RESOLUTION 22 - 01

A RESOLUTION OF THE CITY OF BATTLE GROUND, WASHINGTON RATIFYING AND CONFIRMING EXECUTIVE ORDER 2022-01

WHEREAS, on February 29, 2020, Governor lnslee proclaimed a state of emergency due to the 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 for emergency 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 as soon as practicable; and

WHEREAS, on March 13, 2020, the executive head issued the 2020-01 Declaration of Civil 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 lnslee 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 lnslee'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 lnslee 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 lnslee'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 suspension of certain aspects of the Open Public Meetings Act, all of which necessitated further changes to Resolution 2020-01-B; and

WHEREAS, on January 11, 2021, Governor lnslee 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 emergency to be consistent with Governor lnslee's "Health Washington - Roadmap to Recovery" Plan; and

WHEREAS, on July 1, 2021, Governor lnslee issued Proclamation 20-25.14 amending the prior "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 lnslee 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 County area 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, as of 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, are under a requirement to quarantine pursuant to current CDC Guidelines which are adhered to by City of Battle Ground which significantly hinders the ability of the City of Battle Ground to include an in-person component for the January 18, 2020 meeting; and

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

Section 1. Executive Order 2022-01 is hereby ratified and confirmed. The foregoing recitals are hereby incorporated by this reference. As a result of the foregoing and pursuant to the authority granted to the City Manager pursuant Battle Ground Municipal Code Chapter 2.74 and Resolution 20-02-G, Section 2, the January 18, 2022 Study Session and City Council Meeting shall be held virtually only with no in-person component. Executive Order 2022-01 issued by the City Manager on January 18, 2022 is hereby ratified and confirmed.

Section 2. 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