

RESOLUTION NO. 2022-_____

A Resolution seeking executive action from Mayor Nadine Woodward.

WHEREAS, since 2000, the voters of Spokane have elected the mayor within a mayor-council system, sometimes called a “strong mayor” system, and the change was, in part, driven by a desire of the voters to have a mayor who was directly accountable to the people, had the ability to provide strong leadership, and whose job went far beyond the merely ceremonial role that was required of the mayor under the former council-manager form of government; and

WHEREAS, during the past two plus years, the City of Spokane has been faced with challenges that simply require strong, active, visible leadership from the Mayor; and

WHEREAS, in response to the COVID-19 pandemic, Governor Inslee under the authority granted him by the Legislature has issued a number of proclamations, including Proclamation 20-25.17 (Sept. 13, 2021), which “prohibit[s] any individual from failing to wear a face covering as required by the Secretary of Health’s face covering order . . . [and] prohibit[s] any governmental . . . entity from allowing any individual to enter or remain in any indoor space under their control unless the individual is in compliance with the Secretary of Health’s face covering order”; and

WHEREAS, the proclamation also prohibits cities from allowing individuals within its buildings to violate the mask order; and

WHEREAS, under state law, Governor’s proclamations have the force of law: “Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor” (RCW 43.06.220(5)); and

WHEREAS, allowing violations of the mask requirement could, in addition to endangering the health and safety of people at City Hall – employees and members of the public alike – but it may also subject the City to litigation and fines imposed by the Department of Labor and Industries; and

WHEREAS, by allowing individuals to violate this mask order, City Council is concerned that the Administration is engaging in an intentional and willful violation of Governor Inslee’s Proclamation 20-25.17, which is an unlawful act, punishable as a gross misdemeanor; and

WHEREAS, in addition to the legal reasons described in this Resolution, City Council anticipates that Mayor Woodward will enforce the reasonable, limited health and safety regulations within City Hall since not doing so would show disregard for the health and safety of every person who enters City Hall, including City employees, fellow Council Members, City Council staff, and members of the public.

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council urgently requests that Mayor Woodward promptly enforce the reasonable health and safety regulations issued by the Governor and the Department of Labor and Industries to support ending the public health crisis and mitigate its effects here in Spokane, keep all employees and members of the public safe within City facilities, uphold her oath of office, enforce the law, and help increase the public's trust and confidence in government generally and local elected officials specifically.

BE IT FURTHER RESOLVED that the Mayor should use the power of her office and the personnel who report to her to investigate any person not complying with state laws regarding masking within City owned buildings, and criminally prosecute willful non-compliance and remove them from City owned buildings.

ADOPTED by the City Council this ____ day of _____, 2022.

City Clerk

Approved as to form:

Assistant City Attorney