



**CITY OF BELLINGHAM
EXECUTIVE ORDER 2020-02
COVID-19 USE OF PUBLIC FACILITIES**

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 severity of this public health emergency may go beyond the capability of local resources; 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 Governor issued an emergency proclamation requiring all K-12 schools in Washington to close from March 17, 2020 through April 24, 2020 to combat the spread of the 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, on March 16, 2020, the Governor issued an emergency proclamation placing statewide limits on food and beverage services and areas of congregation in the state; and

WHEREAS, this proclamation prohibits: (1) the onsite consumption of food and/or beverages in public venues, including, but not limited to, restaurants, food courts, bars, taverns, coffee shops, catered events, clubs, and bowling alleys; (2) the operation of public venues in which people congregate for entertainment, social or recreational purposes, including, but not limited to, theaters, bowling alleys, gyms, fitness centers, non-tribal card rooms, barbershops and hair/nail salons, tattoo parlors, and pool halls; and (3) the operation of all retail stores except pharmacies and grocery stores, unless the stores establish and implement appropriate social distancing and sanitation measures; and

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries, resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; and

WHEREAS, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate- income workers resulting in lost wages, the inability to pay for basic household expenses, loss of housing due to non-payment of rent, and an increase in people experiencing homelessness and the need for social support services; and

WHEREAS, City and local agencies that provide rental assistance, homeless prevention services, and social support services anticipate a dramatic increase in demand for services from vulnerable populations due to the COVID-19 pandemic; and

WHEREAS, the City and these local agencies also anticipate an increase in the number of people experiencing homelessness, which creates a heightened risk of disease transmission; and

WHEREAS, the City and these local agencies will need expanded facilities to provide shelter for these additional people experiencing homelessness and other services necessary to respond

to the COVID-19 pandemic, including, but not limited to, food distribution, medical care, and social services; and

WHEREAS, the City and these local agencies will also need expanded facilities to implement social distancing for people experiencing homelessness and to segregate people who are experiencing homelessness and infected with COVID-19; and

WHEREAS, many public facilities, including those owned by the City of Bellingham, Whatcom County, the Bellingham Public School District, and other entities, could provide temporary shelter to people experiencing homelessness and other services needed to respond to the COVID-19 pandemic; and

WHEREAS, these facilities are geographically well suited to provide additional emergency services during the COVID-19 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 use of public facilities, whether owned by a governmental entity, leased by a governmental entity, or used under a license by a governmental entity, to provide temporary shelter to people experiencing homelessness and other services needed to respond to the COVID-19 pandemic.

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 use of public facilities, whether owned by a governmental entity, leased by a governmental entity, or used under a license by a

governmental entity, to provide temporary shelter to people experiencing homelessness and other services needed to respond to the COVID-19 pandemic.

Section 2. Duration of Executive Order. This Executive Order shall be in effect until I proclaim that the COVID-19 pandemic is no longer considered a public health emergency or until this order is subsequently amended.

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.

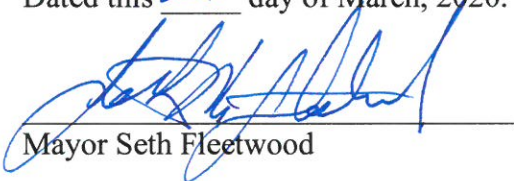
Section 4. Effective Date. This Executive Order shall be in full force and effect immediately.

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.

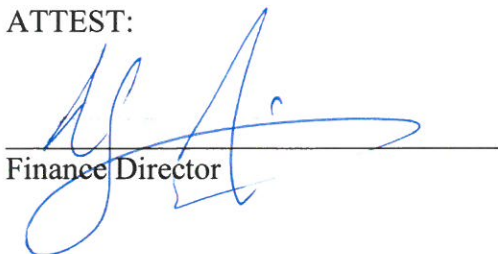
Section 7. Recitals. I adopt the above "WHEREAS" recitals as findings of fact and conclusions of law in support of this Executive Order.

Dated this 20th day of March, 2020.



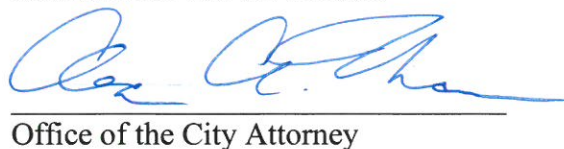
Mayor Seth Fleetwood

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney