

CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY SEPTEMBER 14TH 10:00AM

10:00AM - The Lincoln City Council for September 14th, 2020 will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

Public comments can be submitted to publiccomment@lincolncity.org and those comments will be entered into the record and provided to the City Council. The City Council may request that the public comments are summarized or read aloud.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. Laptops will be set up for those comments. Citizens present in the Council Chambers will be required to observe social distancing. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder, 541-996-1203.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Agenda, Packets & Video". This meeting will be televised on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CONSENT AGENDA - NONE
- E. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS
- F. PUBLIC HEARINGS/PUBLIC COMMENT

G. ORDINANCES - NONE

H. RESOLUTIONS - NONE

1. A Resolution Ratifying the Echo Mountain Complex Emergency Declaration

I. SPECIAL ORDER OF BUSINESS

J. CITY MANAGER/CITY ATTORNEY REPORTS

K. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

L. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

M. ANNOUNCEMENTS FROM COUNCIL

N. ADJOURNMENT

Council Communication

Echo Mountain Complex Emergency Declaration

Meeting Date:	September 14, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Question:

Should the City Council approve Resolution No. 2020-21 – A Resolution of the City of Lincoln City Declaring an Emergency as a Result of Fire.

Staff Recommendation:

Approve Resolution No. 2020-21

Background:

Pursuant to LCMC 2.72.040.A.2, the City Manager is authorized to issue a Declaration of Emergency if the City Council is not in session or available, subject to the City Council ratification and confirmation, modification or rejection at a public meeting as soon as practicable, but not more than seven days after the declaration.

City Manager Ronald Chandler adopted an Emergency Order pertaining to the Echo Mountain Complex Fire on September 8, 2020.

Council Options:

Adopt, modify or reject Resolution No. 2020-21.

Potential Motions:

Motion to approve Resolution No. 2020-21.

Attachments:

9-10-20 Resolution 2020-DRAFT numberedcopy (PDF)
 Emergency Order Ron 9-10-20 (002) (PDF)

RESOLUTION NO. 2020-21

**A RESOLUTION OF THE CITY OF LINCOLN DECLARING AN EMERGENCY AS
A RESULT OF FIRE**

RECITALS

WHEREAS, at its special City Council meeting on _____, 2020, the City Council heard a report from the City Manager concerning a request to declare an emergency. The conditions identified in the Report by the City Manager are detailed below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. EMERGENCY DECLARATION. The City of Lincoln City does hereby declare a State of Emergency to Exist in the City of Lincoln City, and under the authority of Oregon Revised Statutes, the Lincoln City City Charter and LCMC Chapter 2.72., the City Council does hereby Order as follows:

A. A description of the nature of the emergency;

The Manager reported that the following conditions have resulted in the need for a declaration of a state of emergency:

- Two fires are burning near the Lincoln City (labeled the Echo Mountain Fire (Otis area) and the Kimberling Mountain Fire (Rose Lodge area). These two fires are now considered a complex fire and is now called the Echo Mountain Complex. On September 8, 2020 the fire jumped its containment lines due to the high winds move fast towards Lincoln City. This event set the stage for the evacuation of Lincoln City.
- Lincoln County declared a state of emergency.
- On September 9, 2020 morning the County/ Fire District ordered level 3 evacuation (leave now) NW 40th all the way to the end of Roads End area. Shortly after this a Level 2 evacuation order was given NW 40th south to NE Devils Lake Rd, which included all areas around Devils Lake almost to the

1 Outlet Mall. The area from East Devils Lake Road south to the city limits are at
2 a level 1 evacuation level.

3 • The City for most of the day has experienced total grid lock through most of
4 the City and its side streets. In this evacuation the Casino and the Lincoln City
5 Community Center had to be evacuated. This evacuation eliminated the
6 Community Center and the Casino had been areas for families to evacuate to.
7 Primary evacuation sites are located at the Oregon Coast Community College
8 in South Beach and the Newport Recreation facility.

9 • Currently the fire line is being held near east devils lake road around the lake.

10 • The unknown duration of the fire will have significant financial impact to the
11 community.

12 • Pursuant to ORS 401.309(1), the governing body of a city may declare, by
13 Ordinance or Resolution, that a state of Emergency exists within a city.

14 • Pursuant to Lincoln City Municipal Code Section 2.72.040, the City Council of
15 the City of request may declare an emergency at a regular, special or
16 emergency meeting of the City Council. All declarations must address the
17 required terms as set forth in LCMC 2.72.060.

18 • The Council must ratify a declaration by the Order of the City Manager within 7
19 days .

20

21 **B. The geographic boundaries of the area where the emergency exists as**
22 **well as the portions lying within the city’s boundaries and areas to be**
23 **subject to emergency powers/controls:**

24

25 The geographic boundaries of the emergency are:

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27 The boundaries of the emergency are the city limits of the City of Lincoln
28 City.

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30 **C. An estimate of the number of individuals at risk, injured or killed; and**

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32 The emergency impacts the entire population of the City of Lincoln City,
33 including residents, visitors and the homeless.

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35 **D. A description of the actual or likely damage caused by the emergency;**
36 **and**

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Extensive property damage and loss of life

E. A statement of the type of assistance or resources required to respond to the emergency; and

- Reimbursement for salaries, resources, provisions and other expenses incurred by the city in responding to the emergency from federal and state sources.
- Technical assistance from the County and Fire District, State and Federal government.
- Provision of emergency supplies from those in need from emergency caches.

F. An estimate of the length of time during which the designated area will remain under the emergency declaration; and

Through September 21, 2020, but may be extended by the City Manager without further Order of the Council for two week increments each extension or for increments consistent with State of Oregon emergency declarations

G. Any special regulations or emergency measures, powers or orders imposed as a result of the declared emergency; and

The City Manager, the City Emergency Preparedness Coordinator, and all City Department Heads, and their designees, (hereinafter Designated City Staff) are authorized, without further Order of the City Council to use any and all emergency powers, including those specifically listed in Lincoln City Municipal Code [LCMC 2.72.070] to appropriately respond to the emergency and to minimize loss of life.

Designated City Staff are to assist in the implementation of any order of the federal government, the Governor, State Officer, County or special District related to emergency, as directed, pursuant to ORS 431.270, 431.264, 433.411 or 401.055, or other applicable statute or order.

The Emergency Preparedness Coordinator is expressly authorized to take all actions authorized by law to coordinate the City's response to this emergency, including but not limited to requesting assistance from State, County and Federal authorities.

1 The following emergency powers are as operative, without limitation or
2 prejudice to other authorized powers:

- 3 • All necessary city funds shall be redirected for emergency use, and
4 standard city procurement procedures shall be suspended for any
5 contract or purchase necessary to combat the emergency.
- 6 • Price gouging is prohibited – specifically no person or business may sell
7 or attempt to sell any goods or services for a price in excess of the
8 “normal market price,” which shall mean that person’s or business’s
9 average of the regular price of the goods or services for the 30 days
10 preceding the declaration of the state of emergency.
- 11 • All mutual aid agreements are operative and Designated Staff may
12 make application for such emergency assistance as is needed from local,
13 state or federal sources.
- 14 • All non-essential City Commissions, Boards, Committees and the like as
15 well as all City Events are cancelled until September 21, 2020.
16 Designated staff may revoke permits for events within the designated
17 emergency period.
- 18 • Without further order of the Council, Designated City Staff may restrict,
19 regulate or prohibit vehicular or pedestrian traffic for such distance or
20 degree as may be deemed necessary under the circumstances, including
21 the closing to the public of any or all public places, including streets,
22 alleys, public ways, schools, parks, beaches, amusement areas and
23 public buildings.
- 24 • The City Manager or his designee may establish a curfew during
25 specified hours in specified geographic areas and locations.
- 26 • The City Manager or his designee may prohibit or limit the number of
27 persons who may gather or congregate upon any public street, public
28 place, or any outdoor place within the area designated as an emergency
29 area.
- 30 • The City Manager or his designee may curtail or suspend commercial
31 activity.
- 32 • The City Manager or his designee may designate any developed or
33 undeveloped city property for temporary emergency operations uses,
34 including but not limited to use as an emergency facility, shelter,
35 overnight shelter, bivouac, mess hall, temporary campground, staging
36 area, inoculation center, distribution center, or similar emergency
37 operation uses. Private or other public property may similarly be
38 designated by the city, with the permission of the property owner, for
39 such emergency uses. The duration of such authorized uses is only

1 during the period of the emergency and for a reasonable period of time
2 after the end of the declared emergency.

- 3 • The City Manager or his designee may take such other measures [by
4 written order] as are found to be necessary for the protection of life,
5 property, infrastructure, the environment, or for the recovery from the
6 emergency.

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8 **SECTION 3. AMENDMENT.** This emergency declaration may be amended and
9 updated as necessary, and shall be amended when necessary to reflect needed
10 assistance of state, county and federal authorities consistent with LCMC Chapter
11 17.52.

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13 **SECTION 4. EFFECTIVE DATE.** This resolution is effective as of the date of its
14 adoption and signature by the Mayor.

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16 PASSED AND ADOPTED by the City Council of the City of Lincoln City this ____ day
17 of _____ 2020.

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21 _____
22 DICK ANDERSON, MAYOR

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24 ATTEST:
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27 _____
28 CITY RECORDER

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**CITY OF LINCOLN CITY
CITY MANAGER EMERGENCY ORDER**

RECITALS:

Pursuant to LCMC 2.72.040. A. 2., the City Manager is authorized to issue a Declaration of Emergency if the City Council is not in session or available, subject to City Council ratification and confirmation, modification or rejection at a public meeting as soon as practicable, but not more than seven days after the declaration.

NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY MANAGER OF THE CITY OF LINCOLN CITY AS FOLLOWS:

Section 1. As specified in the attached draft Council Resolution, a State of Emergency is hereby declared to exist by the City Manager, subject to Council ratification, and the emergency powers specified in the attached Resolution are hereby immediately effective.

Section 2. This Order is subject to ratification, confirmation, modification or rejection by the City Council at a regular, special or emergency meeting of Council within seven days of the date of this order



Ronald F. Chandler
City Manager

Date: September 8, 2020