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RESOLUTION NO. 459

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, TEMPORARILY PROVIDING FOR MEETINGS AND PUBLIC HEARINGS OF THE CITY COUNCIL AND CITY BOARDS AND COMMISSIONS TO BE HELD ELECTRONICALLY DUE TO COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, on January 21, 2020 the first reported case of the coronavirus disease (COVID-19) in Washington State occurred in Snohomish County and on February 28, 2020, the Seattle/King County Public Health announced the first King County and United States death due to COVID-19 in Kirkland, Washington; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared COVID-19 a public health emergency of international concern; and, on January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency for COVID-19; and

WHEREAS, COVID-19 is a respiratory disease caused by the SARS-CoV-2 virus, a new strain of coronavirus that had not been previously identified in humans, can easily spread from person to person, and can result in serious illness or death, and has been classified by the World Health Organization as a worldwide pandemic; and

WHEREAS, on February 29, 2020, the Washington State Governor declared a State of Emergency for all counties throughout the state of Washington as a result of COVID-19 pandemic and outbreak and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, on March 4, 2020, the Shoreline City Manager issued a Declaration of Local Public Health Emergency due to the COVID-19 pandemic, and on March 16, 2020, the Shoreline City Council ratified the Emergency Declaration; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses in particular to our most vulnerable populations, the Governor, exercising his emergency powers under RCW 43.06.220, has issued various Proclamations (currently 20-06 through 20-53) prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, on March 23, 2020, the Governor issued Proclamation 20-25 (Stay Home-Stay Healthy) prohibiting residents from leaving their place of residence and prohibiting all public gatherings regardless of the number of people involved; and

WHEREAS, on March 24, 2020, the Governor issued Proclamation 20-28, that among other things, issued a prohibition on conducting meetings subject to the Open Public Meetings

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Act (OPMA), chapter 42.30 RCW, in-person and instead directing that any meetings be held entirely electronically and be limited to consideration of necessary and routine matters or those related to the COVID-19 emergency; and

WHEREAS, on March 23, 2020, in order to protect its citizens and limit the spread of COVID-19, the City Council held its first remote electronic regular meeting, and providing for attendance in the same fashion to the public, along with the ability to provide public comment, and started conducting meetings exclusively on-line March 30, 2020 and continues to convene meetings in this manner; and

WHEREAS, on April 16, 2020, the Planning Commission held its first remote electronic regular meeting with all commissioners attending remotely and providing opportunity for the public to both attend and provide comment remotely; and

WHEREAS, the City Council and Planning Commission have been conducting public meetings and hearings in accordance with Proclamation 20-28, as amended, and consistent with the Council's and Commission's Rules of Procedure; with the public being able to provide public comment and testimony remotely and virtually; the Parks, Recreation and Cultural Services Board and Tree Board (collectively, Parks Board) held its first remote electronic meeting on May 28, 2020; and

WHEREAS, Title 35A RCW, chapter 35A.13 RCW, and RCW 35A.13.170, 35A.12.110, and 35A.12.120 provide the requirement for meetings of the City Council and require that the City Council "shall meet regularly, at least once a month, at a place and at such times as may be designated by the city council;" and may call special meetings by providing the council with written notice delivered to each member of the council "at least twenty-four hours before the time specified for the proposed meeting" with notice to the public "in accordance with RCW 42.30.080, as now or hereafter amended"; and RCW 42.30.070 provides that the City Council is to establish the time for holding regular meetings and also provides a procedure for moving a meeting site in an emergency;" and

WHEREAS, there is no requirement in the OPMA that requires the City Council, Planning Commission, or Parks Board to hold meetings or public hearings in any particular place. The OPMA states that the time and place of regular meetings is to be determined by the applicable body as reflected in its duly adopted rules of procedures or general practices; and

WHEREAS, the OPMA requires that the public be permitted to attend a meeting without preconditions being placed on their attendance; and

WHEREAS, the City Council has provided for technology that allows electronic meetings and hearings and for the public to attend these electronic "virtual" meetings of the City Council, as well as the other public meetings and hearings of the City of Shoreline; and this technology allows the public to attend by watching or listening in real time as well as to provide public comment and public testimony; and the City has been conducting and the public attending such virtual meetings and hearings while Proclamation 20-28, as amended, has been in effect; and

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WHEREAS, the City Council, Planning Commission, and Parks Board has previously established the following general rules and procedures with respect to place of public meetings:

City Council
The City Council has adopted the City Council Rules of Procedure. The Rules, last amended by Resolution No. 445, at Section 5, provides that the Council's regular meetings are to be held in the *Council Chamber of the Shoreline City Hall.*

Planning Commission
The Planning Commission's Rules of Procedure, at Article V, states that regular meetings, at which public hearings are conducted, of the Planning Commission are to be held in the *Council Chambers of the Shoreline City Hall* unless changed by a majority vote of the Planning Commission.

Parks Board
The Parks Board's Rules of Procedures are silent as to the location of its meetings, but the Parks Board identifies *Room 303 of the Shoreline City Hall* as the location for its 2020 meeting schedule.

WHEREAS, Proclamation 20-28, as amended, expires on June 17, 2020, and although the worldwide COVID-19 pandemic's progression in Washington State has currently slowed, it continues to threaten the life and health of our people, and remains an extreme public emergency affecting life, health, property, and peace; and

WHEREAS, Proclamation 20-25, as amended, and transition from "Stay Home Stay Healthy " to "Safe Start, Stay Healthy," will expire on July 1, 2020, with limitations on the size of gatherings based on which phase King County is in and, with a requirement for strict protective measures instituted by the State of Washington and/or public health agencies, such as required use of masks, hygiene protocols, and social distancing; and

WHEREAS, due to the ongoing threat COVID-19 poses and the related necessary precautions and restrictions, the City Council has concluded that in order to continue to protect life, health and property of its citizens that upon the expiration of Proclamation 20-28, as amended, it is necessary to continue to hold electronic only "virtual" meetings and hearings, and hereby also directs the Planning Commission and the Parks Board, to only conduct such electronic "virtual" meetings during this public health emergency; and

WHEREAS, by this Resolution the City Council is therefore temporarily moving the location for holding meetings of the City Council, Planning Commission, and Parks Board, from City Hall to an electronic "virtual" location and all agendas and notices shall so reflect the new virtual meeting site, as well as an explanation of how the public may attend the virtual meetings; and

WHEREAS, the City Council has thoroughly considered all applicable and relevant factors in relationship to COVID-19, and deems this action to provide for electronic "virtual"

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meetings and public hearings during this emergency is in furtherance of the public interest, and necessary to protect the safety, and welfare of its citizens and property during this emergency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:

Section 1. Remote Meetings and Hearings Authorized.

A. The City Council hereby suspends the following Council Rules:

Rule 5.3 Regular Meetings in Council Chambers at Shoreline City Hall.
Rule 5.5 Workshop Dinner Meetings in Room 303 at Shoreline City Hall.

B. The City Council further directs the Planning Commission and the Parks Board to suspend any rules or practices that requires meetings or public hearings to occur in person at Shoreline City Hall and to hold all of their meetings virtually.

C. The City Council, Planning Commission, and Parks Board, shall hold all meetings or public hearings virtually, by electronic means, and shall provide for attendance by members of the public, in real time, that will allow the public listen to or watch the meeting and hear all speakers, and, if applicable, provide for public comment or testimony in accordance with any applicable state law or applicable adopted rules, as modified herein.

Section 2. Remote Meetings and Hearings Procedures.

A. The Procedures set forth in Exhibit A, are hereby adopted as a baseline for virtual meetings. The City Clerk may modify and provide additional procedures in accordance with the general guidance of this Resolution.

B. The Planning Commission and the Parks Board may take additional steps and adopt or amend rules or procedures, if necessary, in accordance with this Resolution and the Procedures in Exhibit A.

C. Nothing in this Resolution precludes the City Council, Planning Commission, or Parks Board from providing an additional opportunity for public participation in a particular case, provided that is done remotely, or the provision of additional or enhanced notice or alternative methods of electronic participation.

Section 3. Agenda and Notice. The City Clerk or the Clerk of any City Board or Commission shall ensure the agenda for a meeting or public hearing and any required notice unequivocally states that the meeting or hearing will be a virtual meeting to be held electronically. The notice shall provide details for watching the meeting or hearing in real time and for providing oral or written public comment or testimony at the meeting or hearing through the internet or telephone. This notice shall be posted on the City's Website and at the usual and customary City Hall locations utilized for posting such notices.

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Section 4. Severability. If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

Section 5. Effective Date of Resolution. This Resolution shall take effect and be in full force immediately upon passage by the City Council. This Resolution shall remain in effect until further action of the City Council amends this Resolution or declares an end to the emergency.

ADOPTED BY THE CITY COUNCIL ON JUNE 1, 2020.

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith, City Clerk

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Online Meeting Procedures

These are the public meeting procedures for conducting Virtual Meetings and Hearings by the Shoreline City Council and City Boards and Commissions.

1. PROCEDURES:

The City will conduct "virtual" or electronic meetings or hearings in accordance with these procedures:

1.1. Electronic Remote Access

1. City public meetings and hearings will take place over the Zoom platform.

2. The public may observe the meeting or hearing by streaming it live over the internet, or by joining the meeting or hearing through the Zoom application by computer or telephone. Information regarding joining the meeting or hearing will be provided on the City's webpage and on the meeting agenda itself.

1.2. Virtual Public Participation.

1. **Public Comment at Regular Meetings**. Section 6 of the City Council Rules of Procedure continue to apply to virtual meetings.

   A. Procedures for providing written and oral public comment can be found on the City's website and will also be provided on the meeting agenda.

   B. Procedures for the Planning Commission and PRCS/Tree Board virtual meetings shall follow these procedures and the adopted Rules of Procedure for that commission or board.

2. **Public Comment or Testimony for Public Hearings.**

   A. **Written Public Comment.** Written comment that is received prior to the meeting packet publishing deadline will be attached to the staff report. Written comment received after the publishing deadline will be sent to the hearing body and uploaded to shorelinewa.gov for the public to review in the associated meeting folder on this page: http://www.shorelinewa.gov/government/document-library/-folder-5003

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The link to this page should also be referenced in the public hearing staff report. The City will provide all written comment received before 4:00 pm Local Time on the day of the Hearing to the hearing body; the City will endeavor to upload those comments to the meeting folder in a timely manner.

B. **Oral Public Testimony at the Hearing.** The public may provide testimony remotely by joining the hearing through the Zoom application either by computer or telephone. To provide testimony, a member of the public should register via the Remote Public Comment Sign-in form on the City's webpage at least thirty (30) minutes before the start of the meeting. A request to sign-up can also be made directly to the City Clerk at (206) 801-2230.

Oral Public Testimony will also be accepted from individuals who have not pre-registered. After everyone who signed-up has testified at the hearing, the Presiding Officer should call for additional testimony by anyone that has not already spoken by asking hearing attendees to "Raise their Hand" in Zoom. Instructions on how to raise a hand (over the computer and the telephone) will be provided by the Presiding Officer at the time they call for unsigned speakers.

C. **Public Meeting and Hearing Notice.**
   1. The City's meeting and public hearing notice should:
      i. Clearly identify that the meeting or public hearing will be held remotely, and the public can view/listen and participate in the meeting live by utilizing an internet/online application or by calling into the meeting by telephone;
      ii. Provide information on how to join the meeting;
      iii. Set forth the deadlines for providing written comments to present to the body, and set forth a deadline for providing written comments of no later than 4:00 Local Time on the date of the meeting/public hearing;
      iv. Provide that participation by remote oral public comment may be given at the meeting/public hearing and provide a link to the Remote Public Comment Sign-in Form; and
      v. Note that all timely received written comments will be posted to the website prior to the meeting or public hearing.
   2. Public Hearing Notices are published in accordance with requirements in the Shoreline Municipal Code and City Council, Advisory Board Rules of Procedures.
   3. Notice of Regular and Special Meetings consists of posting the information listed in 1. i-iv on the meeting agenda, which is then disseminated as follows:
      i. Published on body's meeting page on www.shorelinewa.gov;
      ii. Published to the City's calendar on www.shorelinewa.gov;

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iii. Posted on doors at the east and west entrances to City Hall; and
iv. E-mailed to the City Council Meetings listserv through Alert Shoreline.

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Sample Notice Language for Public Hearing

CITY OF SHORELINE VIRTUAL/ELECTRONIC PUBLIC HEARING
NOTICE: [Project Title]

The [Council/Planning Commission] of the City of Shoreline will hold an Electronic Public Hearing during a regular meeting of the [Council/Planning Commission] on [Day], [Month] [Day], 20XX at 7:00 p.m. Pursuant to the Governor's Emergency Proclamation 20-28 the public hearing will be held electronically due to health concerns from COVID-19. The hearing and public participation will be held **completely remotely using an online application**. The purpose of the hearing is _____.

All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Information on how to join the meeting is posted on http://www.shorelinewa.gov/government/council-meetings. Written comments should be submitted to [Name], [Title], at [email]@shorelinewa.gov by no later than 4:00 p.m. local time on the date of the hearing. Any person wishing to provide oral testimony at the hearing is encouraged to register via the Remote Public Comment Sign-in form on the City's webpage at least thirty (30) minutes before the start of the meeting: http://www.shorelinewa.gov/government/council-meetings/city-council-remote-speaker-sign-in. The webpage will also provide additional participation information. A request to sign-up can also be made directly to the City Clerk at (206) 801-2230.

Any person requiring a disability accommodation should also contact the City Clerk in advance for more information. For TTY telephone services call 546-0457. Each Request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

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Sample Notice Language for Meeting Agenda

CITY OF SHORELINE

AGENDA

[ENTER GOVERNING/ADVISORY BODY NAME]
VIRTUAL/ELECTRONIC REGULAR MEETING

[Enter Date]
7:00 p.m.

Held Remotely on Zoom
[Enter link here]

In an effort to curtail the spread of the COVID-19 virus, the [enter governing/advisory body name] meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.

[Enter governing/advisory body name] is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting. Please see the information listed below to access all of these options:

Click here to watch live streaming video of the Meeting on shorelinewa.gov

Attend the Meeting via Zoom Webinar: https://zoom.us/j/95015006341

Call into the Live Meeting: (888) 475-4499 - Webinar ID: 950 1500 6341

Click Here to Sign-Up to Provide Oral Testimony
Pre-registration is required by 6:30 p.m. the night of the meeting.

Click Here to Submit Written Public Comment
Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night the meeting; otherwise they will be sent and posted the next day.