

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,  
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**



**COUNCIL MEETING AGENDA  
CITY COUNCIL – CITY OF ONTARIO OREGON  
TUESDAY, MARCH 24, 2020, 6:00 PM, MT**

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

**1) CALL TO ORDER**

Roll Call: Freddy Rodriguez \_\_\_\_ Marty Justus \_\_\_\_ Ramon Palomo \_\_\_\_ Dan Capron \_\_\_\_  
Michael Braden \_\_\_\_ Norm Crume \_\_\_\_ Mayor Riley Hill \_\_\_\_

**2) PLEDGE OF ALLEGIANCE**

This Agenda was posted on Monday, March 23, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at [www.ontariooregon.org](http://www.ontariooregon.org).

**3) MOTION TO ADOPT THE AGENDA**

**4) PUBLIC COMMENTS** Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

**5) NEW BUSINESS**

- A) Emergency Declaration
- B) Dispensary Closures
- C) Downtown Project

**6) DISCUSSION ITEMS**

**7) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**

**8) EXECUTIVE SESSION**

- A) ORS 192.660(2)(h)

**9) ADJOURN**



## RESOLUTION #2020-110

### A RESOLUTION TO DECLARE A STATE OF EMERGENCY IN THE CITY OF ONTARIO DUE TO THE COVID-19 PANDEMIC

- WHEREAS,** ORS 401.309 authorizes the city governing body to declare, by ordinance or resolution, that a state of emergency exists within the city; and
- WHEREAS,** the following conditions have resulted in the need for a local state of emergency: (a) the presence of presumptive cases of Coronavirus (COVID-19) in the State of Oregon and neighboring State of Idaho; (b) emergency orders from the Governor restricting gatherings, meetings, closing schools, restricting the operation of bars and restaurants and encouraging social distancing and remote business operations; and
- WHEREAS,** the presence of COVID-19 constitutes a high potential threat to public health, to wit, infectious Coronavirus (COVID-19) which is known to spread person-to-person through coughing, sneezing and close personal contact; and
- WHEREAS,** on March 8, 2020, Governor Kate Brown signed Executive Order No. 20-03, declaring a statewide emergency due to COVID-19 outbreak in Oregon and on March 12, 2020 signed Executive Order 20-05, Prohibiting large gatherings; and
- WHEREAS,** on March 11, 2020, the World Health Organization declared the COVID-19 outbreak as a pandemic; and
- WHEREAS,** the following disruption of important services, damage to life, or damage to property can be expected in association with COVID-19: {a) COVID-19 is expanding world-wide including a declared global pandemic and a declared outbreak in Oregon; (b) County resources will be needed to respond to this threat to keep the public as safe as possible; (c) Resources related to contact tracing, disease investigation and prevention, continuity of operations, public information, and funding are expected to be exhausted.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Ontario City Council to Declare a State of Emergency in the City of Ontario due to the COVID-19 pandemic.

**EFFECTIVE DATE:** Effective March 23, 2020.

**PASSED AND ADOPTED** by the Common Council City Council of the City of Ontario this 23<sup>rd</sup> day of March, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

**APPROVED** by the Mayor this 23<sup>rd</sup> day of March, 2020.

ATTEST

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Riley J. Hill, Mayor

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Tori Barnett, MMC, City Recorder



**AGENDA REPORT  
NEW BUSINESS  
March 24, 2020**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

**SUBJECT: DISPENSARY CLOSURES**

DATE: March 22, 2020

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**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL MOVE TO CLOSE MARIJUANA DISPENSARY BUSINESSES THAT DO NOT MAINTAIN THE GOVERNORS BAN ON PUBLIC GATHERINGS AND LIMITS FOR SOCIAL DISTANCING FROM THIS POINT FORWARD.**

**SUMMARY:**

The typical heavy traffic of persons using dispensaries within the City has caused concern about whether they should remain open. Gatherings outside the dispensaries have not followed the social distancing standards ordered by the Governor of the State. The Council should debate the necessity of allowing dispensaries to remain open.

**BACKGROUND:**

Executive Order 20-07 limited gatherings of more than 25 people. The governors executive order included social distancing measures. The executive order is attached.

**CURRENT SITUATION:**

It has been observed and documented that social distancing is not being maintained at certain marijuana retail dispensaries. The City has received many calls from concerned citizens about the level of activity at the dispensaries and the additional exposure our residents are subjected to as a result of the traffic, most of which is coming from out of state.

The Malheur County Health Department, St. Alphonsus Hospital, and the County Emergency Manager issued a letter to the City expressing concerns about the traffic brought to Ontario from the dispensaries. The additional traffic flow is undisputed. Agencies have requested the City act; however, City staff and Council have not found law that would allow the City Council to shut down a dispensary.

The Oregon Health Authority nor Oregon Liquor Control Commission have made attempts to close these retailers. In fact it appears that they have done the opposite, they have moved to protect their operation.

Executive Order 20-12 did not provide any additional clarity on dispensary operations. Shortly after it was issued, the OLCC temporarily lifted administrative rules allowing dispensaries to provide curbside service.

**ANALYSIS:**

- A. **STRATEGIC PLAN** No Strategic plan impact.
- B. **FINANCIAL** The financial impact to the city should not be a deciding factor in the decision of the Council to close or not close the dispensaries. The decision should be made based on the needs of the populous of our community. Public safety and the protection of life is always the number one objective in any emergency.
- C. **TIMING** We are in the midst of a pandemic at a scale that our living generations in the United States have not witnessed. The transmission of the virus should be every persons upmost concern because of the rapidness in which this virus is expanding.
- D. **POLICY/LEGAL** There may be legal implications for closing dispensaries without the appropriate authority. Local ordinance does not give the city authority. The Oregon Health Authority has been given privileges to close certain businesses. I have spoken with the County Health Department to see if the OHA would be willing to consider this question. We do not have a great deal of confidence that the OHA will move to close dispensaries in Ontario.

The Oregon Liquor Control Commission has authorized dispensaries to temporarily operate curbside service as of March 23, 2020 (letter is attached). This would allow for customers to place an order ahead of time and workers would carry out product directly to the car.

**ALTERNATIVES:**

Give Time for Corrective Action - Have dispensaries self enforce the social distancing to their customers. If they do not, then the city will shut them down indefinitely for violating the governors executive order.

Take No Action: Allow the dispensaries to operate as they have been.

**RECOMMENDATION:**

My personal opinion is that the increased traffic does increase the possibility of transmission of the COVID-19 virus. The only way the virus can spread is from person to person or contamination by a person which is then transmitted to another person and each interaction increases the chances that it is spread. If the City Council were to attempt to shut the

dispensaries down, I believe it would be legally challenged and our chances of prevailing in court are questionable. It may be possible to enact an ordinance that restricts privileges in emergencies, but it does not exist at this time.

From my talks with the City Attorney I cannot find the authority of the City to shut down a marijuana dispensary nor has the Governor's office officially granted that authority to cities. Authority has been granted from Executive Order 12-20 to the Oregon Health Authority. Under the Closure of Certain Businesses, subsection 5 it says "subject to approval by the Governor, the Oregon Health Authority has the authority to determine if additional business closures are necessary to slow the spread of COVID-19 during the ongoing state of emergency."

Guidance was issued shortly after Executive Order 20-12 was given, from the Oregon Liquor Control Commission. They have temporarily suspended sale requirements to allow for on-site delivery. Given our lack of authority I recommend that we allow the dispensaries to self-police under a curbside delivery model, but use the authority of the Oregon Health Authority and OLCC in the case of non-compliance.

**ATTACHMENTS:**

1. Oregon Governor Executive Order\_20-07
2. St Alphonsus COVID-19 precaution (2)
3. 3-21-20 MCHD COVID-19 Business Social Distancing (2)
4. Governor Executive Order 12-20
5. MJ\_TempRuleGuidance\_32220



**EXECUTIVE ORDER NO. 20-07**

**PROHIBITING ON-PREMISES CONSUMPTION OF FOOD OR DRINK  
AND GATHERINGS OF MORE THAN 25 PEOPLE**

On March 8, 2020, I declared an emergency under ORS 401.165 *et seq.* due to the public health threat posed by the novel infectious coronavirus (COVID-19).

On March 12, 2020, I issued Executive Order No. 20-05, prohibiting gatherings of 250 or more people statewide. I also announced a statewide closure of Oregon K-12 schools from March 16, 2020, through March 31, 2020.

On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 16, 2020, the Department of Human Services imposed its most recent protective measures to restrict visitors to long-term care facilities and other residential facilities. The Oregon Health Authority has adopted similar measures at the Oregon State Hospital and other behavioral health settings, and has limited admissions to the Oregon State Hospital. The Oregon Department of Corrections has suspended all visits to state prisons.

COVID-19 may cause respiratory disease leading to serious illness or death. The World Health Organization considers COVID-19 to be a global pandemic. COVID-19 spreads person-to-person through coughing, sneezing, close personal contact, including touching a surface with the virus on it and then touching your mouth, nose, or eyes.

State and local public health officials advise that the virus is circulating in the community and expect the number of cases to increase. The United States Centers for Disease Control and Prevention (CDC) reports that COVID-19 is most contagious when the individual is most symptomatic, but may also spread before symptoms appear. CDC recommends measures to limit spread of the disease in the community, including limitations on events and gatherings.

The number of presumptive or confirmed COVID-19 cases continues to rise in Oregon. On March 8, 2020, at the time I declared an emergency, there were 14 presumptive or confirmed cases in Oregon. By March 12, 2020, there were 21. As of today, there are at least 51 cases and one death.



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In order to slow the spread of COVID-19, to protect Oregonians who are at highest risk for contracting the disease, and to help avoid overwhelming local and regional healthcare capacity, I find that immediate implementation of social distancing and community mitigation measures are necessary. The purpose of this Executive Order is to reduce person-to-person interaction with the goal of restricting transmission.

**NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:**

Prohibition on On-Premises Consumption of Food and Drink

1. Pursuant to ORS 433.441(3)(a), (b), (d) and (f), ORS 401.168(1), and ORS 401.188(1)–(3), restaurants, bars, taverns, brew pubs, wine bars, cafes, food courts, coffee shops, clubs, or other similar establishments that offer food or drink may not offer or allow on-premises consumption of food or drink. This prohibition applies statewide.
2. Establishments may offer food or drink for off-premises consumption (e.g., take-out or drive-through) or for delivery. Establishments offering such service must implement social distancing protocols of at least three (3) feet between customers ordering, waiting, or in line, consistent with guidance from the Oregon Health Authority. Establishments also must implement similar social distancing protocols for staff, whenever possible. Any sale of alcoholic beverages for off-premises consumption must comply with ORS chapter 471 and any rules adopted thereunder.
3. Paragraph 1 of this Executive Order does not apply to health care facilities, child care facilities, workplaces, essential government buildings, essential emergency response facilities, essential school-based food programs, and essential shelter and meal programs serving vulnerable populations. Such places are encouraged to use social distancing, staggered schedules, take-out, and other similar measures to reduce the risk associated with the spread of COVID-19.



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### Prohibition on Gatherings of 25 People or More

4. Pursuant to ORS 433.441(3)(a), (b), (d) and (f), ORS 401.168(1), and ORS 401.188(2), I am prohibiting social, spiritual, and recreational gatherings of 25 people or more. This prohibition applies statewide.
5. Gatherings subject to Paragraph 4 of this Executive Order include, but are not limited to, any community, civic, public, leisure, faith-based, and sporting events, concerts, conventions, fundraisers, fairs, festivals, and any similar events or activities, if a distance of at least three (3) feet between individuals cannot be maintained.
6. Paragraph 4 of this Executive Order does not apply to essential businesses and services, including but not limited to workplaces, grocery stores, retail stores, convenience stores, banks and credit unions, gas stations, hotels or motels, health care facilities, pharmacies, child care facilities, and state or local government. It also does not apply to schools, which are subject to other prior directives regarding statewide school closures. Exempt businesses and services are nonetheless encouraged to implement social distancing protocols, consistent with guidance from the Oregon Health Authority.
7. Executive Order No. 20-05 (prohibition on large gatherings) is rescinded, and replaced by the directives in this Executive Order.

### Effective Date and Enforcement

8. This Executive Order is in effect as of 5:00 p.m. on March 17, 2020, and remains in effect through April 14, 2020, unless extended or terminated earlier by the Governor.
9. This Executive Order is a public health law, as defined in ORS 431A.005, and may be enforced as permitted under ORS 431A.010. Additionally, any person found to be in violation of this Executive Order is subject to the penalties described in ORS 401.990.



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10. Individuals and businesses are strongly encouraged to comply with the terms and spirit of this Executive Order, so law enforcement can focus on serving vital needs in our communities during the ongoing emergency.

Done at Portland, Oregon this 17<sup>th</sup> day of March, 2020.

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Kate Brown  
GOVERNOR

ATTEST:

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Bev Clarno  
SECRETARY OF STATE



March 22, 2020

Sarah Poe, Director  
Malheur County Health Department

Adam Brown, City Manager  
City of Ontario Oregon

Malheur County Health Department and City of Ontario:

On Thursday, March 17, 2020 the Oregon Association of Hospitals and Health Systems released the following statement:

"The coronavirus is dangerous because although we can't see it, the virus is in our community and it is lethal. Hospitals and health systems are preparing for a surge in COVID-19 patients and it is critical that we have the capacity to care for those patients and others who present at our facilities. Mortality is higher when the health system gets overwhelmed. We must act now to save lives.

"Absent widespread testing and the ability to isolate patients, the public health tool we must use to avoid a rising patient surge is social distancing. Yesterday, our board recommended that the Governor take the strongest possible action when it comes to social distancing measures now. We support action on the state or local level to further limit retail commerce, unnecessary travel, and adopt 'shelter in place' strategies."

With this recommendation in mind, I am asking that local retail establishments that attract an inordinate amount of people from outside our immediate community to travel to Ontario to please consider curtailing or ceasing their operations. Specifically, the marijuana dispensaries in Ontario are estimated by the City to increase daily traffic visits to the area by 500 a day – 3,500 a week. Many of the vehicles making these trips are coming from counties such as Ada and Canyon County, that have positive COVID-19 cases being reported as opposed to our community that currently has no cases reported.

As we have seen what has happened in Blaine County, Idaho a rural county with a population of just 21,000 people, but the highest number of confirmed cases in Idaho at 17 as I write this, subjecting small communities to an influx of external visitors is dangerous for all involved.

Sincerely,

Ken Hart  
President, Saint Alphonsus Medical Center Ontario



# County of Malheur

## HEALTH DEPARTMENT

1108 S.W. 4th Street • Ontario, OR 97914 • (541) 889-7279

March 21, 2020  
For Immediate Release

### **Business Social Distancing Essential to Slow COVID-19 Pandemic**

The 2019 Novel Coronavirus (COVID-19) has claimed another life in Oregon, raising the state's death toll from three to four, the Oregon Health Authority (OHA) reported at 8:00 a.m. today. The OHA also reported 23 new cases of COVID-19, bringing the state total to 137, including a case in Grant County, which borders part of Malheur County. Idaho has a total of 36 cases, according to the Johns Hopkins [Coronavirus Resource Center](#), including a case in nearby Canyon County. With an increasing number of positive cases affecting every state in the union and over a thousand cases in both Washington and California, the likelihood of an outbreak across Malheur County increases each day.

Malheur County is stepping up measures to tackle the spread of COVID-19 with a Multi-Agency Coordination System and Incident Command, as the numbers of deaths and infections continue to grow in the state. The Malheur County Health Department has a response team dedicated to COVID-19 and is providing health resources, guidance, and technical assistance to partners while public health staff continue to provide essential services, adapting to social distancing guidelines.

All Oregon businesses and organizations have been asked to modify their practices to reduce gatherings and consider alternate approaches to work schedules and duties to reduce contact. Businesses are urged to assess their practices, implement strong social distancing measures, and close their doors temporarily if they cannot put the new guidance in place.

We remind all businesses to do the following:

- Follow all [Executive Orders](#) of the Governor, including prohibiting on-premises consumption of food or drink
- Implement social distancing protocols of at least three feet between customers ordering, waiting, or in line.
- Follow the CDC [Cleaning and Disinfection Recommendations](#)
- Ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing.
- Ensuring that employees who are sick remain home.
- Create and follow an Infectious Disease Outbreak Response Plan. For assistance, review the CDC [Guidance for Businesses](#).

Our highest priority is the health and safety of our community. To reduce the spread of COVID-19, to protect Malheur County residents who are at highest risk for contracting the disease, and to help

*The Malheur County Health Department does not discriminate on the basis of race, color, national origin, age, disability, sex, marital status, familial status, sexual orientation, religion, gender identity, political beliefs or source of income. Interpreter services and/or other assistive aids are provided at our facility at no cost. Our facility is accessible.*

avoid overwhelming local and regional healthcare capacity, it is necessary for every single person to follow social distancing and community mitigation measures.

For more information on COVID-19:

- For general information, call 211
- OHA Emerging Respiratory Disease page: [healthoregon.org/coronavirus](https://healthoregon.org/coronavirus)
- CDC COVID-19 page: [cdc.gov/coronavirus/2019-ncov](https://cdc.gov/coronavirus/2019-ncov)
- WHO page: [who.int/emergencies/diseases/novel-coronavirus-2019](https://who.int/emergencies/diseases/novel-coronavirus-2019)
- Malheur County Health Department: [malheurhealth.org](https://malheurhealth.org)

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**From:** [Sarah E. Poe](#)  
**To:** [Adam Brown](#); [Riley Hill](#)  
**Subject:** Dispensary Recommendation update  
**Date:** Monday, March 23, 2020 11:14:31 AM

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Adam and Riley,

I want to add to the letter I sent on Saturday two things:

1. We had a surge in calls complaining about the unsafe conditions at dispensaries, including one from 3/21 who identified herself as a “healthcare professional” who visited an “Ontario dispensary” and was “disgusted.. there were at least 200 people there.” She and others are asking public health to do something, but it is not in our jurisdiction to do so. We ask the City of Ontario to consider the risk of the spread of COVID-19 where there are crowds of people, especially at dispensaries, and take action to mitigate that risk to protect the residents of Ontario and Malheur County.
2. I received word from the state in response to my guidance to businesses to ensure at least 3 feet between all people that it has since been updated to 6 feet. All businesses, including and especially where more than 10 people are gathered, that there must be 6 feet distance maintained between people.

I am available if you need anything.

Thank you for your quick action,  
Sarah

Sarah Poe, Director  
Malheur County Health Department  
[www.malheurhealth.org](http://www.malheurhealth.org)  
1108 SW 4<sup>th</sup> Street  
Ontario, Oregon 97914  
Office: 541-889-7279 x127  
Mobile: 208-501-5966  
[sarah.poe@malheurco.org](mailto:sarah.poe@malheurco.org)

**EXECUTIVE ORDER NO. 20-12**

**STAY HOME, SAVE LIVES: ORDERING OREGONIANS TO STAY AT HOME, CLOSING SPECIFIED RETAIL BUSINESSES, REQUIRING SOCIAL DISTANCING MEASURES FOR OTHER PUBLIC AND PRIVATE FACILITIES, AND IMPOSING REQUIREMENTS FOR OUTDOOR AREAS AND LICENSED CHILDCARE FACILITIES**

On February 28, 2020, I appointed the State of Oregon's Coronavirus Response Team.

On February 29, 2020, the Department of Human Services issued strict guidelines, restricting visitation at congregated care facilities, including nursing homes.

On March 2, 2020, the State of Oregon Emergency Coordination Center was activated.

On March 8, 2020, I declared an emergency under ORS 401.165 *et seq.* due to the public health threat posed by the novel infectious coronavirus (COVID-19).

On March 12, 2020, I prohibited gatherings of 250 or more people, and announced a statewide closure of Oregon K-12 schools from March 16, 2020, through March 31, 2020.

On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 16, 2020, the Department of Human Services imposed its most recent protective measures to restrict visitors to long-term care facilities and other residential facilities. The Oregon Health Authority has adopted similar measures at the Oregon State Hospital and other behavioral health settings and has limited admissions to the Oregon State Hospital. The Oregon Department of Corrections has suspended all visits to state prisons.

On March 17, 2020, I prohibited gatherings of 25 or more people, banned on-site consumption of food and drink at food establishments statewide, and extending school closures until April 28, 2020. I also encouraged all businesses not subject to the prohibitions to implement social distancing protocols.

On March 18, 2020, I suspended in-person instructional activities at higher education institutions through April 28, 2020.

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On March 19, 2020, I ordered the postponement of non-urgent health care procedures, in order to conserve personal protective equipment and hospital beds for the state's COVID-19 emergency response efforts. I also directed the Oregon Health Authority to provide guidance regarding limitations and screening for visitors to hospitals and ambulatory surgical centers.

COVID-19 may cause respiratory disease leading to serious illness or death. The World Health Organization considers COVID-19 to be a global pandemic. COVID-19 spreads person-to-person through coughing, sneezing, and close personal contact, including touching a surface with the virus on it and then touching your mouth, nose, or eyes.

To reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) has recommended community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of people and social distancing in smaller gatherings.

State and local public health officials advise that the virus is circulating in the community and expect the number of cases to increase. The CDC reports that COVID-19 is most contagious when the individual is most symptomatic but may also spread before symptoms appear.

The number of COVID-19 cases continues to rise in Oregon. On March 8, 2020, at the time I declared an emergency, there were 14 presumptive or confirmed cases in Oregon. By March 12, 2020, there were 21. As of today, there are at least 161 cases and five deaths.

In a short time, COVID-19 has spread rapidly. Additionally, some Oregonians are not adhering to social distancing guidance provided by the Oregon Health Authority, as represented by crowds this last weekend at the Oregon Coast, Smith Rock State Park, the Columbia River Gorge, and other places around the state. To slow the spread of COVID-19 in Oregon, to protect the health and lives of Oregonians, particularly those at highest risk, and to help avoid overwhelming local and regional healthcare capacity, I find that immediate implementation of additional measures is necessary. The purpose of this Executive Order is to reduce person-to-person interaction with the goal of slowing transmission.



**EXECUTIVE ORDER NO. 20-12**  
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**NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:**

Stay Home, Save Lives

1. It is essential to the health, safety, and welfare of the State of Oregon during the ongoing state of emergency that, to the maximum extent possible, individuals stay at home or at their place of residence, consistent with the directives set forth in my Executive Orders and guidance issued by the Oregon Health Authority. To that end, pursuant to ORS 433.441(3), ORS 401.168(1), ORS 401.175(3), and ORS 401.188(2) to (3), I am ordering the following:
  - a. Non-essential social and recreational gatherings of individuals outside of a home or place of residence (e.g., parties, celebrations, or other similar gatherings and events) are prohibited immediately, regardless of size, if a distance of at least six feet between individuals cannot be maintained.
  - b. Individuals are prohibited from patronizing businesses that are closed pursuant to paragraph 2 of this Executive Order, and from engaging in conduct prohibited by prior Executive Orders or inconsistent with guidance provided by the Oregon Health Authority.
  - c. When individuals need to leave their homes or residences, they should at all times maintain social distancing of at least six feet from any person who is not a member of their immediate household, to the greatest extent possible, and comply with the other Social Distancing Requirements guidance issued by the Oregon Health Authority.
  - d. Individuals may go outside for outside recreational activities (walking, hiking, etc.), but must limit those activities to non-contact, and are prohibited from engaging in outdoor activities where it is not possible to maintain appropriate social distancing (six feet or more between individuals).
  - e. Failure to comply with any of the provisions of this Executive Order constitutes an imminent threat and creates an immediate danger to



## EXECUTIVE ORDER NO. 20-12 PAGE FOUR

public health. Any person found to be in violation of this Executive Order is subject to the penalties described in ORS 401.990.

### Closure of Certain Businesses

2. Pursuant to ORS 433.441(3)(a), (b), (d) and (f), ORS 401.168(1), and ORS 401.188(1) to (3), and effective 12:01 a.m. on March 24, 2020, I prohibit the operation of the following businesses, for which close personal contact is difficult or impossible to avoid:

Amusement parks; aquariums; arcades; art galleries (to the extent that they are open without appointment); barber shops and hair salons; bowling alleys; cosmetic stores; dance studios; esthetician practices; fraternal organization facilities; furniture stores; gyms and fitness studios (including climbing gyms); hookah bars; indoor and outdoor malls (i.e., all portions of a retail complex containing stores and restaurants in a single area); indoor party places (including jumping gyms and laser tag); jewelry shops and boutiques (unless they provide goods exclusively through pick-up or delivery service); medical spas, facial spas, day spas, and non-medical massage therapy services; museums; nail and tanning salons; non-tribal card rooms; skating rinks; senior activity centers; ski resorts; social and private clubs; tattoo/piercing parlors; tennis clubs; theaters; yoga studios; and youth clubs.

3. Paragraph 2 of this Executive Order does not apply to restaurants, bars, taverns, brew pubs, wine bars, cafes, food courts, coffee shops, or other similar establishments that offer food or drink, which remain subject to Executive Order No. 20-07 (prohibiting on-premises consumption of food or drink, but allowing take-out or delivery service).
4. Indoor and outdoor malls, and other businesses subject to paragraph 2 of this Executive Order, are not prohibited from operating to provide food, grocery, health care, medical, pharmacy, or pet store services.
5. Subject to approval by the Governor, the Oregon Health Authority has the authority to determine if additional business closures are necessary to slow the spread of COVID-19 during the ongoing state of emergency.



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### Required Social Distancing for Other Retail Businesses

6. Pursuant to ORS 433.441(3)(a), (b), (d) and (f), ORS 401.168(1), and ORS 401.188(1) to (3), and effective 12:01 a.m. on March 24, 2020, I prohibit the operation of any other retail business not subject to paragraph 2 of this Executive Order, unless the business designates an employee or officer to establish, implement, and enforce social distancing policies, consistent with guidance from the Oregon Health Authority.
7. Retail businesses that fail to comply with paragraph 6 of this Executive Order will be closed until they demonstrate compliance.
8. Paragraphs 6 and 7 of this Executive Order do not apply to grocery, health care, medical, or pharmacy services, which also are encouraged to comply with social distancing guidelines.

### Workspace Restrictions

9. Pursuant to ORS 433.441(3)(a), (b), (d) and (f), ORS 401.168(1), and ORS 401.188(1) to (3), and effective March 25, 2020, all businesses and non-profit entities with offices in Oregon shall facilitate telework and work-at-home by employees, to the maximum extent possible. Work in offices is prohibited whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy.
10. When telework and work-from-home options are not available, businesses and non-profits must designate an employee or officer to establish, implement, and enforce social distancing policies, consistent with guidance from the Oregon Health Authority. Such policies also must address how the business or non-profit will maintain social distancing protocols for business-critical visitors.
11. Businesses and non-profits that fail to comply with paragraphs 9 and 10 of this Executive Order will be closed until they demonstrate compliance.



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### Government Buildings

12. Pursuant to ORS 433.441(3)(a), (b), (d) and (f), ORS 401.168(1), and ORS 401.188(1) to (3), and effective March 25, 2020, all state executive branch offices and buildings, to the maximum extent possible, shall close to the public and provide public services by phone and online during regular business hours. To the extent that closure is not feasible, in-person interactions between staff and the public should be by appointment, whenever possible. When public services require in-person interactions, social distancing measures must be established, implemented, and enforced, to the maximum extent possible.
13. State executive branch offices and buildings shall facilitate telework and work-at-home by employees, to the maximum extent possible. When telework and work-from-home options are not possible, agencies must designate an employee or officer to establish, implement, and enforce social distancing policies, consistent with guidance from the Oregon Health Authority.
14. Paragraphs 12 and 13 of this Executive Order apply to all offices and buildings owned or occupied by the state executive branch. This Executive Order does not apply to offices and buildings owned or occupied by the state legislative and judicial branches, federal government, local governments, and tribal governments, but those governments are nonetheless strongly encouraged to adhere to the policies underlying these directives.

### Childcare Facilities

15. Pursuant to ORS 433.441(3)(a) and (d), ORS 401.168(1), and ORS 401.188(2) and (3), it is ordered that any childcare facility licensed under ORS 329A.030 and ORS 329A.250 to ORS 329A.450 that does not meet the requirements of paragraph 16 of this Executive Order shall close from March 25, 2020, through April 28, 2020 ("effective period"), unless that period is extended or terminated earlier by the Governor.
16. Notwithstanding paragraph 15, childcare facilities are allowed to remain open during the effective period if they meet the following requirements:



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- a. Childcare must be carried out in maximum stable groups of 10 or fewer children ("stable" means the same 10 or fewer children are in the same group each day), and in a classroom that cannot be accessed by children outside the stable group; and
  - b. Facilities must prioritize the childcare needs of first responders, emergency workers, health care professionals, followed by critical operations staff and essential personnel, consistent with guidance provided by the Oregon Department of Education, Early Learning Division.
17. I delegate authority to the Oregon Department of Education, Early Learning Division, to set forth exceptions to the rules provided by paragraph 16 of this Executive Order, if it becomes necessary to do so.

Outdoor Recreation and Travel

18. Pursuant to the powers vested in me by ORS 433.441(3), ORS 401.168(1) and (3), and ORS 401.188(1) to (3), I hereby order all private and public campgrounds to be closed immediately. This order does not prohibit camp hosts or veterans from remaining in state campgrounds, nor does it extend to RV parks and other housing.
19. I authorize the Oregon Parks and Recreation Department to close any property or facility, when proper social distancing cannot be maintained.
20. I order the immediate closure of all pools, skate parks, outdoor sports courts, and playground equipment areas.
21. For public recreational areas that are permitted to remain open subject to this Executive Order, signs requiring social distancing must be posted at all entrances, exits, and in prominent areas. On-site restrooms must have trash cans, and soap and water or hand sanitizer available. Users of open public recreational areas must strictly adhere to social distancing guidelines.
22. Individuals are directed to minimize travel, other than essential travel to or from a home, residence, or workplace; for obtaining or providing food, shelter, essential consumer needs, education, health care, or emergency services; for essential business and government services; for the care of family members, household members, elderly persons, minors, dependents,

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**PAGE EIGHT**

persons with disabilities, or other vulnerable persons, pets or livestock; travel as directed by government officials, law enforcement, or courts; and other essential travel consistent with the directives of my Executive Orders and guidance from the Oregon Health Authority.

Enforcement

23. The directives in this Executive Order are effective statewide.
24. This Executive Order is a public health law, as defined in ORS 431A.005, and may be enforced as permitted under ORS 431A.010. Additionally, any person found to be in violation of this Executive Order is subject to the penalties described in ORS 401.990.

This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order have the full force and effect of law, and any law, ordinances, rules and orders shall be inoperative to the extent that they are inconsistent with this exercise of the Governor's emergency powers.

This Executive Order is effective immediately, and remains in effect until terminated by the Governor.

Done at Salem, Oregon this 23<sup>rd</sup> day of March, 2020.



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Kate Brown  
GOVERNOR

ATTEST:

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Bev Clarno  
SECRETARY OF STATE



## COVID-19 Public Health Response Marijuana rule temporary changes

In response to the current outbreak of the COVID-19 virus, the OLCC is adopting a temporary rule. It is important to note this change is only in place to promote social distancing efforts and it **will NOT** become a permanent rule.

This rule does NOT change any city or county ordinances and does NOT change any lease or rental agreements you may have.

**It is your responsibility as a licensee to make sure you are in compliance with all laws and legal agreements.**

The OLCC recognizes this temporary change is extraordinary, but during this public health crisis OLCC strongly urges marijuana licensees to be publicly responsible operators and not take advantage of relaxed regulations that are intended to benefit the protection of the public health of Oregonians. OLCC will be closely monitoring the implementation of this rule. OLCC licensees are expected to cooperate with all requests made by local law enforcement officials and city or county officials.

If the result of this temporary action is that there is too much disruption on the streets leading to and surrounding your business, traffic created as a result, or other public safety or health problems reported to OLCC, **the OLCC may suspend the temporary rule for everyone.**

Especially during this time as we work to make retail sales activity safe for everyone, remind yourself as a public license holder to be respectful and cooperative. If you cannot undertake this extraordinary privilege without disrupting neighboring business that are open during this time, please consider a limited entry model allowing only one or two customers in the store at one time. The OLCC thanks you in advance for your cooperation, please make every effort to keep your employees and customers safe.

### Retailer On-Site Delivery

OLCC has allowed by temporary rule retail licensees to take orders and deliver product from the retail store to a person who is outside of the store and within 150 feet of the retailer's licensed premises.

Such on-site delivery sales must:

- Have an accompanying bona fide order that is received prior to the on-site delivery being made;
- Only be made during the retailer's normal business hours, not earlier than 7:00 AM, and no later than 10:00 PM; and
- Be recorded in CTS (Metrc) as a standard sales receipt (no delivery manifest).

Examples of this temporary privilege include delivering product to a person in the parking lot of the store, a person at the front entrance of the store, or a person at a walk-up or drive-thru window of the store.

This is *a choice for retailers* to make; it is not mandated that you exercise this on-site delivery privilege. Please consider your safety and the safety of your employees if you decide to implement this option.

It is highly recommended for your safety and the safety of others that on-site delivery sales take place under camera coverage. As you all know, camera coverage has aided law enforcement in conducting investigations when businesses have been targeted by criminals.

If you wish to use the on-site delivery option, here are a few things you will need to do:

When taking an order for marijuana products, over the phone, email, website, app, or in person, the order must contain, at minimum, the following:

- Requestor's name and date of birth;
- The date delivery is requested; and
- A document that describes the marijuana items proposed for delivery and the amounts.

Enter the on-site delivery into CTS or your point of sale system the same way you would enter a regular in store sale. An on-site delivery does not require a printed manifest.

When the order is brought outside to the individual, you must check the purchaser's ID to verify the person is over 21 (or over 18 if an OMMP cardholder) and is the person who made the order. **NO exceptions.**

Signature requirements are temporarily not required.

Make sure your store is secure while you or your employees are outside.

### [Retail sales to OMMP cardholders and caregivers](#)

The temporary rule increases the amount of flower that OMMP cardholders and caregivers can purchase to 24 ounces per day and no more than 32 ounces per month. This change temporarily increases the daily purchase limit for OMMP cardholders to match their personal possession limit. This rule ***does not*** change the total monthly amount a cardholder or caregiver is currently permitted to purchase from an OLCC-licensed retailer.



**AGENDA REPORT  
NEW BUSINESS  
March 24, 2020**

To: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

**SUBJECT: DOWNTOWN PROJECT**

DATE: March 22, 2020

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**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL APPROVE AN ADDITIONAL \$4,500 TO CK3 FOR ADDITIONAL DESIGN EFFORT FOR THE SOUTH OREGON STREET PROJECT.**

**SUMMARY:**

CK3 has been contracted with the City for the design for the South Oregon project. Recently, variation in the existing site conditions has resulted in additional design effort. The cost of that additional effort needs to be approved by Council.

**BACKGROUND:**

CK3 began the design for South Oregon last spring. They conducted the survey for the project at that time. Subsequently, they developed a conceptual design, and through Jacobs, presented several concepts for the bulbouts and crossings to the Council. Selection of the concepts was made last fall. The project has progressed to final design.

**CURRENT SITUATION:**

On February 27th, Public Works staff learned that there were some basements under at least one of the areas of sidewalk where the project was to be constructed. This information was conveyed to CK3. Final stages of design were immediately halted as more information was gathered. There are two mid-block crossings with basement space. The third area that was identified as having a void space under the sidewalk in the construction area is at the corner in front of The Competition. The additional funding requested is to cover the changes needed for the design effort to accommodate these changed site conditions and addition of a cost estimate for the project.

**ANALYSIS:**

- A. **STRATEGIC PLAN** The South Oregon project clearly meets the City's Strategic Plan goals of desirability, beautification and lifestyle, by improving the look and safety of the downtown core.
- B. **FINANCIAL** The Council approved a budget of \$44,500 for CK3. To cover changing site conditions, they are requesting an additional \$4,500 to complete the final design.
- C. **TIMING** Timing is critical in order to get this project bid as quickly as possible.
- D. **POLICY/LEGAL** Increasing the project budget requires Council approval.

**ALTERNATIVES:**

If the increased budget is not approved, the design will not be finalized and the project will not be bid or constructed.

By approving the budget, CK3 will work quickly to finalize the design and get the project out to bid.

**RECOMMENDATION:**

Staff recommends Council approve the increased budget of \$4,500 to deal with changing site conditions.

**ATTACHMENTS:**

None