

CITY OF BAY CITY
Resolution No. 20-08
DECLARING A TEMPORARY STATE OF EMERGENCY WITHIN THE BOUNDARIES
OF THE CITY AND DELEGATING AUTHORITY TO THE CITY MANAGER

WHEREAS, on March 8, 2020, the Governor of the State of Oregon issued Executive Order 20-03 declaring a statewide State of Emergency under ORS 401.025(1) due to the serious public health and safety threat posed by the spread of the COVID-19 virus within our state; and

WHEREAS, the City of Bay City (“the City”) has adopted an Emergency Operations Plan, which pertains to the declaration and administration of a City-wide State of Emergency within City boundaries; and

WHEREAS, ORS Chapter 401.309 grants the City additional authority to declare a State of Emergency within the City; and

WHEREAS, the City Council finds that the detection of multiple cases of Coronavirus (COVID-19) within the state and the Governor’s Declaration present circumstances constituting a present threat of imminent widespread or severe damage, significant injury to persons or property, increased human suffering, loss of life, and financial loss within the City’s boundaries; and

WHEREAS, the City Council finds that during this State of Emergency, it is prudent and responsible to delegate certain powers and responsibilities to the City Manager in order to more efficiently expedite City responses and services; and

WHEREAS, these emergency circumstances require focused and coordinated municipal and community responses beyond that which occur routinely and such coordinated responses cannot be achieved without temporarily amending some of the City’s regular business, emergency, employment, and intergovernmental practices; and

WHEREAS, these emergency circumstances are anticipated to remain in effect for at least one month from the date of adoption, and may be extended as needed.

NOW, THEREFORE, IT IS DECLARED THAT:

1. **City-wide State of Emergency.** A City-wide State of Emergency hereby exists within the City of Bay City, which includes all of the area within the city boundaries. This State of Emergency shall become effective immediately and shall continue for a period of one month, unless further extended or rescinded by the City pursuant to this Declaration.
2. **City Authority.** During this State of Emergency, the City may take any legal and necessary steps to respond and recover from the emergency, including but not

limited to: requesting assistance, funds, and reimbursement from the State of Oregon and federal agencies; adopting temporary rules and policies regarding City facilities, funds, resources, and staff; entering into contracts for services or aid agreements with other governmental or private entities; and cancelling non-essential City meetings and events.

- a. Emergency procurement of goods, services, and public improvements is hereby authorized pursuant to ORS 279B.080, ORS 279C.320, ORS 279C.380(4), and all other applicable statutes, ordinances, and rules.
3. **Staff Designation.** The City Manager is directed to identify two additional City staff members who are designated and authorized to serve as the “acting in capacity” City Manager (City Manager AIC) in the City Manager’s absence during this State of Emergency. The City Manager or designee(s) shall regularly document and report to the Council regarding any actions or orders taken pursuant to this Declaration.
4. **City Manager Delegation.** During this State of Emergency, the Council hereby delegates to the City Manager (and to City Manager designees in the case of the City Manager’s absence), the authority to implement local, state and federal leave recommendations and mandates, take actions and issue orders necessary and reasonable to protect health, safety and welfare of the City and the public and to conduct activities that minimize or mitigate the effect of the emergency, as long as such actions, orders, and activities are in compliance with City, state and federal law.
 - a. Notwithstanding the immediately preceding, if the City Manager desires to issue a municipal order limiting or banning public gatherings, establishing curfews, closing or limiting businesses, or implementing other social distancing measures *beyond that ordered by the State of Oregon*, the City Manager shall first consult with the City Council. This provision does not prevent the City Manager from publishing recommendations regarding such social distancing measures within the City.
5. **Effective Date and Duration.** This Declaration shall be effective on the date adopted by the City Council and shall remain in effect until April 28, 2020, at 5 p.m., unless further extended by the City Manager or designee or the City Council.
6. **Establishing an Emergency.** It is hereby adjudged and declared that existing conditions are such that this Declaration is necessary for the immediate preservation of the public peace, health and safety of the City of Bay City, and an emergency is hereby declared to exist and this Resolution, and all provisions

modifying the Resolution referred to herein, shall take effect in full force and effect when signed by the Mayor.

PASSED AND ADOPTED, by the City Council this 23rd day of March 2020 and approved by the Mayor of Bay City this 23rd day of March 2020.

<u>Signature On File</u>	<u>03.24.2020</u>
Christopher Kruebbe, Mayor	Date

ATTEST:

<u>Signature On File</u>	<u>03.24.2020</u>
Chance Steffey, P.E.	Date
City Manager/Public Works Director	