\_\_\_ day of August 2020

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City Manager, City of Bend

Ratified by City Council action on August \_\_\_\_, 2020

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Sally Russell, Mayor

Approved at to Form

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City Attorney

## Exhibit A

All transient lodging facilities, including short term rentals, hotels, motels, bed and breakfast, and other lodging units (Operating lodging facilities), must comply with the following requirements:

- Housekeeping Cleaning and Staff:
  - Operating lodging facilities must implement and adhere to Oregon Health Authority (OHA) and Center for Disease Control (CDC) cleaning guidelines for best cleaning practices. See *attached OHA Cleaning Guidance for Hotels and Motels During COVID-19*. See also: <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>
  - Provide adequate supplies of PPE, including but not limited to face masks/shields and gloves, shall be kept on hand for housekeeping staff and adjunct services in all operating facilities. “Adequate” means at least enough face masks or shields and gloves that housekeeping and other staff can use fresh, and replace with new or clean face masks and gloves with new PPE as needed.
  - Provide additional training of housekeeping staff and/or direct supervision of cleaning activities to ensure OHA and CDC guidelines for best cleaning practices are implemented for the duration of time necessary where threat of COVID-19 remains present within Deschutes County.
  - Where and when possible, housekeeping staff shall open windows, doors or other means to increase fresh air circulation in the rooms they are cleaning.
  - Staff to be educated on best cleaning methods for sanitizing surfaces. This includes specific time (in minutes) that the sanitizer must sit on the surface that is to be sanitized. Follow manufactures instructions. (*Do not spray and wipe.*)
  - If rooms, hotel wings or floors are to be shuttered for longer than 45 days, before opening the rooms for guest use, the water system is to be flushed per the CDC guidelines on Legionella.
  - All in-room multi-use utensils (including but not limited to; coffee pots, drinking glasses, coffee mugs, pots, pans plates and silverware) must be washed in hot soapy water, rinsed in plain water and sanitized with either bleach, quaternary ammonium compounds (quat) or high temperature commercial dishwasher per Oregon Administrative Rule.
- Guests must be notified of the State of Oregon mask and physical distancing requirements to follow during their stay in Central Oregon. This includes, but is not limited to, posting of OHA Guidance on personal safety protocols, including the use of masks, social distancing and handwashing. It includes the Administrative Order, ratified by the City Council, adopting OHA’s statewide guidance on masks, face shields, and

face coverings as a local requirement. Guidance must be posted in highly visible location(s) within all operating facilities and lodging units. *A sample flier/sign is attached.*

- Management should provide face masks/shields for guest use during their stay upon guest request.
- Management must make all reasonable efforts to ensure that guests follow social distancing measures in public spaces within facilities.
- Owners/Operators/Manager of all operating lodging facilities shall also take the following actions:
  - Maintenance of a guest log and their contact information for each unit or facility in the event this information is needed for contact tracing due to the COVID-19 outbreak. This log shall be maintained for the duration of time necessary while a threat of COVID-19 remains present in Oregon.
  - Prior to guests arrival and 48 hours in advance, or in no event later than check-in for walk-in or other on-line guests, an email or other communication must be sent or provided to each party, which has the following language and confirms that:
    - No person in their party has recently experienced any cold or flu symptoms or has had a fever within the last ten days.
    - No person in their party has been exposed to or interacted with a person who has tested positive for COVID-19 within the last 14 days.
    - If someone in their party tested positive but had no symptoms, ten days with no symptoms have passed since the test.
    - Guests will follow the mask and social distancing measures for the duration of their stay.
    - Guests acknowledge the Bend community concerns related to increased risk of exposure in Deschutes County as we move into the vacation season; as visitors and guests they will make every effort to be good members of the community and respectful of their neighbors.
- Hotel/Motel/Bed & Breakfast/Short Term Rentals and other transient lodging units with rental turnover potential to multiple guests:
  - For all new bookings or reservations after this Order is signed, a minimum 24-hour turnaround time be maintained between guests to provide a safer environment for housekeeping personnel to conduct cleaning and sanitizing practices and for the next guests.

- Vs. (Lincoln City model) In accordance with CDC guidelines, when a person suspected or confirmed to have COVID-19 has occupied a room or establishment, a minimum 24-hour turnaround time be maintained between guest to provide a safer environment for housekeeping personnel to conduct cleaning and sanitizing practices and for the next guests.

- No indoor social get-togethers of more than ten individuals may be held for a common social or recreational purpose, to include indoor dinner parties, birthday parties, graduations parties, celebrations of any kind, potlucks, game nights, etc., as set forth in the OHA Guidance on Indoor Social Get-Togethers.
- No reservations for a single home or unit for more than ten individuals who are not from the same household.

**The following measures are also strongly recommended to be implemented but are not required:**

- Removal of extra blankets/throws, pillows, rugs and other porous decorative items within lodging units that are not needed for guest accommodations so that risk of virus contamination on items throughout the lodging unit is reduced.
- Operating facilities keep extra supplies of pillows, blankets, linens, mattress covers and comforters so that entire bedding sets can be rotated between guests.
- Increased cleaning practices with use of steamers, fog, spraying or similar devices so drapes, carpets, furniture and other porous surfaces can also be cleaned and sanitized between guests.
- To reduce risk to housekeeping staff, request that guests start laundry and dishwashing facilities before check-out and provide self-contained laundry bags for guests to collect dirty laundry for easy collection prior to starting laundry before check-out.
- For guests staying in self-contained facilities, encourage them to arrive with their necessary food staples to reduce concerns about local grocery stores being depleted of supplies.