

**CITY OF BELLINGHAM
EXECUTIVE ORDER 2021-01
TEMPORARY USE OF PUBLIC AND PRIVATE FACILITIES TO
PROVIDE COVID-19 RELATED VACCINATIONS, TESTING, AND
MEDICAL SERVICES**

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed that a State of Emergency exists in all counties in the State of Washington due to the outbreak of novel coronavirus (COVID-19); and

WHEREAS, on March 10, 2020, the Whatcom County Executive, in coordination with the Whatcom County Health Board, declared a Whatcom County public health emergency to reduce the spread of COVID-19 in our community; and

WHEREAS, in response to the rapidly evolving situation in Whatcom County, the Whatcom County Health Officer issued recommendations to slow the spread of COVID-19; and

WHEREAS, the City of Bellingham (City) has implemented measures within City operations, services, and facilities to follow the recommendations of the Whatcom County Health Department; and

WHEREAS, on March 12, 2020, the City's Mayor issued a Proclamation of Local Emergency as a result of COVID-19; and

WHEREAS, COVID-19 is a threat to life and public health and demands ongoing and further emergency action; and

WHEREAS, the World Health Organization (WHO) has declared that COVID-19 disease is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level requiring dramatic interventions to disrupt the spread of this disease; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

WHEREAS, despite the efforts of state and local government, health care providers, and residents in the State, positive COVID-19-related cases and hospitalizations have been on a

steady rise since early September; and, most alarmingly, since the latter part of October through the first two weeks of December, 2020, the number of COVID-19 cases continue to dramatically increase in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, recently vaccinations for COVID-19 and additional COVID-19 testing resources have become available in the State, Whatcom County, and the City; and

WHEREAS, to reduce the severe increases in COVID-19 cases and hospitalizations we are currently facing, and to reduce the increase in deaths from COVID-19 that likely will follow, it is necessary to immediately increase the number of sites that can provide COVID-19 related vaccinations, testing, and medical services; and

WHEREAS, many public and private facilities could be temporarily used to provide the COVID-19 related vaccinations, testing, and medical services needed to respond to the pandemic; and

WHEREAS, these facilities are geographically well suited to provide COVID-19 related vaccinations, testing, and medical services during the pandemic; and

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution grants cities like the City of Bellingham broad police powers to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

WHEREAS, the public health emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to Bellingham Municipal Code (BMC) Chapter 2.57, RCW Chapter 38.52, and other law; and

WHEREAS, BMC 2.57.060 authorizes the Mayor to “make and issue orders which shall have the force of law on matters reasonably related to the protection of life and property as affected by such disaster [or emergency]”; and

WHEREAS, to preserve and protect public health and safety during the COVID-19 pandemic, I need the ability to authorize the temporary use of public and private facilities to provide COVID-19 related vaccinations, testing, and medical services.

NOW THEREFORE, I, Seth Fleetwood, Mayor of the City of Bellingham, order:

Section 1. Emergency Use of Public Facilities Authorized. At my sole discretion, based on the best interests of the public, the City may authorize the temporary use of public and private facilities to provide COVID-19 related vaccinations, testing, and other medical services.

Section 2. Duration of Executive Order. This Executive Order shall be in effect until January 15, 2022 or I rescind this Executive Order, whichever occurs first.

Section 3. Declaration of Emergency. I declare that an emergency exists necessitating that this Executive Order take effect immediately and that this Executive Order must be imposed as an emergency measure to protect the public health, safety and welfare.

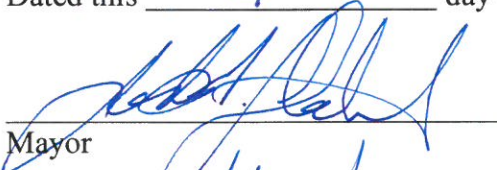
Section 4. Effective Date. This Executive Order shall be in full force and effect immediately.

Section 5. Conflict with BMC Provisions. If the provisions of this Executive Order are found to be inconsistent with any provisions of the Bellingham Municipal Code, this Order shall control.

Section 6. Severability. If any section, sentence, clause or phrase of this Executive Order should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Order.

Section 7. Recitals. I adopt the above "WHEREAS" recitals as findings of fact and conclusions of law in support of this Executive Order.

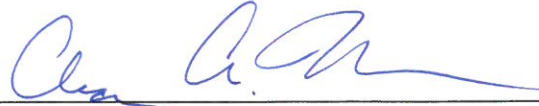
Dated this 14th day of January, 2021.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney