

RESOLUTION 2020-5

**A RESOLUTION OF THE PORT COMMISSION OF THE
PORT OF LONGVIEW DECLARING AN EMERGENCY RELATED
TO THE OUTBREAK OF THE CORONAVIRUS DISEASE 2019
(COVID-19), AUTHORIZING EMERGENCY POWERS AND
DELEGATING AUTHORITY TO THE CHIEF EXECUTIVE OFFICER**

WHEREAS, Washington State Governor Jay Inslee issued proclamation 20-05 on February 29, 2020, confirming person-to-person spread COVID-19 in Washington State and declaring that the worldwide outbreak of COVID-19 created a State of Emergency in all counties in Washington State; and

WHEREAS, Washington State Governor Jay Inslee issued proclamation 20-25 on March 23, 2020, prohibiting any gatherings of people outside of their homes except to conduct or participate in essential activities and/or employment in essential business services until midnight on April 6, 2020; and

WHEREAS, the President of the United States issued a "Proclamation on Declaring a National Emergency Concerning novel Coronavirus Disease (COVID-19) Outbreak" 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 Longview Port Commissioners held its regular scheduled meeting on March 24, 2020, and expressed its intent to issue an emergency declaration; and

WHEREAS, the Port of Longview Port Commission President called a Special Meeting of the Port of Longview Port Commission for April 1, 2020, via conference call at 10:00 a.m., after notice required by RCW 42.30 was given, to formally adopt this resolution declaring an emergency and delegating certain authority to the interim Chief Executive Officer; and

WHEREAS, an emergency necessitates this Resolution.

**NOW, THEREFORE, BE IT DECLARED BY THE PORT COMMISSIONERS OF
THE PORT OF LONGVIEW:**

1. **Declaration.** The Port Commissioners of the Port of Longview expressly find and declare, based upon the Recitals above, which are expressly adopted in this Resolution, that COVID-19 is a civil public health emergency and that:

1.1. Unforeseen circumstances beyond the control of the Port Commission

exist within the Port district that may: (a) present a real, immediate threat to the proper performance of essential Port functions; and (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken by the Port; and

1.2. Such circumstances may demand immediate action to preserve public health, protect life, protect public property, and to ensure the continued operation or use of essential Port services and facilities, which necessitates granting temporary emergency powers to the interim Chief Executive Officer (CEO) to immediately conduct Port business, as circumstances require, and to seek resources from federal, state, county, or other sources to alleviate the danger, damage, suffering, or hardship faced.

2. Authority. This Resolution authorizes the CEO to exercise such emergency powers to respond to the COVID-19 outbreak, as may be lawful under applicable laws, regulations, ordinances, or the Port's policies, including but not limited to: 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), as further detailed in Section 3.

3. Powers. Effective as of April 1, 2020 upon adoption of this Resolution, to respond to the COVID-19 outbreak, the CEO is authorized to exercise such lawful authority through the use and direction of Port personnel, services, equipment, facilities, and such additional acts as the CEO may find necessary in his sole discretion to properly and safely manage this emergency, including but not limited to the following: to execute contracts and other documents, amendments and modifications, and change orders thereto, that are needed to remedy or alleviate immediate threats to the proper performance of essential Port functions or to avoid or mitigate material loss or damage to property, bodily injury, or loss of life caused by or rising from COVID-19; to make necessary rules and regulations reasonably related to the emergency; to obtain supplies, equipment, personal property, and professional, procured, or technical services; to select and award such public works contracts as necessary; to employ temporary workers and to authorize overtime, and supplement leave policies for personnel related to COVID-19; to obtain grants and emergency funding and reimbursement; to seek permits through federal, state, and local agencies; to lease Port real and personal property within the CEO's reasonable business judgment, including amending current leases, and amending other agreements to respond to this emergency; and to take such other lawful acts as may be necessary and reasonably related to the emergency situation declared under this Resolution.

3.1 The foregoing powers and authorities are to be read in addition to the Port's existing Delegation of Authority- Resolution No. 2019-3; however, if there is a conflict between the Delegation of Authority - Resolution No. 2019-3 and this Resolution, this Resolution controls.

3.2 If the CEO exercises any powers or authorities delegated under this

Resolution, the CEO must report this exercise to the Port 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 must take action in an open session to ratify the CEO's action(s) under this Resolution.

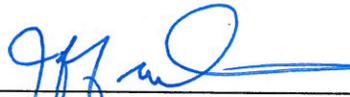
4. **Termination.** This Resolution shall continue in full force and effect until terminated by law or by further Resolution.

ADOPTED by the Port Commission of the Port of Longview at a Special Meeting held this 1st day of April, 2020.

PORT OF LONGVIEW
BOARD OF COMMISSIONERS



Allan Erickson, President
Commissioner, District 3



Jeff Wilson, Vice-President
Commissioner, District 1



Doug Averett, Secretary
Commissioner, District 2