

**AUTHORIZING DECLARATIONS OF A)
STATE OF EMERGENCY AND CERTAIN)
ACTIONS DURING A STATE OF EMERGENCY)**

RESOLUTION 2020-2

WHEREAS, the Board of Commissioners (“Board”) of the Port of Toledo (“District”) has all of the powers and duties of a port district under ORS 777; and

WHEREAS, the Board has delegated administrative functions of the District to a Port Manager, who manages the daily operations of the District and implements Board policy; and

WHEREAS, the Board has reserved for itself all actions and legislative functions that are properly reserved to the governing body of a port district; and

WHEREAS, the Board acknowledges that during a state of emergency the Board or the Port Manager may be unavailable or unable to perform necessary administrative, operational, and legislative functions for the District; and

WHEREAS, the Board desires to define the circumstances that may constitute a state of emergency and to designate a line of succession whereby immediate and appropriate action may be taken to minimize, respond to, or recover from the emergency and to continue District operations during a state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF TOLEDO THAT:

Section 1. Emergency Defined. An “emergency” means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering, interruption of services, or financial loss. The events or circumstances causing an emergency may include, but are not limited to: fire, explosion, flood, severe weather, landslides, drought, earthquake, volcanic activity, spills or releases of oil or hazardous materials, disease, contagion, civil disturbance, riot, acts of terrorism, and war.

Section 2. Emergency Declaration. A “state of emergency” exists when the events or circumstances constituting an emergency are present and a declaration is made that the District is in a state of emergency.

- A. Except as otherwise provided in this Section, a declaration of a state of emergency shall be made by the Board of Commissioners (“Board”).


1. If a quorum of the Board is unable or unavailable to convene, the declaration may be made by the President of the Board, or the President's then-designated successor ("President"), in consultation with the Port Manager. The designated successor will be the Board Vice-President, and if not available, the Board Commission/Secretary. If the President is unable or unavailable to consult with the Port Manager, any two members of the Board, jointly and in consultation with the Port Manager, may make the declaration.
 2. In the event that neither the President nor two members of the Board are able or available to consult with the port Manager, the Port Manager may make the declaration of a state of emergency.
 3. If the Port Manager is unable or unavailable for a consultation under this Section, the consultation shall occur with the next in the line of succession to the Port Manager, as provided in Section 3 of this Resolution.
- B.** In the event a declaration of a state of emergency is made pursuant to Section 2(A)(1) or Section 2(A)(2), the Board shall convene as soon as is reasonably practicable to consider the declaration and to ratify or modify the declaration as the Board deems necessary.
- C.** A declaration of a state of emergency shall contain the following:
1. Findings by the declarant that an emergency exists, including the events or circumstances forming the basis for the emergency; and
 2. The actions authorized during the emergency, which may be any or all of the functions and actions identified in this Resolution; and
 3. The period of time that the state of emergency is anticipated to exist during which the actions will be authorized; and
 4. A statement that the declaration of the state of emergency, and any actions authorized pursuant to the declaration, must be ratified by the Board as soon as practicable.

Section 3. Authorized Actions. When a state of emergency has been declared, the Port Manager, or the Port Manager's successor, shall have the authority to perform any or all of the following actions, so long as such action is for the purpose of reducing loss of life, disruption of services, damage to District property or assets, or financial loss, or for the purpose of protecting any portion of the District's jurisdiction from threat or hazard, or to assist another federal, state, or local governmental entity upon request:

- A. Divert funds and resources appropriated for other purposes to meet immediate needs; and
- B. Enter into contracts of a duration that shall last no longer than the conclusion of the then-existing state of emergency, without regard to any spending limit otherwise imposed by the District's procurement rules; and
- C. Authorize local emergency operations plans; and
- D. Implement protective measures, which may include limiting physical access by the public to District staff and offices, including during public meetings or hearings of the Board; and
- E. Call an emergency meeting of the Board; and
- F. Coordinate or assist local communities and state agencies to alleviate disaster or emergency conditions, including by entering into agreements and the sending or receiving of resources; and
- G. Any action that the Port Manager reasonably believes is necessary to protect the District's resources.

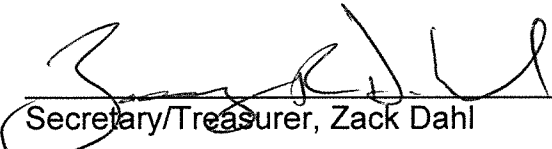
Section 4. Line of Succession. During a state of emergency, if the Port Manager is unable or unavailable to perform the Authorized Actions, the Assistant Port Manager shall have the authority of the Port Manager to perform such Authorized Actions. If the Assistant Port Manager is unable or unavailable to perform the Authorized Actions, the Maintenance Supervisor shall have the authority of the Port Manager to perform such Authorized Actions. The Assistant Port Manager or Maintenance Supervisor shall only be so authorized after receiving notification by the Port Manager or the President of such authorization.

This resolution is Passed and Approved by the Commission of the Port of Toledo at a regular meeting of said Commission at Toledo, Oregon, this 21th day of April 2020.



Commission President, Chuck Gerttula

APRIL 21, 2020
Date



Secretary/Treasurer, Zack Dahl

APRIL 21, 2020
Date