RESOLUTION NO. 22-02

A RESOLUTION OF THE CITY OF BATTLE GROUND, WASHINGTON TO RESCIND RESOLUTION 20-20-H, WHICH DECLARED A STATE OF EMERGENCY FOR THE PURPOSE OF ADDRESSING THE IMPACTS CAUSED BY THE NOVEL CORONOVIRUS (COVID-19) OUTBREAK IN WASHINGTON STATE AND LOCALLY.

WHEREAS, on February 29, 2020, Governor Inslee 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; and

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 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 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 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 emergency to be consistent with Governor Inslee's "Healthy Washington - Roadmap to Recovery" Plan; and

WHEREAS, on July 1, 2021, Governor Inslee issued Proclamation 20-25.14 amending the prior "Healthy 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 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 required 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, on January 18, 2022, the City Council of Battle ground adopted Resolution 2020-02-H, which contemplated certain changes to the prior protocols, set by Resolution 2020-02-G which included the authority for the City Manager with approval from the Mayor to suspend the in-person component of a meeting by 12:00PM (noon) the day of the meeting when necessary to protect the health, safety, and welfare of the Citizens of Battle Ground; and

WHEREAS, ON March 11, 2022 Governor Inslee issued proclamation 20-25.19 rescinding the face covering requirements in most spaces with the exception of health care settings, long-term care facilities, and correctional facilities and jails; and

WHEREAS, during the 2022 legislative session the senate passed Engrossed Substitute House Bill 1329 updating OPMA to include technological advances for virtual platforms:

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

Section 1. Rescind Emergency Declaration. The City Council finds that the facts set forth in the recitals paragraphs of this resolution support and justify ending the declaration of an emergency by rescinding all resolutions previously put in place to address the state of emergency created by the novel conronavirus disease (COVID-19), including but not limited to Resolution 202-02-H, in their entirety.

Section 2. Effective Date. This Resolution shall be effective immediately.

ADOPTED BY THE BATTLE GROUND CITY COUNCIL, THE 18TH DAY OF APRIL 2022.

Philip Johnson, Mayor

Attest:

Kay Kammer, City Clerk

Approved as to Form:

Kirk Ehlis, Menke Jackson Beyer, LLP