



SEATTLE CITY COUNCIL

Legislative Summary

Res 31937

Record No.: Res 31937

Type: Resolution (Res)

Status: Adopted

Version: 2

Ord. no:

In Control: City Clerk

File Created: 03/04/2020

Final Action: 03/05/2020

Title: A RESOLUTION modifying the March 3, 2020 Mayoral Proclamation of Civil Emergency related to the spread of COVID-19, novel coronavirus.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Mosqueda

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Exhibit B – Modified Mayoral Proclamation of Civil Emergency

Reviewer:

Uploaded By: jodee.schwinn@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	03/04/2020	sent for review	Council President's Office			
	Action Text: The Resolution (Res) was sent for review. to the Council President's Office						
1	Council President's Office	03/04/2020	sent for review	City Council			
	Action Text: The Resolution (Res) was sent for review. to the City Council						
2	City Clerk	03/05/2020	attested by City Clerk				
	Action Text: The Resolution (Res) was attested by City Clerk.						
1	City Council	03/05/2020	adopted as amended				Pass
	Action Text: The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:						
	Notes: <u>ACTION 1:</u>						

Motion was made by Councilmember Mosqueda and duly seconded to adopt

Resolution 31937.

ACTION 2:

By unanimous consent, the Council Rules were suspended to allow Ketil Freeman, Council Central Staff, to address the Council.

ACTION 3:

Motion was made by Councilmember Mosqueda, duly seconded and carried, to amend Resolution 31937, by substituting version 2c for version 1b, which adds a new Exhibit B, entitled, Modified Mayoral Proclamation of Civil Emergency.

ACTION 4:

Motion was made and duly seconded to adopt Resolution 31937 as amended.

In Favor: 8 Councilmember Herbold, Councilmember Juarez, Councilmember Lewis, Councilmember Morales, Councilmember Mosqueda, Councilmember Pedersen, Councilmember Sawant, Councilmember Strauss

Opposed: 0

CITY OF SEATTLE
RESOLUTION 31937

..title

A RESOLUTION modifying the March 3, 2020 Mayoral Proclamation of Civil Emergency related to the spread of COVID-19, novel coronavirus.

..body

WHEREAS, pursuant to Seattle Municipal Code ("SMC") Section 10.02.010, the Mayor issued a Proclamation of Civil Emergency (Proclamation), and filed the proclamation with the City Clerk for presentation to the City Council, on March 3, 2020; and

WHEREAS, SMC subsection 10.02.010.C requires that the Seattle City Council either ratify and confirm, modify, or reject such a proclamation; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The Proclamation of Civil Emergency of Mayor Jenny A. Durkan, dated March 3, 2020, attached to this resolution as Exhibit A, is modified, as shown in Exhibit B.

Section 2. The Council requests that the Mayor make expenditures pursuant to the authority assumed in Section 3 of the modified Proclamation that include:

A. Investments in handwashing stations;

B. Investments in hygiene services consistent with appropriations made by Council in the 2020 Adopted Budget, such as mobile pitstops;

C. Investments that increase the access of lower income persons to COVID-19 testing; and

D. Investments in culturally and linguistically appropriate outreach materials for limited English proficiency communities.

Section 3. The Council further requests that the Mayor consider the following additional actions and make recommendations to the Council:

1 A. Amendments to City personnel policies and / or collective bargaining
2 agreements to provide an expectation to City staff and contractors that they will work from home
3 as much as practicable and / or flexibility to care for a family member, including activating a
4 new, or revising any existing, telecommuting policy;

5 B. Review options for City staff and contractors to take paid days off, if their
6 leave runs out, especially in the case of hourly, new and temporary workers;

7 C. An analysis of the Race and Social Justice implication of exercising
8 emergency powers;

9 D. Consideration of how emergency power could impact homeless
10 communities;

11 E. Issuance of an order related to economic controls and price stabilization on
12 products that may be used by the general public to prevent the spread of COVID-19, such as
13 disinfectants and hand sanitizer, and price controls on essentials for survival such as housing and
14 shelter; and

15 F. Identification of actions the City can take:

16 1. To encourage service sector employers, gig economy employers,
17 and employers whose activities require close proximity to large segments of the public to provide
18 sanitary and safe working conditions and to allow their employees to use paid sick time for time
19 away from work for public health purposes, other than sick leave; and

20 2. To discourage and prevent punitive actions against employees
21 who miss work because of illness or public health reasons.

22 Section 4. Before affirming any order authorizing involuntary restrictions on civil
23 liberties, the Council will consider whether the order is consistent with evidence-based public

1 health practices and the least restriction necessary to accomplish the public health, safety, and
2 welfare objective.

3 Section 5. The Council requests that the Mayor provide a weekly report to the Council,
4 with the first report submitted by March 20, 2020, on actions taken pursuant to the civil
5 emergency. At a minimum, the report should include:

6 A. Emergency expenditures by department and Budget Control Level;

7 B. New contracts entered into or amendments to existing contracts, including
8 information on contract amount and contracted-for service;

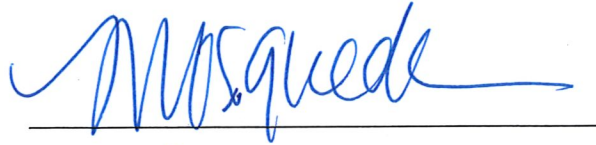
9 C. New permanent and term-limited positions added or empty positions filled
10 to address the civil emergency, as well as temporary staffing re-assignments;

11 D. A list detailing whether and how enforcement of current criminal and civil
12 laws and regulations are being prioritized to address the public health, safety, and welfare, and

13 E. For each action taken pursuant to civil emergency, any limitation identified
14 by Seattle Municipal Code Section, adopted financial policy, or other governing internal or
15 external regulation or statute to the action being taken without emergency authority.

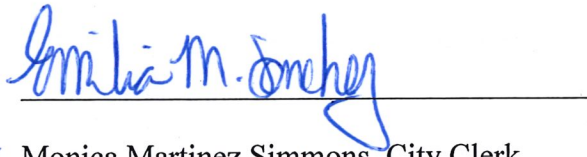
16 Section 6. The Council intends to consider whether to continue the civil emergency or
17 further modify orders or authority invoked by the Mayor pursuant to the civil emergency at least
18 monthly, and by April 5, 2020. A decision from the Council to continue the civil emergency will
19 be based on advice from the Mayor's Office, City Departments, and Public Health – Seattle &
20 King County and on responses in reports requested in Section 5 of this resolution.

Adopted by the City Council the 5th day of March, 2020,
and signed by me in open session in authentication of its adoption this 5th day of
March, 2020.



President Pro Tem of the City Council

Filed by me this 5th day of March, 2020.



for Monica Martinez Simmons, City Clerk

(Seal)

Exhibits:

Exhibit A – Mayoral Proclamation of Civil Emergency

Exhibit B – Modified Mayoral Proclamation of Civil Emergency

MAYORAL PROCLAMATION OF CIVIL EMERGENCY

CITY OF SEATTLE

FILED
CITY OF SEATTLE
20 MAR -3 PM 2:25
CITY CLERK

WHEREAS, Seattle Office of Emergency Management has reported to me on January 24, 2020 that the first reported case in Washington State and the United States occurred in Snohomish County; and that on February 28, 2020 Public Health Seattle and King County announced the first King County and United States death due to COVID-19 at Evergreen Hospital in Kirkland, Washington; and

WHEREAS, on March 3, 2020, 21 have tested positive for COVID-19 in King County; and that as of March 3, 2020, eight total deaths have been reported in King County; and

WHEREAS, as of March 3, 2020 the World Health Organization Situation Report confirms a total of 91,783 cases of COVID-19 in 74 countries, including 3,123 deaths; and that in the past few days, more confirmed cases have been found across the United States, including in new areas such as California, Illinois, Florida, Rhode Island, and New York; and

WHEREAS, as described in Section 2 of this proclamation, the situation is sufficiently serious that it is necessary that I declare a civil emergency within the City of Seattle and exercise the Mayor's civil emergency powers; and

WHEREAS, I have reviewed the situation, consulted with City Department Directors, including the Director of Public Health – Seattle and King County and the Local Health Officer, and verified the existence of the emergency cited below, and the necessity for me to take immediate, extraordinary action as outlined in this proclamation; NOW, THEREFORE,

I, JENNY A. DURKAN, AS MAYOR OF THE CITY OF SEATTLE DO PROCLAIM AND ORDER THAT:

SECTION 1. CIVIL EMERGENCY POWERS

A. A civil emergency exists requiring and authorizing me to exercise the emergency powers vested in me as Mayor by RCW Chapter 38.52, the Charter of the City of Seattle, Article V, Section 2, and Seattle Municipal Code Chapter 10.02 as described in this proclamation.

B. Effective upon my signing this proclamation, I will be exercising that authority through the issuance of Executive Orders and through the use and direction of City personnel, services and equipment and additional acts necessary to the management of this emergency; and

C. Pursuant to Seattle Municipal Code section 12A.26.040, it is unlawful for anyone to knowingly fail to obey an Emergency Order issued or proclaimed by me under authority of sections 10.02.010 or 10.02.020 of the Seattle Municipal Code.

SECTION 2. DETERMINATION OF EMERGENCY

Based on my review of the present circumstances, the report of Seattle Office of Emergency Management, and my consultations with City Department Directors, and the Director of Public Health - Seattle and King County and Local Health Officer, I proclaim that an emergency exists, as defined in SMC 10.02.010.A., due to the novel coronavirus (COVID-19), which to date has caused local deaths, serious infections, including pneumonia, and may have increased impact on our community members, small to large businesses, people experiencing homelessness, and city services. The response to this will require the use of all city resources and the need to access State and Federal resources and financial mechanisms. I have done so to such an extent as to require me to exercise the authority assumed in Section 1 and to take the extraordinary measures in Section 3 in order to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.

SECTION 3. CONTRACTING AND BORROWING AUTHORITY

Pursuant to SMC Section 10.02.030, I hereby assume the authority to enter into contracts and incur obligations necessary to relieve the emergency, protect the health and safety of persons and property, and provide emergency assistance to the victims, and to exercise them in light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance, statute, rule or regulation (excepting mandatory constitutional requirements), including, but not limited to the following limitations and requirements:

- The budget law (RCW 35.32A) and the adopted City budget;
- Competitive bidding and the publication of notices pertaining to the performance of public works (RCW 35.22.620 et seq.; RCW Chapters 39.04 through 39.12; SMC Chapter 3.18; and SMC Chapter 20.48, etc.);
- Entering into contracts;

- Incurring of obligations;
- Employment of temporary workers;
- Rental of equipment;
- Purchase of supplies and materials (including Seattle Municipal Code Chapters 10.02 and § 10.02.070); and
- Appropriation and expenditure of public funds.

Pursuant to SMC Section 10.02.020, in order to address danger to public health and safety as described above, regulatory permits required by city codes and review under SEPA will not be required to site or implement facilities needed to address COVID-19. I believe it is in the best interest of public safety, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited and the conditions of this order are designed to provide the least necessary restriction on those rights pursuant to SMC 10.02.025.

I intend to consult with the City Council wherever practical and present any such order at the earliest practicable time to the City Council for review and appropriate legislation.

SECTION 4. DELEGATION OF AUTHORITY

I delegate to the following City Department Directors the authority under my supervision to take the actions identified for and on behalf of the City:

A. To the Fire Chief and Police Chief, direction of any necessary population and property protection, as well as control of incidents and maintenance of public peace and order. Other departments and personnel will assist as requested.

B. I delegate to City Department Directors generally the authority to permit the use and closure of City facilities and equipment under their control for supplying necessary food, clothing, medicines, shelter or transportation to care facilities for people in need of assistance; to reassign personnel from their ordinary duties to work deemed necessary for the emergency without regard to job classifications, and to require work beyond normal working hours; to purchase supplies and materials necessary to address the emergency under SMC 10.02, SMC 10.02.070, and SMC 20.60; and to secure the assistance of volunteers and donations of supplies or the use of equipment in performing tasks that the department head deems most helpful in relieving the emergency.

SECTION 5. CIRCULATION

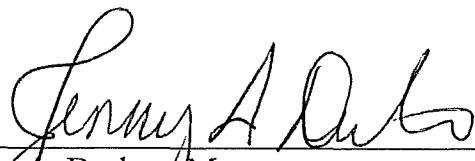
A copy of this proclamation and any Executive Order issued hereunder shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Proclamation and any Executive Orders issued hereunder shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Proclamation to the public, as many other available means as may be practical to use shall be used, including but not limited to posting on public facilities and public address systems.

SECTION 6. PRESENTATION, RATIFICATION, TERMINATION

This proclamation shall immediately upon issuance, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification, or rejection, and if rejected, shall be void. If the Council modifies or rejects this proclamation said modification or rejection shall be prospective only as provided by law and shall not affect any actions taken prior to the modification or rejection. In no case shall the City Council have any authority, during an emergency proclaimed by the Mayor pursuant to the Charter of the City of Seattle, Article V, Section 2, to impair or void the Mayor's direction of the Police Department during such emergency.

This proclamation shall be terminated by the issuance of another proclamation when I determine that extraordinary measures are no longer required for the protection of the public peace, safety and welfare, or by the passage of a termination resolution by not less than two-thirds (2/3) of all the members of the City Council. Before termination of this civil emergency, I or the City Council shall consult with the Chief of Police, the Fire Chief, the Director of Public Health – Seattle and King County, and the Director of the Office of Emergency Management to determine if there are any fiscal, public safety response or disaster recovery imperatives that require the continuation of emergency measures.

DATED this 3rd day of March, 2020 at 1:33 a.m./p.m.



Jenny A. Durkan, Mayor
The City of Seattle

MAYORAL PROCLAMATION OF CIVIL EMERGENCY

CITY OF SEATTLE

WHEREAS, Seattle Office of Emergency Management has reported to me on January 24, 2020 that the first reported case in Washington State and the United States occurred in Snohomish County; and that on February 28, 2020 Public Health Seattle and King County announced the first King County and United States death due to COVID-19 at Evergreen Hospital in Kirkland, Washington; and

WHEREAS, on March 3, 2020, 21 have tested positive for COVID-19 in King County; and that as of March 3, 2020, eight total deaths have been reported in King County; and

WHEREAS, as of March 3, 2020 the World Health Organization Situation Report confirms a total of 91,783 cases of COVID-19 in 74 countries, including 3,123 deaths; and that in the past few days, more confirmed cases have been found across the United States, including in new areas such as California, Illinois, Florida, Rhode Island, and New York; and

WHEREAS, as described in Section 2 of this proclamation, the situation is sufficiently serious that it is necessary that I declare a civil emergency within the City of Seattle and exercise the Mayor's civil emergency powers; and

WHEREAS, I have reviewed the situation, consulted with City Department Directors, including the Director of Public Health – Seattle and King County and the Local Health Officer, and verified the existence of the emergency cited below, and the necessity for me to take immediate, extraordinary action as outlined in this proclamation; NOW, THEREFORE,

I, JENNY A. DURKAN, AS MAYOR OF THE CITY OF SEATTLE DO PROCLAIM AND ORDER THAT:

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A. A civil emergency exists requiring and authorizing me to exercise the emergency powers vested in me as Mayor by RCW Chapter 38.52, the Charter of the City of Seattle, Article V, Section 2, and Seattle Municipal Code Chapter 10.02 as described in this proclamation.

B. Effective upon my signing this proclamation, I will be exercising that authority through the issuance of Executive Orders and through the use and direction of City personnel, services and equipment and additional acts necessary to the management of this emergency; and

C. Pursuant to Seattle Municipal Code section 12A.26.040, it is unlawful for anyone to knowingly fail to obey an Emergency Order issued or proclaimed by me under authority of sections 10.02.010 or 10.02.020 of the Seattle Municipal Code.

SECTION 2. DETERMINATION OF EMERGENCY

Based on my review of the present circumstances, the report of Seattle Office of Emergency Management, and my consultations with City Department Directors, and the Director of Public Health - Seattle and King County and Local Health Officer, I proclaim that an emergency exists, as defined in SMC 10.02.010.A., due to the novel coronavirus (COVID-19), which to date has caused local deaths, serious infections, including pneumonia, and may have increased impact on our community members, small to large businesses, people experiencing homelessness, and city services. The response to this will require the use of all city resources and the need to access State and Federal resources and financial mechanisms. I have done so to such an extent as to require me to exercise the authority assumed in Section 1 and to take the extraordinary measures in Section 3 in order to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.

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Pursuant to SMC Section 10.02.030, I hereby assume the authority to enter into contracts and incur obligations necessary to relieve the emergency, protect the health and safety of persons and property, and provide emergency assistance to the victims, and to exercise them in light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance, statute, rule or regulation (excepting mandatory constitutional requirements), including, but not limited to the following limitations and requirements:

- The budget law limitations;
- Competitive bidding and the publication of notices pertaining to the performance of public works (RCW 35.22.620 et seq.; RCW Chapters 39.04 through 39.12; SMC Chapter 3.18; and SMC Chapter 20.48, etc.);
- Entering into contracts;

- Incurring of obligations;
- Employment of temporary workers;
- Rental of equipment;
- Purchase of supplies and materials (~~including Seattle Municipal Code Chapters 10.02 and § 10.02.070~~); and
- Appropriation and expenditure of public funds.

Notwithstanding the enumerated limitations and requirements of this Section, I shall comply with the emergency purchasing and contracting requirements of SMC Chapter 10.02, including the verification and submittal of emergency purchases and contracts to the City Council, as required by SMC 10.02.070.

Pursuant to SMC Section 10.02.020, in order to address danger to public health and safety as described above, regulatory permits required by city codes and review under SEPA will not be required to site or implement facilities needed to address COVID-19. I believe it is in the best interest of public safety, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited and the conditions of this order are designed to provide the least necessary restriction on those rights pursuant to SMC 10.02.025. Notwithstanding the enumerated limitations and requirements of this Section, I shall file with the Clerk a list and description of any actions taken that would otherwise have been subject to the notice requirements of SMC Chapter 25.05. Such a list and description shall be filed as expeditiously as possible, but within seven days of the action taken.

I intend to consult with the City Council wherever practical and present any such order at the earliest practicable time to the City Council for review and appropriate legislation. Any such order shall contain the information required by SMC Section 10.02.025.

SECTION 4. DELEGATION OF AUTHORITY

I delegate to the following City Department Directors the authority under my supervision to take the actions identified for and on behalf of the City:

A. To the Fire Chief and Police Chief, direction of any necessary population and property protection, as well as control of incidents and maintenance of public peace and order. Unless authorized by future order by the Mayor or the Board of Public Health – Seattle / King County, any actions taken by the Fire Chief or Police Chief pursuant to this delegation shall be to enforce existing laws and regulations.

B. I delegate to City Department Directors generally the authority to permit the use and closure of City facilities and equipment under their control for supplying necessary food, clothing, medicines, shelter or transportation to care facilities for people in need of assistance; to reassign personnel from their ordinary duties to work deemed necessary for the emergency without regard to job classifications, and to require work beyond normal working hours; to purchase supplies and materials necessary to address the emergency under SMC 10.02, SMC 10.02.070, and SMC 20.60; and to secure the assistance of volunteers and donations of supplies or the use of equipment in performing tasks that the department head deems most helpful in relieving the emergency.

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A copy of this proclamation and any Executive Order issued hereunder shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Proclamation and any Executive Orders issued hereunder shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Proclamation to the public, as many other available means as may be practical to use shall be used, including but not limited to posting on public facilities and public address systems.

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This proclamation shall immediately upon issuance, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification, or rejection, and if rejected, shall be void. If the Council modifies or rejects this proclamation said modification or rejection shall be prospective only as provided by law and shall not affect any actions taken prior to the modification or rejection. ~~In no case shall the City Council have any authority, during an emergency proclaimed by the Mayor pursuant to the Charter of the City of Seattle, Article V, Section 2, to impair or void the Mayor's direction of the Police Department during such emergency.~~

This proclamation shall be terminated by the issuance of another proclamation when I determine that extraordinary measures are no longer required for the protection of the public peace, safety and welfare, or by the passage of a termination resolution by not less than two-thirds (2/3) of all the members of the City Council. Before termination of this civil emergency, I or the City Council shall consult with the Chief of Police, the Fire Chief, the Director of Public Health – Seattle and King County, and the Director of the Office of

Emergency Management to determine if there are any fiscal, public safety response or disaster recovery imperatives that require the continuation of emergency measures.

DATED this _____ day of _____, 2020 at _____ a.m./p.m.

Jenny A. Durkan, Mayor
The City of Seattle