CITY OF BELLINGHAM
EXECUTIVE ORDER 2020-03
COVID-19
CANCELLATION OR POSTPONEMENT OF ALL SUMMER EVENTS

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 due to the spread of COVID-19 in our community; and

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

WHEREAS, on March 11, 2020, the World Health Organization (WHO) 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 raised the health emergency to the highest level requiring dramatic interventions to disrupt the spread of this disease; and

WHEREAS, the spread of COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, continues throughout the State, without any expectation of ending soon; and

WHEREAS, implementation of restrictions on social, spiritual, and recreational gatherings is one necessary piece of a successful strategy for limiting transmission and spread of COVID-19; and

WHEREAS, COVID-19 is a threat to life and public health and demands ongoing and further emergency action; 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 April 6, 2020, the Governor issued an emergency proclamation extending the closure of all K-12 schools through June 19, 2020; 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, on March 23, 2020, the Governor issued an emergency "Stay Home – Stay Healthy" proclamation prohibiting all people in the State of Washington from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business through April 6, 2020; and

WHEREAS, on April 2, 2020, the Governor extended the "Stay Home – Stay Healthy" proclamation to May 4, 2020; and

WHEREAS, on April 14, 2020, the Whatcom County Health Department (WCHD) issued a memorandum (Memo) to all mayors, city council members, and event planning staff in Whatcom County; and

WHEREAS, in the Memo, WCHD states that it sees positive effects of the efforts to contain the COVID-19 virus, in large part due the social distancing measures put into place in March. While recent simulation models created by the WCHD and Western Washington University (WWU) indicate that Whatcom County may have passed the peak infection period, the impact of easing restrictions would create a second wave or peak if implemented too quickly. WCHD foresees gradual easing, or 'turning the dial', rather than 'flipping a switch' on mitigation measures; and

WHEREAS, based on WCHD/WWU's simulation model, the negative impacts of easing mitigation measures too quickly would extend well into the fall. The model predicts that continued social distancing would mean that each infected person will only infect an average of .8 other people. If each positive case infected more than just one person, even if it's 1.2, 1.6, or 2 people, the number of cases jump back up dramatically. This is even if Whatcom County maintains all mitigation measures until May 4; and

WHEREAS, WCHD states that Whatcom County needs to be very conservative in its mitigation measure easing in order to ensure the County doesn't experience a second peak in positive cases, and to protect those most at risk for severe illness or death. Given what WCHD is seeing locally, and what experts are sharing nationally and statewide, WCHD cannot foresee a scenario in which all restrictions on social distancing and limits on public gatherings have been lifted by the summer; and

WHEREAS, the Director of WCHD recommends that all summer events, parades, festivals, and firework displays be cancelled or postponed, as the long term health of Whatcom County and the County's ability to responsibly re-open its economy could be further damaged if the County moves too quickly to resume the activities the County knows will put its residents at risk; 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]".

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

Section 1. Cancellation or Postponement of all City Summer Events. Based on the April 14, 2020 recommendation of the Whatcom County Health Department, all City-sponsored summer events shall be cancelled or postponed as a result of the COVID-19 pandemic through August 30, 2020. Additionally, the City shall not accept applications for or approve any special event permits nor allow facility reservations for activities in City parks or other City facilities through August 30, 2020.

Section 2. Duration of Executive Order. This Executive Order shall be in effect until August 30, 2020, unless I amend or extend the effective date by a subsequent Executive Order.

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.

APPROVED by me this 24th day of APRIL, 2020.

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney