



**CITY OF BELLINGHAM
EXECUTIVE ORDER 2020-03.1
(AMENDING ORDER NO. 2020-03)
COVID-19 PROVIDING LIMITED EXCEPTIONS TO
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 declared that COVID-19 disease is a global pandemic and 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; and

WHEREAS, implementation of restrictions on gatherings has been one necessary piece of a successful strategy for limiting transmission and spread of COVID-19; 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 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 issued a memorandum to all mayors, city council members, and event planning staff in Whatcom County noting the positive effects of the efforts to contain the COVID-19 virus, in large part due the social distancing measures put into place in March and recommending that all summer events, parades, festivals, and firework displays be cancelled or postponed; and

WHEREAS, on April 24, 2020, I issued Executive Order 2020-03 “Cancelling or Postponing All Summer Events” for events planned prior to August 30, 2020; and

WHEREAS, on May 31, 2020, the Governor issued Proclamation 20-25.4 (“Safe Start – Stay Healthy” County-By-County Phased Reopening), wherein he amended and transitioned the previous proclamations’ requirements to “Safe Start – Stay Healthy” requirements, prohibiting all people in Washington State from leaving their homes except under certain circumstances and limitations based on a phased reopening of counties;

WHEREAS, the Washington State Secretary of Health approved Whatcom County’s application to move to Phase 2 of Washington’s Safe Start Plan on June 5, 2020; and

WHEREAS, as of the date of this order, Whatcom County remains in Phase 2, which allows certain recreational activities to occur in City facilities, so long as the activities meet applicable public health orders and regulations; and

WHEREAS, it is anticipated that Whatcom County may move to Phase 3 prior to August 30, 2020, which would allow certain additional recreational activities to occur in City facilities, so long as the activities meet applicable public health orders and regulations; and

WHEREAS, the City has determined that certain limited exceptions to the original order issued on April 24, 2020 are warranted due to community needs and the ability to provide for such exceptions in a manner that meets all applicable public health orders and guidance; 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. Ongoing Emergency.

As a result of the above-stated circumstances, I do hereby proclaim and order that a local emergency continues to exist in the City of Bellingham and Executive Order 2020-03 remains in effect except as otherwise provided in this order.

Section 2. Exceptions to Order.

The exceptions to Executive Order 2020-03 shall be as follows:

2.1 Child-Oriented Activities. The City will accept permit applications and facility reservation requests for childcare programs, day camps, youth development programs, expanded learning programs for grades K-12, and other similar child-oriented activities to occur prior to August 30, 2020 and occurring outdoors in parks, open spaces, trails and picnic shelters managed by the Parks and Recreation Department. Such applications and requests shall be subject to review for approval or denial based the Bellingham Municipal Code and ordinary policies and procedures. Additionally, such applications and requests shall be reviewed under applicable public health orders, regulations, and guidance issued by the State of Washington and/or the Whatcom County Health Department to include, at a minimum, those regulations related to: adult to child ratios; maximum gathering size; maintenance of physical separation; screening of participants; cleaning and disinfecting procedures; food handling protocols; and face coverings. All applications and requests must be submitted with a detailed plan showing compliance with such regulations. Applications and requests may be approved with conditions consistent with public health regulations and may be cancelled based on changes in public health circumstances.

2.2 Activities Occurring During Phase 3. The City will accept permit applications and facility reservation requests for activities occurring after Whatcom County moves to Phase 3 of the State Safe Start plan (and prior to August 30, 2020) and occurring outdoors at the following athletic facilities: Civic Stadium, Joe Martin Field, Geri Ball Fields, Downer Ball Fields, or Squalicum Creek Ballfields. Such applications and requests shall be subject to review for approval or denial based the Bellingham Municipal Code and ordinary policies and procedures. Additionally, such applications and requests shall be reviewed under applicable public health orders, regulations, and

guidance issued by the State of Washington and/or the Whatcom County Health Department to include, at a minimum, those regulations related to: maximum gathering size; facility capacities; physical distancing; cleaning and disinfecting procedures; and face coverings. All applications and requests must be submitted with a detailed plan showing compliance with such regulations. Such applications and requests shall be conditioned on the State's approval of Whatcom County's Phase 3 application, may include other conditions consistent with public health regulations, and may be cancelled based on changes in public health circumstances.

Section 3. 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.

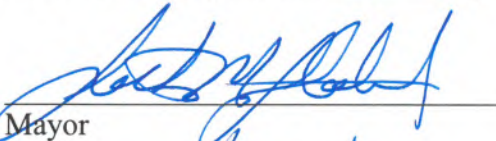
Section 4. Effective Date. This Executive Order shall be in full force and effect immediately.

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.

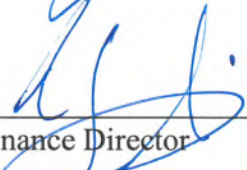
Section 6. Severability. If any section, sentence, clause or phrase of this Executive Order should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,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

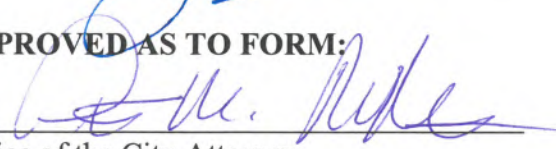
APPROVED by me this 10 day of July, 2020.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney