

# Agenda Summary Report (ASR)

## Franklin County Board of Commissioners

<b>DATE SUBMITTED:</b> 1/15/2021	<b>PREPARED BY:</b> Shirley Jones
<b>Meeting Date Requested:</b> 1/19/2021	<b>PRESENTED BY:</b> Keith Johnson
<b>ITEM:</b> (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board Time needed: 10 minutes	
<b>SUBJECT:</b> Approval of Resolution In the Matter of Response to the COVID-19 Pandemic and Requesting Statutory Language Setting Limits on State of Emergency Duration without Legislative Approval	
<b>FISCAL IMPACT:</b> No monetary impact.	
<b>BACKGROUND:</b> March 23, 2020, Washington State Governor Jay Inslee issued a statewide “Stay Home, Stay Healthy” order which restricted personal contact, closed many businesses and prohibited religious and social gatherings in Franklin County due to the outbreak of the COVID-19 pandemic.  May 31, 2020, Governor Inslee issued Proclamation 20-25.04: “Transition from ‘Stay Home, Stay Healthy’ to ‘Safe Start, Stay Healthy’ County-by-County Phased Reopening,” allowing phased reopening of counties based on Washington State Department of Health metrics.  July 2, 2020, Franklin County’s application to move to Phase 1.5 of the Phased Approach to Reopening Washington Plan was approved.  November 15, 2020, Governor Inslee issued Proclamation 20-25.08: “Stay Safe – Stay Healthy,” which abruptly closed businesses previously operating under all necessary protocols and precautions as well as prohibited social gatherings.  January 11, 2021, Governor Inslee issued Proclamation 20-25.12: “Healthy Washington – Roadmap to Recovery,” which uses a regional approach that does not account for local conditions, arbitrarily and capriciously impacts Franklin County residents and businesses, and circumvents duly elected local officials’ responsibilities and duties to represent their constituents.	
<b>RECOMMENDATION:</b> Approve the resolution.	
<b>COORDINATION:</b> Keith Johnson, Administrator Benton County Administration	
<b>ATTACHMENTS: (Documents you are submitting to the Board)</b> ASR/Resolution	
<b>HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a pdf)</b> Administration Office	

*I certify the above information is accurate and complete.*

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Keith Johnson, Administrator

**FRANKLIN COUNTY RESOLUTION NO. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON**

**IN THE MATTER OF RESPONSE TO THE COVID-19 PANDEMIC AND REQUESTING  
STATUTORY LANGUAGE SETTING LIMITS ON STATE OF EMERGENCY DURATION  
WITHOUT LEGISLATIVE APPROVAL**

**WHEREAS**, on February 29, 2020, the Governor declared a State of Emergency in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state; and

**WHEREAS**, on March 23, 2020, the Governor issued Proclamation 20-25: “Stay Home, Stay Healthy,” requiring Washingtonians to stay home unless they were engaged in an approved essential activity or business; and

**WHEREAS**, on May 31, 2020, Governor Inslee issued Proclamation 20-25.04: “Transition from ‘Stay Home, Stay Healthy’ to ‘Safe Start, Stay Healthy’ County-by-County Phased Reopening,” allowing phased reopening of counties based on Washington State Department of Health metrics; and

**WHEREAS**, on July 2, 2020, Franklin County’s application to move to Phase 1.5 of the Phased Approach to Reopening Washington Plan was approved; and

**WHEREAS**, on November 15, 2020, Governor Inslee issued Proclamation 20-25.08: “Stay Safe – Stay Healthy,” which abruptly closed businesses previously operating under all necessary protocols and precautions as well as prohibited social gatherings; and

**WHEREAS**, on January 11, 2021, Governor Inslee issued Proclamation 20-25.12: “Healthy Washington – Roadmap to Recovery,” which uses a regional approach that does not account for local conditions, arbitrarily and capriciously impacts Franklin County residents and businesses, and circumvents duly elected local officials’ responsibilities and duties to represent their constituents; and

**WHEREAS**, Franklin County businesses and establishments, under their representative local governments, had been open and practicing necessary COVID-19 prevention protocols as prescribed by the Washington State Department of Health to safely serve the local community and employ its residents; and

**WHEREAS**, Governor Inslee has issued no less than 350 COVID-19-related proclamations, with multiple amendments directed at all 39 counties, which all have varying transmission rates, demographics, community values, cultural norms, and populations ranging from just over 2,000 to 2.6 million people; and

**WHEREAS**, the continuation of implemented limitations creates inequity and inconsistency among the business community and negatively impacts independent, locally-owned, small businesses which have invested significant time and resources to ensure their employees and their customers maintain a safe environment and follow common-sense COVID-19 prevention protocols and guidelines to limit transmission while continuing to allow their business to be open; and

**WHEREAS**, small businesses are critical to our economy and provide employment, essential services for the community, a vital role in the overall health and welfare for residents, and revenue for local public agencies to continue to provide essential services for public health, welfare, and benefit; and

**WHEREAS**, the Benton-Franklin Health District has been providing seven-day-a-week, free drive-thru COVID-19 testing sites for anyone wishing to be tested, whether symptomatic or not; and

**WHEREAS**, the Franklin County Board of Commissioners recognizes that one of its essential functions is to ensure the health and welfare of Franklin County residents; and

**WHEREAS**, the State of Washington and its agencies are not bound by this Resolution, so each resident of Franklin County must be aware that this Resolution does not protect them from action by the State or its agencies and are encouraged to use their own judgement concerning future choices and action; and

**WHEREAS**, the Board of County Commissioners is committed to protecting the rights of its residents and will to continue to actively challenge regulations that it believes are illegal;

**NOW, THEREFORE, BE IT RESOLVED** that the Franklin County Board of Commissioners, in the interests of ensuring the health and welfare of the residents of Franklin County, concludes that the Governor's Proclamation 20-25.12: "Healthy Washington – Roadmap to Recovery" unfairly and inequitably impacts Franklin County residents and businesses without recognition of local elected officials and their duties to represent the interests of their constituents; and

**BE IT FURTHER RESOLVED** that the Franklin County Board of Commissioners recognizes its limited authority under the Washington State Constitution, and that it cannot usurp or supersede the authorities of the State Legislature and/or the Governor to reopen local businesses; and

**BE IT FURTHER RESOLVED** that the Franklin County Board of Commissioners believes that the Benton-Franklin Health District and its Health Officer are the appropriate authority to institute necessary policies and protocols, while focusing on the education of our residents on the best options to prevent and reduce the spread of COVID-19; and

**BE IT FURTHER RESOLVED** that the Franklin County Board of Commissioners, in consideration of the indefinite nature of this State of Emergency, calls on the Governor and the Washington State Legislature to immediately begin examination and drafting of those measures necessary to amend statutory language under Title 43, Chapter 6 of the Revised Code of Washington for the purposes of requiring legislative approval for any State of Emergency lasting longer than 30 days.

This Resolution shall become effective upon adoption and shall continue until further formal action of the Franklin County Board of Commissioners.

DATED this 19<sup>th</sup> day of January, 2021.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Chair

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Chair Pro Tem

Attest:

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Clerk to the Board

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Member