

RESOLUTION 2021 - 06

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, EXTENDING
THE PROCLAMATION OF EMERGENCY AND ADOPTING
FINDINGS OF FACT AND PROCEDURES FOR MANAGING
THE COVID-19 PUBLIC HEALTH EMERGENCY**

WHEREAS, COVID-19 is a highly infectious disease that can result in serious respiratory illness, organ damage, and death, and more than 27,000 COVID-19 cases and 375 deaths have now been confirmed in Yakima County, and disruption of important services, damage to life, or damage to property is occurring in local municipalities, including the City of Sunnyside, from the above conditions; and

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

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

WHEREAS, on March 13, 2020, Mayor Francisco Guerrero and City Manager Martin Casey issued a Proclamation of Emergency, declaring the COVID-19 pandemic to be an emergency in the City of Sunnyside pursuant to Section 38.52.010 RCW and other relevant provisions of state and federal law; and

WHEREAS, Governor Jay Inslee issued Proclamations 20-25, et seq., which initially prohibited all people in Washington State from leaving their homes except under

certain circumstances and then gradually relaxed those limitations based on county-by-county phasing established according to metrics provided by the Secretary of Health; and

WHEREAS, on March 24, 2020, Governor Jay Inslee signed Proclamation 20-28 temporarily suspending portions of the Open Public Meetings Act and restricting state and local government entities from holding in-person public meetings, and which was subsequently extended by the State Legislature until the end of the declared pandemic emergency; and

WHEREAS, the Yakima Valley Office of Emergency Management and the Yakima County Health District declared a local health emergency and recommended that cities in Yakima County likewise declare an emergency to manage the impacts of COVID-19; and

WHEREAS, on November 15, 2020, Governor Jay Inslee issued Proclamation 20-25.8 in response to rising COVID-19 infection and hospitalization rates that imposed statewide limitations on certain activities from November 16, 2020, through 12:01 am on December 18, 2020; and

WHEREAS, the Washington State Department of Health subsequently implemented a "Roadmap to Recovery" plan and notified Yakima County on February 14, 2021, that it has advanced to "Phase 2" of the re-opening framework based on regional progress in reducing virus transmission and hospitalization rates; and

WHEREAS, on March 23, April 27, May 26, July 27, September 28, and December 14, 2020, the Sunnyside City Council ratified the Mayoral Proclamation of Emergency, declaring the COVID-19 pandemic to be an emergency in the City of Sunnyside pursuant to Section 38.52.010 RCW and other relevant provisions of state and federal law, and

implemented temporary policy and procedural changes to enable the City to respond effectively to the COVID-19 emergency, expiring on February 28, 2021, unless further extended or modified by action of Council; and

WHEREAS, the health, safety and welfare of City residents, businesses, visitors and staff is of utmost importance to the City and additional future measures may be needed to protect the community.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1 - FINDING OF FACT

Council hereby finds that an emergency exists pursuant to RCW 38.52.070 and authorizes the City Manager to waive any necessary competitive bidding requirements related to the COVID-19 emergency and to use other emergency powers authorized by law as necessary.

SECTION 2 - CITY'S RESPONSE

- A. The City is committed to protecting the public and staff by minimizing the spread of COVID-19. The City has and will continue to follow the direction and guidelines provided by the State of Washington under the Roadmap to Recovery plan or its successor orders and the Yakima County Health Officer to best combat the spread of COVID-19.
- B. The Council authorizes the City Manager to reduce hours of service or close City Hall or other City facilities to the general public upon consultation with the Yakima County Health District throughout the duration of the County being designated as in Phase 1 or Phase 2 under the Roadmap to Recovery plan or its successor. The City Manager shall post notice of such closure on the City's website.
- C. Residents are hereby instructed to pay utility bills, acquire licenses, submit permit applications, contact staff, and transact all other routine City business via telephone, email, drop boxes, and online throughout the duration of the County being designated as in Phase 1 or Phase 2 under the Roadmap to Recovery plan or its successor, with such procedures to be posted on the City's website and/or at City facilities.
- D. The Council authorizes the City Manager to temporarily extend administrative deadlines or waive administrative penalties under the Sunnyside Municipal Code upon

request due to hardship, including, but not limited to, for non-payment of license fees and permit application fees throughout the duration of the County being designated as in Phase 1, Phase 2, or Phase 3 under the Roadmap to Recovery plan or its successor. Further, in accordance with Governor's Proclamation 20-23 or its successor directive, the City shall not shut off, refuse to reconnect due to nonpayment, or charge a late fee or reconnection fee for nonpayment of City water or sewer utility services for the duration of the Proclamation or its successor directive.

- E. Throughout the duration of the County being designated as in Phase 2 or Phase 3 under the Roadmap to Recovery plan or its successor only, the Council authorizes the City Manager to accept and approve permit requests to temporarily waive provisions in Sunnyside Municipal Code Chapter 17.48 that restrict a sidewalk café to locating immediately adjacent to the front or side of the applicant business if such adjacent location does not permit compliance with applicable social distancing requirements. An alternate sidewalk location may not conflict with a sidewalk location that an existing adjacent café, restaurant, or tavern is eligible to use, and must otherwise comply with all applicable business, health, and safety codes.
- F. The City hereby restricts use of sport courts, playground equipment, restrooms, and shelters in City parks and public spaces that remain open to the public in accordance with the protocols set in Phase 1, Phase 2, or Phase 3 under the Roadmap to Recovery plan or its successor in order to minimize exposure to COVID-19.
- G. The City shall not issue permits for community events and gatherings that do not comply with the requirements and criteria under Phase 1, Phase 2, or Phase 3 under the Roadmap to Recovery plan or its successor in order to minimize exposure to COVID-19.
- H. The Council authorizes the City Manager to reduce, waive, or rescind any of the above referenced administrative restrictions and limitations as may be permitted by State or County public health officials throughout the duration of the County being designated as in Phase 1, Phase 2, or Phase 3 under the Roadmap to Recovery plan or its successor.

SECTION 3 - COUNCIL PROCEDURES

During the term of this Resolution, the following amendments to City Council procedures are hereby adopted:

- A. Any rule or procedure adopted by City Council that would prevent or prohibit all City Councilmembers from attending City Council meetings telephonically are temporarily suspended. City Councilmembers may attend Council meetings or Council Subcommittee meetings in person or via telephone or online conferencing application in compliance with the state's "Miscellaneous Venues" guidance for business meetings for the duration specified in Governor's Proclamation 20-28 and the Roadmap to Recovery plan or their successors.
- B. The public may attend City Council meetings in person or via telephone or online conferencing application in compliance with the state's "Miscellaneous Venues" guidance for business meetings for the duration specified in Governor's Proclamation

20-28 and the Roadmap to Recovery plan or their successors. City Council and staff will encourage and accept public comment via email, written comment, or via online conferencing application.

- C. City advisory Board and Commission members and the public may attend Board and Commission meetings in person or via telephone or online conferencing application in compliance with the state's "Miscellaneous Venues" guidance for business meetings for the duration specified in Governor's Proclamation 20-28 and the Roadmap to Recovery plan or their successors
- D. Council, Council Subcommittee, Board, and Commission meetings may be held telephonically or via online conferencing application regardless of whether the City has the capability to record meetings.
- E. Any Council rules that are inconsistent with this Resolution are hereby suspended for the term of this Resolution.

SECTION 4 - BUDGET

During the term of this Resolution, Council adopts the following budget restrictions:

- A. A hiring freeze is hereby implemented on all positions funded by any City governmental fund, unless the City Manager determines in writing by notice to City Council that the hire is necessary for the continued provision of essential services to the public.
- B. All unobligated non-essential equipment replacements are hereby suspended, unless the replacement is completely funded by grants or City enterprise utility funds.
- C. Council hereby encourages the expenditure of funds for acquiring any necessary technology to facilitate effective Council deliberations, for the public to access services or business processes remotely, and for employees to work from home in situations where such remote work is possible, available, and approved by the City Manager and Department Head overseeing the relevant department. Any such expenditures should either be within current budget allocations or brought to Council for approval.
- D. All staff time and supplies or equipment purchases dedicated to emergency responses related to the COVID-19 pandemic shall be tracked to allow for potential federal or state reimbursement.

SECTION 5 - COMMUNICATION

- A. All updates regarding City functions and actions relating to the COVID-19 epidemic will be posted on the City's website to provide the public with up-to-date information.

SECTION 6 - EFFECTIVENESS

The provisions of this Resolution shall become effective upon adoption and expire on April 30, 2021, unless further extended or modified by formal action of Council.

PASSED this 22nd day of February 2021.


FRANCISCO GUERRERO, MAYOR

ATTEST:


JACQUELINE RENTERIA, CITY CLERK