



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, March 17, 2020

5:30 PM

Council Chambers

Special Meeting

1. ROLL CALL

2. BUSINESS ITEM

- 2.A** [20-0277](#) Approval of an Ordinance Declaring a Public Health Emergency Relating to Coronavirus (COVID-19) - First and Final Reading

Attachments: [Ordinance](#)

3. ADJOURNMENT

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City Council

Approval of an Ordinance Declaring a Public Health Emergency Relating to Coronavirus (COVID-19) - First and Final Reading

Agenda Date: 3/17/2020
Agenda Item Number: 2.A
File Number:20-0277

Type: ordinance **Version:** 1 **Status:** Other Business

Title

Approval of an Ordinance Declaring a Public Health Emergency Relating to Coronavirus (COVID-19) - First and Final Reading

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Ordinance declaring a 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 on first and final reading.

Report

Issue:

Whether to approve an Ordinance declaring a 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.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

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).

On January 31, 2020, the Secretary of the United States Department of Public Health and Human

Services, Alex Azar, declared a public health emergency effective January 27, 2020 for the novel coronavirus known as COVID-19.

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 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.

On March 10, 2020, Governor Inslee signed Proclamation 20-06, addressing risks to persons living in congregate care settings, such as long-term care facilities, and imposing certain restrictions in all counties of the State of Washington.

On March 11, 2020, Governor Inslee signed Proclamation 20-07, imposing restrictions on large gatherings of people of 250 or more for social, spiritual, and recreational activities, including but not limited to community, civic, public, leisure, faith-based, or sporting events, parades, concerts, festivals, conventions, fundraisers and similar activities.

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic. WHO acknowledged that as of March 11, 2020, there were more than 118,000 cases in 114 countries, and 4,291 had lost their lives to COVID-19. WHO stated it had never before seen a pandemic sparked by a coronavirus and that this is the first pandemic caused by a coronavirus. WHO called for nations to take urgent and aggressive action.

On March 12, 2020, the Thurston County Board of Health adopted Resolution No. H-03-2020, finding that as of March 12, 2020, there were 366 positive results and 29 deaths due to COVID-19 in Washington State, with twelve (12) counties reporting cases, evidencing the growing nature of the epidemic.

On March 12, 2020, the Board of Thurston County Commissioners adopted Resolution No. 15880, finding that Thurston County's declaration of a local emergency will allow the County to undertake emergency purchases pursuant to RCW 36.32.270 and RCW 39.04.280 when such purchases require immediate action in the event of an emergency, among other emergency actions.

On March 12, 2020, Governor Inslee adopted Proclamation 20-08, amending his prior proclamations to prohibit public school districts, charter schools, and private schools in King, Pierce and Snohomish counties from conducting in-person educational, recreational, and other K-12 school programs in their school facilities. Subsequently, on March 13, 2020, the Governor, as reported in *The Seattle Times*, expanded K-12 school closures of all Washington schools from March 17 through at least April 24, 2020; and

On March 13, 2020, the Washington State Department of Health issued new statistics that 568 persons have tested positive for novel COVID-19, with 37 confirmed deaths statewide; and

Declaring a state of public health emergency provides a factual basis for the public health emergency and references statutory authority that allows the City more flexibility to act quickly in response to COVID-19. Under the Ordinance, the City may, for example, obligate funds for emergency expenditures as directed by the City Council and enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property. The Ordinance shall take effect immediately upon adoption by a vote of a majority plus one, and the emergency will be in effect through June 18, 2020, at which point the City Council will review the conditions that gave rise to this public health emergency to determine if keeping it in place is warranted.

Neighborhood/Community Interests (if known):

COVID-19 is a significant concern to the Olympia public.

Options:

1. Move to approve the Ordinance declaring a 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.
2. Direct staff to modify the Ordinance.
3. Move to take no action.

Financial Impact:

Unknown.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO PUBLIC HEALTH AND SAFETY AND DECLARING A 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 10, 2020, Governor Inslee signed Proclamation 20-06, addressing risks to persons living in congregate care settings, such as long-term care facilities, and imposing certain restrictions in all counties of the State of Washington. The Governor found that since the initial confirmed case of COVID-19 in Snohomish County on January 21, 2020, COVID-19 had spread to eight (8) counties of Washington State, resulting in 23 deaths. Further, the risk of severe illness and death from COVID-19 appeared to be higher in those members of the State's population who are sixty (60) years of age and older and those with chronic health conditions. The Governor also found that the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continued to threaten the life and health of our people as well as the economy of Washington State and that Proclamation 20-05 remains in effect and is amended as provided in Proclamation 20-06; and

WHEREAS, on March 11, 2020, Governor Inslee signed Proclamation 20-07, imposing restrictions in King, Pierce and Snohomish counties on large gatherings of people of 250 or more for social, spiritual, and recreational activities, including but not limited to community, civic, public, leisure, faith-based, or sporting events, parades, concerts, festivals, conventions, fundraisers and similar activities. The Governor found that COVID-19 is a respiratory disease that spreads easily from person-to-person and may result in serious illness or death, and that its presence had been confirmed in nine (9) counties of Washington State, resulting in 24 deaths, with significant community spread in King, Pierce and Snohomish counties, and remains a public disaster affecting life, health, property and the public peace. Based upon these facts, the Governor found that implementation of limitations on large gatherings and use of social distancing would help prevent initial exposure and secondary transmission to the State's most vulnerable populations, and are especially important for people over sixty (60) years of age and those with chronic health conditions due to the risk of severe illness and death from COVID-19; and

WHEREAS, on March 10, 2020, the Washington State Department of Health was reporting 267 confirmed cases and 24 deaths statewide due to COVID-19; and

WHEREAS, as of March 11, 2020, Thurston County had one confirmed case of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic, recognizing that the word "pandemic" is not a word to use lightly or carelessly, acknowledging it is a word that, if misused, can cause unreasonable fear, or unjustified acceptance that the fight is over, leading to unnecessary suffering and death. WHO acknowledged that there were, as of March 11, 2020, more than 118,000 cases in 114 countries, and 4,291 had lost their lives to COVID-19. WHO stated it had never before seen a pandemic sparked by a coronavirus and that this is the first pandemic caused by a coronavirus. Likewise, WHO acknowledged that it had never before seen a pandemic that can be controlled, at the same time. WHO called for nations to take urgent and aggressive action, stating "We have rung the alarm bell loud and clear." WHO stated that all countries can still change the course of this pandemic; and

WHEREAS, on March 12, 2020, the Thurston County Board of Health adopted Resolution No. H-03-2020, finding that as of March 12, 2020, there were 366 positive results and 29 deaths due to COVID-19 in Washington State, with twelve (12) counties reporting cases, evidencing the growing nature of the epidemic; and

WHEREAS, on March 12, 2020, the Board of Thurston County Commissioners adopted Resolution No. 15880, finding that Thurston County's declaration of a local emergency will allow the County to undertake emergency purchases pursuant to RCW 36.32.270 and RCW 39.04.280 when such purchases require immediate action in the event of an emergency. Further, the Board of Commissioners found that the County's declaration of a local emergency will allow the County, pursuant to RCW 42.30.070, to provide for a meeting site other than the regular meeting site, and the notice requirements of the Open Public Meetings Act shall be suspended during such emergency. The Board further found that the public health emergency conditions stated within Resolution No. 15880 constitute an emergency for Thurston County, necessitating activation of the Thurston County Comprehensive Emergency Management Plan and the utilization of emergency powers granted pursuant to RCW 36.40.180, 38.52.070(2), and 38.52.110(1); and

WHEREAS, on March 12, 2020, Governor Inslee adopted Proclamation 20-08, amending his prior proclamations to prohibit public school districts, charter schools, and private schools in King, Pierce and Snohomish counties from conducting in-person educational, recreational, and other K-12 school programs in their school facilities. Subsequently, on March 13, 2020, the Governor, as reported in *The Seattle Times*, expanded K-12 school closures of all Washington schools from March 17 through at least April 24, 2020; and

WHEREAS, on March 13, 2020, the Washington State Department of Health issued new statistics that 568 persons have tested positive for novel COVID-19, with 37 confirmed deaths statewide; and

WHEREAS, the Olympia City Council finds that the above circumstances and facts present significant public health and safety issues for the City of Olympia and its residents and citizens, and necessitates 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 is confronted with exigent financial circumstances related to this public health emergency to protect its citizens and residents, and to protect the community, and must 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 and employees, the declaration of public health emergency will allow, pursuant to RCW 42.30.070, the need for expedited action by the City's governing body to meet the emergency, which may entail providing for meeting sites other than the regular meeting site and that notice requirements of the Open Public Meetings Act should be suspended during such emergency and as provided by law; and

WHEREAS, the above public health emergency warrants the exercise of the City's power to declare a 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 exists due to an exigent threat to human health related to the COVID-19 epidemic affecting the City of Olympia, its citizens 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 and 20-08. 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 43.30.070, 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 June 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:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: