

City of Brookings

SPECIAL MEETING AGENDA

CITY COUNCIL

Monday, May 6, 2020, 5:00 pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Staff Reports

1. Potential Modification on Restrictions on Transient Lodging Facilities [City Manager, Pg.2]
 - a. Phased-in Approach [Pg. 3]
 - b. Resolution 20-R-1176 [Pg. 4]

E. Remarks from Mayor and Councilors

F. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, at Brookings City Hall. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

Due to the COVID-19 virus, meeting participants in the council chambers will be limited and social distancing of six (6) feet will be required and maintained. If you would like to view the City Council Meeting live, you can via:

- Television – Charter Channel 181
- Internet – Go to the City of Brookings website at <http://www.brookings.or.us>

Watch Meeting Live instructions: 1. Visit the City of Brookings website home page. 2. Click on Government (top page). 3. Click on City Council (right side). 4. Under Agenda & Meetings click Watch Meeting Live. 5. You will need to download the VLC Media Player. Follow directions and links for your device.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 6, 2020

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject:

Potential Modification of Restrictions on Transient Lodging Facilities

Background/Discussion:

The City Council adopted Resolution 20-R-1176 on March 26, 2020, temporarily and partially restricting the Rental of Transient Lodging Facilities (TLFs). On April 23rd, the Council voted to extend the restrictions for 30 days, and also agreed to meet weekly to discuss, as we understand the situation is constantly changing.

The City Managers of Brookings, Gold Beach, and Port Orford and the County Economic Development Director met to work on protocol for TLFs and worked on a phased in approach. A sample phased-in approach is attached. The Council has also discussed phasing in the reopening of TLFs at prior meetings.

If the City of Brookings opened lodging at 50%, that would be a total of 153 units (excluding Harris Beach State Park which will not open until at least June). That is 2.3% of our population. As compared to the unincorporated portion of the County, 50% would be 512 units; 3.9% of the population of the unincorporated area.

On Monday night, May 4, 2020, the City of Gold Beach City Council voted to repealed their resolution that had restricted Transient Lodging Facilities, effective Friday, May 8th at noon.

Curry County Commissioners have a meeting on Wednesday, May 6, 2020 at 9:00 am. Included on their agenda is an item to repeal the order that restricted Transient Lodging Facilities.

Attachment:

- a. Phased-in Approach
- b. Resolution 20-R-1176

Sample “Phased-in” Approach for the County and Cities:

BEST MANAGEMENT PRACTICES FOR LODGING FACILITIES IN THE CITIES OF PORT ORFORD, GOLD BEACH, BROOKINGS AND CURRY COUNTY RELATED TO COVID-19

Hotels, Motels and Lodging -- Effective - 5-8 at Noon - 50 % occupancy (every other room – two-week phase - revisited 5-20) - 48 hours ample delays - sanitation procedures as referenced in the BMP Document CDC

RV's - Tents -- Effective - 5-8 at Noon - 50% occupancy (Two-week phase – revisited 5-20) - (every other Space) - in addition and with procedures as referenced in the BMP Document - CDC

Vacation Rentals -- Effective - 5-8 at Noon - 100% occupancy (Two-week phase or revisited on the -20th) - in addition and with procedures in addition and with procedures as referenced in the BMP Document - CDC

All remaining local Curry businesses -- 5-15 at Noon (subject to anticipated Governor Brown new guidelines – OHA, etc.) - in addition and with procedures as referenced in the BMP Document - CDC

Note: Follow all CDC and OHA Guidelines – Curry County would request - all related service personnel to wear at least Non-Medical Masks. This may lower the risks for any possible new positive cases

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 20-R-1176

**A RESOLUTION OF THE CITY OF BROOKINGS TEMPORARILY AND PARTIALLY RESTRICTING
THE RENTAL OF TRANSIENT LODGING FACILITIES TO CERTAIN PERSONS**

WHEREAS, the City of Brookings Council declared that a local State of Emergency exists for the City of Brookings under ORS 401.309 on March 23, 2020, Resolution 20-R-1174; and

WHEREAS, the Curry County Board of Commissioners declared that a local State of Emergency exists for Curry County under ORS 401.309 on March 18, 2020, Resolution No. R2020-08; and

WHEREAS, on March 8th, 2020, Oregon Governor Kate Brown moved Executive Order 20-03, Declaration of Emergency due to Corona Virus (COVID-19) outbreak in Oregon; and

WHEREAS, on March 12th, 2020, Oregon Governor Kate Brown moved Executive Order 20-05 Prohibiting Large Gatherings Due to Coronavirus (COVID-19) Outbreak in Oregon; and

WHEREAS, on March 17th, 2020, Oregon Governor Kate Brown moved Executive Order 20-06 Declaration of Abnormal Disruption of the Market due to COVID-19; and

WHEREAS, on March 17th, 2020, Oregon Governor Kate Brown moved Executive Order 20-07 Prohibiting On-Premises Consumption of Food or Drink and Gatherings of More Than 25 People; and

WHEREAS, on March 17th, 2020, Oregon Governor Kate Brown moved Executive Order 20-08 School Closures and the Provision of School-based and Child Care Services in Response to Coronavirus (COVID-19) Outbreak; and

WHEREAS, on March 19th, 2020, Oregon Governor Kate Brown moved Executive Order 20-09 Suspension of In-Person Instructional Activities at Higher Education Institutions in Response to Coronavirus (COVID-19) Outbreak; and

WHEREAS, on March 19th, 2020, Oregon Governor Kate Brown moved Executive Order 20-10 Preserving Personal Protective Equipment and Hospital Beds, Protecting Health Care Workers, Postponing Non-urgent Health Care Procedures, and Restricting Visitation in Response to Coronavirus (COVID-19) Outbreaks; and

WHEREAS, on March 22nd, 2020, Oregon Governor Kate Brown moved Executive Order 20-11 Enacting a Temporary Moratorium on Residential Evictions for Nonpayment in Response to Coronavirus (COVID-19); and

WHEREAS, on March 23rd, 2020, Oregon Governor Kate Brown moved Executive Order 20-12 Ordering Stay Home, Saves 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; and

WHEREAS, the Coronavirus (COVID-19) has greater health impacts to older populations and those with existing health conditions; and

WHEREAS, according to the US Census, Curry County's resident population of 50+ years of age is 55.7%, with a median age of 55.6 years; and

WHEREAS, according to the US Census, Curry County's resident population of 60+ years of age of full adults is 57.26%, having homes with at least one person 60+ years of age at 55.45%; and

WHEREAS, the 2018 Curry Health Risk Assessment by Advantage Health statistics show that Chronic Lower Respiratory Disease (CLRD) is the third leading cause of death in Curry County; and

WHEREAS, as of the date of this Resolution, there have been no presumptive of positive cases of Coronavirus (COVID-19) identified in Curry County; and

WHEREAS, the City of Brookings, Curry County, and our coastal communities have limited health care resources for in hospital patient care to treat Coronavirus (COVID-19) positive cases; and

WHEREAS, the City of Brookings and our coastal communities have limited supplies and resources for the needs of our residents or for people visiting our City and communities; and

WHEREAS, the City of Brookings resources are limited during this emergency time, along with first responder resources; and

WHEREAS, Governor Brown and the Oregon Health Authority have issued the Executive Orders listed above and protocols for state residents for social distancing and to stay home and stay healthy to reduce the spread and flatten the curve of the Coronavirus (COVID-19) as to not overwhelm the state's limited health care resources; and

WHEREAS, despite the Governor's "Stay Home" order, the City of Brookings and our coastal communities continue to experience an influx of visitors who are likely violating the Governor's order and the City has observed that such visitors commonly gather on the beach or in public in groups larger than ten people and such violations increase the risk of Coronavirus (COVID-19) spread in the City of Brookings, Curry County and our coastal communities; and

WHEREAS, the City of Brookings supports the long term success of our business community and encourages tourism, while recognizing that some business and tourism activities must be temporarily restricted because they encourage violations of Governor Brown's Executive Orders and violate the protocols from the Oregon Health Authority, in addition to adding stress on critical pandemic-fighting resources ; and

WHEREAS, the City of Brookings recognizes that during this time unlimited and increased Transient Lodging Facilities (TLF) rentals require increased housekeeping, laundry, maintenance, grocery-shopping, and other interactions, all of which increases the risk of virus spread; and

WHEREAS, the City has already asked Governor Brown to issue a similar restriction on TLF rentals and such restriction has not yet been issued; and

WHEREAS, the City Council and Mayor find that there is a causal nexus between a reasonable, temporary, and limited restriction of TLF rentals to certain persons and protecting the health, life, safety and welfare of the public while the successfully managing City resources during this pandemic; and

WHEREAS, the City Council and Mayor find that this reasonable, temporary, and limited restriction on certain TLF rentals is the least restrictive method of containing and minimizing our community's exposure to the virus in TLFs and in the visiting population;

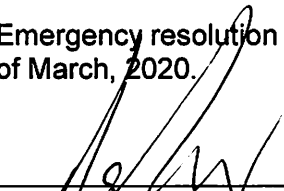
WHEREAS, the City desires to address the serious public health, life and safety emergency posed by the unlimited, unrestricted rentals of Transient Lodging Facilities within the City of Brookings to persons who are likely in violation of the Governor's "Stay Home" order; and

WHEREAS, the City reasonably expects that the influx of visitors to the City will soon increase due to school schedules, weekend travel, and Spring Break, thus increasing the risk of virus spread and likelihood of disease and death;

NOW THEREFORE BE IT RESOLVED THAT:

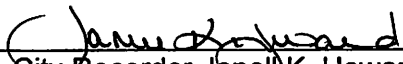
1. **Temporary, Partial Restriction on the Rental of Transient Lodging Facilities ("TLF").** Effective Friday, March 27, 2020 at 5:00 pm, the City of Brookings hereby temporarily restricts the rental of TLF's (which shall be defined as a "hotel" under Brookings Municipal Code 310.010A) until May 1st, 2020. Rental of TLFs during this time shall be limited to: persons in the trucking industry; victims of domestic violence; health care workers, government workers, first responders, and other persons deemed by the City, County or the State to be essential or necessary during the pandemic; persons seeking to use the TLF to responsibly quarantine themselves (if allowed by the TLF owner); and residents of the City of Brookings or any residents with a 97415 zip code
2. **Extension of Restriction by City Manager.** This temporary, partial restriction may be extended by the City Manager for up to one additional month as long as the Governor's "Stay Home" travel restrictions are similarly extended.
3. **Appeal.** TLF owners who wish to appeal this temporary, partial restriction may do so by providing, in writing, the following: 1) proof that a person not listed in Section 1 above has requested lodging during the Restriction time period; and 2) a showing that the TLF rental to such a person will not increase the risk of virus spread within the City. The Council hereby delegates to the City Manager the authority to make the final appeal decision. Such final appeal decision shall be provided in writing to the appellant within two business days.

Emergency resolution passed by the City Council March 26, 2020 ; dated and effective this 26th day of March, 2020.



Mayor Jake Piper

Attest:



City Recorder Janelle K. Howard