

December 22, 2015
Noon
Newport, Oregon

The City Council of the City of Newport met in a special meeting, on the above date, in the Conference Room A of the Newport City Hall. On roll call, Roumagoux, Sawyer, Busby, Engler, Saelens, and Allen were present. Swanson was excused.

Staff attending was as follows: City Manager Nebel, Executive Assistant Breves, Public Works Director Gross, Police Sergeant Garbarino, and Firefighter Rampley.

Also in attendance was Dani Palmer, of the Newport-News Times.

ROLL CALL AND INTRODUCTIONS

Roll was called and introductions were made.

CONSIDERATION OF RESOLUTION NO. 3738 A RESOLUTION DECLARING AN EMERGENCY IN THE CITY OF NEWPORT

Nebel reported that the city received significant rain/precipitation, with various wind events, during the past two weeks. He stated that according to the Hatfield Marine Science Center, the total rainfall for December is 22.05 inches, which is nearly double the monthly norm with 10 days left in December. He added that the city experienced a series of property losses due to the unusual weather conditions. He noted that this included damage or loss to five homes on SE 70th Drive; a major slide at the airport near the terminal apron area; and damage and settlement to a number of streets. He stated that additional minor damage included storm sewer damage near Government Street, and significant overflow situations at various lift stations throughout the community with pump failures occurring at two of the lift stations, resulting from continued high water and debris being flushed down the sanitary sewer system, broken water mains from shifting soils, limited flooding, and other similar damage due to weather events.

Nebel reported that Section 1.70 of the Newport Municipal Code provides that an emergency situation exists when the health, safety, or welfare of the city, or a portion of the city is threatened by a potential or actual natural disaster, accident, act of war or terrorism, disease, or other event or ongoing occurrence that results in an immediate and substantial threat to life, health, or property.

Nebel reported that under Section 1.70.030, the City Manager may declare a temporary emergency when faced with a sudden event that results in an emergency under Section 1.70.010. He stated that a meeting is then scheduled with the City Council following that declaration, and that once the Council meets, the Council can either declare an emergency or end the temporary emergency designation declared by the City Manager. He noted that under ORS 401.165, the Governor may declare a state of emergency by proclamation at the request of a county governing body after determining that an emergency has occurred or is eminent. He added that under this provision, "cities

must submit requests through the governing body of the county in which the majority of the city's property is located." He stated that, yesterday, the Lincoln County Board of Commissioners formally declared an emergency resulting from weather conditions that began December 7, 2015 and that have continued as a single event. He noted that the county resolution is significant in that the declaration made earlier by the Governor ended before this more recent round of weather-related damage occurred. He added that in order for the state to seek a federal declaration, sufficient aggregated damage amounts, both public and private, need to be obtained. He stated that he believes that the city action to formally declare an emergency will complement the efforts taken by Lincoln County.

Nebel reported that staff is very concerned with the current level of soil saturation that exists. He stated that the impact of even a minor amount of additional rainfall could cause additional significant damage to city infrastructure and private property.

Nebel reported that, to date, there have been two expenditures made under emergency provisions to address emergency issues. He stated that one was for contracting equipment and manpower to haul concrete rubble to fill a significant slide area at the airport. He added that the second issue is the procurement of new pumps for two lift stations where pumps are failing under the extreme conditions. He stated that under the terms of the Council declaration, staff will continue to update Council on any exceptions to normal procurement or budgeting practices as they occur in response to this emergency. He added that it is hoped that the significant weather will end and there will be no other significant occurrences in the next few weeks. He stated that he believes it is prudent to be prepared in the event that additional major problems happen in the community.

Nebel reported that the city can be a part of a federal emergency without declaring a local emergency, however if the city initiates an emergency, then the city has to go through the county first, then to the Governor, and then to the federal government.

Allen asked whether a gubernatorial emergency declaration automatically opens up federal resources without having to go through a local process. Nebel responded that his understanding is that the city could be included in a federal emergency without declaring a local emergency. Allen indicated that the Governor declared an emergency on December 7, 2015, but asked if that was for a limited time and circumstances. Nebel responded that it was his understanding from Jenny Demaris that the declaration has expired. Allen indicated that the objective is get the state to declare another emergency that is more expansive and covers a greater time period. He stated that this is one way to facilitate the state's redetermination by having this local declaration move up to the state. Nebel noted that the state does not have this week covered by an emergency declaration according to Demaris. Saelens clarified that part of the reason for the declaration is to send the message that the Council has ratified the idea that resources have been expended, and will continue to be expended because of the severity of this event. He stated that Council is empowering staff to do what is needed to address needs as they arise. Nebel noted that there are two primary results for this action; one is the issue that Allen addressed which is urging the Governor to expand the state of emergency to include the current time period; and the second issue is that if there are any more emergency events, it gives staff the authority to act under this declaration. Allen stated that federal resources are only available when the Governor declares a state of emergency. Nebel stated that a federal emergency has not been declared, and it is unknown whether a

federal declaration is going to happen. Sawyer stated that it all comes down to money and thresholds, adding that there is a certain threshold that the county has to meet, and the state has to make, for matching funds from the federal government. Sawyer stated that staff should document all overtime and resources being used.

Busby asked what the end date is on the resolution. Nebel responded the end is January 18 unless extended or terminated earlier by the City Council.

Saelens noted that the weather forecast does not look good.

Allen stated that it was his understanding that Lincoln County declared an emergency yesterday at a special meeting. He added that the declaration only indicates the time period in which an emergency exists which is December 7 through today (December 21, 2015) when it was adopted as a single event. He noted that the city's resolution is a more open-ended and states that the emergency continues until the end of the rainy cycle being experienced in Oregon. He added that if the city is going to submit this to the county, as a package, the city and county resolutions are inconsistent with one another, and this may need to be reviewed for consistent dates. He suggested that the county may need to revise its resolution to make it more consistent with the city's resolution. Nebel stated that staff will share this concern with the county.

Saelens asked whether it is necessary to have the declaration continue until January 18 to allow for all the emergency work that would need to happen. Gross stated that with a Presidential disaster declaration, in which a community is eligible for FEMA money, restoration work from that disaster may continue for a long period of time as a result of damage being done during that time period. He added that with a local declaration of emergency, the Public Works Department is helped by expediting the procurement process. Gross stated he would not have time to get three quotes for services right now, and the declaration gives staff the authority to expedite purchasing. Sawyer noted that this does not impact private property. Allen stated that it does affect private property if the public infrastructure is impacting the private property. Nebel noted that under the Municipal Code, the city is allowed to do things that it ended up doing on Thursday night, including terminating water, gas, utilities, and evacuating people if necessary.

Allen referred to Section 2 of the resolution which provides that the City Council request that the Governor declare an emergency in the City of Newport, Lincoln County, and other areas in the State of Oregon. He asked whether Lincoln County is coordinating with other counties including Tillamook County and others to use this process to move up the chain or whether each county is preparing individual declarations. He stated that Section 2 appears to be more of a coordinated effort. Nebel responded that he does not know what communications have occurred at the county levels. He stated that most of the damage occurring in the last round of weather was limited to the central coast, and the areas that were hard hit before did not have the same level of damage. He noted that the primary focus is getting this event folded into the earlier events which helps the state meet some of the thresholds that are necessary for a federal declaration. He added that Lincoln County has not had enough damage, to date, for a federal declaration. Sawyer noted that emergency management monitors all of this with all the county emergency managers and city emergency managers.

MOTION was made by Sawyer, seconded by Saelens, to adopt Resolution No. 3738, a resolution declaring an emergency in the City of Newport. The motion carried unanimously in a voice vote.

Nebel updated Council on the city's effort to assist the homeowners on NE 70th Drive. He stated that slides are difficult for property owners to deal with and insurance does not generally cover slides. He added that there will be a private meeting with homeowners on Tuesday, December 22, at 4:00 P.M. He noted that the meeting will include the Mayor, City Manager, Building Official, Public Works Director, County Emergency Manager, County Adult Counseling Services, PUD, Red Cross, County Tax Assessor, and a survivor from the Benton County slide. He stated that this is a private meeting for the property owners.

Saelens asked whether the city expected any problems with looting, and Rampley reported that most of the people were able to remove their belongings and secure their homes. Nebel expressed his appreciation for the Fire, Police, and Public Works Departments, PUD, and others, noting that everyone was spot on with their response to this situation. Roumagoux reported that she spoke with one of the families who had high praise for all city staff and others involved. She added that they report being treated with respect and empathy beyond what they expected.

Busby asked for clarification on the number of houses affected by the slide on 70th Drive. Nebel responded that there is a total of three houses that have been "red tagged," meaning that they are unfit for occupancy; one of those three house could be salvageable, while the other two are not likely salvageable. He reported that there are four additional houses that are "yellow tagged," meaning that there was no evidence of structural damage, but that backyards have slid and decks have been pulled away from houses. He noted that yellow tags allow for a more access but no occupancy. He added that all utilities, to both the red and yellow tagged homes, have been cut off. He stated that until the yellow tagged structures have had a geological assessment, they will remain unoccupied. Busby asked about the city's statutory authority if someone does not wish to leave their property. Nebel reported that fortunately everyone cooperated by evacuating their property during this emergency.

Allen asked about Section 5 of the resolution that states this Emergency Declaration will continue through January 18 unless extended or terminated earlier by the City Council. He stated that January 18 is a holiday and the City Council does not meet until January 19, and as such, Council may want to amend the resolution to continue the declaration through January 19 instead of the 18. He added that by the meeting of January 4, if it looks like things are settled down, Council could reassess the issue. Nebel indicated that the Council could terminate the emergency, and that a report on the emergency declaration will be on the Council agendas of January 4 and 19.

MOTION was made by Sawyer, seconded by Saelens, to amend Resolution No. 3738 Section 5 to read this Emergency Declaration will continue through January 19 unless extended or terminated earlier by the City Council. The motion carried unanimously in a voice vote.

Engler stated that she was very impressed with the information Nebel and staff compiled for this meeting. She added that she had heard very good things about the Public Works Department staff handling of a water main break.

Council discussed attendance at the meeting for 70th Drive property owners. It was decide the Roumagoux and Sawyer would attend this meeting.

ADJOURNMENT

Having no further business, the meeting adjourned at 12:34 P.M.

Cynthia Breves, Executive Assistant

Sandra N. Roumagoux, Mayor