

Port of Port Angeles

Port Angeles, Washington

20-1219

Commissioners' Resolution No. _____

A RESOLUTION DECLARING AN EMERGENCY IN RESPONSE TO COVID-19

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death to vulnerable or at-risk populations, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans, can easily spread from person to person, and for which there are no presently available vaccines or treatments; and

WHEREAS, COVID-19 is spreading easily and sustainably in many geographic areas – globally, nationally, and locally; and

WHEREAS, the United States' Centers for Disease Control and Prevention (CDC) identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high", and has advised that person-to-person spread of COVID 19 will continue to occur globally, including within the United States; and

WHEREAS, on January 21, 2020, the Washington State Department of Health (DOH), confirmed the first case in the nation of COVID-19, and as of the date of this order reports that 31 (of 39) counties have 2,469 confirmed cases and 123 deaths; and

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a "State of Emergency" within the State of Washington as a result of COVID-19; and

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a "National Emergency" within the United States as a result of COVID-19; and

WHEREAS, on March 17, 2020, the Clallam County Board of Commissioners proclaimed a state of emergency within Clallam County as a result of COVID-19; and

WHEREAS, on March 18, 2020, the Port of Port Angeles adopted Resolution 20-1218, directing Port staff to work cooperatively with public health authorities, emergency management centers, and other first responders to take measures to combat pandemic illnesses, including COVID-19; and develop appropriate procedures to help slow and prevent the transmission of pandemic illnesses, including COVID-19; and

WHEREAS, on March 18, 2020, the Port of Port Angeles adopted Resolution 20-1218, authorizing the Executive Director to adjust leave and benefit policies to best respond to employee needs caused by pandemic illnesses, including COVID-19, and to ensure eligibility for any federal, state, or local benefit programs that are or may become available; and to modify, limit, or suspend the agency's operations as circumstances may require; and

WHEREAS, on March 22, 2020, President Donald Trump activated the National Guard to deploy to the State of Washington and assist the state and local governments in their response to the COVID-19 epidemic; and

WHEREAS, on March 23, 2020, Governor Jay Inslee amended the February 29, 2020, "State of Emergency" Proclamation 20-05 to include "Stay Home – Stay Healthy" Order throughout Washington State requires all non-essential employees to remain at home until at least until April 6, 2020; and

WHEREAS, the Port of Port Angeles recognizes that it operates facilities and properties that may be beneficial to public health authorities and emergency operations centers in their efforts to care for individuals under isolation and quarantine; and

WHEREAS, the Port of Port Angeles finds that the community mitigation measures that have been ordered to date by the State of Washington, while necessary and appropriate from a public health perspective, have greatly disrupted day-to-day operations of the Port, placing increased financial pressures on both the agency and its employees; and

WHEREAS, the Port of Port Angeles finds that the community mitigation measures that have been ordered to date by the State of Washington, while necessary and appropriate from a public health perspective, have greatly disrupted day-to-day operations of the Port's tenants, customers, and the local businesses that it serves, placing increased financial pressures on these groups and their employees, and by extension the Port also; and

WHEREAS, the Port of Port Angeles finds that the community mitigation measures already in place will likely persist into the future, and additional community mitigation measures will likely be required to respond to the COVID-19 epidemic, thereby placing greater pressures on the Port (including its employees), the Port's tenants and customers (including their employees), and the industrial, commercial, and business communities the Port serves; and

WHEREAS, pursuant to RCW 53.12.270, the Port of Port Angeles finds additional delegation of authorities to the Executive Director is appropriate to respond to COVID-19 epidemic;

NOW, THEREFORE BE IT RESOLVED, as follows:

(1)Declaration of Emergency. As a result of the present and ongoing COVID-19 epidemic, and in recognition of the previous emergency proclamations issued by the United States, State of Washington, and Clallam County, the Board of Commissioners for the Port of Port Angeles declares an emergency situation exists which presents a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

(2)Emergency Operation Categories. The Executive Director shall identify the level of emergency the agency may be operating under, the services to be provided, and personnel required to staff the same. The Executive Director shall communicate the applicable emergency level, and changes thereto, to employees through meetings, phone calls or email.

(3)Waiver. Pursuant to chapter 38.52 RCW, Chapter 39.04 RCW, Chapter 39.28 RCW and Chapter 53.19 RCW, the public advertising and competitive procurement requirements of state law and Port policies and procedures are waived related to Port contracts for the following purchases or leases, as may be necessary to respond to the COVID-19 epidemic: (1) tangible personal property or equipment; (2) public works as defined by RCW 39.04.010; and (3) services, including professional, technical, personal or purchased services.

(4)Contract Limitations. Under this Resolution, the Executive Director shall have contracting authority for the purchase of goods or services where the total value of the contract is not greater than \$100,000 for any single procurement. Pursuant to chapter 53.19 RCW, any emergency contract executed under this Resolution shall be filed with

the commission and made available for public inspection within seven working days following commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the commission when the contract is filed.

(5)Payment of Port Obligations. Pursuant to chapter 42.24 RCW, the Executive Director shall approve the payment of expenses, claims or other obligations of the Port, which are payable out of solvent funds, and all such disbursements therefrom shall be by check of the port auditor, provided however the Commission shall be provided, electronic or otherwise, with a list of all such payments made during the prior month within seven working days following first regularly scheduled meeting of the month if the Commission is not able to maintain regular meetings.

(6)Unions. The Port of Port Angeles recognizes that certain of its employees are represented by collective bargaining groups. The Executive Director shall have the authority to execute agreements with unions as circumstances may require to help the agency and its employees respond to the challenges of the COVID-19 epidemic.

(7)Temporary Hiring. Pursuant to chapter 53.08 RCW, the Port Executive Director may, for the duration of the emergency, make temporary appointments of personnel to positions that directly respond to the emergency, when the urgency of filling positions prohibits examining applicants through the competitive process, and is immediately necessary for the protection of life and property.

(8)Commercial Leases and Assistance for Local Businesses. Pursuant to chapter 53.08 RCW, the Executive Director shall have the authority to amend late fees, finance charges, re-payment plans, collections and other related policies and procedures and amend leases of Port tenants for up to one-year as circumstances may require and to ensure the financial solvency of the Port and its customers, as well as to provide, as allowed by law, other assistance to customers, tenants and others that rely on Port infrastructure as circumstances may require to help said businesses take appropriate steps to combat and respond to the public health threat posed by COVID-19 and to continue promoting/preserving economic development and living wage jobs within our community;

(9)Mutual Governmental Aid. Pursuant to chapter 38.52 RCW, the Port Executive Director is directed to cooperate with and extend such Port services, facilities, and properties to the public health authorities and/or emergency management organizations of the federal, state, and local governments as circumstances may dictate. The Executive Director shall also have the authority to execute any document(s) required to facilitate said cooperation and/or extension of said services, properties, and facilities.

(10) Public Meetings. Pursuant to chapter 42.30 RCW, and the present state of emergency, all meetings of the Port commission are exempt from the meeting notice requirements and meeting location restrictions of the Open Public Meetings Act (OPMA), Chapter 42.30 RCW; however, Port staff should make every effort to notice, coordinate, and conduct meetings consistent with the OPMA and the Port's bylaws as long as circumstances permit.

(11) Periodic Updates. The Executive Director or Deputy Executive Director shall provide weekly updates to keep the Commissioners informed of all actions performed or postponed.

(12) Deputy Executive Director. Due to the dynamics of the circumstances and the intent to not have both the Executive Director and Deputy Executive Director in the office at the same time, in the event of the Executive Director's physical absence from the office, the Deputy Executive Director shall have the same powers delegated to the Executive Director under this Resolution to make time sensitive decisions.

(13) Severability. In case any provision in this Resolution shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(14) Reservation. The Port Commission reserves its rights to issue such further orders as may be necessary to respond to the state of emergency declared by Clallam County, the State of Washington, or the United States in response to COVID-19.

(15) Sunset. This Resolution shall take effect immediately and be in full force and effect for the same time period, and without action required to renew, as the state of emergency adopted by the Clallam County Commissioners.

ADOPTED this 25 day of March 2020.

PORT OF PORT ANGELES
BOARD OF COMMISSIONERS



Steven D. Burke, President



Colleen M. McAleer, Vice President



Connie L. Beauvais, Secretary