

**CITY OF BELLINGHAM
EXECUTIVE ORDER 2023-01
RESCINDING EXECUTIVE ORDER 2021-02
MANDATING COVID-19 VACCINATIONS FOR CITY OF
BELLINGHAM EMPLOYEES, VOLUNTEERS, AND ON-SITE INDOOR
CONTRACTORS**

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed that a State of Emergency existed 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, on March 12, 2020, City of Bellingham Mayor Seth Fleetwood issued a Proclamation of Local Emergency as a result of COVID-19; 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) implemented measures within City operations, services, and facilities to follow the recommendations of the Whatcom County Health Department; and

WHEREAS, COVID-19 was an acute threat to life and public health and warranted emergency action; and

WHEREAS, the World Health Organization (WHO) declared that COVID-19 was a global pandemic, which was 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 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, in August 2021, after months of improving COVID-19 epidemiological conditions in Washington State and Whatcom County, the emergence of highly contagious

variants, including the “delta variant” which was at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, caused cases and hospitalizations to rise sharply among unvaccinated populations and resulted in breakthrough infections in some fully vaccinated individuals; and

WHEREAS, widespread vaccination was the primary means available to the City to protect its employees and the public, including persons who could not be vaccinated for medical reasons, youth who were not yet eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons; and

WHEREAS, in autumn 2021, the Centers for Disease Control (CDC) continued to rate Whatcom County at a “High” level of COVID-19 transmission despite numerous public health measures such as mask wearing and social distancing; and

WHEREAS, in autumn 2021, COVID-19 vaccinations were widely available in Whatcom County; and

WHEREAS, all available COVID-19 vaccinations were effective at reducing the risk of contracting the virus, severe illness, hospitalization, and death; and

WHEREAS, on August 9, 2021, Governor Jay Inslee issued a proclamation requiring all employees, on-site independent contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021 and encouraged local governments to adopt a vaccine mandate; and

WHEREAS, on September 21, 2021, to preserve and protect the health and safety of City employees and the public during the COVID-19 pandemic, the Mayor made the managerial decision to require all employees, volunteers and on-site indoor contractors to be vaccinated by implementing Executive Order 2021-02; and

WHEREAS, the existing conditions at the time warranted the proclamation of the existence of a local emergency and later a vaccine mandate; and

WHEREAS, the efforts of Washington residents, including State, County, and City employees resulted in a more than seventy percent (70%) vaccination rate in the City of Bellingham; and

WHEREAS, the American Medical Association has stated that due to the concerted efforts regarding testing, vaccination, isolation, and quarantine, COVID-19 is becoming endemic, meaning that it is not causing significant disruption in our daily lives such as closing down schools or businesses or overwhelming our hospitals; and

WHEREAS, on October 31, 2022, Governor Jay Inslee terminated the statewide COVID-19 State of Emergency and also rescinded all COVID-19 emergency proclamations issued pursuant to Proclamation 20-05, including the requirement that all health care workers be fully vaccinated; and

WHEREAS, on October 31, 2022, Mayor Seth Fleetwood terminated the Proclamation of Local Emergency dated March 12, 2020; and

WHEREAS, considering the surges in COVID-19 cases, hospitalizations, and deaths that occurred during the winter of 2020-21 and the winter of 2021-22, the City of Bellingham needed to assess whether a potential winter surge in COVID-19 might impact the health and safety of the City of Bellingham before rescinding its vaccine mandate; and

WHEREAS, cases, hospitalizations and deaths have not surged during the winter of 2022-23; and

WHEREAS, on February 6, 2022, President Joe Biden announced the termination of the national public health emergency, effective May 11, 2023; and

WHEREAS, for the reasons set forth above, the City's vaccine mandate is not currently necessary to manage the risks of COVID-19.

NOW, THEREFORE, I, Seth Fleetwood, at my sole discretion as chief administrator of the City of Bellingham, order the following:

Section 1. Rescission. Executive Order 2021-02 Mandating COVID-19 Vaccination for all City Employees, Volunteers, and On-Site Indoor Contractors, as modified, is hereby rescinded.

Section 2. Effective Date. This rescission is effective as of 11:59 pm PST on Monday, February 13, 2023. The COVID-19 vaccine will no longer be required as a condition of City employment. City employees will no longer be required to show proof of vaccination against COVID-19 as a condition of employment.

Section 3. Future Actions. Staying up to date with vaccination is supported and encouraged, as it is highly effective at reducing the risk of serious illness, hospitalization, and death from COVID-19. The City shall monitor future guidance and directives from county, state, and federal government to determine whether any future orders are necessary to protect the health and safety of the City of Bellingham.

Section 4. Restrictions by another Governmental Agency. Nothing in this order exempts any employee, contractor, or volunteer from complying with more restrictive requirements from Whatcom County, the State of Washington, the federal government, or any other applicable governmental agency.

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.

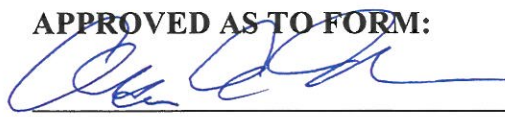
Dated this 13th day of February, 2023.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney