

**Ordinance No. \_\_\_\_\_**

**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 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 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 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 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 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 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 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 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**, on March 23, 2020, the Governor issued Proclamation 20-25 ordering citizens of Washington to stay home, non-essential businesses to cease operations, and restricting essential business activities until midnight April 8, 2020, subject to extension by further order of the Governor; and

**WHEREAS**, on April 2, 2020, the Governor issued Proclamation 20-25.1, amending Proclamations 20-05 and 20-25, extending the order to stay-at-home to May 4, 2020; and

**WHEREAS**, on April 22, 2020, the leadership of the Washington State Senate and House of Representatives responded to Governor Inslee’s request on April 17, 2020, agreeing to extend the statutory waivers and suspensions in most of the Governor’s Proclamations until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first. Subsequently, on April 27, 2020, the Governor issued Proclamation 20-25.2 amending and extending his stay-at-home order to May 4, 2020; and

**WHEREAS**, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

**WHEREAS**, on April 23, 2020, the Governor issued Proclamation 20-28.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending its prohibitions; and

**WHEREAS**, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-28 and 20-28.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

**WHEREAS**, on May 5, 2020, the Governor issued Proclamation 20-28.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions, with the exception of RCW 42.56.520(1), which the Governor extended to May 11, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

**WHEREAS**, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28, 20-28.1, and 20-28.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020; however, the waiver of RCW 42.56.520(1) no longer applied to requests for public records received by an agency electronically; and

**WHEREAS**, on May 12, 2020, the Governor issued Proclamation 20-28.3 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions to May 31, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

**WHEREAS** on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, as subsequently amended in 20-28.1, 20-28.2 and 20-28.3 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020;

**WHEREAS**, on May 29, 2020, the Governor issued Proclamation 20-28.4 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020 at 11:59 p.m., whichever occurs first, and similarly extending its prohibitions to June 17, 2020 at 11:59 p.m., as authorized by the leadership of the Washington State Senate and House of Representatives; and

**WHEREAS**, on May 29, 2020, the Governor also issued Proclamation 20-25.4 declaring that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-06 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (*Stay Home – Stay Healthy*) were amended to extend all of the prohibitions and each

expiration date therein to 11:59 p.m. on July 1, 2020, and were renamed (*Safe Start – Stay Healthy*), and that except as otherwise provided in Proclamation 20-25.4 or the *Safe Start Washington* Phased Reopening County-by-County Plan, all other provisions of Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 remain in full force and effect; 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; 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 June 9, 2020, the Washington State Department of Health was reporting 22,484 confirmed cases and 1,118 deaths statewide due to COVID-19; and

**WHEREAS**, as of June 9, 2020, Thurston County had 170 confirmed cases of COVID-19 and three 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 September 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.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

Mark Barber  
CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**