

NEHALEM BAY WASTEWATER AGENCY

Declaration of State of Emergency

April 15, 2020

WHEREAS, the Board of Directors (“Board”) of the Nehalem Bay Wastewater Agency (“Agency”) adopted Resolution 2020-01 defining the events and circumstances constituting an emergency and authorizing the declaration of a state of emergency under certain circumstances; and

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; and

WHEREAS, the Board finds that a declaration of a state of emergency will allow for better cooperation by the Agency with other entities operating in a state of emergency; and

WHEREAS, the Board 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 in and around Tillamook County.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NEHALEM BAY WASTEWATER AGENCY DECLARES AND ORDERS:

Section 1. Declaration and Findings. The Board hereby declares the District 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; and
- B.** COVID-19 is a type of coronavirus that has been confirmed in cases around the world, including in and around Tillamook County, and local public health officials have advised that the virus is circulating in Oregon communities and that they expect the number of cases to increase; and
- C.** On March 8, 2020, Governor Kate Brown declared a state of emergency under ORS 401.165 due to the public health threat posed by COVID-19; and
- D.** On March 11, 2020, the World Health Organization announced that COVID-19 is a global pandemic; and
- E.** On March 12, 2020, Governor Kate Brown issued Executive Order No. 20-05 prohibiting large gatherings due to the COVID-19 outbreak in Oregon and finding that immediate implementation of social distancing and community mitigation measures necessary; and
- F.** The Board finds that social distancing and community mitigation measures in the Agency are in the best interest of the public health, safety, and welfare of the community and that further immediate action may be required to minimize, respond to, or recover from the emergency and continue Agency operations during the state of emergency.

Section 2. Authorized Actions. During this state of emergency, the Manager, or authorized temporary successor, may take any of the following actions:

- A.** Divert funds and resources appropriated for other purposes to meet immediate needs;
- B.** Enter into contracts of a duration that shall last no longer than the conclusion of the this declared state of emergency, without regard to any spending limit otherwise imposed by the Agency’s procurement rules;

- C. Authorize local emergency operations plans;
- D. Implement protective measures, which may include limiting physical access by the public to Agency staff and offices, including during public meetings and hearings;
- E. Call an emergency meeting of the Board;
- F. Coordinate or assist local communities and state agencies to alleviate disaster or emergency conditions, including by entering into agreements and the sending or receiving of resources; and
- G. Other action that the Manager reasonably believes is necessary to protect the Agency's sanitary sewer, or systems, or sources.

Section 3. Board Meetings as Prerequisite. The Manager, or authorized temporary successor in the Line of Succession, shall first attempt to convene the Board in a special meeting or an emergency meeting to authorize the desired action, and must make a determination that the Board is unable to convene, before taking any Authorized Action.

Section 4. Line of Succession. During a state of emergency, if the Manager is unable or unavailable to perform the Authorized Actions, the Executive Assistant shall have the authority of the Manager to perform such Authorized Actions. The Executive Assistant shall only be so authorized after receiving notification by the Manager or the President of the Board, or the President's then-designated successor, of such authorization.

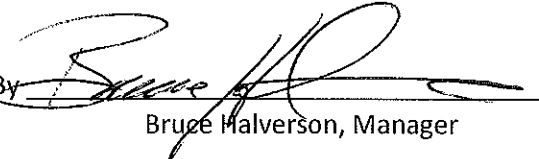
Section 5. Effective Date. This Declaration is effective immediately and remains in effect until May 20, 2020, unless extended or earlier terminated.

Section 6. 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 Board and the Board shall thereafter convene to approve and ratify any authorized actions taken on behalf of the Agency during the state of emergency.

INTRODUCED AND ADOPTED THIS 15TH DAY OF APRIL 2020, EFFECTIVE AS OF THE DATE OF ADOPTION.

NEHALEM BAY WASTEWATER AGENCY

By 
Mike Sims, Chairman

By 
Bruce Halverson, Manager