

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Action on Resolution No. 500 - Rescinding Resolution No. 454 and Ending the Declaration of Public Health Emergency Related to the COVID-19 Pandemic
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	John Norris, Assistant City Manager
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

On March 4, 2020, the City Manager executed a Local Declaration of Public Health Emergency (Declaration) related to COVID-19. The City Manager's Declaration was subsequently ratified by the City Council through their adoption of Resolution No. 454 on March 16, 2020. As is stated in Section 4 of the City Manager's Declaration, the Declaration "shall remain in place until terminated or extended by further resolution of the City Council." Tonight, Council is scheduled to take action on proposed Resolution No. 500 (Attachment A) which would rescind Resolution No. 454 and end the City Manager's Declaration of Public Health Emergency related to the COVID-19 pandemic.

As per Council Rules of Procedure 6.1.B, which states that for 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 therefore allow for Public Comment following the staff report, and the same rules for Public Comment provided as part of the Council's Regular Meeting Agenda shall apply.

**RESOURCE/FINANCIAL IMPACT:**

There is no financial impact to rescinding Resolution No. 454 and the Declaration of Public Health Emergency. Many of the City's costs to respond to the COVID-19 pandemic were reimbursed by federal funding.

**RECOMMENDATION**

Staff recommends that the City Council adopt Resolution No. 500 rescinding Resolution No. 454 and ending the Declaration of Public Health Emergency related to the COVID-19 pandemic.

Approved By:            City Manager **DT** City Attorney **JA-T**

## **BACKGROUND**

As Council is well aware, people across the world have been combatting and responding to the COVID-19 pandemic for over two years now. And while COVID is still impacting people in our region and community, COVID is not the public health emergency it once was in 2020 and 2021.

On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency for COVID-19, and on February 29, 2020, Washington State Governor Jay Inslee proclaimed a public health emergency for COVID-19 in Washington State. These actions were followed by the Shoreline City Manager as she executed a Local Declaration of Public Health Emergency (Declaration) related to COVID-19 on March 4, 2020.

The City Manager's Declaration was subsequently ratified by the City Council through their adoption of Resolution No. 454 on March 16, 2020. The staff report for this Council action, which includes Resolution No. 454 and the City Manager's Declaration, can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport031620-7d.pdf>.

The City Manager's Declaration authorized each City department to take necessary measures and exercise emergency powers to keep the community safe over the last couple of years without regard to some time-consuming procedures and formalities otherwise normally required by law, excepting constitutional mandates. The City Manager's Declaration has stayed in place since it was ratified in March 2020.

As is stated in Section 4 of the City Manager's Declaration, the Declaration "shall remain in place until terminated or extended by further resolution of the City Council." As Resolution No. 454 ratified this Declaration as noted above, Section 2 of Resolution No. 454 states that any and all acts consistent with the Declaration are authorized until such time as the Declaration is amended, rescinded, or otherwise terminated by the City Manager or City Council. Based on this language, staff recommends that the City Council, if it is supportive of terminating the Declaration, take action to rescind Resolution No. 454.

## **DISCUSSION**

Proposed Resolution No. 500 (Attachment A) provides for the rescission of Resolution No. 454, which ratified the City Manager's Declaration, and articulates that the City is no longer in "emergency response mode" related to the pandemic. Furthermore, proposed Resolution No. 500 states that "any and all acts undertaken by City Departments and staff consistent with the Declaration of Public Health Emergency...and ratified by the City Council with the passage of Resolution No. 454, remain valid and legal acts of the City of Shoreline."

### **Timing of Resolution Recission**

As COVID-19 case counts have continued to drop in 2022 and masking and vaccination restrictions have been lifted, staff feel that now is the time to officially end the local

public health emergency related to COVID-19 in Shoreline. At the State level, on September 8, 2022, [Governor Inslee announced](#) that he would end the statewide state of emergency related to COVID-19 and rescind most of his emergency orders by October 31<sup>st</sup> of this year. More locally, the current [COVID-19 community level](#) in King County is 'Low'. Similarly in Shoreline, the public health metrics show relatively low levels of COVID-19 impacts. While it is important for the community to remain vigilant regarding COVID-19 transmission, staff feel that it is fair to say that the community is no longer in a "public health emergency" and are therefore comfortable making this recommendation to rescind the Declaration. If approved by Council, proposed Resolution No. 500 would take effect immediately.

### **COVID-19 Emergency Orders and Administrative Procedures of the City Manager**

Proposed Resolution No. 500 also directs the City Manager to terminate all emergency orders of the City Manager derived from or related to the Local Declaration of Public Health Emergency that remain in effect. At this time, all emergency orders of the City Manager related to the COVID-19 pandemic, including emergency orders on employee pay and leave benefits, refund policies for recreation programs, business and occupation and gambling tax reporting and payment deadlines, public records, and the tolling of development-related application and permit deadlines, among others, have already been eliminated. Thus, while there is no practical impact of this requirement in the proposed Resolution, it makes Council's intent clear that COVID-19 related emergency orders are no longer authorized.

Furthermore, while not technically emergency orders of the City Manager, the City Manager also enacted administrative protocols and procedures related to COVID-19 that governed employee and community behavior in City facilities and in other circumstances. These administrative procedures included employee common work spaces and vehicle safety guidelines, social distancing and personal protective equipment (PPE) guidelines, and City worksite safety plans. Similar to the emergency orders of the City Manager, these guidelines have also all been rescinded by the City Manager.

### **Other Council Resolutions Related to COVID-19**

In addition to Resolution No. 454 which ratified the City Manager's Declaration, the Council adopted other Resolutions early in the pandemic to address and mitigate the impacts of the pandemic on the community and City operations. These Resolutions either had termination timeframes written within the Resolutions or tied termination to the rescission of Resolution No. 454. The COVID-19 related Council Resolutions are as follows:

- [Resolution No. 456](#) authorized the City Manager to temporarily waive or suspend regulatory obligations or limitations. This Resolution states that "no order concerning waiver/suspension shall be in effect for a period longer than the public emergency unless extended by the City Council." While all emergency orders of the City Manager that would fall into this category, such as the tolling of development-related application/permit deadlines, the tolling of B&O and gambling tax payment deadlines, and the suspension of public records rules, have already been rescinded as noted above, the rescission of the Declaration

makes definitive Council's intent that the authority under Resolution No. 456 no longer exists.

- [Resolution No. 457](#) established a community emergency response grant program, that supported those in need in the early days of the pandemic. This grant program has distributed all funds associated with it and is now defunct. Section 5 of Resolution No. 457 states that the program "shall automatically end upon termination of the Declaration ratified by Council Resolution No. 454." Thus, while no longer in use, the grant fund will be officially terminated upon adoption of proposed Resolution No. 500.
- [Resolution No. 459](#) which temporarily provided for meetings and public hearings of the Council and City Boards and Commissions to be held electronically due to COVID-19 was already repealed by [Resolution No. 491](#), so it is no longer in effect and not subject to Resolution No. 500.
- [Resolution No. 460](#) and [Resolution No. 466](#) established and revised the program funding and implementation plan for the City's Coronavirus Aid, Relief, and Economic Security (CARES) Act Relief Funds. As all of these funds have been spent, these Resolutions are no longer in effect and the adoption of Resolution No. 500 has no impact on them.

### **City's COVID-19 Vaccine Mandate Will Not be Rescinded by Proposed Resolution No. 500**

In addition to the above Resolutions, on October 4, 2021, the Council adopted Resolution No. 483 which established a mandatory COVID-19 vaccination policy as a qualification of employment or volunteer public service with the City of Shoreline. The staff report for this Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport100421-8b.pdf>.

As per Resolution No. 483, the vaccine mandate is in effect until expressly revoked by formal action of the City Council. Thus, the adoption of proposed Resolution No. 500 (recission of the Resolution No. 454 and the Declaration) will not revoke the City's COVID-19 vaccine mandate. If the Council is interested in discussing the revocation of the COVID-19 vaccine mandate for employees and/or volunteers and City contractors, staff can bring that topic back to a future Council meeting for Council review.

### **Tonight's Council Action**

Tonight, Council is scheduled to take action on proposed Resolution No. 500. As per Council Rules of Procedure 6.1.B, which states that for 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 therefore allow for Public Comment following the staff report, and the same rules for Public Comment provided as part of the Council's Regular Meeting Agenda shall apply.

### **RESOURCE/FINANCIAL IMPACT**

There is no financial impact to rescinding Resolution No. 454 and the Declaration of Public Health Emergency. Many of the City's costs to respond to the COVID-19 pandemic were reimbursed by federal funding.

### **RECOMMENDATION**

Staff recommends that the City Council adopt Resolution No. 500 rescinding Resolution No. 454 and ending the Declaration of Public Health Emergency related to the COVID-19 pandemic.

### **ATTACHMENTS**

Attachment A – Proposed Resolution No. 500

**RESOLUTION NO. 500**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, RESCINDING RESOLUTION NO. 454 RATIFYING A LOCAL DECLARATION OF PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 VIRUS.**

WHEREAS, pursuant to SMC 2.50.060, on March 4, 2020, the City Manager executed a Declaration of Public Health Emergency related to the COVID-19 virus for the City of Shoreline; and

WHEREAS, on March 16, 2020, the City Council ratified the Declaration of Public Health Emergency and the acts of City Departments and staff had been taken in connection with such emergency by the passage of Resolution No. 454; and

WHEREAS, in implementing the Declaration of Public Health Emergency, the City Manager issued several policies and procedures related to employment, development activity, public records, and finances; and

WHEREAS, on September 8, 2022, Washington's Governor announced that the Washington State COVID-19 State of Emergency and COVID-19 emergency orders that were still in effect would be rescinded by October 31, 2022; and

WHEREAS, Resolution No. 454 states that the Local Declaration of Public Health Emergency would be in effect until amended, rescinded, or otherwise terminated by the City Manager or the City Council; and

WHEREAS, since the time of the Declaration of Public Health Emergency, due to a better understanding of the COVID-19 virus and the availability of vaccines, it is apparent that there is no longer a need for a local emergency declaration or for keeping the City of Shoreline in an emergency response mode, especially given the federal and state response measures that have been provided; and

WHEREAS, the City Council believes that government, business, and public life in general should resume as normal and that the public health and safety will not be jeopardized given the knowledge gained from the COVID-19 pandemic and the measures that can be taken to protect each other and supports and encourages the residents and business of the City to focus on recovery to their economic, social, and cultural lives;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:**

**Section 1. Rescission of Resolution No. 454.** Resolution No. 454, ratifying the City Manager's Local Declaration of Public Health Emergency related to the COVID-19 virus is hereby rescinded. The City of Shoreline shall no longer be considered in emergency response mode.

**Section 2. Validity of Actions.** Any and all acts undertaken by City Departments and staff consistent with the Declaration of Public Health Emergency related to the COVID-19 virus issued by the City Manager dated March 4, 2020, and ratified by the City Council with the passage of Resolution

No. 454, remain valid and legal acts of the City of Shoreline. The City Manager is directed to terminate all emergency orders of the City Manager derived from or related to the Local Declaration of Public Health Emergency that remain in effect.

**Section 3. Effective Date.** This Resolution shall take effect and be in full force immediately upon passage by the City Council.

**ADOPTED BY THE CITY COUNCIL ON OCTOBER 17, 2022.**

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Keith Scully, Mayor

**ATTEST:**

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Jessica Simulcik Smith, City Clerk