

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 20-3122**

AN ORDINANCE OF THE CITY OF PROSSER, WASHINGTON, SUSPENDING CERTAIN COUNCIL RULES AND PROVIDING FOR TEMPORARY RULES TO ADDRESS VIRTUAL MEETINGS AND PUBLIC HEARINGS HELD BY THE CITY COUNCIL, AND CITY BOARDS AND COMMISSIONS. THE ORDINANCE ALSO PROVIDES FOR SEVERABILITY. THE ORDINANCE ALSO DECLARES AN EMERGENCY AND SHALL BE EFFECTIVE UPON PASSAGE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

WHEREAS, the Mayor has issued an Emergency Declaration due to the COVID-19 pandemic and the Prosser City Council ratified the Emergency Declaration; 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 Act (OPMA), chapter 42.30 RCW, in-person and instead directing that any meetings be held entirely electronically; and

WHEREAS, Proclamation 20-28 is set to expire 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, by this Ordinance the City Council is temporarily moving the location for holding meetings of the City Council, Planning Commission, and Board of Adjustment, 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;

THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Remote Meetings and Hearings Authorized.

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

Prosser Municipal Code Sections 2.04.020, 2.04.030(A)(5), 2.04.040, 2.04.110, and 2.04.140.

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

C. The City Council, Planning Commission, and Board of Adjustment 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 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 Ordinance.

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

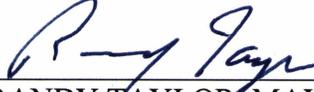
C. Nothing in this Ordinance precludes the City Council, Planning Commission, or Board of Adjustment from providing an additional opportunity for public participation in a particular case or from providing additional notice or alternative methods of electronic participation.

Section 3. Agenda and Notice. The City Clerk or other appropriate official 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 listening to 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.

Section 4. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

Section 5. The City Council hereby declares the appearance of the COVID 19 virus in the State of Washington requires the declaration of an emergency to protect public health and safety of the public and the health and safety of its employees and therefore, this ordinance shall be effective immediately upon its passage. The City Clerk shall publish an approved summary of this ordinance thereof consisting of its title. This Ordinance shall remain in effect until repealed by the City Council. In the event that the Washington State Governor declares phase 4 of his stay home stay healthy proclamation to be in effect in Benton County, then this Ordinance shall be of no further effect on the effective date of such declaration.

ADOPTED by the City Council and **APPROVED** by the Mayor, this 9th day of June, 2020.

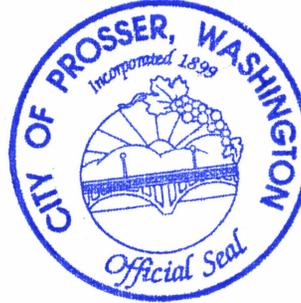


RANDY TAYLOR, MAYOR

ATTEST:



RACHEL SHAW, CITY CLERK



APPROVED AS TO FORM:



HOWARD SAXTON, CITY ATTORNEY

Date of Publication: 6/17/2020

SUMMARY OF ORDINANCE NO. 20-3122

of the City of Prosser, Washington

On the 9th day of June, 2020, the City of Prosser, Washington, passed Ordinance No. 20-3122. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF PROSSER, WASHINGTON, SUSPENDING CERTAIN COUNCIL RULES AND PROVIDING FOR TEMPORARY RULES TO ADDRESS VIRTUAL MEETINGS AND PUBLIC HEARINGS HELD BY THE CITY COUNCIL, AND CITY BOARDS AND COMMISSIONS. THE ORDINANCE ALSO PROVIDES FOR SEVERABILITY. THE ORDINANCE ALSO DECLARES AN EMERGENCY AND SHALL BE EFFECTIVE UPON PASSAGE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this 10th day of June, 2020



RACHEL SHAW, CITY CLERK

EXHIBIT "A"

Online Meeting Procedures

These are the public meeting procedures for conducting Virtual Meetings and Hearings by the Prosser 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

A. City public meetings and hearings will take place over a secure internet or telephone platform selected by the City Clerk.

B. The public may participate by streaming it live over the internet 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.

A. Public Comment at Regular Meetings shall be allowed during regular meetings of the City Council or City Boards and Commissions.

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

1.3 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 agenda bill or staff report. Written comments received after the publishing deadline will be sent to the hearing body and uploaded to the City's website. The link to this page should also be referenced in the public hearing agenda bill or staff report. The City will provide all written comment received before 4:00 pm PDT 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 internet or by telephone.

C. Public Meeting and Hearing Notice. The City's meeting and public hearing notice should clearly identify that the meeting or public hearing: 1) will be held remotely, and the

public can listen and participate in the meeting by utilizing the internet or by calling into the meeting by telephone. 2) provide information on how to join the meeting; 3) Set forth the deadlines for providing written comments; 4). provide that participation by remote oral testimony may be given at the meeting/public hearing; and 5) note that all timely received written comments will be posted to the website prior to the meeting or public hearing.