

## **RESOLUTION No. 1154 (2020)**

### **A RESOLUTION OF THE COMMISSION OF THE PORT OF EVERETT EXTENDING THE PROHIBITION ON IN-PERSON MEETINGS SUBJECT TO RCW 42.30 AND PROVIDING AN OPTION FOR THE COMMISSION AND 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; and

**WHEREAS**, the United States Centers for Disease Control and Prevention (“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; and

**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; and

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

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

**WHEREAS**, on March 20, 2020, the Mayor of Everett issued a directive for residents and businesses to stay home; and

**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; and

**WHEREAS**, on March 24, 2020, the Port of Everett declared an emergency under Resolution No. 1142; and

**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”); and

**WHEREAS**, in response to Proclamation 20-28, the Port of Everett implemented a procedure for its Board of Commission meetings whereby the meetings have been conducted, in part, with Port Commissioners and senior staff present remotely utilizing a Zoom video meeting link with phone in and/or video participation. The public has been encouraged to attend remotely, with the request that public comment be submitted to the Port of Everett's Office Assistant an hour prior to the scheduled meeting. Comments received in that manner have been read into the record by the Executive Director. Notice of these remote procedures has been posted near the door of the Main Port Office and on the Port of Everett website, and has been provided to the *Herald*. Collectively, these are the "Remote Meeting Procedures;" and

**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; and

**WHEREAS**, Governor Inslee's Proclamation 20-28 has been amended and extended a number of times, most recently on July 8, 2020, by way of Proclamation 20-28.7. Proclamation 20-28.7 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 August 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 and thereafter; and

**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; and

**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; and

**WHEREAS**, On June 5, 2020, the State of Washington approved Snohomish 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; and

**WHEREAS**, based upon the current application of the Plan, Snohomish County is not expected to move into Phase III, which allows gatherings of up to fifty people, for the foreseeable future.

**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; and

**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; and

**WHEREAS**, pursuant to Proclamation 20-28 and its amendments, the Port of Everett has arranged for remote attendance by the Commission and public at meetings; and

**WHEREAS**, the Port of Everett desires to continue its option of conducting hybrid 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 Commissioners of the Port of Everett, State of Washington, that:

This Resolution shall be in effect from July 1, 2020 until the seventh day after Snohomish County enters Phase IV of the Plan, or as otherwise amended or rescinded by action of the Commission. The seven intervening days after Snohomish County enters Phase IV of the Plan will allow the Port of Everett to finalize its agenda and provide proper notice to the public of its meeting procedure.

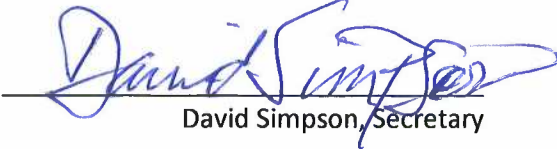
**Approved by:**



**Lisa Lefebber**  
**CEO/Executive Director**  
**July 1, 2020**

**PASSED, ADOPTED AND RATIFIED** by the **Port Commission** of the Port of Everett in open session on the 14<sup>th</sup> day of July 2020, and duly authenticated by the signatures of the Commissioners voting in favor thereof.

**EVERETT PORT COMMISSION**

  
Glen Bachman, President  
Tom Stiger, Vice President  
David Simpson, Secretary