PORT OF PORT ORFORD
Resolution 2020-3
Declaration of State of Emergency
March 24, 2020

WHEREAS, the Board of Commissioners for the Port of Port Orford ("Port Commission") adopted Resolution 2020-3 defining the events and circumstances constituting an emergency and authorizing the declaration of a state of emergency under certain circumstances;

WHEREAS, an emergency exists when human created or natural circumstances causes or threatens widespread loss of life, injury to person or property, human suffering, interruption of services, or financial loss;

WHEREAS, the Port Commission finds that a state of emergency exists due to the public health and financial threats posed by the novel and highly infectious coronavirus contagion ("COVID-19") with confirmed cases in Oregon including Jackson, Josephine and Douglas counties adjacent to Curry County;

WHEREAS, the Port Commission finds that declaring a state of emergency will allow for greater cooperation by the Port with other entities operating in a state of emergency and will allow the Port to better react and adapt its operations and procedures as the emergency may necessitate;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE PORT OF PORT ORFORD DECLARES AND ORDERS:

Section 1. Declaration and Findings. The Port Commission hereby declares the Port to be in a state of emergency and finds that a state of emergency exists due to the following events and circumstances:

A. Coronaviruses are a group of viruses that are passed from person to person and have the potential to cause serious illness, respiratory distress, loss of life, and widespread financial loss.

B. COVID-19 is a type of coronavirus that has been confirmed in cases around the world, including in the United States where on March 13, 2020 the President of the United States declared the COVID-19 outbreak to be a national emergency.

C. On March 8, 2020, Governor Kate Brown declared a state of emergency in Oregon under ORS 401.165 due to the public health threats posed by COVID-19.

D. On March 12, 2020, and March 17, 2020, Governor Kate Brown issued Executive Order Nos. 20-05, 20-07, 20-08 and 20-12 requiring Oregon citizens to remain home, which prohibit large gatherings, close public schools, and prohibit on-premises consumption of food and drink, finding that immediate implementation
of social distancing and community mitigation measures are necessary to slow the spread of the virus and protect high-risk Oregonians.

E. Cases of COVID-9 have been confirmed in communities close to the Port, including in Jackson, Josephine, Douglas and Lane Counties in Oregon, and in Clark and Klickitat Counties in Washington, and local public health officials have advised that the virus is circulating and the number of cases is expected to increase.

F. The Port Commission finds that social distancing and community mitigation measures are in the best interests of the health, safety, and welfare of the community, and that immediate action may be required by the Port to minimize, respond to, or recover from the emergency, and to continue critical Port operations during the state of emergency.

Section 2: Authorized Actions. During this state of emergency, and subject to Section 3, the Interim General Manager, or the Interim General Manager’s successor, may take any of the following actions:

(1) Divert funds and resources appropriated for other purposes to meet immediate needs.

(2) Coordinate and assist local communities in alleviating disaster or emergency conditions, including by entering into intergovernmental agreements, sending or receiving resources (with or without intergovernmental agreements in place), and requesting or receiving funding and reimbursements to and from any local, state, federal government, or port district.

(3) Make purchases and enter into contracts of a duration that shall last no longer than the conclusion of the state of emergency, without regard to any spending limits that otherwise apply to the General Manager, provided that any such contracts with private entities include a provision that the contract may be terminated at will by the Port Commission at any time;

(4) Prepare, authorize, activate, or adopt local emergency operations plans, which may apply solely to Port staff and operations or may include coordinated emergency operations plans among local communities.

(5) Implement protective measures, which may include limiting physical contact among Port staff and contractors and limiting physical access of the public to Port staff, contractors, officers, and properties, including during public meetings or hearings of the Port Commission.

(6) Call an emergency meeting of the Port Commission on less than 24-hours’ notice.
(7) Any action that the Interim General Manager or the Interim General Manager’s successor reasonably believes is required by state or federal law, or is necessary to protect Port property, assets, or resources, or to protect Port staff.

Section 3: Commissioner Meeting or Consultation as Prerequisite. Prior to taking any Authorized Action pursuant to this Declaration, the Interim General Manager, or successor, shall first attempt to convene the Port Commission in a special meeting or an emergency meeting to authorize the desired action, and must make a determination that the Port Commission is unable to convene. If the Interim General Manager or his successor makes a determination that the Port Commission is unable to convene, the Interim General Manager must consult with the President of the Port Commission before taking any Authorized Action, and after taking such action must notify the Port Commission of the action taken.

Section 4: Line of Succession. For purposes of this Declaration and for purposes of Resolution 2020-1, the term “Interim General Manager” means the General Manager or the Interim General Manager’s successor, as described in this Section.

A. During a state of emergency, if the General Manager is unable or unavailable to perform the Authorized Actions, the following individuals, in the below-listed line of succession, shall act as the General Manager’s temporary successor, and shall have the authority to take the Authorized Actions in the General Manager’s place:
   i. Dock Supervisor
   ii. Office Manager

B. Any temporary successor shall only be authorized to take the Authorized Actions after receiving notification by the General Manager, the Port Commission, or the President of the Port Commission that it has been designated as the temporary successor pursuant to this Section, and the designator shall immediately notify the General Manager and the Port Commission of the designation.

Section 5: President Pro Tempore. For purposes of this Declaration and for purposes of Resolution 2020-3, the term “President” means the President of the Port Commission or the President Pro Tempore, as described in this Section.

A. If the President of the Port Commission is unable or unavailable to meet to perform the consultation or duties of the President during a state of emergency, the following individuals, in the below-listed line of succession, shall act as the President pro tempore:
   i. Vice President
   ii. Secretary Treasurer
   iii. Port Commissioner with the most tenure on the Commission
   iv. Port Commissioner with the least tenure on the Commission

DECLARATION OF STATE OF EMERGENCY - MARCH 19, 2020
Section 6: Effective Date. This Declaration is effective immediately and remains in effect until further notice or terminated.

Section 7: Ratification. Within 30 days after the state of emergency has concluded, any action taken that was authorized pursuant to this Declaration shall be reported to the Port Commission, and the Port Commission shall thereafter convene to approve and ratify any Authorized Actions taken on behalf of the Port during the state of emergency.

INTRODUCED AND ADOPTED this 24th day of March, 2020, effective as of the date of adoption.

PORT OF PORT ORFORD

BY: [Signature] TITLE: Commission Chair

Attest: BY: [Signature] TITLE: Port Manager

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