RESOLUTION NO. 20-02-H

A RESOLUTION OF THE CITY OF BATTLE GROUND, WASHINGTON AMENDING RESOLUTION 20-02-G MODIFYING THE ACTIONS TO BE TAKEN PURSUANT TO THEONGOING LOCAL CIVIL EMERGENCY

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due tothe novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 outbreak across the United States;

WHEREAS, Battle Ground Municipal Code (BGMC) 2.74, Emergency Management provides for the administration and procedures for declaring of local emergencies; and

WHEREAS, BGMC 2.74.040 designates the City Manager as the executive head foremergency services of the city; and

WHEREAS, BGMC 2.74.070(2) provides that if the City Council is not in session at the time an emergency arises, the executive head shall be permitted to issue a declaration of emergency, subject to City Council ratification and confirmation, modification, or rejection assoon as practicable; and

WHEREAS, on March 13, 2020, the executive head issued the 2020-01 Declaration ofCivil Emergency in and for the City of Battle Ground; and

WHEREAS, on March 16, 2020 the City Council ratified the 2020-01 Declaration of Civil Emergency and further declared an emergency due to the public health emergency that has been created by the 2019 Novel Coronavirus (COVID-19) that can result in serious illness or death and poses a high risk of transmission from person-to-person such that conditions of extreme peril to the safety of persons and property have arisen within the City; and

WHEREAS, the recitals of the 2020-01 Declaration were adopted by reference by the City Council which supported the necessity of the executive head's issuance of the 2020-01 Declaration and further supported the adoption of Resolution 20-02 further declaring a civil emergency; and

WHEREAS, on March 23, 2020, Governor Inslee issued Proclamation 20-25 "Stay Home -Stay Healthy," which ordered non-essential businesses to close, banned public gatherings, and required Washingtonians to stay home except to pursue essential activities; and

WHEREAS, Governor Inslee's Proclamation 20-25 "Stay Home-Stay Healthy" order, as supplemented and amended, was extended to remain in effect through May 31, 2020; and

WHERERAS, on May 31, 2020, Governor Inslee announced the "Safe Start-Washington's Phased Re-opening Plan" pursuant to which four (4) stages for re-opening were announced; and

WHEREAS, on August 17, 2020, the City Council of Battle Ground adopted Resolution 2020-02-C modifying the actions to be taken pursuant to the on-going declared civil emergency to be consistent with Governor Inslee's Proclamation 20-25 and the "Safe Start-Washington Phased Re-Opening Plan" along with several other proclamations including Proclamation 20-23 as initially adopted and further amended regarding ongoing changes to utility disconnections and Proclamation 20-28 as initially adopted and further amended regarding ongoing suspensionof certain aspects of the Open Public Meetings Act, all of which necessitated further changes toResolution 2020-01-B; and

WHEREAS, on January 11, 2021, Governor Inslee issued Proclamation 20-25.12 amending the prior "Safe Start-Washington's Phased Re-opening Plan" to the newly adopted "Healthy Washington - Roadmap to Recovery" pursuant to which the prior four (4) phased county-by-county reopening plan was amended to a two (2) phase regional approach; and

WHEREAS, on February 1, 2021, the City Council of Battle Ground adopted Resolution 2020-02-D modifying the actions to be taken pursuant to the on-going declared civil emergencyto be consistent with Governor Inslee's "Health Washington - Roadmap to Recovery" Plan; and

WHEREAS, on July 1, 2021, Governor Inslee issued Proclamation 20-25.14 amending theprior "Health Washington - Roadmap to Recovery" Plan to the newly adopted "Washington Ready" Plan pursuant to which the prior movement, occupancy, and face-covering restrictions as required by the prior Plan were significantly modified; and

WHEREAS, due to the discovery of the Delta Variant of COVID-19 which has shown to pose a higher risk of transmission from person to person and the rapidly rising numbers of COVID-19 cases in the state of Washington, on August 18, 2021 Governor Inslee extended proclamation 20-25 "Washington Ready" expanding the statewide face covering requirements;and;

WHEREAS, on July 19, 2021, the City Council of Battle Ground adopted Resolution 2020- 02-E which contemplated certain changes to the prior protocols set by Resolution 2020-02-D including the decision to add an in-person component to City Council meetings commencing September 2021, but such contemplations were made prior to the resurgence of rising COVID-19 cases in the Clark Countyarea and the statewide face covering mandate being re-imposed; and

WHEREAS, on September 7, 2021, the City Council of Battle Ground adopted Resolution 2020-02-F which contemplated certain changes to the prior protocols set by Resolution 2020-02-E which removed the addition of the in-person component to City Council meetings until further Resolution of the City Council unless sooner requires by further proclamation of Governor Inslee; and

WHEREAS, pursuant to Governor Inslee's Proclamation 20-28.15, meetings subject to the Open Public Meetings Act continue to be allowed to include an in-person component to the meetings so long as all requirements of Proclamation 20-28.15 are maintained for the duration of the meeting; and

WHEREAS, December 20, 2021, the City Council of Battle Ground adopted Resolution 2020-02-G which contemplated certain changes to the prior protocols set by Resolution 2020-02-F which included the decision to add an in-person component to Study Sessions and City Council meetings commencing January 2022; and

WHEREAS, Resolution 2020-02-G continued to provide the City Manager with authority to exercise authority through the issuance of Executive Orders to take any actions deemed necessary for the management of this ongoing emergency; and

WHEREAS, the Omicron Variant has shown to pose a higher risk of transmission from person to person resulting in a resurgence of rising COVID-19 cases in the Clark County area; and

WHEREAS, on January 18, 2022, certain staff members of the City of Battle Ground, whom are integral to hosting the in-person component for Study Sessions and City Council meetings, were under a requirement to quarantine pursuant to current CDC Guidelines which are adhered to by City of Battle Ground which significantly hindered the ability of the City of Battle Ground to include an in-person component for the January 18, 2020 meeting; and

WHEREAS, the inability of the City of Battle Ground to host an in-person component for the January 18, 2022 Study Session and City Council Meeting necessitated the issuance of Executive Order 2022-01 suspending the in-person component for the January 18th meeting, which was ratified by Resolution 2022-01; and

WHEREAS, in the interests of maintaining the in-person component whenever feasible while also providing flexibility to suspend this component as may be necessary during the ongoing management of the current health crisis, the City Council desires to authorize the City Manager, upon the consent of the Mayor, to have the authority to suspend the in-person component when necessary to protect the health, safety, and welfare of the Citizens of Battle Ground; and

NOW THEREFORE, the City Council of the City of Battle Ground, Washington hereby Declares and Resolves as follows:

Section 1. Declaration of Civil Emergency. The recitals of the 2020-01 Declaration of Civil Emergency, the recitals of Resolution 2020-01 *et. seq.*, and the foregoing recitals are hereby incorporated by this reference. As a result of the foregoing, a civil emergency is hereby declared to continue to exist within the City of Battle Ground requiring the exercise of emergency powers set forth by the Washington State Constitution Article VI, Section 11, Revised Code of Washington Chapter 38.52, and Battle Ground Municipal Code Chapter 2.74 as described in this declaration of civil emergency. The response to this emergency may reasonably require the use of all City resources and the need to access state and referral resources and financial mechanisms.

Section 2. Emergency Orders Authorized. The City Manager shall continue to be authorized to exercise authority through issuance of Executive Orders and through use and direction of City personnel, services and equipment, and any additional acts deemed necessary by the City Manager for the ongoing management of this emergency.

Section 3. Janitorial Services. The City Manager is authorized to increase janitorial services and sanitation services at all City facilities as deemed necessary to protect the public health, safety, and welfare.

Section 4. City Council Meetings. Pursuant to Governor Inslee's Proclamation 20-28.15 as currently drafted and as later may be amended, all City Council meetings and study sessions shall be held virtually, via ZOOM. Commencing January 3, 2022 all City Council meetings and study session shall include an in-person component consistent with the requirements of Proclamation 20-28.15. Each councilmember shall be permitted to choose to attend the City Council meetings and study sessions virtually or in-person, in their sole discretion. The City Manager shall have the authority to determine whether she and her staff appear virtually or in-person, in her sole discretion.

The City Council hereby grants authority to the City Manager, upon the consent of the Mayor, to suspend the in-person component of any Study Session and/or City Council Meeting so long as notice of the decision to suspend is provided to the City Council and the public no later than 12:00 p.m. (noon) on the date of the Study Session and/or City Council meeting. Notice to the City Council shall be provided via e-mail. Notice to the public shall be provided by posting on the City's website and social media accounts. Notice shall additionally be posted in a conspicuous location at City Hall.
Any member of the public wishing to address the City Council during Citizen's Communications or to testify during a public hearing shall be permitted to do so, whether appearing virtually or in-person, upon recognition and/or introduction by the Mayor as outlined in the Governance Coordination Manual.

Section 5. Contracting and Borrowing Authority. The City Manager, the City Chief Financial Officer, and those delegated by subsequent Executive Order continue to be authorized to make emergency procurements consistent with the provisions of Battle Ground Municipal Code Section 2.74.100.

Section 6. Circulation. The executive head shall cause any declaration of emergency or Executive Order issued pursuant to the authority of this Resolution or BGMC Chapter 2.74 to be delivered to the director of emergency management, state emergency management, the Governor, the public, and news media within the general area of the City. The executive head or designate shall use available means as shall be necessary in his or her judgment to give notice of such declarations. Such declarations and orders shall be filed with the city clerk as soon as practical.

Section 7. Duration. This Resolution of Ongoing Civil Emergency shall terminate upon issuance of another declaration when order has been restored in the affected areas of City of Battle Ground.

Section 8. Effective Date. This Resolution shall be effective immediately.

ADOPTED BY THE BATTLE GROUND CITY COUNCIL, THE 18th DAY OF JANUARY 2022.

Philip Johnson, Mayor

Attest:

Kay Kammer, City Clerk

Approved as to Form

Christine Hayes, City Attorney