

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO PUBLIC HEALTH AND SAFETY AND DECLARING A CONTINUING STATE OF PUBLIC HEALTH EMERGENCY RELATING TO CORONAVIRUS (COVID-19) AND AUTHORIZING ACTIONS AS ARE REASONABLE AND NECESSARY TO MITIGATE CONDITIONS CAUSED BY SUCH PUBLIC HEALTH EMERGENCY

WHEREAS, on January 21, 2020, the Washington State Department of Health confirmed the first case of novel coronavirus (COVID-19) in the United States of America in Snohomish County, Washington, and local health departments and the Washington State Department of Health have since worked to identify, contact, and test persons in Washington State who may have been potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC); and

WHEREAS, on January 31, 2020, the Secretary of the United States Department of Public Health and Human Services, Alex Azar, declared a public emergency effective January 27, 2020, for the novel coronavirus known as COVID-19; and

WHEREAS, on February 29, 2020, Governor Jay Inslee signed Proclamation 20-05 declaring that a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the State, and that the risk of person-to-person transmission throughout Washington State and the United States of America would significantly impact the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace. The Governor directed State agencies and departments to utilize State resources to do everything reasonably possible to assist political subdivisions of the State in an effort to respond and recover from the outbreak; and

WHEREAS, on March 17, 2020, the Olympia City Council enacted Ordinance No. 7233 declaring a state of public health emergency, and that the Olympia City Council will take all actions within its powers and resources to protect the public peace, health, safety and welfare of the citizens and businesses of the City of Olympia during the novel coronavirus COVID-19 pandemic to mitigate the consequences of the illness and public health emergency taking place and to maintain essential public services such as police, fire, public works and public utilities such as water and solid waste collection; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, the Governor subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising the Governor's emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, on June 16, 2020, the Olympia City Council enacted Ordinance No. 7246 declaring a continuing state of public health emergency and authorizing actions as are reasonable and necessary to mitigate conditions caused by such public health emergency; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic continues to broadly spread throughout Washington State, seriously increasing the threat of associated health risks statewide; and

WHEREAS, in a Proclamation issued on September 2, 2020, the Governor proclaimed that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 by the leadership of the Washington State

Senate and House of Representatives until 11:59 p.m. on October 1, 2020, and (2) similarly extend the prohibitions therein to 11:59 p.m. on October 1, 2020; and

WHEREAS, the health professionals and epidemiological modeling experts predict that although we have passed the peak of the first wave of COVID-19 in the State and we have made adequate progress as a state to modify some of the initial community mitigation efforts, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to slowly re-open Washington State only through a careful, phased, and science-based approach. Modelers continue to agree that fully relaxing social distancing measures will result in a sharp increase of cases; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

WHEREAS, on September 7, 2020, the Washington State Department of Health was reporting 77,545 confirmed cases and 1,953 deaths statewide due to COVID-19; and

WHEREAS, as of September 7, 2020, Thurston County had 961 confirmed cases of COVID-19 and 16 deaths; and

WHEREAS, the Olympia City Council finds that the above circumstances and facts continue to present significant public health and safety issues for the City of Olympia and its citizens, residents and businesses and continues to necessitate urgent further actions to mitigate the risks and threat to public health and safety and the City's economy caused by the COVID-19 pandemic; and

WHEREAS, the City continues to be confronted with exigent financial circumstances related to this public health emergency to protect its citizens, residents, and businesses, and to protect the community, and must continue to take immediate measures to reduce the public health risk caused by COVID-19; and

WHEREAS, the Olympia City Council finds that providing essential public services by continuing operation of the City's business, including but not limited to first responders such as fire and police, water, sewer and solid waste utilities and other essential government services must continue, but not without recognizing the risks associated with the COVID-19 epidemic to its citizens, residents and employees, the declaration of a continuing public health emergency will allow, pursuant to RCW 42.30.070, the need for expedited action by the City's governing body to continue to meet the emergency, which may continue to entail providing for meeting sites other than the regular meeting site and that notice requirements of the Open Public Meetings Act may continue to be suspended during such emergency pursuant to proclamation and order of the Governor, and as provided by law; and

WHEREAS, the above public health emergency continues to warrant the exercise of the City's power to declare a continuing public health emergency under authority of Article XI, Section 11, of the Washington State Constitution; 35A.11.020 RCW; 35A.11.030 RCW; 35A.13.190 RCW; 35A.38.010 RCW; 35.33.081 RCW; Chapter 38.52 RCW; Chapter 39.04 RCW; WAC 197-11-880; and other applicable laws and regulations, and pursuant to Chapter 2.24 of the Olympia Municipal Code, as are reasonable and necessary in light of such of public health emergency to mitigate the conditions giving rise to the public emergency;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The above-stated recitals are adopted as findings of the Olympia City Council and are incorporated by this reference as though fully set forth herein.

Section 2. It is hereby declared that a state of emergency continues to exist due to an exigent threat to human health related to the COVID-19 epidemic affecting the City of Olympia, its citizens, residents and businesses, as defined in the City of Olympia Comprehensive Emergency Management Plan, due to the worldwide and local outbreak of COVID-19 and for all the reasons stated in the Governor’s Proclamations 20-05, 20-06, 20-07, 20-08 and his successive orders. Therefore:

- A.** The City Manager is hereby authorized and empowered to carry out those powers and duties as are reasonable and necessary to mitigate the effects of the COVID-19 public health emergency.
- B.** All of the personnel, services and facilities of the City of Olympia will be utilized as needed, in response to the emergency needs of the community and its businesses.
- C.** Those departments, officers, and employees of the City are authorized and empowered, among other things, to do the following:
 - (1) Obligate funds for emergency expenditures as directed by the City Council;
 - (2) Enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property;
 - (3) To enter into contracts and incur obligations necessary to combat such public health emergency and to protect the persons, property and environment, and provide emergency assistance to the victims of such emergency, consistent with the City’s Comprehensive Emergency Management Plan;
 - (4) Take other actions, as appropriate, in response to such emergency, including but not limited to changing the manner and meeting sites of the business meetings of the Olympia City Council and the notice requirements of the Open Public Meetings Act as provided in RCW 42.30.070, or the terms or collection of fees, charges and taxes; and
 - (5) The City Manager is authorized to make and adjust Human Resources Policies related to leave usage and other issues related to employees as necessitated by the impacts of COVID-19, with the primary goal to maintain the functions and services provided by the City of Olympia.
- D.** Each designated City department is authorized to exercise the powers vested under Section 2 of this Ordinance in light of these exigencies of an extreme emergency situation without regard to time consuming procedures and formalities prescribed by law (with the exception of mandatory constitutional requirements).

Section 3. Sunset Provision. This Ordinance shall sunset and no longer be in force or effect at 11:59 p.m. on December 18, 2020. The City Council shall review the conditions that have given rise to this public health emergency to determine if such conditions warrant keeping in place the extraordinary measures authorized herein to respond to this public health emergency, or whether the public health emergency has passed. If the Olympia City Council finds that the public health emergency continues, this Ordinance may be extended by legislative action.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance is for the preservation of public peace, health, safety, and welfare and shall take immediate effect upon adoption, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: