



RESOLUTION No. 2024-3915

A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY AND RATIFYING ACTIONS IN RESPONSE TO THE STATE OF THE EMERGENCY

Recitals:

1. **WHEREAS**, the City has been experiencing impacts from extreme winds, cold, and precipitation for the last several days.
2. **WHEREAS**, after conducting an initial inspection, the City believes that extreme weather contributed to a water pipe rupture in the fire suppression system within City Hall.
3. **WHEREAS**, due to the water pipe rupture, City Hall has been severely damaged by flood water.
4. **WHEREAS**, City Hall has been closed for the safety of the City's employees and the public.
5. **WHEREAS**, the circumstances described above could not have been reasonably foreseen, and City Hall requires immediate repair and remediation to prevent further, imminent, and substantial damage and harm to persons and property.
6. **WHEREAS**, the City Manager has identified a contractor to perform emergency repair and remediation work at City Hall and will identify additional contractors as necessary to provide goods and perform services related to repair and remediation work at City Hall.
7. **WHEREAS**, prompt execution of a contract is required to remedy the harm and damage described above.
8. **WHEREAS**, ORS 279A.010(f) defines an "emergency" as meaning circumstances that "could not have been reasonably foreseen;" "create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety;" and "require prompt execution of a contract to remedy the situation."
9. **WHEREAS**, ORS 279B.080 and ORS 279C.320 authorize the head of a contracting agency, or a person designated under ORS 279A.075, to make or authorize others to make emergency procurements of goods or services in an emergency.
10. **WHEREAS**, NMC 3.25.060 defines an "emergency" as meaning "circumstances that could not have been reasonably foreseen, create a substantial risk of loss, damage, or interruption of services or a

substantial threat to property, public health, welfare, or safety, and require prompt execution of a contract to remedy the condition.”

11. **WHEREAS**, NMC 3.25.050.E.1 authorizes the City Manager to execute a contract without competitive selection and award or City Council approval when the City Manager determines that immediate execution of a contract is necessary to prevent substantial injury to persons or property.

12. **WHEREAS**, NMC 3.25.050.E.3 authorizes the City to award a public improvement contract under emergency circumstances if the City Council has made a written declaration of emergency.

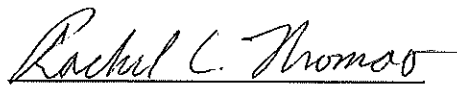
13. **WHEREAS**, ORS 401.309 authorizes City Council, as the governing body for the City of Newberg, to declare emergencies and carry out activities that allow the City to minimize, respond to, or recover from emergencies.

The City of Newberg Resolves as Follows:

1. **Declaration of Emergency.** A local state of emergency is declared by the Newberg City Council, effective on this 16th day of January, 2024.
2. **Procurement Authorized and Ratified.** The conditions noted above constitute an emergency under ORS 279B.080 and NMC 3.25. All contracts necessary to alleviate the emergency conditions noted above may hereby be issued as “emergency procurements” with such competition, or no competition, as the City Manager determines is feasible or prudent under the circumstances. Furthermore, all actions taken, and public contracts entered into, by the City Manager to alleviate the emergency conditions noted above are hereby ratified, confirmed, and approved in all respects.
3. **Waiver.** The City Council waives the requirement for furnishing a performance and payment bond under ORS 279C.380.
4. **Expiration.** This resolution shall remain in effect until March 16, 2024.

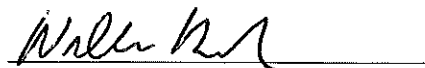
Effective Date of this resolution is: January 16, 2024.

Adopted by the City Council of Newberg, Oregon, this 15 day of January, 2024.



Rachel Thomas, City Recorder

Attest by the Mayor this 18 day of Jan, 2024.



Bill Rosacker, Mayor