



YAKIMA COUNTY BOARD OF COMMISSIONERS PROCLAMATION

A PROCLAMATION IN SUPPORT OF LOCAL PUBLIC HEALTH AGENCY MANAGEMENT OF COVID-19 PREVENTION AND RESPONSE, AND CALLING FOR IMMEDIATE CHANGE TO STATE COVID-19 MANAGEMENT, ENFORCEMENT POLICIES, AND STATUTORY LANGUAGE LIMITING STATE OF EMERGENCY DURATION WITHOUT LEGISLATIVE APPROVAL

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020; and

WHEREAS, on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring a State of Emergency exists 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, Governor Inslee issued Proclamation 20-25: "Stay Home, Stay Healthy", requiring Washingtonians to stay home unless they are engaged in an essential activity and restricting gatherings for social, spiritual, and recreational purposes and ordering all businesses closed unless they are designated as an essential business; and

WHEREAS, on May 31, 2020, Governor Inslee issued Proclamation 20-25.4: "Transition From "Stay Home – Stay Healthy" County-By-County Phased Reopening" allowing phased reopening of qualifying counties based on "target metrics (intended to be applied as 'targets' and not hard-line measures)"; and

WHEREAS, on October 13, 2020, Washington State Secretary of Health John Wiesman approved Yakima County's application to move to Phase 2 of Governor Inslee's Phased Approach to Reopening Washington Plan with a warning that approval could be revoked "if circumstances change within your jurisdiction, such as a significant community transmission, no or minimal access to COVID-19 testing, inadequate surge capacity in the hospital, inadequate PPE supplies, inadequate case and contact investigations, inadequate performance on daily contact for cases in isolation or contacts in quarantine, inadequate isolation or quarantine facilities, or other conditions warranting significant concern."; and

WHEREAS, since the move to Phase 2, the safe operation of Yakima County businesses and establishments, including restaurants, bars, brewpubs, movie theaters, gyms, museums, and churches,

have at no time ever been linked to “significant community transmission,” proving that it is the behavior of a few individuals, not the conduct of the businesses and establishments themselves, that contribute to community transmission; and

WHEREAS, Yakima County businesses and establishments have been open, practicing all necessary transmission prevention behaviors, gainfully employing county residents, and safely serving the local community with no evidence that they are the direct cause of “significant community transmission”; and

WHEREAS, Virginia Mason Memorial Hospital, Astria Sunnyside Hospital and county medical providers have risen to the challenge and have not experienced, “no or minimal access to COVID-19 testing, inadequate surge capacity in the hospital, or inadequate PPE supplies”; and

WHEREAS, Yakima County Public Health Department staff, Public Health Officer Dr. Theresa Everson, and contracted community service providers have diligently carried out their duties and, for months, exceeded all case and contact investigation metrics established by the Washington State Department of Health and surpassed the performance of Washington State Centralized Investigators; and

WHEREAS, Yakima County Public Health Department continues to maintain daily contact for cases in isolation, the resources necessary for contacts to quarantine, and the ability to respond to outbreaks and high-risk settings; and

WHEREAS, Yakima County has been a leader in the state in providing seven-day-a-week free drive-thru testing sites for all residents wishing to be tested, whether symptomatic or not; and

WHEREAS, Yakima County has never been at risk of having “inadequate isolation or quarantine facilities”; and

WHEREAS, during this Phase 2 period, neither the Secretary of Health nor the Governor have moved to revoke Yakima County’s Phase 2 approval set forth in the Phase 2 approval letter; and

WHEREAS, Public Health Officer Dr. Theresa Everson has issued health orders directed to assist local citizens with preventing transmission while working to preserve the livelihoods of Yakima county residents; and

WHEREAS, Governor Inslee has issued no less than 327 COVID-related proclamations with multiple amendments directed at all 39 counties with varying transmission rates, demographics, community values, cultural norms and populations ranging from just over 2,000 to 2.6 million people; and

WHEREAS, Governor Inslee’s Proclamation 20-25.8 of November 15, 2020 entitled “Stay Safe – Stay Healthy” abruptly closed businesses which had not previously been identified as a systemic community transmission source in Yakima County; and

WHEREAS, these same businesses, having previously been closed by gubernatorial health order, subsequently reopened in Phase 2 and invested significant time and financial resources to ensure customers and staff followed common-sense COVID-19 prevention protocols to limit transmission and keep business doors open; and

WHEREAS, disruptions to workers and small businesses are serious, as small businesses are the backbone of our economy, and provide the foundation of employment, essential services for the community, a vital role in the overall health and welfare for citizens, and revenue for cities and other public agencies to continue to provide essential services for the public welfare and benefit; and

WHEREAS, citizens who have lost their primary source of income due to economic impacts from the COVID-19 restrictions may be unable to afford to stay home or practice social distancing which could have a negative impact on the public's health; and

WHEREAS, the Yakima County Board of Commissioners recognizes that one of its essential functions is to secure the health and welfare of Yakima County's citizens; and

WHEREAS, the Yakima County Prosecutor’s Office is the legal advisor to the Yakima County Board of Commissioners, and counsels the Board of County Commissioners regarding the need to operate within the confines of the law, while providing it with option-based legal advice when the Board of County Commissioners seeks to challenge regulations that it believes exceed the scope of authority.

NOW THEREFORE BE IT PROCLAIMED that the Board of County Commissioners of Yakima County, Washington, in the interests of securing the health and welfare of the citizens of Yakima County, concludes that those businesses either closed or gravely impacted by Proclamation 20-25.8, and which had previously operated using all necessary COVID-19 prevention protocols, have been unjustly, arbitrarily, and capriciously impacted along with the livelihoods of both owners and employees; and

BE IT FURTHER PROCLAIMED that the Board of County Commissioners calls on the residents and citizens of Yakima County to support all local businesses by following all necessary COVID-19 prevention protocols, and continuing to support friends and neighbors employed locally by purchasing goods and services and patronizing establishments practicing COVID-19 prevention protocols; and

BE IT FURTHER PROCLAIMED that the Board of County Commissioners supports the work of the Yakima County Public Health Department and Public Health Officer to advance

the results they have achieved partnering with businesses, governments and public agencies, schools, healthcare facilities, community organizations, churches and citizens to minimize community transmission, mitigating the secondary community mental health impacts, and encouraging continued use of all necessary COVID-19 prevention protocols; and

BE IT FURTHER PROCLAIMED that the Board of County Commissioners recognizes and appreciates the work of local law enforcement and regulatory bodies to model all necessary COVID-19 prevention protocols and focus on educating citizens as the first and best option towards minimizing community transmission; and

BE IT FURTHER PROCLAIMED that the Board of County Commissioners concludes that local management of preventing community transmission spread, not sweeping state proclamations, is and remains the primary means of ensuring healthcare facility readiness by positively interacting with citizens to reduce the risk of what is proven to be the leading source of infection spread – casual social gatherings where prevention measures are not adhered to; and

BE IT FURTHER PROCLAIMED that the Board of County Commissioners calls on Governor Jay Inslee to recognize the inherent ability and expertise of local public health authorities and agencies across Washington to effectively manage community transmission spread within their respective jurisdictions, and swiftly shift current state response policy to respecting, informing, supporting, and supplying local authorities' management directives and community messaging; and

BE IT FURTHER PROCLAIMED that the Board of County Commissioners calls on Governor Jay Inslee, state regulatory agency directors, and state agents charged with workplace compliance enforcement to cease issuance of fines and licensure sanctions, and instead adopt the model of local law enforcement agencies across the state by educating and encouraging businesses to follow all necessary COVID-19 prevention protocols where improvement opportunities may exist; and

BE IT FURTHER PROCLAIMED that the Board of County Commissioners firmly believes that only through swift and thorough action on the part of state authorities to change current management and enforcement practices will significant and lasting improvements to the health and mental well-being of employers, employees, students, families and citizens alike be achieved.

BE IT FURTHER PROCLAIMED that the Board of County Commissioners is committed to protecting the Constitutional rights of its residents and will continue to seek advice from the Yakima County Prosecutor's Office concerning lawful approaches to challenge regulations that the Board of County Commissioners may believe are improper

BE IT FURTHER PROCLAIMED that the Board of County Commissioners, in consideration of the indefinite nature of this State of Emergency, calls on Governor Jay Inslee

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 14 days.


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

PASSED this 15th day of December 2020.

YAKIMA COUNTY BOARD OF COMMISSIONERS



Ron Anderson, Chairman



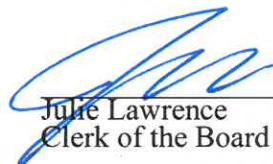
Amanda McKinney, Commissioner



LaDon Linde, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*

Attest:



Julie Lawrence
Clerk of the Board

