RESOLUTION NO. 20-02-B

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

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;

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, the recitals of the 2020-01 Declaration are adopted herein by this reference to support the necessity of the executive head's issuance of the 2020-01 Declaration and to further support the adoption of Resolution 20-02 further declaring a civil emergency; 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, 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, pursuant to the "Safe Start- Washington's Phased Re-opening Plan," several limitations remain in effect which impact the daily operations of individuals and businesses within the City of Battle Ground until such time as Clark County is permitted by the state to move into Phase 4; and

WHEREAS, several sections of Resolution 20-02 including Sections 4; 6; 7; 8; 9; 11; and 13 therein were addressed and superseded by Governor Inslee's Proclamation 20-25 as supplemented and amended and the "Safe Start- Washington's Phased Re-opening Plan," such that the actions taken pursuant to those sections were no longer under the direct control of the City Council of the City of Battle Ground; and

WHEREAS, on June 15, 2020, the City Council of Battle Ground adopted Resolution 2020-02-A modifying the actions to be taken pursuant to the on-going declared civil emergency to be consistent with Governor Inslee's Proclamation 20-25 as supplemented and amended and the "Safe Start-Washington's Phased Re-opening Plan" as existed on that date; and

WHEREAS, on July 2, 2020, Governor Inslee issued Proclamation 20-23.6 regarding ongoing changes to utility disconnections and Proclamation 20-28.6 regarding ongoing suspension of certain aspects of the Open Public Meetings Act, both of which necessitate further changes to Resolution 2020-01-A to maintain ongoing compliance with Governor Inslee's Proclamations; and

WHEREAS, in recognition of the on-going civil emergency in the City of Battle Ground and the legal limitations of the policy decisions that can be made by the City Council of the City of Battle Ground while Governor Inslee's "Safe Start- Washington's Phased Re-opening Plan" and related Proclamations remain in effect, the City Council believes it to be appropriate to amend Resolution 2020-01-A to include only actions that are within the direct control of the City Council and to maintain compliance with the legally required components of Governor Inslee's Proclamations, 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, the recitals of Resolution 2020-01-A 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 federal 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 management of this emergency.

Section 3. City Permitted Public Events. At this time, the City shall not permit public events with planned or forecasted attendance in excess of the maximum number of people permitted to gather as determined by Governor Inslee's "Safe Start- Washington's Phased Re-opening Plan," related Proclamations, and the Centers for Disease Control and Prevention, and the Washington State Department of Health guidelines.

Section 4. Modifications to Water Shutoff Policies. The City shall continue to waive service fees through September 30, 2020 to better accommodate the ability of customers to make online payments. Consistent with Governor Inslee's Proclamation 20-23.6, as currently drafted and as later may be amended, the City will continue to waive all late charges and will not disconnect or refuse to reconnect water services until such a date and time as permitted by Governor Inslee's Proclamation to ensure sanitation resources remain available in homes in the City of Battle Ground to protect the public health, safety, and welfare.

Section 5. 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 6. City Council Meetings. Until September 1, 2020 or until such time as Clark County, Washington is permitted to enter Phase 3 pursuant to "Safe Start- Washington's Phased Re-opening Plan," whichever occurs later, all City Council meetings shall be held virtually, via ZOOM. While City Council meetings are being held virtually, any member of the public wishing to submit a comment for citizen's communication shall e-mail their comment to the City Clerk by 1:00 p.m. on the date of the city council meeting and the City Clerk will read the comment into the record during the meeting. Once Clark County, Washington is permitted to enter Phase 3 pursuant to "Safe Start- Washington's Phased Re-opening Plan," except as may otherwise be ordered by Governor Inslee's Proclamations pursuant to Chapters 38.08, 38.52, and 43.06 RCW, all City Council meetings shall remain open to the public as may be required by the Open Public Meetings Act, Chapter 42.30 RCW. In the event the City is continuing to hold meetings virtually only at that time, this may require a staff member to be assigned by the City Manager to ensure the public can attend the City Council meeting at a location to be set by the City Manager to listen to any meeting where the City Council members are all attending virtually, via ZOOM.

Section 7. City Manager and Mayor to Act as Community Liaisons. To ensure the public health, safety, and welfare, the City Manager and Mayor continue to be authorized to work with the City's Communication Manager/PIO to communicate messaging from community stakeholders, including restaurant and bar owners, on the City's official communication websites to ensure citizens have the best opportunity to receive all pertinent messaging.

Section 8. Parklet's. The Parklet program launched on June 5, 2020 for the purpose of supporting local businesses by allowing them to utilize public right of way for outdoor service areas during Phase 2 and 3 of the Safe Start Washington plan is allowed to continue through September 7, 2020. This will allow more time for local businesses to get back the benefit from the program. Any parklet wishing to continue after September 7, 2020 will need to resubmit for full review with associated fees and meet all requirements of the Battle Ground Municipal Code.

Section 9. 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 10. 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 11. Duration. This Resolution of Ongoing Civil Emergency shall be terminated upon issuance of another declaration when order has been restored in the affected areas of City of Battle Ground.

Section 12. Effective Date. This Resolution shall be effective immediately.

ADOPTED BY THE BATTLE GROUND CITY COUNCIL, THE 20TH DAY OFJULY, 2020.

Attest:

Kay Kammer, City Clerk

City of Battle Ground:

Adrian Cortes, Mayor

Approved as to Form:

Christine Hayes, City Attorney