



Port of Vancouver USA

**AGENDA
PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS
SPECIAL MEETING AGENDA
3103 Lower River Road, Vancouver, WA 98660
Thursday, March 26, 2020**

- A) **CALL TO ORDER VIA TELECONFERENCE* (3:00 p.m.)**
- B) **EXECUTIVE SESSION**
None
- C) **OPENING REMARKS (3:00 p.m.)**
1) Opening Remarks
- D) **OPEN FORUM**
None
- E) **ACTION ITEMS**
1) Approve Resolution 2-2020: Declaring Local Emergency and Delegation of Authority of Emergency Powers
- F) **ADJOURNMENT**

***ALL BOARD MEMBERS AND THE PUBLIC WILL PARTICIPATE VIA TELECONFERENCE DUE TO THE CORONAVIRUS DISEASE (COVID-19) EVENT PURSUANT TO WASHINGTON STATE GOVERNOR'S PROCLAMATION 20-28 DATED MARCH 24, 2020**

TO PARTICIPATE IN THIS SPECIAL MEETING, PLEASE CALL 1 (253) 527-1624 AND ENTER THE CONFERENCE ID NUMBER: 634030530 #.

Agenda Item No. E-1

**REQUEST FOR COMMISSION ACTION
REVIEWED BY**

PORT OF VANCOUVER USA

Executive Services Manager

Michelle Allan

Title

APPROVED BY

CEO

03/26/2020

Julianna Marler

Title

Date

SUBJECT: Approve Resolution 2-2020: Declaring Local Emergency and Delegation of Authority of Emergency Powers

BACKGROUND:

Novel Coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death, is caused by a new strain of coronavirus that had not been previously identified in humans and has proven it can easily spread from person to person.

The U.S. Center for Disease Control and Prevention (CDC) has identified a potential public health threat posed by COVID-19 both globally and within the United States, including within Washington State.

There are documented cases of COVID-19, including deaths caused thereby, within Washington State and the Washington State Department of Health has confirmed the person-to-person spread of COVID-19 and is finding an increasing risk of exposure and infection to the general public due to its potential to spread quickly.

This Resolution Declaring a Local Emergency and Delegating Authority of Emergency Powers authorizes the CEO to exercise such emergency powers to prepare for, address, manage, prevent, respond to, and remediate this health emergency. It further supports the Port's ability to obtain emergency funding, reimbursement, and permitting through federal, state, and local agencies.

Additional Information Attached? Yes

RECOMMENDATION: That the Board of Commissioners approve Resolution 2-2020: Declaring Local Emergency and Delegation of Authority of Emergency Powers to the Port of Vancouver's Chief Executive Officer.

Submitted by: _____, CEO

Date Action Taken _____

Motion By: _____

Approved: _____

Seconded By: _____

Deferred To: _____

Unanimous: Yes ___ **No** ___

RESOLUTION 2-2020

A RESOLUTION OF THE PORT OF VANCOUVER USA BOARD OF COMMISSIONERS DECLARING LOCAL EMERGENCY AND DELEGATION OF AUTHORITY OF EMERGENCY POWERS

WHEREAS, Novel Coronavirus (COVID-19), a respiratory disease that can result in serious illness or death, is caused by a new strain of coronavirus that had not been previously identified in humans and has proven it can easily spread from person to person; and,

WHEREAS, the U.S. Center for Disease Control and Prevention (CDC) has identified a potential public health threat posed by COVID-19 both globally and within the United States, including within Washington State; and,

WHEREAS, there are documented cases of COVID-19, including deaths caused thereby, within Washington State; and,

WHEREAS, the Washington State Department of Health has confirmed the person-to-person spread of COVID-19 and is finding an increasing risk of exposure and infection to the general public due to its potential to spread quickly; and,

WHEREAS, the U.S. Department of Health and Human Services declared a public health emergency for COVID-19 on January 31, 2020; and,

WHEREAS, Washington State Governor Jay Inslee proclaimed a public health emergency for COVID-19 on February 29, 2020; and,

WHEREAS, the County Council of Clark County, Washington declared a public health emergency regarding COVID-19 on March 13, 2020; and,

WHEREAS, the City Manager of Vancouver, Washington declared a civil emergency regarding COVID-19 on March 13, 2020; and,

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and,

WHEREAS, the President of the United States declared a public national emergency relating to COVID-19 on March 13, 2020; and,

WHEREAS, the President of the United States declared a public emergency in Washington state relating to COVID-19 on March 22, 2020; and

WHEREAS, the Port of Vancouver Board of Commissioners President called a Special Meeting of the Port of Vancouver Board of Commissioners for March 26, 2020 via conference call at 3:00 p.m. and to be conducted by conference call and said meeting was noticed as required by RCW 42.30, and specifically RCW 42.30.080 and held pursuant to WA State Governor's Proclamation 20-28 dated March 24, 2020; and

WHEREAS, there is an emergency present which necessitates this Resolution.

NOW, THEREFORE, BE IT DECLARED BY THE PORT OF VANCOUVER BOARD OF COMMISSIONERS:

1. **Proclamation.** The Board of Commissioners of the Port of Vancouver ("District") hereby and expressly finds and declares, based upon the Recitals above, which are expressly adopted herein, that COVID-19 is a civil public health emergency that:

1.1. Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences; and

1.2. Could, if unattended, seriously affect the safety, health, or welfare of a substantial number of citizens of the Port's district, or preclude the operation or use of essential public services and facilities with such magnitude or severity as to necessitate seeking federal, state, county, or other supplementation of local efforts or resources exerted or utilized in alleviating the danger, damage, suffering, or hardship faced.

2. **Authority.** This Resolution Declaring a Local Emergency and Delegating Authority of Emergency Powers ("Resolution") authorizes the Chief Executive Officer ("CEO") to exercise such emergency powers as may be lawful under applicable laws, regulations, ordinances, or the District's policies, and necessary, including by way of example and not limitation: general port powers under Title 53 RCW, RCW 53.12.270 (Delegation of powers to managing official), RCW 39.04.280(3) for emergency procurement, and Chapter 39.28 RCW (Emergency Public Works). Effective as of March 13, 2020 and as further detailed in Section 3 below, the CEO is authorized to exercise such lawful authority through the use and direction of District personnel, services, equipment, facilities, and such additional acts as the CEO may find necessary in his or her sole discretion to properly and safely manage this emergency.

3. **Powers.** In order to properly delegate and authorize the CEO to prepare for, address, manage, prevent, respond to, and remediate this emergency situation, the CEO shall have all necessary powers to do the following, which is provided for example and not limitation: Make necessary rules and regulations reasonably related to the emergency, to obtain supplies, equipment, personal property, professional, procured, or technical services, etc. (including selecting and awarding such contracts as necessary), such public works as defined by RCW 39.04.010, to authorize overtime and/or extended leave for personnel, to requisition personnel and material, obtain emergency funding, reimbursement, and permitting through federal, state, and local agencies, lease District

real and personal property within the CEO's reasonable business judgment, including amending current leases, amend agreements to respond to this emergency, and take such other lawful acts as may be necessary and reasonably related to the emergency situation declared hereunder.

3.1 The foregoing powers and authorities are to be read in addition to the District's existing Delegation of Authority- Resolution No. 9-2015; however, if there is a conflict between the Delegation of Authority - Resolution No. 9-2015 and this Resolution, this Resolution shall control.

3.2 If the CEO exercises any powers or authorities delegated under this Resolution, the CEO shall report such exercise to the Commission at the next held Commission meeting with explanation as to why it was necessary to take such action under this Resolution to meet the emergency articulated herein. If required by law, the Commission shall take such action in an open session to ratify the CEO's action(s) hereunder.

4. **Termination.** This Resolution shall continue in full force and effect until terminated by law or by further Resolution.

ADOPTED by the Port of Vancouver's Board of Commissioners at a Special Meeting held this _____ day of March, 2020.

President

Vice President

Secretary