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Marshall Coba
CobaCo Government Relations

Coba’s Capitol Comments

Welcome to July and the second half of 2020. Let’s all hope for a smooth run to 2021.

Special session number one of 2020 lasted the entire week of June 22 and adjourned late in the afternoon on Friday, June 26. A single committee of fourteen legislators heard testimony from their Capitol offices and then only gathered in a committee room to vote on the bills. The Capitol was closed to the public and lobbyists and only allowed legislators, staff and the media to personally watch the proceedings. The Joint Committee on the First Special Session of 2020 was led by Senate President Peter Courtney and Speaker Tina Kotek. Democratic press releases after the session ended praised the breadth and depth of issues that were dealt with. The Republicans held a much different view. The press releases below offer a very clear perspective, tenor and tone on how the major parties look at the outcomes of the special session. We can expect more of the same in the second special session in August.

Speaker Tina Kotek press release:

<https://www.oregonlegislature.gov/kotek/Documents/Legislature%20Adjourns%20First%20Special%20Session%20of%202020.FINAL.pdf>

House Republican Leader Christine Drazan press release:

<https://www.oregonlegislature.gov/houserepublicans/Documents/House%20Republican%20Leader%20Statement%20on%20the%20Conclusion%20of%20the%20First%20Special%20Session%20of%202020.pdf>

Efforts to add an amendment regarding limiting liability for businesses, schools and local governments regarding COVID-19 compliance in the special session were ultimately unsuccessful but a workgroup will be named to work on the issue. It is expected this issue will be taken up in the second special session in August. The following language was the amendment for consideration: *“A person or entity acting in good faith shall not be subject to civil damages resulting from acts or omissions that complied with an executive order or regulation or were in accordance with guidance regarding COVID-19, unless the damages result from the person or entity’s gross negligence or from the person or entity’s reckless, wanton or intentional misconduct. This section applies to all causes of action that accrue during the complete duration of the COVID-19 emergency declaration, EO 20-03 issued March 9, 2020.”*

As businesses, schools, and local governments start to reopen, they are implementing safety measures in alignment with state public health guidelines and rules to protect workers and customers. But even if they implement public health measures, that doesn’t mean the risk of contracting COVID-19 is zero. Oregon’s schools, businesses, and nonprofits shouldn’t live in fear of opportunistic attorneys and crippling litigation during these uncertain times. Legislators must provide Oregon employers with a solution in the second special session.

Legislative leaders continue to eye early August for special session number 2. It is anticipated that Congress will pass additional funding for state and local governments to maintain budgets prior to this date and then the legislature can make decisions fully knowing what is financially available to them.

COVID-19 continues to spike in Oregon as more tests are being done. While the positive test results were reducing over the past couple of months, recent results indicate that the percentage of positive tests has increased. Yesterday Governor Brown held a zoom call with business lobbyist to ask for our assistance in helping to reduce the acceleration of positivity. She said that if we all work together we can get a better handle on the spike and if so she won’t need to re-close businesses. Her main message was to the restaurant and grocery industries, but she was requesting that all businesses maintain the appropriate social distancing and social awareness needed. Professional offices like engineering companies are not specifically called out in the newest guidance as are restaurants, grocery stores, fitness locations, bars, retail stores and other locations. But to the extent your company has space open to the public that guidance is here:

“Indoor spaces open to the public” include indoor spaces, whether publicly owned or privately owned, where the public has access by right or invitation, express or implied, whether by payment of money or not. In addition to the public areas of the businesses defined above, such spaces may include, but are not limited to, building lobbies or common spaces, elevators, bathrooms, and buildings or meeting rooms outside of private homes where people gather for social, civic, cultural or religious purposes.

Below is the OHA COVID-19 website:

<https://govstatus.egov.com/OR-OHA-COVID-19#collapseOHAGuidance>

Governor’s Guidance on Face Masks as of July 1, 2020:

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2288K.pdf>

Enjoy a safe and sane Fourth of July.



Derek H. Cornforth
ACEC Oregon’s 36th President
(1991-92)
Founder, Cornforth Consultants

In memoriam

Derek Cornforth, a past-president of ACEC Oregon, passed away early in the morning of June 11, at the age of 85. It was the 60th anniversary of his wedding to his wife, Rachel.

He was born in Whitby, England and grew up during WWII. He attended Durham University, and in 1955 traveled to Evanston, Illinois to study civil engineering at Northwestern University on a Fulbright scholarship. Upon returning to England, he enrolled in a doctoral program at Imperial College in London and graduated in 1961.

Derek worked in England and the Pacific Northwest as he advanced his career as a geotechnical engineer. He and his wife emigrated to the United States in 1974 with their two children.

In 1983, Derek founded the consulting engineering firm Cornforth Consultants / Landslide Technology. He took great pride in the success of his company and led the talented team of professionals until his retirement in 2001.

Major projects for Dr. Cornforth include the Westside Light Rail Zoo Station Landslide, for which Cornforth Consultants earned the ACEC Oregon Project of the Year Award; several assignments at Bonneville, The Dalles and John Day Dams; the Crater Lake Caldera Stability; the Mt. Tabor Dam Seismic Study; the Washington Park Landslide; and key assignments at Bull Run Dam No.2.

1955
BS, Civil Engineering
Durham University, England

1956
MS, Geotechnical Engineering
Northwestern University
(Fulbright Scholar)

1961
PhD, Geotechnical Engineering
Imperial College of Science and
Technology, London University, England

CAREER

1976 – 1983
Vice President, Shannon & Wilson Portland
Office

1983
Founder and President
Cornforth Consultants, Inc. and its division,
Landslide Technology

1991 – 1992
President of ACEC Oregon

2001
Retired in order to work on his professional
dream of writing a book on landslides

2001
Working full time to complete his book
“Landslides in Practice,” published by Wiley
in 2005

<https://www.cornforthconsultants.com/staff-derek-cornforth.html>

Remembrance gifts may be made to
the [Alzheimer’s Association](#) of Oregon.

Sign the online guest book
at www.oregonlive.com/obits.

His book on landslides was widely acclaimed in the country, resulting in Dr. Cornforth receiving the prestigious Borwell Award by the Geologic Society of America “in recognition of outstanding contributions to the interdisciplinary field of engineering geology.” In 2012, he was awarded the Robert Schuster Medal by the Canadian Geotechnical Society, becoming the first non-academia to earn such an award.

In 2000, Dr. Cornforth was invited to join an exclusive panel to help the U.S. Geological Survey on a 10-year plan to develop a National Agenda for Landslide Mitigation. He was one of very few private consulting engineers from around the country that were asked to join the committee, which was comprised primarily of federal agencies and academic professors.



Dr. Cornforth was the author of 26 technical papers. He was an invited speaker at several universities, and taught a graduate course in slope stability. His book on landslides has sold over 2,500 copies worldwide, and is used as a textbook in many universities. This book is his legacy for future generations of geotechnical engineers and engineering geologists.

MORE: <https://obits.oregonlive.com/obituaries/oregon/obituary.aspx?n=derek-harland-cornforth&pid=196390883>

If your firm offers
COVID-related services,
and you’d like to be [listed](#),
please contact
mwebber@acecOregon.org.

COVID-19 Related Services (provided by member firms)

- **Facility Health & Safety** - COVID-19 Industrial Hygiene / Cleaning Services
- **IT Management** - Learn how outsourcing IT saves money and is flexible to better address ever-changing business needs



Matt Reiffer, ACEC
Vice President, Infrastructure

Legislative Update on House Infrastructure Package

This afternoon the House passed its five-year, \$1.5 trillion infrastructure package, the *Moving Forward Act* (H.R. 2), their broad-based infrastructure investment package approved by the Transportation & Infrastructure Committee.

The overall bill is a non-starter in the Republican-led Senate, but we hope it will unlock bipartisan progress on surface transportation reauthorization, water resources development, energy, brownfields, broadband, public housing, health care facilities, and public school construction programs.

ACEC was concerned about amendments that had been filed that would have prohibited DOTs from contracting out for engineering and construction inspection services. We worked hard over the last two weeks to keep those measures out, and I am pleased to report that those problematic amendments were not included on the list for consideration on the Floor.

Text of the
Moving Forward Act
is [here](#).

The Section by Section
summary is [here](#).

A Five-Page Fact Sheet
is [here](#).



ACEC Engineering Influence podcasts

- [Highlights of Deltek's 41st Annual Clarity Architecture & Engineering Industry Study](#)
- [The Buildings We Live and Work In – an ACEC Research Institute Panel Discussion](#)
- [The Impact of Technology on Engineering – an ACEC Research Institute Roundtable](#)

Listen on [PodBean](#) or
[Apple Podcasts](#)

UPCOMING

- July 21 – “Navigating Our New Normal in the Workplace” complimentary webinar sponsored by Cushman & Wakefield
- August 12 – [Networking Day Golf Tournament](#), Langdon Farms

Comments? Questions? Please e-mail mwebber@acecOregon.org or adavis@acecOregon.org.

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