

Resolution 456

A PUBLIC EMERGENCY RESOLUTION

Authorizing the City Manager to issue temporary emergency orders for the waiver or suspension of regulatory obligations and limitations related to the response to the COVID-19 virus for protection of public health and safety;

and

Establishing an immediate effective date and a duration

MARCH 23, 2020



Discussion of Resolution 456

- The COVID-19 emergency brings new issues at a rapid pace and, in some cases, necessitates actions based on other decisions.
- One example is the closure of the City's Recreation Facilities, including soccer fields, in response to guidance provided by Public Health to limit large group gatherings. This closure has resulted in a request to modify the City's specified refund deadlines for various classes, programs, and rentals as was adopted in City Council Resolution No. 451.
- Other examples are establishing leave and pay policy modifications for employees, modifying late fee charge requirements for business licenses and taxes and the timelines for submission of refunds, or deciding not to accept cash payments for utility payments in person.



Discussion of Resolution 456

- RCW 35A.13.080, requires the City Manager to see that all laws and ordinances are faithfully executed but the City Manager has no independent, express authority to waive or suspend the SMC or other rules or policies and provisions that the City Council has enacted, even in a public health emergency, unless expressly provided by the Council.
- In RCW 43.06.220, the Legislature gave such power to the Governor in an emergency to issue an order or orders concerning waiver or suspensions of statutory obligations or limitations in a variety of areas, including broad authority in .220(2)(g):

Such other statutory or regulatory obligations or limitations prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with the provisions of any statute, order, rule, or regulation would in any ways prevent, hinder, or delay necessary action in coping with the emergency ...



Discussion of Resolution 456

- Proposed Resolution No. 456 is patterned after the authority granted to the Governor in RCW 43.06.220(2)(g).
- The City Manager would have limited authority to temporarily waive or suspend when strict compliance would impede action to address the emergency. This proposed Resolution also permits City Council termination, record keeping, and public posting.
- As per Council Rules of Procedure, Section 6.1.B, that provide that during a Regular Meeting an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should allow for Public Comment following the staff report. The same rules for Public Comment provided as part of the Council's Regular Meeting Agenda apply.



Proposed Amendment to Resolution 456

- An amendment to the Resolution has been proposed by Councilmember Chris Roberts:
- Strike Section 1 (C) and replace with:

The City Manager's order shall expire 14 days after issuance, unless a majority of the City Council votes to extend the order.



Discussion of Resolution 456

- Staff recommends that the City Council adopt Resolution 456 providing the City Manager with the authority to issue temporary orders when strict compliance would impede necessary actions responding to COVID-19