
Hood River City Council
211 Second St.
Hood River, OR 97031
(541) 386-1488
www.cityofhoodriver.com

March 27, 2020

SPECIAL MEETING

10:00a.m.

	Kate McBride, Mayor		
Councilors:	Mark Zanmiller (President)	Megan Saunders	Tim Counihan
	Jessica Metta	Erick Haynie	Gladys Rivera

The City of Hood River is taking steps to limit exposure to and spread of COVID-19 (novel coronavirus). In support of state and federal guidelines for social distancing, the City of Hood River will hold this meeting by using Zoom Conferencing. Members of the public can call **(669) 900-6833 Meeting ID: 195 851 213** to listen to the meeting.

A speaker phone will be set up at City Hall for the members of the public who do not have the ability to call. No public comment will be taken at this meeting. Members of City Council and City staff will participate by telephone, they will not be on site at City Hall during the meeting. The City of Hood River strongly urges the public to listen by telephone to limit public contact. The audio recording of the meeting will be posted shortly after the meeting on the City's website.

Please check the CityofHoodRiver.gov website for the most current status of planned public meetings

- I. Call to Order
- II. Roll Call
- III. Opening Statements
 - i. Mayor McBride
 - ii. Councilor Rivera
- IV. Resolution placing restrictions Transient Lodging Facilities, R. Fuller
- V. Resolution explicitly authorizing use of Affordable Housing Construction Excise Tax funds for Land Acquisition and related Debt Service
- VI. Adjourn

**The City Council for the
City of Hood River, Oregon
Resolution No. 2020-05**

A Resolution Ratifying the Mayor's Declaration Directing the City Manager to Close Public Parks, Recreation Sites, Transient Lodging Facilities and Campgrounds to Prevent Aggregation of People and Reduce the Spread of the Novel Coronavirus

WHEREAS, pursuant to ORS 401.309, the City of Hood River adopted emergency declaration authority as codified in Chapter 2.48 (Emergency Operations) of the Hood River Municipal Code ("HRMC"), and on March 17, 2020, the City Manager issued an Emergency Declaration of a Local State of Emergency as a Result of the COVID-19 Pandemic activating certain emergency; and

WHEREAS, on March 19, 2020 the City Council convened a special meeting and ratified the City Manager's Emergency Declaration; and

WHEREAS, on March 23, 2020 the Governor issued another Executive Order (EO-20-12) prohibiting all non-essential social and recreational gatherings of individuals where a minimum 6-foot distance between all individual could not be maintained as a primary means of reducing the spread of the Novel Coronavirus, which causes COVID-19; and

WHEREAS, the Governor's March 23rd Executive Order was explicit that, while outdoor activities and exercise were permissible, a minimum 6-foot distance between all individuals must be maintained; otherwise, failure to comply constituted an imminent threat and immediate danger to public health because of the contagiousness and virulence of the Novel Coronavirus and mortality of the COVID-19 pandemic; and

WHEREAS, on March 25, 2020, the Mayor issued a Declaration Directing the City Manager to Close Public Parks, Recreation Sites, Transient Lodging Facilities and Campgrounds to Prevent Aggregation of People and Reduce the Spread of the Novel Coronavirus; and

WHEREAS, the City Council convened a special meeting on March 27, 2020 to consider ratification of the Mayor's Declaration.

NOW, THEREFORE, BE IT RESOLVED by the Hood River City Council, based upon ORS 401.309 and the authority in HRMC Ch. 2.48, that the Mayor's Declaration Directing the City Manager to Close Public Parks, Recreation Sites, Transient Lodging Facilities and Campgrounds to Prevent Aggregation of People and Reduce the Spread of the Novel Coronavirus, dated and effective March 25, 2020, attached as Exhibit A, is hereby ratified and adopted as the Council's own declaration.

Approved by the Hood River City Council this 27th day of March 2020, to take effect immediately.

Kate McBride, Mayor

Attest:

Approved as to form:

Jenifer Gray, City Recorder

Daniel Kearns, City Attorney

**The Office of the Mayor for the
City of Hood River, Oregon**

**A Declaration Directing the City Manager to Close Public Parks, Recreation Sites, Transient
Lodging Facilities and Campgrounds to Prevent Aggregation of People and Reduce the
Spread of the Novel Coronavirus**

The Mayor of the City of Hood River finds as follows:

WHEREAS, on March 17, 2020, Governor Brown issued an Executive Order (EO No. 20-07) that places restrictions on public gatherings by, among other things prohibiting social, spiritual and recreational gatherings of 25 people or more where at least a 3-foot social separation cannot be maintained and includes any community, public, leisure, faith-based and sporting events, concerts, conventions, fundraisers, fairs, festivals and similar events and activities; and

WHEREAS, on March 17, 2020, the City Manager issued an Emergency Declaration of a Local State of Emergency as a Result of the COVID-19 Pandemic activating certain emergency powers authorized by ORS 401.309 and the City's Emergency Operations Ordinance in Chapter 2.48 of the Hood River Municipal Code; and

WHEREAS, on March 19, 2020 the City Council convened a special meeting and ratified the City Manager's Emergency Declaration; and

WHEREAS, on March 23, 2020 the Governor issued another Executive Order (EO-20-12) prohibiting all non-essential social and recreational gatherings of individuals where a minimum 6-foot distance between all individual could not be maintained as a primary means of reducing the spread of the Novel Coronavirus, which causes COVID-19; and

WHEREAS, the Governor's March 23rd Executive Order was explicit that, while outdoor activities and exercise were permissible, a minimum 6-foot distance between all individuals must be maintained; otherwise, failure to comply constituted an imminent threat and immediate danger to public health because of the contagiousness and virulence of the Novel Coronavirus and mortality of the COVID-19 pandemic; and

WHEREAS, in the last 5 days, large numbers of people from outside Hood River County have flocked to the Columbia River Gorge and the City of Hood River and gathered, hiked and recreated in violation of the Governor's March 17th and 23rd Executive Orders, thereby creating an imminent threat and immediate danger to public health; and

WHEREAS, on Sunday, March 22nd all City parks and park restrooms were closed to the public; and

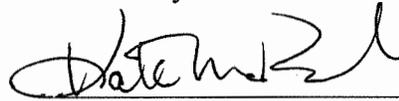
WHEREAS, to protect the health and safety of its citizens the Mayor finds it appropriate to put in place several restrictions to prevent visitors from coming to the City and aggregating at the City's recreational sites in violation of the Governor's Executive Orders prohibiting such aggregations where people do not maintain at least 6-feet of distance between every individual.

NOW, THEREFORE, it is hereby declared by the Mayor of the City of Hood River that the City Manager shall adopt, implement and enforce the following restrictions pursuant to her

authority under HRMC 2.48.060 and March 17, 2020 Emergency Declaration, as necessary measures to help prevent public aggregations of people and to curb the spread of the Novel Coronavirus:

1. Close all City Parks and recreational sites to public use.
2. Close all transient lodging facilities in the City, including motels, hotels, short-term vacation rentals, hosted home shares, bed and breakfasts, RV parks, and campgrounds. All camping on private property is prohibited, except for those approved by the Police Chief. Transient lodging facilities may remain open to serve only the following designated individuals:
 - a. Current registered guests for a term of longer than 30 consecutive days.
 - b. Essential personnel as defined by federal or state law, where lodging within Hood River County is necessary for work involving the safety of human life or the protection of property or performing other work consistent with the intent of this provision, *e.g.* emergency and public safety responders, truck drivers and supply providers, and construction industry workers.
 - c. Individuals deemed vulnerable by the Hood River County Health Department, which may include, but not be limited to, homeless individuals and individuals who may have been placed in quarantine due to the public health emergency.
 - d. Other individuals as authorized by the Hood River County Health Department.
3. The City Manager shall communicate and coordinate with the owners, operators and users of affected transient lodging facilities, which shall have 24 hours to vacate in accordance with this Declaration.
4. A violation of this Declaration or the Manager's March 17, 2020 Emergency Declaration shall be a Class C misdemeanor pursuant to ORS 401.990 and a civil infraction enforceable under HRMC Chapter 1.10 (Civil Enforcement).
5. This Declaration shall take effect immediately and consistent with HRMC 2.48.060(B), shall have the full force and effect of law during the declared state of emergency. All existing laws, ordinances, rules and regulations inconsistent with this Declaration shall be inoperative during this period of time and to the extent that such inconsistencies exist.

Ordered by the Mayor and Effective this the 25th day of March 2020.



Kate McBride, Mayor

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: March 27, 2020
To: Honorable Mayor and City Council
From: Will Norris, Finance Dir. / Asst. City Manager
Subject: Resolution Authorizing Affordable Housing Construction Excise Tax for Land Acquisition and Related Debt Service

Background:

On July 24, 2017, the Hood River City Council adopted Ordinance 2042 establishing a 1% Construction Excise Tax (CET) to fund Affordable Housing development. Ordinance 2042 set apportionment formulas for the CET revenue for three purposes, local affordable housing programs, developer incentives, and required remittances to the State of Oregon Housing and Community Services Department. As of 12/31/2019 the balance of the two accounts under local control were:

Local Housing Program	\$	260,653
Developer Incentives		138,375
TOTAL	\$	399,028

On October 28, 2019, the Hood River City Council adopted Resolution 2019-14 authorizing borrowing on a Full Faith and Credit basis for acquisition of 780 Rand Road for future Affordable Housing and related development. The property was purchased in early 2020 at a price of \$1.2 million.

Discussion:

The definition of local housing programs and developer incentives are broadly defined in Ordinance 2042. The ordinance provides several examples of allowable expenditures, but also states uses are not limited to only these examples. Example uses in code include:

Local Housing Program: Rent buy-downs and subsidies, Down-payment assistance, and down-payment assistance

Developer Incentives: System development, land acquisition, and local public improvements required by municipal governments

The attached Resolution 2020-06 memorializes a City Council interpretation of its own Ordinance 2042 that land acquisition costs and related debt service are an allowable use of local CET revenues. This clarification does not bind the City Council to use CET revenues for this purpose. The intention is to clarify all available funding options as the City builds the FY2020-21 Budget.

Fiscal Impact

FY2020-21 Debt Service on the Rand Road property is anticipated to be roughly \$200,000. However, final financing terms are still being finalized.

Staff Recommendation:

Adopt Resolution 2020-06 clarifying and affirming that CET is an available funding source for repayment of debt associated with the 780 Rand Road purchase

Alternatives:

Do not adopt Resolution 2020-06 and staff will exclude CET as a potential revenue source for the Rand Road repayment in the Proposed FY2020-21 Budget.

Attachments: Resolution 2020-06

**The City Council for the
City of Hood River, Oregon**

Resolution No. 2020-06

A Resolution Defining Developer Incentives and Programs and Incentives Related to Affordable Housing for Purposes of Construction Excise Tax Revenue Expenditures Under ORS 320.195(3)(a) & (c) and HRMC 15.17.075(C) & (D).

WHEREAS, the City of Hood River collects a Construction Excise Tax on new development pursuant to ORS 320.192, as codified in Chapter 15.17 (Construction Excise Tax) of the Hood River Municipal Code (“HRMC”) for purposes of facilitating affordable housing and developments that provide affordable housing; and

WHEREAS, ORS 320.195 limits expenditures of Construction Excise Tax revenue to funding “developer incentives” and “programs and incentives” of the city related to affordable housing with little clarity as to what incentives and programs qualify for these revenues; and

WHEREAS, the Council has defined in HRMC 15.17.075(C) (Use of Revenue) that “developer incentives” include the funding of system development charge subsidies and land acquisition costs for affordable housing projects, but did not include the cost of land acquisition as part of suitable “programs and incentives” that would also qualify for Construction Excise Tax revenue expenditures under ORS 320.195(3)(c) and HRMC 15.17.075(D); and

WHEREAS, the City Council is in the process of purchasing a significant parcel of vacant, developable land within the city that is suitable for several municipal purposes, including an affordable housing project, and the Councils desires to use Construction Excise Tax revenue for part of the land acquisition costs; and

WHEREAS, the expenditure requirements of ORS 320.195 and HRMC 15.17.075 warrant further clarification and definition as to what programs and incentives are sufficiently related to affordable housing to qualify for the use of Construction Excise Tax revenue, including the cost of land acquisition for affordable housing projects; and

WHEREAS, the Council undertook consideration of this matter and the appropriate clarification called for by state law and the local code in its regular meeting on January 27, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Hood River City Council that the cost of land acquisition is a significant and essential step in the development of an affordable housing project and that a subsidy of land acquisition costs is a suitable, appropriate and lawful use of Construction Excise Tax revenues as a developer incentive for affordable housing projects as anticipated by ORS 320.195(3)(a) and HRMC 15.17.075(C).

BE IT FURTHER RESOLVED by the Hood River City Council that a subsidy of land acquisition costs is a suitable, appropriate and lawful use of Construction Excise Tax revenues as part of the City’s programs and incentives related to affordable housing projects under ORS 320.195(3)(c) and HRMC 15.17.075(D).

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Approved by the Hood River City Council this 27th day of March 2020, to take effect immediately.

Kate McBride, Mayor

Attest:

Approved as to form:

Jenifer Gray, City Recorder

Daniel Kearns, City Attorney