



Orting Valley Fire and Rescue

Pierce County Fire District 18
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Resolution 2020-006

A RESOLUTION BY THE BOARD OF FIRE COMMISSIONERS OF PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 18 EXTENDING THE PROHIBITION ON IN-PERSON MEETINGS SUBJECT TO RCW 42.30 AND PROVIDING AN OPTION FOR THE PUBLIC TO CONTINUE TO ATTEND THE PROCEEDINGS REMOTELY BASED UPON A DECLARATION OF PUBLIC EMERGENCY DUE TO THE OUTBREAK OF COVID-19.

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death to vulnerable or at-risk populations, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person-to-person;

WHEREAS, the United States Centers for Disease Control and Prevention (the "CDC") identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high," and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency for COVID-19, beginning on January 27, 2020;

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a state of emergency within the State of Washington due to COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency concerning the COVID-19 outbreak;

WHEREAS, on March 25, 2020, the Board of Fire Commissioners of Pierce County Fire District No.18 adopted Resolution No. 2020-004 which provided, in part, that pursuant to RCW 42.30.070, and during the state of emergency, all meetings of the Board of Fire Commissioners of Pierce County Fire District No.18 were exempt from the meeting notice requirements and meeting location restrictions of the Open Public Meetings Act, Chapter 42.30 RCW; provided, however, that the Board of Fire Commissioners of Pierce County Fire District No.18 would continue to provide notice to the extent practicable in light of the emergency situation;

WHEREAS, on March 24, 2020, Governor Inslee issued Proclamation 20-28, which, in part, prohibited public agencies subject to RCW 42.30 from conducting any meeting subject to RCW 42.30 unless the meeting (i) was not conducted in-person and instead provided an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet, or other means of remote access, and (ii) provided the ability for all persons attending the meeting to hear each other at the same time. Proclamation 20-28 also prohibited public agencies from taking "action" as defined in RCW 42.30.020 unless the matters were either (i) necessary and routine, or (ii) necessary to respond to the COVID-19 outbreak (collectively, "Meeting Substance Restrictions");

WHEREAS, in response to Proclamation 20-28, the Board of Fire Commissioners of Pierce County Fire District No.18 implemented a procedure for its Board of Commission meetings whereby the meetings have been conducted with all Board of Fire Commissioners of Pierce County Fire District No.18 and senior staff present remotely utilizing a video and/or teleconference link provided by Zoom and/or a phone call-in number with an access code. The public has been encouraged to attend remotely, with the request that public comments be submitted in writing and mailed to the District PO Box 386 Orting, WA 98360. Comments received in that manner have been read into the record by the Commission Chair. Notice of these remote procedures has been posted on the door of the Public Safety Building and on the District website, Collectively, these are the "Remote Meeting Procedures;"

WHEREAS, RCW 42.30.077 requires that public agencies make the agenda of each regular meeting of its governing body available online no later than twenty-four hours in advance of the published start time of the meeting;

WHEREAS, Governor Inslee has amended and extended Proclamation 20-28 a number of times, most recently on May 29, 2020, by way of Proclamation 20-28.4. Proclamation 20-28.4 provides that language from specific statutory provisions found in RCW 42.30 are waived and suspended as provided therein until 11:59 p.m. on June 17, 2020; provided, however, on June 17, 2020, the legislature extended the waivers in this Proclamation until July 1, 2020. The restriction to matters that are only (i) necessary and routine, or (ii) necessary to respond to the COVID-19 outbreak was not included in Proclamation 20-28.4, meaning that the Meeting Substance Restrictions were no longer in effect as of May 29, 2020;

WHEREAS, on March 23, 2020, Governor Inslee issued Proclamation 20-25 "Stay Home – Stay Healthy." This Proclamation generally required that all people in Washington State immediately cease leaving their home except to conduct or participate in essential activities or for employment in essential business services. It further required that all people in Washington State immediately cease participating in all public and private gatherings and multi-person activities, regardless of the number of people involved;

WHEREAS, on May 4, 2020, Governor Inslee issued Proclamation 20-25.3, which amended earlier Proclamations, including Proclamation 20-25, and established a four-phased approach to reopening Washington State. This approach is called "Safe Start Washington" (the "Plan"). Under Phase I of the Plan, no gatherings are allowed. Under Phase II of the Plan, gatherings of no more than five people outside of one's household are allowed. Under Phase III of the Plan, gatherings with no more than fifty people are allowed. Under Phase IV of the Plan, gatherings with more than fifty people are allowed. Each phase is to last for a minimum of three weeks;

WHEREAS, on May 29, 2020, Governor Inslee issued Proclamation 20-25.4 "Transition from 'Stay Home - Stay Healthy' to 'Safe Start - Stay Healthy' County-By-County Phase Reopening." This Proclamation provides that beginning on June 1, 2020, the Plan will be applied on a county-by-county basis. It further provides that a county that has been in Phase I or II for three weeks may apply to the Secretary of Health to move to the next phase;

WHEREAS, on June 5, 2020, the State of Washington approved Pierce County's application to move into Phase II under the Plan. Under Phase II, gatherings of no more than five people are allowed. This Phase will last a minimum of three weeks;

WHEREAS, based upon the current application of the Plan, Pierce County is not expected to move into Phase III, which allows gatherings of up to fifty people, until sometime after July 31, 2020;

WHEREAS, the Plan provides that under all phases, individuals should engage in physical distancing of at least six feet away from other people and wear cloth face coverings in public places. Although not required, Pierce County Public Health has recommended that all people wear fabric masks in public. Moreover, the Board of Fire Commissioners of Pierce County Fire District No.18. is developing a reopening plan and policies that will include elements regarding personal protective equipment;

WHEREAS, RCW 42.30.040 provides that a member of the public shall not be required, as a condition of attendance at a meeting of a governing body, to register his or her name and other information, or otherwise to fulfill any condition precedent to his or her attendance;

WHEREAS, pursuant to Proclamation 20-28 and its amendments, the Board of Fire Commissioners of Pierce County Fire District No.18 has established the Remote Meeting Procedures and arranged for remote attendance by the public at those meetings.

WHEREAS, the Board of Fire Commissioners of Pierce County Fire District No.18 is concerned that when the waivers contained in Proclamation 20-28.4 expire on July 1, 2020, Pierce County will likely be in Phase II under the Plan, in which no more than five people will be allowed to gather, meaning the five members of the Board of Fire Commissioners would exceed the limitation; and

WHEREAS, the Board of Fire Commissioners of Pierce County Fire District No.18 desires to continue conducting meetings that are subject to RCW 42.30 during the COVID-19 outbreak in a manner that allows for public participation with the fewest restrictions.

NOW THEREFORE, BE IT RESOLVED by the Board of Fire Commissioners of Pierce County Fire District No.18., State of Washington, that:

The remote meeting procedures it has established under Proclamation 20-28 regarding remote attendance for meetings subject to RCW 42.30, the Open Public Meetings Act. For purposes of clarity, the Remote Meeting Procedures do not include the Meeting Substance Restrictions.

BE IT FURTHER RESOLVED that:

1. Recitals. The foregoing Recitals are expressly adopted herein.
2. Duration. This Resolution shall be in effect from July 1, 2020 until the seventh day after Pierce County enters Phase III of the Plan, or as otherwise amended or rescinded by action of the Commission. The seven intervening days after Pierce County enters Phase III of the Plan will allow the Board of Fire Commissioners of Pierce County Fire District No.18 to finalize its agenda and provide proper notice to the public of its meeting procedure.

Adopted this 30th day of June 2020.

*****Signatures to be obtained when "Stay home, stay healthy" is over.

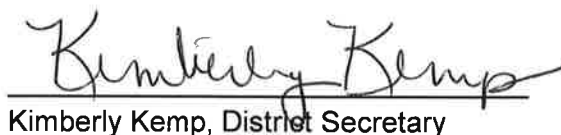

Margaret O'Harra Buttz, Chair

Tom Marino, Vice Chair

Arlene Dannat, Commissioner

Kevin Gorder, Commissioner

Jason Bellerive, Commissioner


Kimberly Kemp, District Secretary