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Title: AN ORDINANCE establishing the process governing the use of virtual or restricted meetings in accordance with the Open Public Meetings Act; and declaring an emergency.

Sponsors: Claudia Balducci

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Date	Ver.	Action By	Action	Result
5/17/2022	1	Metropolitan King County Council	Passed as Amended	Pass

AN ORDINANCE establishing the process governing the use of virtual or restricted meetings in accordance with the Open Public Meetings Act; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings.

A. In February 2020, Governor Inslee issued Proclamation 20-05 proclaiming a state of emergency resulting from the COVID 19 pandemic. In furtherance of the governor's emergency powers authorized by Proclamation 20-05, the governor issued Proclamation 20-28, waiving the requirement in the Open Public Meetings Act ("the OPMA") that the public be allowed to attend meetings subject to the OPMA in person.

B. Relying on Proclamation 20-28, the council authorized virtual meetings for itself and any council-created commissions, boards and committees subject to the OPMA. For the purposes of this ordinance, "virtual" means that both the public and officials participate in the meeting remotely by telephone or electronic means.

C. On April 29, 2022, the governor rescinded Proclamation 20-28, to be effective June 1, 2022.

Therefore, on and after that date, meetings subject to the OPMA must provide a physical location for the public to gather to attend such meetings.

D. On March 25, 2022, Governor Inslee signed Engrossed Substitute House Bill 1329, which became Chapter 115, Laws of Washington 2022, which includes authorization for a public agency, such as King County, to establish provisions by which the meetings of its governing body, such as the council, may hold virtual meetings.

E. Section 5, Chapter 115, Laws of Washington 2022, as it would apply to the county, provides that if an emergency has been declared by the local, state or federal government and the county has determined that its council cannot meet with the public attending the meeting in-person "with reasonable safety because of the emergency," meetings may be held that are: (1) virtual, with no physical location for the meeting; or (2) restricted, limiting all or some number of the public from physically attending a meeting. In instances when public access to a meeting is virtual or restricted, Section 5, Chapter 115, Laws of Washington 2022 requires that the public be able to listen to the meeting telephonically or by other real-time alternatives, including television transmission or electronic means such as the internet. The public's exercising of these options must be at no cost to the public.

F. This emergency ordinance is proposed to comply with Section 1, Chapter 115, Laws of Washington 2022, which encourages the governing bodies, such as the council, to adopt an ordinance to set out the procedures for virtual or restricted meetings in the event of a declared emergency and a determination that public attendance at a meeting is to be restricted because of that emergency.

G. While Proclamation 20-28 will expire on Jun 1, 2022, the governor's Proclamation 20-05 that a state of emergency related to COVID-19 is still in effect. Executive Constantine's March 1, 2020, emergency proclamation due to COVID-19 remains in effect. The presidential declaration of emergency concerning COVID-9 remains in effect.

H. As of May 12, 2022, the risk of COVID-19 infections are on the rise again in King County. As of

April 25, 2022, the rate of cases in King County is now elevated to "Medium COVID-19 Community Level," as defined by the U.S. Centers for Disease Control and Prevention. That means that there are over 200 new COVID-19 cases per 100,000 people over a seven-day period. According to public health-Seattle & King County, the number of reported cases is an underestimation of the actual current level of COVID-19 in the community because of the use of at-home rapid tests that often go unreported.

I. COVID-19 activity can rise and fall in response to various factors, including emergence of new variants, which can spread more readily and cause more severe illness. Additionally, while mRNA vaccines have proven to reduce the incidents of illness, the severity of illness and the likelihood of hospitalization and death, infections from current or future variant strains may not be stopped by previous vaccinations and past COVID-19 infection.

J. Public health-Seattle & King County continues to monitor the local situation to determine whether additional measures will be needed to reasonably protect the health and safety of our community.

K. Because a determination that it is not reasonably safe to provide a physical meeting location for persons to congregate because of COVID-19 could require immediate action to ensure the county council's work proceeds, the council is delegating that determination authority to the chair of the council.

SECTION 2. A. The county council authorizes its chair to make the determination that in-person meetings of the council or any of the council-created commissions, boards and committees subject to the Open Public Meetings Act ("the OPMA") cannot be held with reasonable safety due to the COVID-19 emergency.

B. The chair's determination shall be in writing and include the justifications for the determination. The chair's determination shall be published on the council's website at least twenty-four hours before a scheduled meeting of the council or any of the council-created commissions, boards and committees subject to the OPMA that will be held virtually or restrict the public's attendance at a physical location. Unless otherwise stated in the chair's determination, it shall expire thirty days after its issuance. The chair may extend the determination in increments not to exceed thirty days; however, any extension must be in writing, include justifications for the

extension and be published on the council's webpage.

C. The chair's determination is subject to appeal under K.C.C. 1.24.255.

D. The clerk of the council, in consultation with the chair, shall establish any additional administrative procedures necessary to carry out the chair's determination.

E. For any meeting of the council or a council-created commission, board and committee subject to the OPMA that is either held virtually or restricts all or any number of the public from physically attending the meeting, the option for the public to listen to the meeting telephonically or by other real-time alternatives, including television transmission or electronic means, such as the Internet, shall be provided.

F. For any meeting of the council that is either held virtually or restricts all or any number of the public from physically attending the meeting, telephonic or by other real-time alternatives shall be provided for the public to comment on legislation noticed on the agenda for final action.

SECTION 3. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.