

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 23-5340, FOR THE PURPOSE OF
RESCINDING RESOLUTION NO. 20-5096 REGARDING THE COVID-19 DECLARATION
OF EMERGENCY IN THE METRO REGION

Date: May 11, 2023
Department: Office of the Chief Operating
Officer; Office of Metro Attorney
Meeting Date: May 25, 2023

Prepared by: Office of Metro Attorney
Presenters: Marissa Madrigal, Chief
Operating Officer; Carrie MacLaren, Metro
Attorney
Length: Consent Agenda

ISSUE STATEMENT

Shall the Metro Council adopt Resolution No. 23-5340 ("Resolution") to rescind Resolution No. 20-5096 which declares a state of emergency in the Metro region related to the COVID-19 pandemic?

ACTION REQUESTED

Approval of the Resolution to rescind Resolution No. 20-5096 which declares a state of emergency and delegates authority to the COO that may be necessary to respond to that emergency.

IDENTIFIED POLICY OUTCOMES

By adopting this Resolution, the Metro Council rescinds Resolution No. 20-5096 and terminates its declaration of a COVID-19 state of emergency in the Metro region as well as revokes the temporary putrescible solid waste authority granted to the COO as set forth in Resolution No. 22-5243. Adoption of this Resolution recognizes that the emergency policies, authorizations, and requirements adopted by Resolution No. 20-5096 are no longer necessary to the ongoing state and regional COVID-19 response or have otherwise been addressed by amendments to the Metro Code. By adopting this Resolution, the Metro Council also rescinds the declaration of a COVID-19 state of emergency in the Metro region issued by the Metro COO on April 2, 2020.

STAFF RECOMMENDATION

Staff recommends adoption of Resolution No. 23-5340.

BACKGROUND

Resolution No. 20-5096, adopted April 23, 2020, ratifies the Declaration of Emergency issued by the COO on April 2, 2020, and delegates all necessary authority to the COO to respond to the pandemic emergency. Resolution No. 20-5096 generally authorizes the COO to suspend, waive, or amend Metro's administrative rules, standards, and forms if such action is necessary to respond to the emergency.

Resolution No. 20-5096 also includes more specific language that authorizes the COO to suspend certain code provisions and deadlines in Title V (Solid Waste) of the Metro Code, which regulates the region's solid waste entities. Given the restraints and difficulties related to scheduling and appearing at Metro Council meetings during the pandemic crisis, authority was given to the COO to suspend, waive or amend administrative rules, as well as to amend solid waste franchises and putrescible waste licenses as needed to respond to changing solid waste situations based on the COVID-19 pandemic and to allow necessary extensions and renewals for these administrative permits (licenses and franchises) without requiring Metro Council action. Furthermore, on January 20, 2022, Metro Council adopted Resolution No. 22-5243 which delegates to the COO temporary authority to enter into a short-term agreement, if necessary, with a solid waste facility outside the Metro jurisdictional boundary to address a backlog of solid waste at Metro transfer stations related to COVID-19 pandemic staffing shortages.

Additionally, Resolution No. 20-5096 authorizes the COO to extend deadlines in Metro Code Chapters 5.01, 5.02, 5.03 and 5.05 if strict adherence to the deadline would create an extreme hardship on a regulated entity or Metro due to federal, state or local orders related to the COVID-19 pandemic as certain deadlines may have been difficult to meet if regulated entities or Metro staff were unable to work on-site or obtain necessary documents and data in a timely manner.

Since Resolution No. 20-5096 was adopted in April 2020, Metro Council has adjusted Metro Code to allow flexibility with electronic meetings. On September 15, 2022, Metro Council adopted Ordinance No. 22-1483 for the purpose of amending Metro Code Section 2.01.055 to clarify attendance and participation of council members by electronic means. All other emergency policies, authorizations, and requirements adopted by the Metro Council in Resolution No. 20-5096 are no longer necessary to the ongoing state and regional COVID-19 response.

Governor Kate Brown issued Executive Order No. 20-03, which declared a state of emergency in Oregon due to the COVID-19 pandemic. Governor Brown adopted eight additional executive orders extending the COVID-19 state of emergency, and the final extension via Executive Order No. 21-36 included an expiration date of June 30, 2022. On March 17, 2022, Governor Brown issued Executive Order No. 22-03 which rescinded Executive Order No. 20-03 and Executive Order No. 21-36 and declared that the COVID-19 state of emergency would terminate April 1, 2022.

On Monday, April 10, 2023, President Joe Biden signed into law H.J. Res. 7, which terminates the national emergency related to the COVID-19 pandemic. The Federal COVID-19 Public Health Emergency (PHE) Declaration expired on May 11, 2023.