



CITY OF SWEET HOME CITY COUNCIL WORK SESSION AGENDA

August 30, 2021, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID:469 818 233#

Call to Order

Roll Call

Old Business:

- a) [Proclamation of State of Emergency](#)

Adjournment

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.



REQUEST FOR COUNCIL ACTION

Title: Proclamation of State of Emergency

Preferred Agenda: August 30, 2021, Work Session

Submitted By: R. Towry, City Manager

Reviewed By: R. Towry, City Manager

Type of Action: Resolution X Motion Roll Call Other

Relevant Code/Policy: [SHMC 2.52: Emergency Management Program](#)

Towards Council Goal: Vision Statement: “The Sweet Home community members have elected the City Council to represent their collective best interests. We have been entrusted to make decision that do the most good for the most people for the longest period of time.”

Mission Statement: “...As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.”

GOAL #2. Be an effective and efficient government

Attachments: DRAFT Resolution #22 for 2021. A resolution proclaiming a state of emergency concerning effects of the COVID-19 emergency response.

DRAFT Proclamation: COVID restrictions state of emergency

Purpose of this RCA:

For Council consideration, a resolution and accompanying proclamation of a state of emergency concerning the effects of the COVID-19 Emergency Response

Background/Context:

At the August 10, 2021, City Council meeting, Mayor Mahler requested a Resolution be brought before the City Council regarding the effects of COVID-19 precautions enacted by Governor Kate Brown. The draft resolution was presented to the Council during the August 25, 2021, City Council meeting. A Work Session was requested to review and edit the draft documents.

On March 8, 2020, Governor Kate Brown enacted Executive Order 20-03 declaring a state of emergency throughout Oregon due to the COVID-19 virus and pending pandemic. In that time, and under the authority of ORS 401.165 to 401.670, ORS 433.443, and ORS 431A.015, Governor Brown declared a public health emergency under ORS 653.616.

Since that time additional Executive Orders have been enacted for the purpose of protecting and mitigating the spread of COVID-19.

Some of the mandates have been sweeping in nature including the closing of schools, businesses, and churches.

There have been unintended consequences of these measures encompassing increases in certain crimes and mental health issues including depression. It is commonly discussed that children may be suffering the most from the Executive Orders implemented to combat the spread of COVID-19.

The City of Sweet Home has seen an increase in mental health calls of 131% between 2019 to 2021. They currently are on track for an increase of 288% in 2021 over pre-pandemic numbers. Likewise, Sweet Home Police have recorded a 24% increase in domestic violence calls in 2020.

The Challenge/Problem:

Should the City of Sweet Home declare a state of emergency concerning effects of the COVID-19 emergency response?

Stakeholders:

- Businesses of Sweet Home – Businesses have been hard hit by the Executive Orders; some have closed for extended periods of time. Additional relief would be appreciated. Some businesses were hit harder than others and mandated to be closed longer than others. While many received financial aid, for some it was not enough to replace their lost revenue or requires interest be paid.
- Adults of Sweet Home – Many have been laid off, resulting in record unemployment numbers because of the business closures. Adults have experienced a rise in mental health issues and domestic violence in our community amongst other challenges related to homeschooling as a result of school closures.
- Children of Sweet Home – The closure of schools has impacted their education and their mental well-being. Children have been unable to socialize at school or during school sponsored events. Likewise, other activities such as club sports and scout programs were cancelled limiting their social growth opportunities.

Issues and Financial Impacts:

\$7,000,000.00 is in the current state budget as a General Fund expense earmarked for our Wastewater Treatment Plant upgrade project. While the budget is set and the opportunity for a line-item veto has passed, under the current state of emergency the Governor has unregulated authority. We have reached out to get a definitive answer as to if the Governor could instruct staff not to distribute the funds to us – essentially implement a selective spending freeze. Further, Article X-A of the Oregon Constitution allows her to utilize all General Fund allocations for a public health emergency. Loss of those funds would result in each water account holder (some have multiple accounts, i.e., a constituent may have both a residential and business account) would be responsible for +/- \$2500 plus interest to cover the gap.

Elements of a Stable Solution:

A decision regarding a state of emergency concerning effects of the COVID-19 emergency response.

RESOLUTION NO. 22 FOR 2021

A RESOLUTION PROCLAIMING A “STATE OF EMERGENCY” CONCERNING EFFECTS OF THE COVID-19 EMERGENCY RESPONSE.

WHEREAS, the City of Sweet Home has the authority granted under ORS Chapter 401 and the Sweet Home Municipal Code Chapter 2.52.030, that provides direction to the City, its officials, and others in the event of an emergency that exists within the City; and,

WHEREAS, the City Manager, acting as the Emergency Program Manager, under Sweet Home Municipal Code Chapter 2.52 hereby requests the Sweet Home City Council to proclaim the existence of a “state of emergency” for the City of Sweet Home concerning COVID-19 mandates; and,

WHEREAS, a Proclamation declaring a “state of emergency” for the City of Sweet Home has been prepared and attached hereto;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEET HOME:

That the City Council hereby declares and proclaims that the City of Sweet Home is in a “state of emergency” and directs the Mayor of Sweet Home to execute said Proclamation.

That the Proclamation attached hereto is incorporated herein and made a part of this resolution.

IT IS FURTHER DECLARED, that emergency procurement of goods and services are authorized pursuant to ORS 279B.080, and all other applicable laws and rules.

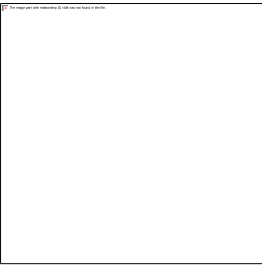
This resolution shall become effective immediately upon passage by the City Council and signature of the Mayor.

PASSED by the Council and approved by the Mayor this 25th day of August 2021.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder



PROCLAMATION Declaring a State of Emergency for the City of Sweet Home

WHEREAS, the Constitution of the United States and the Oregon State Constitution are the cornerstones of governance for the freedom and rights of our citizens and the grounds for legislative actions; and,

WHEREAS, the City of Sweet Home has the authority granted under ORS Chapter 401 and the Sweet Home Municipal Code Chapter 2.52.030, that provides direction to the City, its officials, and others in the event of an emergency that exists within the City; and

WHEREAS, the Sweet Home Municipal Code Chapter 2.52 designates the City Manager as the City of Sweet Home Emergency Program Manager; and

WHEREAS, Sweet Home Municipal Code Section 2.52.040 (A) empowers the Emergency Program Manager to request the Sweet Home City Council to proclaim the existence of a “state of emergency” for the City of Sweet Home; and

WHEREAS, existing conditions related to the COVID-19 Emergency Orders warrant the proclamation of emergency, as defined by Sweet Home Municipal Code Section 2.52.020; and

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, on March 8, 2020, Governor Kate Brown declared a state of emergency exists in all counties in the State of Oregon due to the number of confirmed cases of COVID-19 in the State and implemented Emergency Orders in response to combat the pandemic; and

WHEREAS, we as a municipality have no legal ability to summarily defy the Governor’s Emergency Executive Orders, mandates, guidelines and enforcement by State agencies, and therefore cannot protect any local business from State-directed targeting, repercussions and penalties if such local business personally chooses to; and,

WHEREAS, social distancing and prolonged isolation are proven to create a number of mental health issues such as anxiety and depression, sometimes pushing individuals toward suicide; and,

WHEREAS, social distancing and prolonged isolation, combined with unemployment and other stressors, increased cases of domestic abuse calls to the Sweet Home Police Department by 24% in 2020; and,

WHEREAS, the Sweet Home Police Department recorded a 131% increase in mental health calls in 2020 over 2019, is on track to record a 288% increase in 2021 over 2019; and,

WHEREAS, the City requires additional assistance, and a formal declaration of emergency allows additional resources to flow to the City in a timely fashion; and,

WHEREAS, we believe in the kindness, compassion, and common sense of our citizens and

businesses to help protect the most fragile and susceptible in our community; and,

WHEREAS, the State of Oregon owes a duty to its constituents to address the mental health crisis caused by the COVID-19 pandemic mandates with increased funding and resources for mental health care throughout the state of Oregon, especially for rural Oregonians; and,

WHEREAS, the State of Oregon owes a duty to its constituents to address the rise in criminal activity correlating with the COVID-19 pandemic mandates through increased funding and resources directly to local jurisdictions to help recruit, hire, and train a more qualified police force, especially for rural Oregon communities; and,

WHEREAS, the State of Oregon should look to the future and fully fund an initiative for DPSST to train our future police officers to better equip them to deal with mental health issues.

WHEREAS, fear is a tool of untruth, manipulation, and control; and,

WHEREAS, the City Council request the emergency Executive Orders implemented by the Governor lasting more than thirty (30) days require the approval of the Oregon House and Senate before implementation; and finally,

WHEREAS, Sweet Home City Council met and passed by resolution this Proclamation declaring a "state of emergency" for the City of Sweet Home.

NOW, THEREFORE, I, Greg Mahler, Mayor of the City of Sweet Home, do hereby proclaim with City Council authorization, a "state of emergency" in the City of Sweet Home; and that during the existence of said emergency, the powers, functions, and duties of the Sweet Home Emergency Program Manager and the emergency organization of this city shall be those prescribed by state law and by ordinances and resolutions of this City. Said "state of emergency" shall exist for a period of time during which conditions resulting from the COVID-19 Executive Orders exist which have given rise to the Proclamation. The local emergency shall continue until terminated by the Mayor of the City of Sweet Home, State of Oregon.

PROCLAIMED this 25th day of August 2021.

Mayor

ATTEST: _____

City Manager – Ex Officio City Recorder
Emergency Program Manager for the City of Sweet Home

RESOLUTION No. 3881

RESOLUTION DECLARING AN ECONOMIC, MENTAL HEALTH, AND CRIMINAL ACTIVITY CRISIS DUE TO THE CURRENT COVID-RELATED STATE EMERGENCY DECLARATION AND RELATING OSHA MANDATES AND GUIDANCE

WHEREAS, the Oregon Governor's Executive Order 20-03: Declaration of Emergency due to COVID-19, and all subsequent and related OSHA guidance, and present and future executive order extensions of such are arbitrary, ineffective, and draconian; and

WHEREAS, we as a municipality have no legal ability to summarily flout these mandates, guidelines and enforcement by OSHA, and therefore cannot protect any local business from State-directed targeting, repercussions and penalties if such local business personally chooses to; and

WHEREAS, we also recognize that neither city, county nor state government has the legal right to flout the Oregon State Constitution or the United States Constitution; and

WHEREAS, we do believe our citizens are fully capable of making their private, individual healthcare and lifestyle decisions themselves; and

WHEREAS, we recognize that COVID-19 is indeed a contagious virus and contagious viruses do exist in the world; and

WHEREAS, science has shown over the last year that COVID-19 is overwhelmingly survivable and lockdowns do not stop its spread; and

WHEREAS, all models and projections used to justify initial state emergency mandates have been proven inaccurate over the past year; and

WHEREAS, our local hospital and health care system are not overwhelmed with COVID cases, and never have been; and

WHEREAS, Baker City is obligated to adopt regulations designed to promote the public safety and general welfare of its citizenry; and

WHEREAS, a majority of our local businesses directly attribute state lockdowns and OSHA guidelines as solely responsible for their inability to earn a living or pursue other rights as outlined in our State and U.S. Constitutions, and therefore we believe their property is being unconstitutionally seized by government without due compensation under the auspices of inappropriately weaponized State agencies; and

WHEREAS, to many businesses in Baker City are on the brink of permanent closure, creating a fiscal emergency and a devastated local economy; and

WHEREAS, businesses in Baker City have already closed their doors permanently as a result of the Governor's emergency declaration; and

WHEREAS, the Governor's lockdown and masking mandates are actively creating division and unrest with the increased potential of physical violence within our community as those of one opinion are encouraged by it to impose their opinions over the free will of those of another in a physical way, and we are obligated to address and prevent crime; and

WHEREAS, the limited number of beds in our local County Jail is resulting in an ongoing "cite and release" system that puts criminals straight back on the streets to further victimize our community immediately after arrest; and

WHEREAS, the Governor's mandates result in pitting local law enforcement against law-abiding citizens rather than criminals, which damages our community's strong relationship with our valued local law enforcement, and which is a dynamic no community should tolerate; and

WHEREAS, deliberate isolation of the ill in hospitals or the elderly left to die alone of that isolation is the cruelest of abuses and is not to be accepted in any civilized society; and

WHEREAS, it is a violation of the First Amendment of the United States Constitution for a government to limit how our churches and citizens choose to practice their religious freedoms, which are crucial to mental health; and

WHEREAS, social distancing and prolonged isolation are proven to create a number of mental health issues such as anxiety and depression, sometimes pushing individuals over the edge toward suicide as a last resort; and

WHEREAS, that same social distancing and prolonged isolation, combined with unemployment and other stressors, are increasing cases of domestic abuse and violence; and

WHEREAS, we believe in the kindness, compassion, and common sense of our citizens and businesses to help protect the most fragile and susceptible in our community; and

WHEREAS, fear is a tool of untruth, manipulation, and control - characteristics all of which do not reflect the values of our citizenry; and finally

WHEREAS we are mindful of the sentiments of our founding fathers such as Patrick Henry who said, "Give me liberty or give me death;" and Samuel Adams who said, "Our unalterable resolution should be to be free;" and Thomas Jefferson who said, "The spirit of resistance to government is so valuable on certain occasions, that I wish it to be always kept alive," and "What country can preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of resistance?"; and finally, John Adams, "But a constitution of government once changed from freedom can never be restored. Liberty, once lost, is lost forever";

NOW, THEREFORE, BE IT RESOLVED that we declare an economic, mental health, and crime crisis due to the current COVID-related State Emergency Declaration and related OSHA mandates and guidances, as a means of loudly and symbolically supporting our citizenry; and

BE IT RESOLVED, the City will communicate in writing with the Governor's Office to encourage the full opening of our city and county, recategorization to low-population status, or suggesting other means necessary to give our citizens relief from these mandates; and

BE IT RESOLVED, the City will support upcoming legislation, dependent upon its straightforward and unarmful wording, which provides reparations to business owners who have had their businesses and income taken without compensation; and

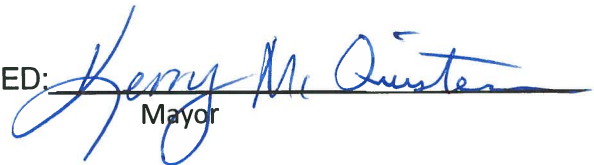
BE IT RESOLVED, the City will support future statewide ballot initiatives that limit the duration and extent of Governor's emergency powers, which may create similar lockdown scenarios during future emergencies, natural disasters, and pandemics; and

BE IT RESOLVED, the City will share this resolution with other Oregon cities, counties, and media outlets in the hope those entities will also speak more loudly; and

BE IT RESOLVED the City recognizes the citizenry of Baker City are free, sovereign individuals within a Constitutional, Representative Republic, not subjects or slaves, and will be recognized as such as we firmly stand to represent them.

PASSED by the City Council of the City of Baker City, Oregon and signed by the Mayor of Baker City, Oregon, this 23rd day of March, 2021.

SIGNED: _____


Mayor

ATTEST: _____



City Recorder



RESOLUTION NO. 2021.22

RESOLUTION DECLARING A PUBLIC CRISIS DUE TO THE COVID-RELATED STATE EMERGENCY AND THE ARBITRARY ACTIONS OF STATE AND FEDERAL BUREAUCRACIES THAT WILL RESULT IN OVERLY EXPENSIVE REGULATIONS THAT COULD RESULT IN THE DISSOLUTION OF CITY GOVERNMENT

WHEREAS, the Governor's crisis Covid management has resulted in the severe restriction of local businesses, loss of educational opportunities for our children and young people, and the adverse effect on the lives of all citizens; and,

WHEREAS, the Constitution of the United States and the Oregon State Constitution are the cornerstones of governance for the freedom and rights of our citizens and the grounds for legislative actions; and,

WHEREAS, the Governor has issued a series of Emergency Orders which have, in certain respects, exceeded her limits by closing businesses, schools, and the right of assembly; and,

NOW, THEREFORE, BE IT RESOLVED BY, the City Council of Brownsville, Oregon, the following:

1. The Governor's emergency actions in the future also require the approval of the Oregon House and Senate before implementation.
2. That all City of Brownsville facilities be open as of July 1st, 2021 for public use, including the Central Linn Recreation Center as requested by our local citizens.
3. That any penalties imposed for this legislative action be accepted by the City as the cost of implementing the will of Brownsville citizens.

This Resolution shall become effective July 1st, 2021.

Passed and approved by the City Council on this 24th of June, 2021.

Mayor Don Ware

Attest:

City Administrator S. Scott McDowell

RESOLUTION No. 1252

A RESOLUTION DECLARING AN ECONOMIC, MENTAL HEALTH, AND CRIMINAL ACTIVITY CRISIS DUE TO THE CURRENT COVID-RELATED STATE EMERGENCY DECLARATION AND RELATING OR-OSHA MANDATES AND GUIDANCE

WHEREAS the Oregon Governor's Executive Order 20-03: Declaration of Emergency due to COVID-19, and all subsequent and related OR-OSHA guidance, and present and future executive order extensions of such are arbitrary and excessive for small communities like Harrisburg; and

WHEREAS we as a municipality have no legal authority to summarily flout these mandates, guidelines, and enforcement by OR-OSHA, and therefore cannot protect any local business from State-directed targeting, repercussions, and penalties if such local business personally chooses to; and

WHEREAS we also recognize that neither city, county nor state government has the legal right to flout the Oregon State or the United States Constitutions; and

WHEREAS we do believe our citizens are fully capable of making their private, individual healthcare and lifestyle decisions themselves; and

WHEREAS we recognize that COVID-19 is indeed a contagious virus and contagious viruses do exist in the world; and

WHEREAS science has shown over the last year that COVID-19 is largely survivable and continual lockdowns do not stop its spread; and

WHEREAS all initial models and projections used to justify initial state emergency mandates have been proven inaccurate over the past year; and

WHEREAS City of Harrisburg is obligated to adopt regulations designed to promote the public safety and general welfare of its citizenry; and

WHEREAS many of our local businesses directly attribute state lockdowns and OR-OSHA guidelines as solely responsible for their inability to earn a living or pursue other rights as outlined in our State and U.S. Constitutions, and therefore we believe their livelihood is being unconstitutionally and negatively impacted by government without due compensation; and

WHEREAS State agencies have been given abusive authority to punitively fine and shutter businesses, thereby breaking the trust relationship essential to carrying out their functions; and

WHEREAS businesses in Harrisburg are struggling to find employees because of the enhanced unemployment benefits and in many cases unemployment benefits pay more than what the employer can offer them; and

WHEREAS businesses are on the brink of permanent closure, creating a fiscal emergency and a devastated local economy; and

WHEREAS a business in Harrisburg has already closed their doors permanently because of the Governor's emergency declaration, with other businesses also being in danger of closing; and

WHEREAS the Governor's lockdown and masking mandates are actively creating division and unrest as those of one opinion are encouraged by it to impose their opinions over the free will of those of another; and

WHEREAS the pandemic has resulted in limitations in temporary holding cells, as well as a limited number of beds in our local County Jail; resulting in an ongoing "cite and release" system that puts criminals straight back on the streets to further victimize our community immediately after arrest; and

WHEREAS the Governor's mandates result in pitting law enforcement against law-abiding citizens rather than criminals, which damages a community's strong relationship with valued law enforcement, and which is a dynamic no community should tolerate; and

WHEREAS deliberate isolation of the ill in hospitals or the elderly left to die alone of that isolation is the cruellest of abuses and is not to be accepted in any civilized society; and

WHEREAS it is a violation of the First Amendment of the United States Constitution for a government to limit how our churches and citizens choose to practice their religious freedoms, which are crucial to mental health; and

WHEREAS social distancing and prolonged isolation are proven to create a number of mental health issues such as anxiety and depression, sometimes pushing individuals over the edge toward suicide as a last resort; and

WHEREAS that same social distancing and prolonged isolation, combined with unemployment and other stressors, are increasing cases of drug and alcohol abuse, domestic abuse, and violence; and

WHEREAS we believe in the kindness, compassion, and common sense of our citizens and businesses to help protect the most fragile and susceptible in our community; and

WHEREAS fear is a tool of untruth, manipulation, and control - characteristics all of which do not reflect the values of our citizenry; and finally.

WHEREAS, John Adams stated, "But a constitution of government once changed from freedom can never be restored. Liberty, once lost, is lost Forever".

NOW, THEREFORE, BE IT RESOLVED that we declare an economic, mental health, and crime crisis due to the current COVID-related State Emergency Declaration and related OROSHA mandates and guidance, as a means of loudly and symbolically supporting our citizenry; and

BE IT RESOLVED, the City will communicate in writing with the Governor's Office to encourage the full opening of our city or suggesting other means necessary to give our citizens relief from these mandates; and

BE IT RESOLVED, the City will support upcoming legislation, dependent upon its straightforward and unarmful wording, which provides reparations to business owners who have had their businesses and income taken without compensation; and

BE IT RESOLVED, the City will support future statewide ballot initiatives and legislation that limits the duration and extent of Governor's emergency powers which may create similar lockdown scenarios during future emergencies, natural disasters, and pandemics; and

BE IT RESOLVED, the City will share this resolution with other Oregon cities, counties, and media outlets in the hope those entities will also speak more loudly; and

BE IT RESOLVED the City recognizes the citizenry of Harrisburg are free, sovereign individuals within a Constitutional, Representative Republic, not subjects, and will be recognized as such as we firmly stand to represent them.

PASSED by the City Council of the City of Harrisburg, Oregon and signed by the Mayor of Harrisburg, Oregon, this 25th day of May 2021.



Mayor of Harrisburg

ATTEST: 

City Recorder