

AGENDA REPORT

FOR: City Council March 18, 2020
TO: Dave Zabell, City Manager Special Meeting: 3/23/20
FROM: Dave Zabell, City Manager
Executive
SUBJECT: Resolutions - Approval of Four (4) Emergency Orders Related to COVID-19

I. REFERENCE(S):

Proposed Resolution for Emergency Order No. 2020-001 - Temporary Sign Code Revision

Proposed Resolution for Emergency Order No. 2020-002 - Temporary Moratorium on Utility Services Shut-offs and Late Fees

Proposed Resolution for Emergency Order No. 2020-003 - Temporary City Facility Closures

Proposed Resolution for Emergency Order No. 2020-004 - Temporary Expansion of Administrative Paid Leave

II. ACTION REQUESTED OF COUNCIL / STAFF RECOMMENDATIONS:

MOTION: I move to approve Resolution No. _____, ratifying Emergency Order No. 2020-001 relating to temporary sign usage within the Pasco Municipal Code.

MOTION: I move to approve Resolution No. _____, ratifying Emergency Order No. 2020-002 relating to temporary moratorium on utility services shut-offs and late fees for City of Pasco customers.

MOTION: I move to approve Resolution No. _____, ratifying Emergency Order No. 2020-003 relating to temporary City of Pasco facility closures.

MOTION: I move to approve Resolution No. _____, ratifying Emergency Order No. 2020-004 relating to temporary expansion of administrative paid leave for City of Pasco staff.

III. FISCAL IMPACT:

Unknown at this time.

IV. HISTORY AND FACTS BRIEF:

On March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010 due to the COVID-19 emergency, which has caused a world-wide pandemic.

The purpose of emergency orders (EO) allows the City, including its businesses and community members, to continue to conduct business, ensuring that the safety of everyone is secured, while maintaining the needed services for all.

V. DISCUSSION:

Mayor Martinez has issued EOs 2020-001, 2020-002, 2020-003, and 2020-004. EOs require ratification of the City Council by resolution.

Council may confirm the ratification of each emergency order through the approval of the four (4) resolutions presented within this report.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF PASCO RATIFYING
EMERGENCY ORDER NO. 2020-001 RELATING TO TEMPORARY SIGN
USAGE WITHIN THE PASCO MUNICIPAL CODE.**

WHEREAS, on March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010 due to the COVID-19 emergency, which has caused a world-wide pandemic, and

WHEREAS, the purpose of the emergency order allows the City, including its businesses and community members, to continue to conduct business, ensuring that the safety of everyone is secured, while maintaining the needed services for all; and

WHEREAS, the Pasco Municipal Code Section 2.55.020 (2) states that any such (emergency) orders shall, at the next regular or special meeting of the City Council, following the date the orders are issued, be presented to the City Council for ratification and confirmation by resolution of the City Council and if not so ratified and confirmed, shall be of no further effect.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF PASCO, WASHINGTON:**

Be It Resolved, that the City Council confirms and ratifies Emergency Order 2020-001 related to the Temporary Sign Code as presented in **EXHIBIT A**, attached hereto, and

Be It Further Resolved, that this Resolution takes effect the date Emergency Order 2020-001 was signed by the Mayor of Pasco, Washington.

PASSED by the City Council of the City of Pasco, Washington this 23rd day of March, 2020.

Saul Martinez
Mayor

ATTEST:

APPROVED AS TO FORM:

Debra Barham, CMC
City Clerk

Kerr Ferguson Law, PLLC
City Attorney



**Emergency Order No. 2020-001
Temporary Signs**

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary, Alex Azar declared a public emergency for the novel coronavirus (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 the number of confirmed cases of COVID-19 in the state and directed that plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, beginning on March 11, 2020, the President of the United States, Donald J. Trump, directed the Federal Government to take numerous emergency measures to address the unprecedented nature of this public health crisis, including restrictions on all foreign travel outside United States of America due to the number of confirmed cases of COVID-19 in the United States; and

WHEREAS, on March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010; and

WHEREAS, on March 17, 2020, the Department of Public Health of Benton and Franklin County announced the first local case of COVID-19; and

WHEREAS, as the COVID-19 emergency worsens, there is an increasing likelihood that City residents will be exposed to the virus; and

WHEREAS, on March 15, 2020, Governor Jay Inslee announced the temporary closure of all restaurants statewide, except for take-away and delivery orders; and

WHEREAS, PMC 17.15.010 and PMC 17.15.020 limit Pasco businesses' ability to advertise with temporary signs; and

WHEREAS, to prevent excessive economic harm to local businesses, it is necessary to allow restaurants to advertise their continued ability to satisfy take-out and/or delivery orders; and

WHEREAS, the residents and businesses of Pasco rely on restaurants located within the City to provide high quality food and it is in the interests of public health and morale that eating establishments remain open to the extent possible during the current emergency. **NOW, THEREFORE,**

I, Saul Martinez, Mayor of the City of Pasco, ORDER under the emergency powers granted to me under the Proclamation of Emergency that:

1. The above recitals are true and correct in all respects;
2. The sign code provisions of PMC 17.15.010 and PMC 17.15.020 and any other provisions of the Pasco Municipal Code as they relate to temporary sign advertisements for take-out and delivery food, are hereby suspended.
3. The City Manager is hereby charged with establishing administrative processes and standards to provide for such temporary signing.
4. This Order shall be in effect for the duration of the Proclamation requiring the aforementioned temporary closure ordered by the Governor, as amended, unless extended or terminated by separate written order.

DATED this 20 day of March, 2020.



Saul Martinez, Mayor

Attest:

Debra Barham, CMC
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PASCO RATIFYING EMERGENCY ORDER NO. 2020-002 RELATING TO TEMPORARY MORATORIUM ON UTILITY SERVICES SHUT-OFFS AND LATE FEES FOR CITY OF PASCO CUSTOMERS.

WHEREAS, on March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010 due to the COVID-19 emergency, which has caused a world-wide pandemic, and

WHEREAS, the purpose of the emergency order allows the City, including its businesses and community members, to continue to conduct business, ensuring that the safety of everyone is secured, while maintaining the needed services for all; and

WHEREAS, the Pasco Municipal Code Section 2.55.020 (2) states that any such (emergency) orders shall, at the next regular or special meeting of the City Council, following the date the orders are issued, be presented to the City Council for ratification and confirmation by resolution of the City Council and if not so ratified and confirmed, shall be of no further effect.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON:

Be It Resolved, that the City Council confirms and ratifies Emergency Order 2020-002 related to the Temporary Moratorium on Utility Services Shut-offs and Late Fees as presented in **EXHIBIT A**, attached hereto, and

Be It Further Resolved, that this Resolution takes effect the date Emergency Order 2020-002 was signed by the Mayor of Pasco, Washington.

PASSED by the City Council of the City of Pasco, Washington this 23rd day of March, 2020.

Saul Martinez
Mayor

ATTEST:

APPROVED AS TO FORM:

Debra Barham, CMC
City Clerk

Kerr Ferguson Law, PLLC
City Attorney



Emergency Order No. 2020-002
Temporary Moratorium on Utility Services Shut-Offs and Late Fees for City of Pasco

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary, Alex Azar declared a public emergency for the novel coronavirus (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 the number of confirmed cases of COVID-19 in the state and directed that plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, beginning on March 11, 2020, the President of the United States, Donald J. Trump, directed the Federal Government to take numerous emergency measures to address the unprecedented nature of this public health crisis, including restrictions on all foreign travel outside United States of America due to the number of confirmed cases of COVID-19 in the United States; and

WHEREAS, on March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010; and

WHEREAS, on March 17, 2020, the Department of Public Health of Benton and Franklin County announced the first local case of COVID-19; and

WHEREAS, as the COVID-19 emergency worsens, there is an increasing likelihood that City residents will be exposed to the virus; and

WHEREAS, during a time of civil emergency pursuant to PMC 2.55.010, PMC 2.55.020(h) permits the Mayor to authorize, “in cooperation with utility management and appropriate state and federal agencies, the shutting off, restoration, and operation of utility services in accordance with priorities established for combating such civil emergency”;

WHEREAS, to prevent excessive economic harm to local citizens and businesses, in particularly vulnerable populations, it is necessary to maintain citizens’ utility services through this civil emergency: **NOW, THEREFORE**,

I, Saul Martinez, Mayor of the City of Pasco, **ORDER** under the emergency powers granted to me under the Proclamation of Emergency that:

1. The above recitals are true and correct in all respects;

2. The code provisions of PMC 2.55.020(h) and any other provisions of the Pasco Municipal Code as they relate to the shutting off, restoration, and operation of utility services, are hereby suspended.
3. City Manager is hereby charged with establishing administrative processes and standards in tandem with local utility providers to execute this Order
4. This Order shall be in effect for 60 days unless extended or rescinded by separate written order.

DATED this 23 day of March, 2020.



Saul Martinez, Mayor

Attest:

Debra Barham, CMC
City Clerk

RESOLUTION NO. 3950

A RESOLUTION OF THE CITY OF PASCO RATIFYING EMERGENCY ORDER NO. 2020-003 RELATING TO TEMPORARY CITY OF PASCO FACILITY CLOSURES.

WHEREAS, on March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010 due to the COVID-19 emergency, which has caused a world-wide pandemic, and

WHEREAS, the purpose of the emergency order allows the City, including its businesses and community members, to continue to conduct business, ensuring that the safety of everyone is secured, while maintaining the needed services for all; and

WHEREAS, the Pasco Municipal Code Section 2.55.020 (2) states that any such (emergency) orders shall, at the next regular or special meeting of the City Council, following the date the orders are issued, be presented to the City Council for ratification and confirmation by resolution of the City Council and if not so ratified and confirmed, shall be of no further effect.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON:

Be It Resolved, that the City Council confirms and ratifies Emergency Order 2020-003 related to the Temporary City Facility Closures as presented in **EXHIBIT A**, attached hereto, and

Be It Further Resolved, that this Resolution takes effect the date Emergency Order 2020-003 was signed by the Mayor of Pasco, Washington.

PASSED by the City Council of the City of Pasco, Washington this 23rd day of March, 2020.

Saul Martinez
Mayor

ATTEST:

APPROVED AS TO FORM:

Debra Barham, CMC
City Clerk

Kerr Ferguson Law, PLLC
City Attorney



**Emergency Order No. 2020-003
Temporary City Facility Closures**

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary, Alex Azar declared a public emergency for the novel coronavirus (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 the number of confirmed cases of COVID-19 in the state and directed that plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, beginning on March 11, 2020, the President of the United States, Donald J. Trump, directed the Federal Government to take numerous emergency measures to address the unprecedented nature of this public health crisis, including restrictions on all foreign travel outside United States of America due to the number of confirmed cases of COVID-19 in the United States; and

WHEREAS, on March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010; and

WHEREAS, on March 17, 2020, the Department of Public Health of Benton and Franklin County announced the first local case of COVID-19; and

WHEREAS, as the COVID-19 emergency worsens, there is an increasing likelihood that City residents will be exposed to the virus; and

WHEREAS, it is essential, to reduce the community spread of COVID-19, that members of the public be discouraged from visiting or using public facilities; and

WHEREAS, closing public facilities to members of the public is an effective measure to mitigate the community spread of COVID-19 in accordance with federal guidelines; and

WHEREAS, PMC 2.55.020 authorizes the Mayor to implement any such orders as are immediately necessary for the protection of life and property; and

WHEREAS, PMC 2.100.010 related to City Office Hours being inconsistent with the full and effective implementation of the above measures, that Municipal Code provision is be suspended until Governor Jay Inslee suspends such State of Civil Emergency, or until such point as determined by the City Council to preserve the public health and safety of the Citizens of Pasco, whichever is later;

NOW, THEREFORE,

I, Saul Martinez, Mayor of the City of Pasco, ORDER under the emergency powers granted to me under the Proclamation of Emergency that:

1. The above recitals are true and correct in all respects;
2. At the discretion of the City Manager, certain City of Pasco public facilities shall be temporarily closed to members of the public beginning Monday, March 23, 2020, including:
 - a. All park shelters and bathrooms
 - b. Cemetery Office
 - c. City Hall
 - d. Fire Administration Building
 - e. Fire Stations
 - f. First Avenue Center
 - g. Martin Luther King Center
 - h. Pasco Police Community Services Building
 - i. Public Works Operations and Plants
3. Members of the public at large shall not be permitted to visit or use any of the aforementioned facilities, except as otherwise required by law.
4. This Order shall be in effect for the duration of the Proclamation requiring the aforementioned temporary closure ordered by the Governor, as amended, unless extended or terminated by separate written order.

DATED this 20 day of March, 2020.



Saul Martinez, Mayor

Attest:

Debra Barham, CMC
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PASCO RATIFYING EMERGENCY ORDER NO. 2020-004 RELATING TO TEMPORARY EXPANSION OF ADMINISTRATIVE PAID LEAVE FOR CITY OF PASCO STAFF.

WHEREAS, on March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010 due to the COVID-19 emergency, which has caused a world-wide pandemic, and

WHEREAS, the purpose of the emergency order allows the City, including its businesses and community members, to continue to conduct business, ensuring that the safety of everyone is secured, while maintaining the needed services for all; and

WHEREAS, the Pasco Municipal Code Section 2.55.020 (2) states that any such (emergency) orders shall, at the next regular or special meeting of the City Council, following the date the orders are issued, be presented to the City Council for ratification and confirmation by resolution of the City Council and if not so ratified and confirmed, shall be of no further effect.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON:

Be It Resolved, that the City Council confirms and ratifies Emergency Order 2020-004 related to the Temporary Expansion of Administrative Paid Leave as presented in **EXHIBIT A**, attached hereto, and

Be It Further Resolved, that this Resolution takes effect the date Emergency Order 2020-004 was signed by the Mayor of Pasco, Washington.

PASSED by the City Council of the City of Pasco, Washington this 23rd day of March, 2020.

Saul Martinez
Mayor

ATTEST:

APPROVED AS TO FORM:

Debra Barham, CMC
City Clerk

Kerr Ferguson Law, PLLC
City Attorney



Emergency Order No. 2020-004
Expanding Administrative Authority of City Manager for the Purposes of Paid
Administrative Leave

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary, Alex Azar declared a public emergency for the novel coronavirus (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 the number of confirmed cases of COVID-19 in the state and directed that plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, beginning on March 11, 2020, the President of the United States, Donald J. Trump, directed the Federal Government to take numerous emergency measures to address the unprecedented nature of this public health crisis, including restrictions on all foreign travel outside United States of America due to the number of confirmed cases of COVID-19 in the United States; and

WHEREAS, on March 16, 2020, Mayor Saul Martinez proclaimed the existence of a civil emergency pursuant to PMC 2.55.010; and

WHEREAS, on March 17, 2020, the Department of Public Health of Benton and Franklin County announced the first local case of COVID-19; and

WHEREAS, as the COVID-19 emergency worsens, there is an increasing likelihood that City residents will be exposed to the virus; and

WHEREAS, it is essential, to reduce the community spread of COVID-19, that any employee determined to have a credible exposure to or suspected contraction of COVID-19 not report to City facilities; and

WHEREAS, existing personnel and leave policies do not contemplate an epidemic of this nature and may not sufficiently deter such employees from reporting to City facilities; and

WHEREAS, PMC 2.55.020 authorizes the Mayor to implement any such orders as are immediately necessary for the protection of life and property; and

WHEREAS, it is necessary to impose emergency personnel requirements and pay practices to protect life and property.

NOW, THEREFORE,

I, Saul Martinez, Mayor of the City of Pasco, ORDER under the emergency powers granted to me under the Proclamation of Emergency that:

1. The above recitals are true and correct in all respects;
2. The City Manager's administrative authority to authorize paid administrative leave to employees is hereby expanded to the extent necessary to investigate and evaluate benefits and programs available in the case of a City employees' exposure or possible exposure to COVID-19 or in the event of a positive or presumptive positive COVID-19 determination of an employee.
3. This Order shall be in effect for 60 days unless extended or rescinded by separate written order.

DATED this 23 day of March, 2020.



Saul Martinez, Mayor

Attest:

Debra Barham, CMC
City Clerk