

CIVIL EMERGENCY ORDER

CITY OF SEATTLE

SHORT-TERM LEASE OF PROPERTY FOR COVID-19 TESTING SITES

WHEREAS, in my capacity as Mayor, I proclaimed a civil emergency exists in the City of Seattle in the Mayoral Proclamation of Civil Emergency dated March 3, 2020; and

WHEREAS, the civil emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to: the Charter of the City of Seattle, Article V, Section 2; Seattle Municipal Code (SMC) Chapter 10.02; and chapter 38.52 RCW; and

WHEREAS, the facts stated in that proclamation continue to exist, as well as the following additional facts:

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a state of emergency within the State of Washington due to COVID-19; and

WHEREAS, on March 1, 2020, King County Executive Dow Constantine proclaimed a state of emergency within King County due to COVID-19; and

WHEREAS, on March 3, 2020, the Mayor Jenny Durkan proclaimed a civil emergency exists in the City of Seattle in a Mayoral Proclamation of Civil Emergency pursuant to the emergency powers granted to the Mayor pursuant to: the Charter of the City of Seattle, Article V, Section 2; Seattle Municipal Code (SMC) Chapter 10.02; and chapter 38.52 RCW;

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared a state of pandemic due to COVID-19 disease, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO raised the global health emergency to the highest level requiring dramatic interventions to disrupt the spread of this disease; and

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency due to COVID-19, and on March 22, 2020 a Major Disaster was declared for the State of Washington; and

WHEREAS, on March 23, 2020, Governor Inslee imposed a “Stay Home – Stay Healthy” Order throughout Washington State prohibiting all people in Washington State from leaving their homes or participating in social, spiritual, and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State; and

WHEREAS, on May 4, 2020, Governor Inslee issued a Proclamation modifying his “Stay Home – Stay Healthy” Order, with a phased-in approach to re-open Washington, which will increase the

number of encounters King County and City residents will have with non-household members, and will increase their risk of exposure to persons with infectious COVID-19; and

WHEREAS, the age, condition, and health of a significant portion of the population of King County and its local cities and towns places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, a large surge in the number of persons with serious infections can compromise the ability of the regional healthcare system to deliver necessary healthcare to the public; and

WHEREAS, individuals can be infected and contagious before or even without developing symptoms (pre-symptomatic and asymptomatic), and the evidence suggests a significant number of infections may be transmitted in this manner; and

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) confirmed that a significant number of individuals who are infected remain asymptomatic and that as many as 25 percent of these individuals may contribute to transmission of the COVID-19 virus; and

WHEREAS, one key transmission method for COVID-19 is respiratory droplets that individuals expel when they breathe, talk, cough or sneeze; and

WHEREAS, to limit the spread of the COVID-19 virus, it is imperative that testing be widely available, particularly for members of our community who are at increased risk of infection and developing serious complications, including persons living unsheltered and other community members who may not have access to medical services; and

WHEREAS, wide scale COVID-19 testing is critical to safe reopening of the economy and recovery efforts and impacts the City and the County’s ability to contain the virus and mitigate the possibility of a second wave of outbreak; and

WHEREAS, PHSKC has determined there is a public health need for community testing and the City has been collaborating with UW Medicine and PHSKC to develop protocols and an implementation plan for deploying broad scale COVID-19 diagnostic testing at community sites through a combination of offering drive-by and walk-up community testing sites; and

WHEREAS, PHSKC acknowledges the important role of the City in working with PHSKC and other public health officials to make available wide scale testing in geographic locations where testing is not as widely available and testing individuals based on public health guidelines and priorities consistent with FEMA guidance for reimbursable costs; and

WHEREAS, the City and UW Medicine will enter into a separate Memorandum of Agreement to implement community testing sites consistent with PHSKC requirements and anticipate having up to 2,000 to 2,600 samples per day of COVID-19 tests to be processed by UW’s Department of Laboratory Medicine (“UW – City MOU”); and

WHEREAS, the City and UW Medicine will follow PHSKC’s guidance and criteria for testing of individuals at these community sites, including pre-symptomatic and asymptomatic individuals with a confirmed exposure

WHEREAS, the City will enter into an MOU with PHSKC regarding the community testing sites for the purpose of memorializing the partnership between the City and PHSKC to provide COVID-19 test widely available to the public; and

WHEREAS, the City is locating these community testing sites in geographic areas where residents who are disproportionately bearing the impact of this disease and/or have limited access to COVID-19 testing are able to easily access the testing services in partnership with PHSKC; and

WHEREAS, the City does not own facilities or property that are suitable for the purpose of efficiently maximizing throughput of drive-through and walk up COVID-19 testing, and

WHEREAS, the City anticipates having two or more community testing sites that exceed the square footage allowed for the Director of Finance and Administrative Services to execute a lease on behalf of the City pursuant to Seattle Municipal Code (SMC) 3.127.020; and

WHEREAS, the Charter of the City of Seattle, Article V, Section 2, gives the Mayor the authority to protect and maintain public peace and order in the city under a declared civil emergency and perform such other duties and exercise such other authority as may be prescribed by law; and

WHEREAS, SMC 10.02.030 authorizes the Mayor to enter into contracts and incur obligations necessary to combat such emergency and such powers shall be exercised in light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance, statute, rules or regulation (except mandatory constitutional requirements) to protect the public peace, safety and welfare of the city; and

WHEREAS, pursuant to SMC 10.02.025.B, I believe it is in the best interest of the public safety, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited as set forth in this Civil Emergency Order; therefore,

BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SEATTLE, THAT:

I, **JENNY A. DURKAN**, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTION 10.02.030, AND MY MAYORAL PROCLAMATION OF CIVIL EMERGENCY, DATED MARCH 3, 2020, HEREBY ORDER:

SECTION 1:

A. The Director of Finance and Administrative Services (“Director”) or his/her designee to negotiate and execute one or more short-term lease(s) for real property substantially in the form of the “COVID-19 Testing Site Lease Agreement,” attached to this order as **Exhibit 1**.

B. The lease payments contemplated by the terms of any lease agreement or amendment authorized in Section 1 of this Emergency Order shall be charged to the appropriate expenditure allowance in the budget of the Department of Finance and Administrative Services (FAS) and shall be reimbursed to FAS.

SECTION 2:

All mayoral proclamations and orders presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this proclamation, then the provision of this proclamation shall control.

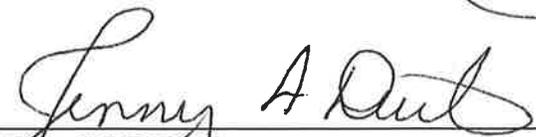
SECTION 3:

A copy of this Civil Emergency Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Emergency Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Emergency Order to the public, as many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems pursuant to SMC 10.02.100.

SECTION 4:

This Civil Emergency Order shall immediately, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Emergency Order shall be void. If the City Council modifies the order, such modification shall be effective only if it is agreed to by the ordered or contracting party. If the ordered or contracting party refused to accept the modification, the order shall be deemed to be rejected by the City Council. If the City Council rejects this Civil Emergency Order, such rejection shall not affect the City's responsibility for any actions taken prior to the rejection of the order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City.

DATED this 1 day of June, 2020, at 2⁴⁵ pm.



JENNY A. DURKAN
MAYOR OF THE CITY OF SEATTLE