

**MAYORAL PROCLAMATION OF AN EXTENSION OF CIVIL EMERGENCY
AND ORDER**

**City of Yakima, Washington
April 7, 2020**

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the novel coronavirus which has been named “coronavirus disease 2019” (abbreviated “COVID-19”); and

WHEREAS, on February 29, 2020, Governor Jay Inslee signed Proclamation 20-06 declaring a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, Governor Jay Inslee signed subsequent amendatory Proclamation 20-06 on March 9, 2020, Proclamation 20-07 on March 11, 2020; and subsequent amendatory Proclamations 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33 and 20-34; and

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, the Yakima County Commissioners signed an Emergency Declaration due to the number of confirmed cases of COVID-19 in Yakima County, thus enabling Yakima County government to take extraordinary measures; and

WHEREAS, the Executive Director of the Yakima County Department of Health for Yakima County has reported to the Mayor and/or the City Manager and the public that there are a number of confirmed cases of COVID-19 in Yakima County and that that number will likely increase; and

WHEREAS, the City of Yakima believes that the significant likelihood of additional confirmed cases of COVID-19 constitutes a civil emergency as defined in Yakima Municipal Code Chapter 6.06 entitled “Emergency Powers of Mayor, City Council and City Manager” and necessitates the utilization of emergency powers granted under RCW 38.52.070; and

WHEREAS, the Proclamation and Order by the Mayor of the City of Yakima dated March 12, 2020 declared a state of emergency in the City of Yakima (the “City”) due to the novel coronavirus (COVID-19) in the City of Yakima in Yakima, County, Washington, establishes and orders measures to protect public health and safety, including the potential for a general curfew in a certain specified area should such a measure become necessary, and the numbers of COVID-19 cases have increased since that time and the proclamation of a state of emergency needs to continue; and

WHEREAS, the novel coronavirus (COVID-19) is occurring in Yakima County and is having an impact within the city limits of the City of Yakima, Washington; and

Proclamation Extending Civil Emergency and Order – 1

WHEREAS, since the Mayoral Proclamation of Emergency and Order was issued on March 12, 2020 and ratified and confirmed by the City Council on March 13, 2020, there have been a number of Proclamations and Orders issued by federal, state and local authorities regarding COVID-19, and the number of COVID-19 cases has continued to increase in the United States, the State of Washington, and in Yakima County; and

WHEREAS, some of the of the Orders and Proclamations that have been issued since March 12, 2020 because of the COVID-19 pandemic include but are not limited to the following: on March 23 2020, the President of the United States declared a national emergency; on March 23, 2020, State of Washington Governor Jay Inslee issued an Executive Order directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and as additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Washingtonians; and on or about March 22, 2020, the Yakima Health District Health Officer issued a Stay at Home Order for Yakima County residents; and

WHEREAS, the coronavirus (COVID-19) threatens the health and safety of persons and property within Yakima; and

WHEREAS, a civil emergency exists requiring me to exercise the emergency powers vested in me as Mayor by Yakima Municipal Code (“YMC”) Chapter 6.06 entitled “Emergency Powers of Mayor, City Council and City Manager”; and

WHEREAS, I have reviewed the situation, consulted with the Interim City Manager and some of the City Department Heads and verified the existence of the emergency cited below, and the necessity for me to take immediate, extraordinary action as outlined in this Proclamation and Order; and

WHEREAS, in the judgment of the Mayor, extraordinary measures are necessary to protect the public peace, safety and welfare; and

WHEREAS, the Mayor is authorized by Yakima Municipal Code (“YMC”) Chapter 6.06 entitled “Emergency Powers of Mayor, City Council and City Manager” to take certain actions necessary to protect persons and property in the event of an emergency; and

WHEREAS, the area impacted or endangered by the current situation is described below; and

WHEREAS, the current situation involving COVID-19 qualifies as a civil emergency; and

WHEREAS, response to the COVID-19 emergency situation requires decisive action to protect the health and safety of persons and property; and

WHEREAS, RCW 38.52.070(2) on emergency powers and YMC 6.06.030D authorize the City to enter into contracts and incur obligations necessary to combat a civil emergency, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such civil emergency if needed; and

WHEREAS, upon the proclamation of a civil emergency by the Mayor and during the existence of such emergency, the Mayor may make and proclaim various actions and orders pursuant to YMC 6.06.030(D) in order to address an emergency situation; and

WHEREAS, pursuant to YMC 6.06.030, civil emergency orders by the Mayor “shall, at the earliest practicable time but in no event more than seventy-two (72) hours after the proclamation of the respective order(s), be presented to the City Council for ratification and confirmation, and if not so ratified and confirmed shall be void”; and

WHEREAS, pursuant to YMC 6.06.040 regarding delivery of the proclamation to the news media, the Mayor shall cause any proclamation issued pursuant to YMC Chapter 6.06 “to be delivered to all news media within the City and shall utilize such other available means, including public address systems, as shall be necessary in his or her judgment, to give notice of such proclamation to the public”; and

WHEREAS, the Mayor finds it to be in the best interest of the City of Yakima to continue and extend a proclamation of a state of emergency for the City of Yakima, to establish measures to protect public health and safety, and to define the geographical area within the City limits to which this Proclamation and Order applies; now, therefore,

IT IS HEREBY PROCLAIMED AND ORDERED:

1. **Determination of Emergency.** A state of emergency currently exists and continues to exist in the City of Yakima as a result of:

An outbreak and increase of the coronavirus disease (COVID-19) in the United States and confirmed person-to-person spread of COVID-19 in Washington State, including in Yakima County.

As a result of the occurrence of this outbreak and the emergency that exists, I authorize the City of Yakima to exercise all actions necessary during the state of emergency to protect the safety, health and well-being of the residents of the City, to include but not be limited to:

- a. ordering areas of quarantine as may be necessary and appropriate to preserve health and safety;
- b. postponing meetings of City committees, commissions and boards as may be determined appropriate;
- c. altering the schedule means, methods and occurrence of City Council meetings to accommodate health concerns and preservation of public safety;
- d. authorizing the City to enter into contracts and obligations necessary to respond to the declared emergency to protect the health, welfare and property of the City’s residents and to provide emergency assistance as required, and to otherwise suspend requirements for bidding processes and formalities otherwise required by law unless mandated by Constitutional requirements in order to respond to the emergency that exists; and
- e. authorizing the City to utilize alternative methods of conducting all formal bid openings, and waiving the requirements of Yakima Municipal Code Chapter 1.80.020 for public bid openings while the declared emergency is in effect. Bid tabulations shall be made available to all bidders, or upon request, within a reasonable amount of time after bid openings.

2. Violation—Penalty. Pursuant to YMC 6.06.050 on “Violation—Penalty,” “it is unlawful for any person to fail or refuse to obey any such Order proclaimed by the Mayor or the City Council” issued pursuant to YMC Chapter 6.06; and any person convicted of a violation of YMC Chapter 6.06 shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred Dollars or by imprisonment in jail for not more than ninety days, or by both such fine and imprisonment.

3. Subsequent Orders. The Mayor is authorized to issue subsequent Orders which are additionally necessary to address the present situation, pursuant to and in accordance with YMC 6.06.030 and subject to approval of the City Council within seventy-two hours of their issuance.

4. Circulation. A copy of this Proclamation and Order shall be sent to the Governor of the State of Washington and to the County Commissioners of Yakima County. To the extent practicable, notices of this Proclamation and Order shall be made available to all news media within the City of Yakima pursuant to YMC 6.06.040 and to the general public.

5. Presentation, Ratification, Termination. This Proclamation and Order shall at the earliest practicable time pursuant to YMC 6.06.030 be presented to the City Council for ratification and confirmation, modification, or rejection, but in no event more than seventy-two (72) hours after the proclamation of this Order, and if rejected, shall be void. This Proclamation and Order shall remain in effect until such time as it is removed by a subsequent City Proclamation, Order or Resolution when it is determined that the extraordinary measures are no longer required for the protection of the public peace, and safety and welfare, or until the 7th day of May, 2020, when the City Council shall either modify, renew or discontinue this Proclamation and Order; whichever occurs first.

DATED this 7th day of April, 2020.

Patricia Byers, Mayor
of the City of Yakima