JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-71
Department of Natural Resources – In-Person Meetings

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of 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 through 20-53, 20-55 through 20-67, and 20-69 through 70, 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, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, since it is necessary to curtail the spread of the COVID-19 pandemic in Washington State, it is necessary to limit person-to-person contact through social distancing and limiting in-person interactions. I previously issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, while transparency and participation in state government is an important state policy, there are a plethora of electronic, telephonic and other options that make it possible for the public to attend and comment or testify in public meetings and hearings remotely; and

WHEREAS, because Title 79 RCW (Public Lands) requires the Department of Natural Resources to hold certain public meetings in specific places and to take public testimony in certain transactions or designations of public land, to prevent further spread of the virus, it is therefore necessary to immediately waive and suspend requirements in Title 79 RCW that necessitate an in-person meetings; and

WHEREAS, on, I issued Proclamation 20-28, et seq., waiving and suspending similar laws and rules concerning Chapter 42.30 RCW, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, the Washington State Department of Health 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 the 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 Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-25, et seq., is amended to waive and suspend portions of Title 79 RCW that require in-person meetings or contact until the end of the emergency or 11:59 p.m. on October 4, 2020, as described below.

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. Additionally, I continue to direct the Department of Health, 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 noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to 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 the end of the emergency or 11:59 p.m. on October 4, 2020, whichever is first:

- RCW 79.17.050 – only of the following language as indicated by strikethrough:

  Before a proposed exchange is presented to the board involving an exchange of any lands under the administrative control of the department, the department shall hold a public hearing on the proposal ~~in the county where the state-owned land or the greatest proportion thereof is located~~. Ten days but not more than twenty-five days prior to such hearing, the department shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, ~~and place~~ of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned land is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state-owned land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use of the lands involved. A summary of the testimony presented at the hearings shall be prepared for the board's consideration when reviewing the department's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement.

- RCW 79.70.100 – only of the following language as indicated by strikethrough:

  The department shall hold a public hearing ~~in the county where the majority of the land in a proposed natural area preserve is located~~ prior to establishing the boundary.

- RCW 79.71.060 – only of the following language as indicated by strikethrough:

  The department shall hold a public hearing ~~in the county where the majority of the land in the proposed natural resources conservation area is located~~ prior to establishing the boundary. An area proposed for designation must contain resources consistent with characteristics identified in RCW 79.71.020.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, to prohibit the Department of Natural Resources as follows, until the end of the emergency or 11:59 p.m. on October 4, 2020, whichever is first:

> from conducting a public meeting subject to Title 79 RCW unless (a) the meeting is not conducted in-person and instead provides an option(s) and notice of the 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.
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> As an exception to the above prohibition, if the Department of Natural Resources is holding a public meeting related to land in counties currently in Phase 3 of the *Safe Start Washington Phased Reopening County-by-County Plan* may, at their option and in addition to hosting the remote meeting elements described above, it may include an in-person component to a public meeting if all of the following requirements are met:
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> a) Compliance with all provisions of the *Safe Start Washington Phased Reopening County-by-County Plan* found here, including but not limited to adherence to the requirements that in-person gatherings are limited to the maximum number of persons allowed per the Phase of the county in which the public meeting is being held, and that all attendees are required to be separated by at least six feet and wear a face covering;
> b) Compliance with all provisions of Proclamation 20-25 et seq. *Safe Start-Stay Healthy*,
> c) Compliance with the *Order of the Secretary of Health* 20-03, et seq.;
> d) Notice of the physical location shall be included as normally required by RCW 79;
> e) If an in-person component public meeting is offered, any person wishing to attend the public meeting in-person must be able to do so at a physical location meeting all requirements herein, either in a primary meeting location or an overflow physical location that

provides the ability for all persons attending the meeting to hear each other at the same time; and

f) If at any time during the public meeting the in-person component cannot comply with each of the requirements herein, the public meeting (to include the telephonic/remote access portions) must be recessed until compliance is restored or if compliance cannot be restored then it must be adjourned, continued, or otherwise terminated.

Violators 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 4th day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State