

FILED

AUG 24 2021

STEVE DRUCKENMILLER, CLERK
By Steve Druckenmiller Clerk



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

IN THE MATTER OF REQUESTING THE GOVERNOR TO DECLARE A DROUGHT EMERGENCY FOR LINN COUNTY

RESOLUTION &
ORDER NO. 2021-301
(Declaration of Emergency)

COMES NOW, Linn County Emergency Manager Ric Lentz in a regularly scheduled and duly advertised meeting on August 24th, 2021, and respectfully requests that the Board of Commissioners for Linn County (Board) request that the Oregon State Governor declare a drought emergency in Linn County;

WHEREAS, Annual streamflows from snow pack and rainfall are insufficient to fully support Linn County farm and ranch operations, and drought conditions have negatively impacted crop yields and the health and welfare of livestock, including crop loss and livestock deaths, and will continue to do so;

WHEREAS, Restricting water rights to natural streamflows in Linn County in order to retain minimum flows for public instream uses would cause irreversible economic harm to Linn County and create financial hardship;

WHEREAS, The Oregon Water Resources Department may exercise emergency water rights authority following the Governor's drought declaration to help Linn County cope with low streamflows;

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1 WHEREAS, Reduced annual rainfall has caused drought conditions that have adversely
2 impacted the ability of the City of Sodaville to provide municipal water supply and potable drinking
3 water for the people of Sodaville, and the City of Sodaville has declared a drought emergency by
4 Resolution 21-07 (Exhibit 1);

5 WHEREAS, The impact of the drought to the City of Sodaville municipal water supply
6 requires water to be hauled to the City and assistance for this, or other tangible assistance, is needed
7 from the Oregon Office of Emergency Management; and

8 WHEREAS, The Board finds that an appropriate drought response is beyond the capability of
9 Linn County; now therefore be it

10 RESOLVED, That a local drought emergency is declared within Linn County;

11 RESOLVED, That pursuant to ORS 401.032(2) the Board declares that the emergency and
12 appropriate response is beyond the capability of Linn County;

13 RESOLVED, That pursuant to ORS 401.165 the Board declares a state of emergency for the
14 purpose of protecting the local economy through the Oregon Water Resources Department's
15 authority to mitigate the impact of low stream flows on the County's agricultural operations, and any
16 other State and federal assistance that may be available to address the impacts of drought conditions;

17 RESOLVED, That pursuant to ORS 401.165 the Board declares a state of emergency for the
18 purpose of obtaining assistance for the City of Sodaville as requested by City Resolution 21-07 from
19 the Oregon Office of Emergency Management, or other appropriate State or federal agencies; and

20 RESOLVED, That the Board requests that pursuant to ORS 401.165 the Governor declare an
21 emergency so that State assistance may be immediately released; and



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1 ORDERED, That the Linn County Emergency Manager shall take all necessary steps
2 authorized by law to coordinate response and recovery from this emergency, including but not
3 limited to requesting any available assistance from the State of Oregon and the Federal Emergency
4 Management Agency.

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6 Resolved this 24th day of August, 2021.

7 BOARD OF COUNTY COMMISSIONERS FOR
8 LINN COUNTY AYE NO

9  _____  _____

Roger Nyquist, Chairman


10 *mdm*  **ABSENT** _____

Sherrie Sprenger, Commissioner

11  _____  _____

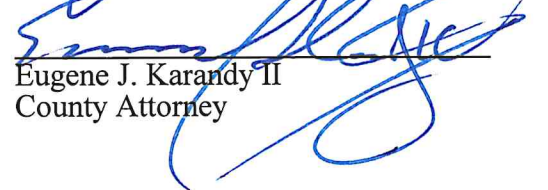
12 William C. Tucker, Commissioner

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14 APPROVED AS TO CONTENT:



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16 Darrin L. Lane
County Administrative Officer

14 APPROVED AS TO FORM:



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16 Eugene J. Karandy II
County Attorney



Office of the County Attorney
for Linn County
PO Box 100
Albany, OR 97321

RESOLUTION NO. 21-07

A RESOLUTION OF THE CITY OF SODAVILLE DECLARING A LOCAL DISASTER AND EMERGENCY FOR THE PURPOSE OF ASSESSMENT, EVALUATION, AND ACQUIRING THE ABILITY TO PROVIDE AVAILABLE RESOURCES

WHEREAS, The City of Sodaville ("City") has all the powers, statutes, and common law of the United States and Oregon expressly or implied grant or allow City; and,

WHEREAS, annual water supplies are significantly lower than normal due to extreme drought; and,

WHEREAS, those conditions have resulted in a loss of municipal water supply and potable drinking water for the people of Sodaville; and,

WHEREAS, the Sodaville City Council ("Council") has

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SODAVILLE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Findings. The above stated findings contained in this resolution are hereby adopted.

Section 2. Emergency Declaration. A local disaster due to a lack of municipal water is hereby declared within City's incorporated limits. Pursuant to ORS 401.032(2), the Council finds that an appropriate response to the disaster is beyond City's capability. City is declaring a state of emergency for the purpose of assessment, evaluation, and acquiring the ability to provide appropriate available resources.

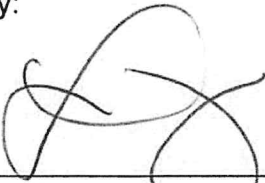
Section 3. City Request. The Council requests, through Linn County, in accordance with ORS 401.165(2) that (a) Governor Kate Brown declare a "State of Emergency" exists in Sodaville under the provisions of ORS 401.165 due to a lack of municipal water beginning at this time and continuing thereafter until municipal water collection resumes at a level supporting the needs of City, and (b) direct all relevant state agencies to respond as necessary to alleviate the harm caused by the ongoing disaster.

Section 4. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identities of the party may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," or "including" are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by the order of the Council to sure editorial and/or clerical errors.

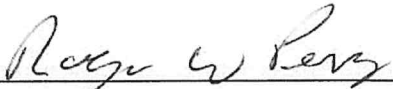
Approved, adopted, and made effective by the Common Council of the City of Sodaville on this 19th day of August, 2021.

4 Ayes 0 Nays

Signed by:



Mayor



President of the Council

Attest:



City Administrator