

**CITY OF SNOHOMISH
Snohomish, Washington**

RESOLUTION 1408

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, AUTHORIZING THE USE OF EMERGENCY PROCUREMENT PROCEDURES CONSISTENT WITH STATE LAW AND TO ADOPT PROCEDURES FOR HOLDING PUBLIC MEETINGS THAT ARE CONSISTENT WITH STATE LAW WHILE REDUCING THE RISK OF EXPOSURE AND SPREAD OF CONTAGIOUS VIRUSES THROUGH SOCIAL INTERACTIONS.

WHEREAS, the Revised Code of Washington (RCW) Chapter 38.52 authorizes the Mayor to exercise emergency powers; and

WHEREAS, Snohomish Municipal Code (SMC) Section 2.86 empowers the Mayor to proclaim a state of emergency when an incident, whether natural or man-made, requires immediate responsive action to protect life and property; and

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020; and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared 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

WHEREAS, on March 2, 2020, the Snohomish County Department of Emergency Management, Snohomish County Emergency Coordination Center, began coordinating information and resources across County government to support the Snohomish Health District in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Snohomish Health District; and

WHEREAS, on March 4, 2020, by Health Officer's Order No. 20-056, the Snohomish County Health Officer proclaimed a Countywide public health emergency for COVID-19; and

WHEREAS, on March 4, 2020, Snohomish County Executive Dave Somers signed a proclamation of emergency due to the number of confirmed cases of COVID-19 in the County, thus enabling the County government to take extraordinary measures; and

WHEREAS, on March 11, 2020, Governor Jay Inslee issued an additional Emergency Proclamation ordering that all events that takes place in King, Snohomish, and Pierce Counties with more than 250 people are prohibited by the State. The order applies to gatherings for social, spiritual and recreational activities. These include but are not limited to: community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers and similar activities; and

WHEREAS, the health, safety and welfare of City residents, businesses, visitors and staff is of utmost importance to the City and additional future measures may be needed to protect the community; and

WHEREAS, the City may require additional assistance in the future, and a formal declaration of emergency allows additional resources to flow to the City in a timely fashion; and

WHEREAS, existing conditions related to the COVID-19 warrant the proclamation of emergency, as defined by SMC Section 2.86 and Revised Code of Washington (RCW) Section 38.52.010; and

WHEREAS, RCW 36.40.180, RCW 38.52.070(2), and RCW 39.04.280(3), authorize the waiver of the requirements of competitive bidding and public notice with reference to any contract relating to the City's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts in emergency situations;

WHEREAS, there is an emergency present which necessitates the utilization of emergency powers granted pursuant to Chapter 38.52 RCW, SMC Section 2.86, and other relevant provisions of state and federal law; and

WHEREAS, on March 16, 2020, Mayor John Kartak signed an Emergency Proclamation declaring a state of emergency exists; and

WHEREAS, the Open Public Meetings Act, chapter 42.30 RCW, requires cities to take action in an open public meeting where members of the public are able to attend such meetings without any conditions placed on attendance; and

WHEREAS, due to the multiple declarations of emergency adopted as set forth herein, the public's ability to attend public meetings must be balanced with the need to limit continued exposure, or risk of exposure, through social interaction to the COVID-19 virus;

WHEREAS, the Attorney General has issued guidance to public agencies attempting to comply with the OPMA and reducing and limiting the risk of social exposure indicating that using a remote speakerphone available at an agency meeting location (agency office or other designated physical location) where the public can attend to listen to the discussion, using a phone, call-in numbers the public can use, or real time streaming of the meeting online, or GoToMeeting, or similar remote means for the public to listen to the discussion would be appropriate under existing Emergency Proclamation(s);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SNOHOMISH AS FOLLOWS:

Section 1. That the Emergency Proclamation signed by Mayor Kartak dated March 16, 2020, which among other things waived competitive bidding requirements is hereby ratified and confirmed and all acts consistent with and prior to the adoption of this Resolution are further ratified and confirmed.

Section 2. City Staff are hereby directed to incorporate procedures for conducting public meetings that are consistent with the Open Public Meetings Act as set forth in Chapter 42.30 RCW while balancing the requirement of public viewing and participation with need to limit the social interactions that could increase the risk of exposure to the COVID-19 virus. Such procedures may include using a remote speakerphone available at an agency meeting location (agency office or other designated physical location) where the public can attend to listen to the discussion, using a phone, call-in numbers the public can use, or real time streaming of the meeting online, or GoToMeeting, or similar remote means for the public to listen to the discussion.

Section 3. Should the Council Rules not allow for Councilmembers to participate remotely, this Resolution formally suspends the rules and temporarily allows for such participation until the emergency situation subsides and/or an amendment to the Council Rules is formally adopted allowing for such participation.

PASSED by the City Council and **APPROVED** by the Mayor this 17th day of March, 2020.

CITY OF SNOHOMISH

John T. Kartak

John T. Kartak, Mayor

ATTEST:



Pat Adams, City Clerk

APPROVED AS TO FORM:



Grant K. Weed, City Attorney