JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-28
Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; 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 to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, and 20-27, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact through social distancing and limiting person to person contact; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact through social distancing and limiting the numbers of people who may gather in one location; and

WHEREAS, transparency in state government and all of its political subdivisions is an important state policy, such that all statutes related to open public meetings and public records are the business of the state; and

WHEREAS, there are a plethora of electronic, telephonic and other options that make it possible for the public to attend open public meetings remotely; and

WHEREAS, it is necessary to immediately waive any requirement in RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that provides for any activity that necessitates an in-person setting; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under RCW 38.08, RCW 38.52 and RCW 43.06, do hereby proclaim that a state of emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended by waiving and suspending the portions of RCW 42.30 and RCW 42.56 that require in-person meetings or contact.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Also, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05 to prohibit public agencies as follows:

> Any public agency, subject to RCW 42.30, is prohibited from conducting any meeting, subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access,

and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

Software Resellers (06016):
https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016
Cloud Solutions (05116):
https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MSRC, www.msrc.org).

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05 to prohibit public agencies as follows:

Subject to the conditions for conducting any meeting as required above, agencies are further prohibited from taking "action," as defined in RCW 42.30.020, unless those matters are necessary and routine matters or are matters necessary to respond to the COVID-19 outbreak and the current public health emergency, until such time as regular public participation under the Open Public Meetings Act is possible.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 23, 2020:

- RCW 42.30.030 – the following words only:
  - "and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter"
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: "room" in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of "site" - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
  - "Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date."
- RCW 42.30.080(2)(c) – as to the following words only:
  - "Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location."

- RCW 42.30.090 – as to the following words only:
    - "on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held."

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 23, 2020:

- RCW 42.56.080(2), as to the following words only:
    - "Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency."
    - "in person during an agency's normal office hours, or"
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: "full"
- RCW 42.56.520(1), as to the following words only in the second sentence: "Within five business days of receiving a public records request,"

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State