



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING
PROCLAMATIONS 20-05, 20-68, and 20-28, et seq.**

20-28.10

**Wildfire-Related Exemptions to
Open Public Meetings Act Proclamations**

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 continued high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-64 and 20-69 through 20-71, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State by limiting person-to-person contact through social distancing and limiting in-person interactions. I 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, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers,

suspensions, and prohibitions, the most recent of which is Proclamation 20-28.9, issued on September 2, 2020; and

WHEREAS, as a result of multiple large on-going wildfires, abnormally dry weather conditions, and periods of exceptionally high temperatures throughout the state of Washington creating widespread high-risk fuel conditions, on August 19, 2020, I issued Proclamation 20-68, proclaiming a State of Emergency for all counties throughout the state of Washington; and

WHEREAS, since I issued Proclamation 20-68, Washington State has experienced new wildfires which were caused or exacerbated by an historic wind event that brought high winds and low humidity from the east to the west, and conditions that will increase the difficulty in containing current wildfires and the risk of new wildfires starting and spreading are predicted to continue through September 2020; and

WHEREAS, in addition to being a fundamental part of open government, open public meetings are essential to provide the people of Washington with timely and accurate information regarding wildfires and COVID-19, to provide them with answers to their questions, to enable public bodies to conduct business in response to the ongoing emergencies, and to dispel misinformation that may be spread through social media or otherwise; and

WHEREAS, in addition to damaging homes, public facilities, businesses, public utilities, infrastructure, agriculture, and natural resources, ongoing wildfires have also interrupted or degraded telecommunications (to include internet) services necessary to hold public meetings remotely as envisioned in Proclamation 20-28, et. seq.; and

WHEREAS, to enable necessary public meetings in areas where telecommunications services have been interrupted or degraded, a modification of the prohibitions and guidance set forth in Proclamations 20-28, et seq. (most recently restated in Proclamation 20-28.8), is necessary; and

WHEREAS, the ongoing wildfires and the COVID-19 pandemic are emergencies that continue to impact the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, and are therefore public disasters that affects life, health, property, or the public peace; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situations, 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, and Proclamation 20-68 and all amendments, remain in effect, and that the prohibitions in Proclamations 20-28, et seq., are amended as described below to allow, with conditions, in-person public meetings to take place in communities where the ongoing

wildfires have interrupted or degraded telecommunications services to a degree that remote meetings as envisioned by Proclamation 20-28, et. seq., are not feasible.

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 and the ongoing wildfires.

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 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, and 20-28 et seq., to prohibit public agencies as follows:

The prohibitions contained in Proclamations 20-28, et. seq., relating to public meetings held in areas where telecommunications services (to include internet services) have been interrupted or degraded by wildfires occurring in the summer and fall of 2020, are modified as set forth in the exceptions below (*Note: This Proclamation 20-28.10 is excluded from references herein to “Proclamations 20-28, et. seq.”*):

Applies only When Telecommunications Services are Interrupted or Degraded and No Alternative Meeting Site is Available.

The exceptions to the prohibitions of Proclamations 20-28, et. seq., contained herein are applicable only if the following conditions are met:

1. Telecommunications services in the area where the public meeting takes place and/or the area where the substantial majority of the persons affected by the public meeting live have been substantially interrupted or degraded to the extent it is impractical to hold the public meeting consistent with the provisions of Proclamation 20-28, et seq.
2. No alternative meeting site is available, in or outside of the jurisdiction, that: (a) is reasonably accessible to persons affected by the actions to be considered at the public meeting, (b) meets the social distancing requirements in Proclamation 20-28, et seq., and attached guidance for those physically at the alternative meeting

location, and (c) has sufficient telecommunications service to conduct a remote meeting in accordance with Proclamation 20-28, et. seq., and attached guidance.

3. The presiding official of the public meeting certifies on the record or in writing that the conditions of paragraphs 1 and 2, above, have been met.

Applies only to Emergency Actions and Necessary and Routine Actions.

The exemptions contained herein apply only to those “actions,” as defined in RCW 42.30.020, that are necessary and routine, or are matters necessary to respond to impacts (direct or indirect) from or related to the COVID-19 outbreak and/or wildfires occurring in the summer and fall of 2020. All other “actions” must be taken at meetings that comply with the requirements of Proclamation 20-28, et seq.

Exemptions from Prohibitions.

In circumstances in which this Proclamation 20-28.10 applies, public meetings are exempt from all prohibitions and restrictions on in-person public meetings contained in Proclamations 20-28, et seq., and accompanying guidance documents, subject to the following conditions:

1. To the extent practicable, the public meeting shall comply with all provisions of Proclamation 20-25, et seq., and 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 (*Note: If no indoor space is available that meets applicable distancing requirements, the public meeting can and should be held outdoors*);
2. To the extent practicable, notice of the meeting shall comply with the requirements of Proclamation 20-28 et seq., and shall, in all cases, be given in such a way as to provide as much actual notice as reasonably possible given the circumstances to those affected by the action(s) to be considered at the public meeting. (*Note: RCW 42.30.080 (4) waives notice requirements “in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.”*); and
3. To the extent practicable, those wishing to participate and/or attend the public meeting (to include the press) shall be allowed to do so, to include allowing persons to attend the meeting by listening and speaking through operable telecommunications devices (examples include using an attendee’s cell phone with service to connect to a conference calling service, or allowing persons to call in using the cell phone of an audience member whose phone has service).
4. A recording or transcript of the meeting shall be made available, as soon as is practicable, through the public agency’s website or through other means readily available to the public.

Ratification of Actions. All “actions” taken by a public agency under the exemptions granted herein that do not comply with the provisions of Proclamation 20-28, et. seq., with attached guidance, must be ratified by the public agency at its first regularly-scheduled meeting occurring after the expiration of this Proclamation 20-28.10, using procedures that comply with the provisions of Proclamation 20-28, et. seq.

Expiration. The exemptions contained herein shall expire on the earlier of (1) the date when telecommunications services have resumed to a degree that holding public meetings consistent with the prohibitions set forth in Proclamation 20-28, et seq. (excepting this Proclamation 20-28.10), is no longer impractical; or (2) rescission of this Proclamation 20-28.10; or (3) 11:59 p.m. on October 1, 2020, unless extended by subsequent proclamation.

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 16th day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

_____/s/_____
Jay Inslee, Governor

BY THE GOVERNOR:

_____/s/_____
Secretary of State