CITY OF BUCKLEY, WASHINGTON

RESOLUTION NO. 20-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON DECLARING AND PROCLAIMING AN EMERGENCY NECESSITATING THE UTILIZATION OF EMERGENCY POWERS GRANTED PURSUANT TO BUCKLEY MUNICIPAL CODE CHAPTER 2.96 AND RCW 38.52.070 AND PROVIDING TEMPORARY PROCEDURES TO RESPOND TO THE COVID-19 EPIDEMIC AND PROVIDING TEMPORARY PROCEDURES

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 signed a Proclamation declaring 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 directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, on March 6, 2020, the Pierce County Executive declared a public health emergency to allow Pierce County to take immediate steps necessary to prepare and respond appropriately to the outbreak; 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, on March 13, 2020, Washington State Governor Jay Inslee announced that all K-12 public and private schools in Washington State must close for six weeks, from March 17, 2020 until at least April 24, 2020; and

WHEREAS, on March 13, 2020, Mayor Johnson issued a Proclamation of Emergency, declaring the COVID-19 pandemic to be an emergency in the City of Buckley pursuant to Buckley Municipal Code 2.96 and Section 38.52.010 RCW;

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.

WHEREAS, ON March 24, 2020, Washington State Governor Jay Inslee issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent the further spread of the virus; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and Hose of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, in Proclamation 20-28.1; and

WHEREAS, on May 5, 2020, Governor Jay Inslee issued Proclamation 20-28.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions, with the exception of RCW 42.56.520(1), which was extended to May 11, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020; however, the waiver of RCW 42.56.520(1) no longer applied to requests for public records received by an agency electronically; and

WHEREAS, on May 12, 2020, Governor Jay Inslee issued Proclamation 20-28.3 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions to May 31, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020; and

WHEREAS, on May 29, 2020, Governor Jay Inslee issued Proclamation 20-28.4 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and similarly extending its prohibitions until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, which the Governor acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, in Proclamation 20-28.5; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of COVID-19 State of Emergency or 11:59 p.m. on July 7, 2020, whichever occurs first; and

WHEREAS, on July 7, 2020, the statutory waivers and suspensions were hereby extended until 11:59 p.m. on August 1, 2020; and

WHEREAS, on July 24, 2020, the statutory waivers and suspensions were hereby extended until 11:59 p.m. on September 1, 2020; and

WHEREAS, Proclamation 20-23.7 extends through October 15th the rule prohibiting utility service providers from 1) disconnecting residential service due to nonpayment, 2) refusing to reconnect residential customers who were disconnected due to nonpayment, or 3) charging late fees or reconnection fees; and

WHEREAS, City of Buckley Resolution 20-14 expired on August 1, 2020.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Buckley, Washington, that:

SECTION 1- RATIFICATION AND FINDING OF FACT

Council hereby ratifies the Proclamation of Emergency issued by Mayor Johnson for the City of Buckley on March 13, 2020. Council further finds that an emergency exists pursuant to Section 39.04.280(2)(b) RCW and authorizes the Mayor to waive any necessary competitive bidding requirements related to the COVID-19 emergency.

SECTION 2 - CITY'S RESPONSE

A. The City is committed to protecting the public and staff by minimizing the spread of COVID-19. The City has and will continue to follow the guidelines provided by the Centers for Disease Control and State of Washington and Tacoma-Pierce County Health Department, who prescribe social distancing and minimizing gatherings of people to best combat the spread of COVID-19.
B. The City will close City Hall, Multi-Purpose Center, Youth Center and PW Office to the general public beginning Monday, March 23 and until further notice. Citizens may pay utility bills, acquire licenses, submit permit applications, contact staff, and transact other City business via telephone, email, and online. Except that new building and planning/land use permits may be submitted to the building & planning department by appointment only.

SECTION 3 - COUNCIL PROCEDURES

During the term of this Resolution, the following City Council procedures are hereby adopted:

A. Any rule or procedure adopted by City Council that would prevent or prohibit all City Councilmembers from attending City Council meetings telephonically are temporarily suspended and all City Councilmembers are encouraged to attend all meetings either in person or via telephone or using other means of technology.
B. All in-person Committee meetings of the City Council may be cancelled until further notice except for on an as needed basis. Council and committee meetings may be held telephonically or by the use of technology during the term of this Resolution regardless of whether the City has the capability of recording meetings.
C. Council directs that the public comment portion of Council meetings and any scheduled public hearings be temporarily suspended, to the extent authorized by law, to discourage public in-person attendance of City Council meetings. City Council and staff will encourage and accept public comment via email or written comment. In the event of Federal or State imposed restrictions that would prohibit the Council from meeting in-person, the Council

may conduct regularly scheduled and properly announced Special Meetings by telephone or the use of technology. In all cases of public meetings, the City will attempt to provide telephone audio access for the public to hear live audio of the meeting.

D. Any Council rules that are inconsistent with this Resolution are hereby waived and suspended during the term of this Resolution.

SECTION 4: BUDGET

During the term of this Resolution, Council adopts the following budget restrictions:

A. Council hereby encourages the expenditure of funds for acquiring any necessary technology to facilitate employees to work from home in situations where such remote work is possible, available, and approved by the Mayor and Department Head overseeing the relevant department. Any such expenditure(s) should either be within current budget allocations or brought to Council for approval.
B. All resources, supplies, goods and services, including staff time dedicated to emergency health responses related to the COVID-19 epidemic must be tracked to allow for FEMA and CARES reimbursement.
C. All late fees/penalties and shutoffs for non-payment of water, sanitary sewer, storm water, and solid waste utilities are waived and suspended until October 15, 2020.

SECTION 5: COMMUNICATION

A. All updates regarding City functions and actions relating to the COVID-19 epidemic will be posted on the City's website to provide the public with the best updated information.
B. The City will cancel and discourage any unnecessary gatherings of community members and/or staff during the Term of this Resolution.

SECTION 7: EFFECTIVENESS

The provisions of this Resolution shall become effective upon adoption and expire on September 1, 2020, unless suspended earlier or further extended by formal action of Council.

Introduced, passed and approved this 11th day of August, 2020.

Pat Johnson, Mayor

ATTEST:

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

POSTED: August 12, 2020