



## CITY OF BEND

FIRST AMENDMENT TO JULY 17, 2020 ADMINISTRATIVE ORDER, EXTENDING  
EFFECTIVE DATE FROM LABOR DAY (09/07/2020) THROUGH OCTOBER 26, 2020  
of the  
City Manager of the City of Bend, Oregon

**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 ESSENTIAL TRAVEL**

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. This 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, which sets forth baseline requirements to apply statewide for a phased reopening. EO-27 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 must be maintained in Phase 2.

G. On July 1, 2020, OHA issued statewide Reopening Guidance, which provide a framework of actions for Oregonians to follow to protect ourselves and one another, and help save the lives of our colleagues, neighbors, friends and family members. The actions include practicing physical distancing of at least six (6) feet between people who do not live together, wearing cloth, paper, or disposable face coverings in indoor public places, and staying home if you are sick. Another specific guidance says: **Stay close to home, avoid overnight trips and minimize other non-essential travel including recreational day trips to destinations outside the community where you live, and travel the minimum distance needed to obtain essential services.**

H. 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.

I. 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

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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/>

cases.<sup>2</sup> As of August 31, 2020, Deschutes County reports 687 known COVID cases and 11 deaths.<sup>3</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>4</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 the county is in, the maximum capacity for an indoor social get-together is 10. 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, and 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. Oregon State Parks has opened parks for day use and camping. However, most cabin, yurts, hiker/biker sites, and group facilities remain closed as of July 16, 2020. Some state parks and campgrounds will remain closed until at least September 20, 2020.

N. 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. As Deschutes County reopened, the Visit Bend occupancy data showed that occupancy rates steadily increased.<sup>5</sup>

O. 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

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<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>

<sup>4</sup> <https://www.deschutes.org/health/page/covid-19-novel-coronavirus>

<sup>5</sup> <https://www.visitbend.com/wp-content/uploads/2020/07/2020-June-Occupancy-Report-WEB-1.pdf>;  
<https://www.bendoregon.gov/Home/ShowDocument?id=47008>

potentially hazardous to public health in this reopening phase. 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.

P. As of August 31, 2020, per the Centers for Disease Control and Prevention (CDC) the confirmed cases in the United States have risen to 5,972,356, with 182,622 deaths.<sup>6</sup>

Q. 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. (Hawaii, for example, has a \$5,000 penalty for violating the traveler quarantine.)<sup>7</sup>

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>8</sup>

S. The CDC is continuing to caution against travel, both internationally and within the United States.<sup>9</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 asymptomatic people can spread the virus unawares, immediate action is necessary to protect the health and safety of the community.

U. The City's tourism industry, including Visit Bend, has been responsive to this crisis. Visit Bend and the tourism industry communicated early that now is not the time to visit Bend or anywhere, but to stay safe and stay home. Tourism is a valuable industry to the local economy, and the City is aware of the devastating impact of the shut-down on many sectors of the local economy. However, a surge in cases as is occurring in many cities and states across the nation will have a greater impact on public health and the economy than a short term discouragement of the welcoming of visitors.

V. On July 17, 2020, I issued a new Administrative Order Discouraging Tourist, Recreational and Discretionary Travel to Bend, Except for Permitted Essential Travel,

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<sup>6</sup> <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>

<sup>7</sup> <https://www.forbes.com/sites/suzannerowankelleher/2020/07/08/road-trip-alert-the-list-of-states-with-travel-quarantines-keeps-growing/#402dbb8566bd>

<sup>8</sup> <https://policylab.chop.edu/press-releases/new-covid-19-projections-show-growing-risk-known-hotspots-stabilization-northeast>

<sup>9</sup> <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html>

effective through Labor Day, September 7, 2020. The Order was intended to further public health and safety efforts in a time of increasing COVID-19 cases, and to create certainty and consistency and uniform application of tourism lodging restrictions. It calls for voluntary compliance, and is not an enforcement order. It was directed by a majority of the City Council at its regular business meeting on July 15, 2020, and ratified by the City Council at the July 23, 2020 special meeting.

W. On August 20, 2020, the Governor issued a status update on the impact of COVID-19 in Oregon. Some key takeaways: positive case counts have stabilized, and test positivity rates have stabilized. However, levels are too high to open K-12 schools for in-class learning, and case counts are declining, but too slowly. According to the Governor's office, to open K-12 schools for in-class learning, cases per 100k per week must be at 9.96 (daily case count); the statewide count has roughly stabilized at 49.79. The number of new cases (less than 10 per week per 100k) are declining but too slowly according to the data presented. (See attached: COVID-19 Status Update, Governor Kate Brown, August 20, 2020).

X. The Governor said there are two choices: local jurisdictions and businesses must immediately increase proactive local enforcement efforts and improved implementation of current COVID-19 mitigation strategies, or the State has to implement additional restrictions. Other actions under consideration include mandatory quarantines upon entry/return to Oregon, restrictions on short-term rentals, and enforcement by hotels.

Y. The first opportunity for the Bend-La Pine School District to consider some version of hybrid or in-class learning is October 26. This Order is therefore being extended until that time, and will be re-evaluated prior to that date. The City believes that discouragement of non-essential travel and voluntary compliance continues to be a tool that is useful and available locally. Data shows that the policy is having an effect (decreased booking numbers), and the City is committed to doing what it can to allow schools to open safely at the earliest reasonable opportunity.

Z. Although this Order focuses on tourists and travel to Bend, it is essential that the local Bend community as well as visitors follow the guidance on masks and face coverings, physical distancing, and limits on social gatherings, set forth in the Governor's Orders and OHA Guidelines and local mask order, which are critical to slowing the spread of COVID-19 and protecting each other.

AA. This Order should be broadly distributed, including through the City's social media channels, so the community is aware of the City Manager's Order.

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. To reduce exposure to and spread of COVID-19, and in support of local and state public health concerns about the rise in COVID-19 cases, travel to Bend for

recreational, discretionary, or vacation purposes is strongly discouraged and should be avoided through these critical summer months.

3. All stays in Bend at hotels, motels, inns, bed and breakfasts, RV parks, short term rentals, and all other temporary lodging facilities (collectively “temporary lodging facilities”) that have not commenced as of the effective date of this order are highly discouraged, unless for reasons of health, safety, or employment, or other permitted essential travel as further defined in the Governor’s Order.
4. As of the date of this Order, operators of temporary lodging facilities are strongly requested to refrain from booking any new reservations for tourist or vacation accommodation, and only book reservations needed for health, safety, or employment or other permitted essential travel.
5. 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.
6. This Administrative Order will remain in effect through October 26, 2020, unless extended by the City Manager.

Dated this 31<sup>st</sup> day of August 2020

DocuSigned by:

*Eric King*

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City Manager, City of Bend

Ratified by City Council action on September 2, 2020

Approved as to Form:

DocuSigned by:

*Mary Winters*

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Mary Alice Winters, City Attorney