



CITY OF BELLINGHAM
EXECUTIVE ORDER 2020-03.2
(EXTENDING ORDER NOS. 2020-03 and 2020-03.1)
COVID-19 EXTENDING CANCELLATION OR
POSTPONEMENT OF EVENTS WITH LIMITED EXCEPTIONS

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 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, on March 12, 2020, I, as the City's Mayor, issued a Proclamation of Local Emergency as a result of COVID-19; 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 to 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 limited recreational activities to occur in City facilities, so long as the activities meet applicable public health orders and regulations; and

WHEREAS, on July 10, 2020, I issued an order providing for certain limited exceptions to Executive Order 2020-03.1; and

WHEREAS, on July 31, 2020, the Washington State Department of Health released a statewide situation report finding that COVID-19 transmission continued to grow across the state as of early July; and

WHEREAS, on August 4, 2020 the Whatcom County Health Department stated that COVID-19 case counts in Whatcom County are still rising and community spread is continuing to grow; and

WHEREAS, based on the ongoing health emergency, the previous executive orders cancelling or postponing events and providing limited exceptions should be extended to the end of 2020; 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 (Cancelling or Postponing Events) and Executive Order 2020-03.1 (Providing for Limited Exceptions) are hereby extended as provided in Section 2.

Section 2. Extension of Orders.

2.1 Executive Order 2020-03 is hereby extended and amended to include all City events and activities that otherwise would have occurred prior to January 1, 2021. Executive Order 2020-03 shall remain in effect until January 1, 2021, unless I amend or extend it by subsequent executive order. Except as provided herein, the provisions of Executive Order 2020-03 remain in effect.

2.2 The exceptions regarding outdoor child-oriented activities and outdoor activities occurring during Phase 3, as specifically set forth in Executive Order 2020-03.1, are hereby extended such that the City will accept permit applications and reservation requests for activities that will occur prior to January 1, 2021 and are consistent with Executive Order 2020-03.1. Executive Order 2020-03.1 shall remain in effect until January 1, 2021, unless I amend or extend it by subsequent executive order. Except as provided herein, the provisions of Executive Order 2020-03.1 remain in effect.

Section 3. Effective Date. This Executive Order shall be in full force and effect immediately.

Section 4. 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 5. 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 6. 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 August, 2020.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney