



March 18, 2020

Joint Committee on Coronavirus Response
900 Court Street NE, Rm 334
Salem, OR 97301

Dear Co-Chairs Roblan, Holvey & Members of the Committee:

The League of Oregon Cities (LOC) represents Oregon's 241 cities across the state. These cities are actively partnering to communicate critical information with our shared constituents that will protect the health and safety of Oregonians and flatten the curve of coronavirus transmission. In addition to prioritizing social distancing and public health precautions, cities are on the front lines for providing public safety and emergency response.

LOC appreciates the leadership provided by Governor Brown with the Legislature's support to assemble an emergency response team that includes key state agencies and public health experts. From the LOC's perspective, equally important to this conversation has been the willingness of Governor Brown and the task force to listen and include our organization's voice as well as those in county government and an incredibly diverse set of voices across Oregon.

Oregon's response, like many states and other parts of the world, has been focused on how best to reduce the rate of transmission among the population. With the ever-increasing calls to reduce activity in local communities there are several local government functions that must be addressed by the Legislature. Many day-to-day functions of cities extend into the business community and cover some of the core business activities, including home construction and development. We need to find pathways to keep these activities moving forward in the communities we represent.

Given the guidelines offered to reduce the spread of COVID-19, communities may not be able to meet their statutory obligations regarding public participation standards associated with necessary meetings including city council meetings, planning commission meetings or budget committee meetings. Some cities may lack the ability to meet statutory timelines simply because staff are unavailable to manage the process.

It's not just a question of added flexibility for local governments to meet their obligations under statute, the Legislature must consider the impacts of protection standards on the day-to-day business of running a local government. LOC is not asking to reduce any of

the social distancing measures in place today. LOC and our members are requesting the Legislature address operational considerations that allow local governments to continue to operate in their communities given the various levels of social distancing standards in place.

As cities implement social distancing and quarantine, cities may find themselves in violation of several requirements in state law. Should a special session be held, LOC is requesting the following items be considered for added flexibility or explicit exemptions in statute, which would be limited to the duration of the coronavirus emergency:

Public Meetings

- Allow meetings with limited public body notice (ORS 192.640) if the purpose of the meeting is to address the subject of the declared emergency (COVID-19) and minutes and recordings of the meeting are posted as soon as practicable for public review.
- Allow requirements for public participation in all public meetings including those associated with local budget law, and land use decisions be met in writing.
- If the Governor declares a state of emergency pursuant to ORS 401.165, any public body that holds a meeting shall make a reasonable effort to have an interpreter present upon request, but the requirement for an interpreter under ORS 192.630 does not apply.
- Allow requirements for public participation in all public meetings to be met in writing.

Local Budget Law

- ORS 294.095 along with ORS 294.311 establish Oregon's Budget Law, which requires that cities must adopt budgets by June 30 of each year.
- ORS 294.414, ORS 294.426, and ORS 294.428 provide additional guidance to budget committee and issues related to public notice.
- The simplest solution to local budget development is to allow cities to complete the budget process without the use of an outside budget committee given the potential size of budget committees will likely violate the limitations on social distancing standards.
- Provide additional flexibility around what public participation looks like in the context of budget committee hearings during this public health emergency. One solution may be to give the jurisdiction the flexibility to meet hearing requirements by posting the budget and giving the public a set time for written comment prior to adoption.
- If committee members or staff are sick, quarantined, or at higher risk of complications and cannot attend the hearings it could make it challenging to adopt a budget by June 30th and make the necessary certifications to the county assessor for levying property taxes, and to DAS for receiving state shared revenue. Solutions might include extending timelines, allowing members who are able to participate to adopt a tentative budget, or allowing jurisdictions to continue to appropriate funds based on the prior year's budget.

Land Use Decisions

- Cities are subject to specific statutory deadlines for final land use decisions. ORS 227.178 requires cities to make final decisions on land use applications within 120 days and ORS 197.311 requires cities to make final decisions on residential development applications within 100 days.
- These requirements pose a challenge to cities and planning commissions who may be unable to meet quorum or public meeting requirements during this time of social distancing.

Public Records

- Temporarily suspend timelines for public records requests not related to the current emergency, with a sunset date.
- State clearly in statute that agencies may prioritize public records requests related to the declared disaster.

Economic Stability

- The League also urges this committee to address not only the immediate public health risks facing our state, but to also take action to reassure Oregonians that relief is coming for the employers and businesses who must shut their doors and for the working Oregonians who are losing pay and will be unable to make rent or afford groceries. LOC strongly supports the aggressive steps that the Governor has taken to encourage social distancing; but is also very concerned about the effect these policies will have on local businesses.
- We are heartened by the conversations at the state and federal level around assisting displaced workers and fully support those efforts. We strongly request that the Legislature also consider steps to ensure that those same workers have a job to return to once the crisis subsides. We would encourage the Committee to look at measures that will assist small businesses in managing cash flow issues during required businesses closures.
- LOC also urges the Legislature to provide housing stability to Oregonians missing work by enacting a moratorium on evictions during this emergency and providing access to rent assistance.
- We are asking for temporary relaxation of day care rules for cities to encourage workers to continue work while their children are being taken care of at city facilities.
- Economic stability directly informs our ability to protect the public health of Oregonians and our communities need reassurance that the state's response will protect our livelihoods, just as the business closures and social distancing directives protect our health.
- If the Legislature focuses on one element it will not be enough to address the entirety of a community's needs, which are dependent on both the basic health and safety needs and economic stability and economic livelihood of the small businesses and larger companies that are also part of the community.