

**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 county jurisdiction on a county to county application, 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 individuals in private settings, not the conduct of the businesses and establishments themselves, that contribute to community transmission; and

WHEREAS, Yakima County businesses and establishments under their representative local governments 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 Yakima 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 and its elected officials and representative local governments have 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, including a mask directive on June 3, 2020 which preceded the statewide mask mandate on June 26, 2020, 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, all on county by county basis 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, Governor Inslee’s “Healthy Washington Roadmap to Recovery” announced publicly January 5, 2021 creates subjective and arbitrary regions in which local elected officials and governments have no legal control or influence over the jurisdictions in which they are subject to inclusion with, and in which the democratic process of dually elected legislative bodies to create laws impacting the residents of Washington State was circumvented; 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 under the dually elected representative local authorities within Yakima County;

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 “Healthy Washington-Roadmap to Recovery” 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 official governmental management of preventing community transmission spread, not sweeping state proclamations creating arbitrary regional boundaries over which we have no authority, 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 democratically fundamental authority of local elected officials 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 within Yakima County to immediately 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 Legislative elected officials can publicly vetted improvements be made to the health and mental well-being of employers, employees, students, families and citizens alike be achieved.

BE IT FURTHER PROCLAIMED that Yakima County will take appropriate action to address proclamations which unlawfully violate due process rights, property rights or interferes unlawfully with representative democratic local government's lawful authority; and

BE IT FUTHER PROCLAIMED that the Board of County Commissioners is committed

to protecting the Constitutional rights of its residents and will actively engage in lawful approaches to challenge regulations that the Board of County Commissioners believe are improper and will furthermore not endorse the expenditure of resources on enforcement or assisting in the enforcement of aforementioned arbitrary and capricious proclamations and acts by Governor Jay Inslee; and

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 and immediately nullifies the "Stay Home-Stay Healthy" and "Healthy Washington-Roadmap to Recovery" orders.

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

DATED this 11th day of January 2021.

YAKIMA COUNTY BOARD OF COMMISSIONERS

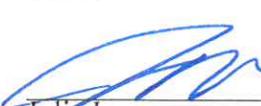
Ron Anderson, Chairman

Amanda McKinney, Commissioner

LaDon Linde, Commissioner

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

Attest:


Julie Lawrence
Clerk of the Board

