

## Councilmembers

### **Position No.**

1. Tod Gunther
2. John Kelly
3. Tony Belot
4. John Williams
5. Gregg Bradshaw
6. Greg Hogan
7. Scott Drennen



## Orting City Council

Regular Business Meeting Agenda  
Virtual Meeting  
110 Train St. SE, Orting, WA  
April 8<sup>th</sup>, 2020, 7 p.m.

**Mayor Joshua Penner, Chair**

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL. REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.**

### **2. PROCLAMATION**

**A. AB20-41-** Resolution No. 2020-12, Ratifying Mayor's Proclamation of Emergency Proclamation of Emergency.

 **Charlotte Archer**

**Motion: To Adopt Resolution No. 2020-12, Ratifying Mayor's Proclamation of Emergency dated March 13, 2020.**

### **3. PRESENTATIONS**

**A. COVID19 Updates.**

 **Mayor Penner**

### **4. DEPARTMENT UPDATES.**

**5. PUBLIC COMMENTS-** *Comments will be read in to the record. In the case of a question, the chair will refer the matter to the appropriate administrative staff member or committee.*

***Any Requests For Consent Agenda Items To Be Pulled For Discussion?***

### **6. CONSENT AGENDA**

**A.** Regular Meeting Minutes of March 11, 2020.

**B.** Regular Meeting Minutes of March 25, 2020.

**C.** Special Meeting Minutes of March 30, 2020.

**D.** Payroll and Claims Warrants

**Motion: To approve Consent Agenda as prepared.**

### **7. NEW BUSINESS**

**A. AB20-39-** Ordinance No. 2020-1060 Pertaining to Enforcement of Emergency Orders.

 **Charlotte Archer**

**Motion: To adopt Ordinance No. 2020-1060, An Ordinance Of The City Of Orting, Washington, Relating To Emergency Management, Adopting New OMC 6-1b-19 Enforcement Of Emergency Proclamations; Amending OMC Chapter 1-8 For Emergency Management; Declaring An Emergency.**

**B. AB20-40-** PBS Engineering and Environmental Amendment No. 1.

 **Mark Bethune/JC Hungerford**

**Motion: To authorize the Mayor to sign a contract with PBS Engineering and Environmental Inc. in the amount of \$16,260 for the installation and monitoring of groundwater wells at the new City Hall site.**

### **8. EXECUTIVE SESSION**

**9. ADJOURNMENT-** **Motion: Move to Adjourn.**



**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Date(s)</b>
<b>Subject: Resolution No. 2020-12, Ratifying Mayor's Proclamation of Emergency</b>	<b>AB20-41</b>			
		<b>N/A</b>	N/A	4/8/20
	<b>Department:</b>	Admin		
	<b>Date Submitted:</b>			
<b>Cost of Item:</b>	<u>\$ NA</u>			
<b>Amount Budgeted:</b>	<u>\$NA</u>			
<b>Unexpended Balance:</b>	<u>\$ NA</u>			
<b>Bars #:</b>				
<b>Timeline:</b>	<b>March 2020</b>			
<b>Submitted By:</b>	<b>Mark Bethune; Charlotte Archer, City Attorney</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Resolution No. 2020-12; Mayor Penner's Emergency Proclamation				
<p><b>SUMMARY STATEMENT:</b> On March 13, 2020, Mayor Penner issued a Proclamation of Emergency due to the COVID-19 public health pandemic, pursuant to the emergency powers vested in the City's executive office under Chapter 38.52 RCW and specifically RCW 38.52.070. The Mayor's emergency powers are limited to an authorization to take those actions necessary to address the pandemic without strict compliance with the Washington state bidding and procurement regulations, so as to quickly and efficiently allocate resources. RCW 38.52.070(2) waives the requirements of competitive bidding and public notice with reference to any contract relating to the City's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultants, and RCW 39.04.280 allows the City to exempt competitive bidding requirements in the event of an emergency.</p> <p>The Mayor's emergency powers do not extend to actions not attributable to the COVID-19 crisis, and all purchases other than those specifically related to the City's response to COVID-19 are still subject to bidding and procurement regulations.</p> <p>By this action, the Council would ratify the Mayor's Proclamation of Emergency, confirming the existence of this emergency and authorizing the Mayor to take the actions authorized under state statute in response to the emergency.</p>				
<b>RECOMMENDED MOTION: To adopt Resolution No. 2020-12, Ratifying Mayor's Proclamation of Emergency dated March 13, 2020.</b>				

**CITY OF ORTING  
WASHINGTON  
RESOLUTION NO. 2020-12**

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**A RESOLUTION OF THE CITY OF ORTING, WASHINGTON, RATIFYING PROCLAMATION  
OF EMERGENCY RELATED TO THE COVID-19 PANDEMIC**

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**WHEREAS**, the Mayor of Orting is authorized to take action on behalf of the City of Orting in the event of an emergency or disaster, including a public health pandemic, pursuant to RCW Title 35A and RCW Chapter 38.52; and

**WHEREAS**, in the exercise of such authority the Mayor executed a Declaration of Emergency related to the COVID-19 virus on March 13, 2020; and

**WHEREAS**, the City Council wishes to ratify the above referenced Declaration of Emergency and the acts of the Mayor and staff that have been and will be taken in connection with such emergency;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1. Ratification.** Any and all acts undertaken by the Mayor and staff consistent with the Declaration of Emergency related to the COVID-19 virus referenced herein occurring prior to the effective date of that Declaration are hereby ratified and confirmed by the City Council of Orting.

**Section 2. Effective Date.** This Resolution shall be effective upon passage.

**Section 4. Corrections Authorized.** The City Clerk is authorized to make necessary corrections to this Resolution, including but not limited to correction of clerical errors.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 8<sup>TH</sup> DAY OF MARCH, 2020.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Jane Montgomery, City Clerk

Approved as to form:

\_\_\_\_\_  
Charlotte A. Archer  
Inslee Best  
City Attorney

## **Councilmembers**

Position No.

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**Mayor Joshua Penner, Chair**

**ORTING CITY COUNCIL**  
**Regular Business Meeting Minutes**  
Orting Multi-Purpose Center  
202 Washington Ave. S, Orting, WA  
March 11<sup>th</sup>, 2020  
7 p.m.

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

Mayor Penner called the meeting to order at 7:00pm. Councilmember Gunther led the pledge of allegiance.

**Councilmembers Present:** Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, John Williams, Gregg Bradshaw, and Scott Drennen.

**Absent:** Councilmember Tony Belot

**Staff Present:** Scott Larson, Treasurer, Jane Montgomery, City Clerk, Charlotte Archer, City Attorney, JC Hungerford, Engineer.

***Councilmember Kelly made a motion to excuse Councilmember Belot. Second by Councilmember Gunther. Motion passed (6-0)***

### **REQUEST FOR ADDITIONS OR MODIFICATIONS TO THE AGENDA.**

1. Jane Montgomery –Add the minutes from the February 26, 2020 meeting.
2. Mayor Penner– Add a discussion of COVID19.
3. Scott Larson- Add Ordinance No. 2020-1059 – Establish City Hours of Business.

***Deputy Mayor Hogan made a motion to add the three items and approve the agenda as amended. Second by Councilmember Bradshaw. Motion passed (6-0)***

### **2. PUBLIC COMMENTS**

Chad Brahs

Mr. Brahs spoke about tree roots that are pushing up the sidewalks in the City. His son sustained an injury when he tripped on a sidewalk. He would like action taken to repair sidewalks.

Melodie Koenig

Ms. Koenig is the President of the SR162 group. She spoke about the traffic on Whitehawk and would like to see a traffic light put in. She is also troubled by traffic on Eldredge and Corrin.

### **3. CONSENT AGENDA**

- A. Minutes of February 19<sup>TH</sup>, 2020
- B. Minutes of February 25<sup>th</sup>, 2020
- C. Payroll and Claims Warrants

***Deputy Mayor Hogan made a motion to approve Consent Agenda as prepared. Second by Councilmember Kelly. Motion passed (6-0)***

### **4. NEW BUSINESS**

#### **A. AB20-24- Resolution Setting Hearing on Petition to Vacate Unopened Portion of Kansas Street.**

City Attorney Archer briefed that The City received a petition for vacation of a portion of unopened Kansas Street at the intersection to Calistoga from Scott Corliss. The City has no current plans to

develop this land into a public road now or in the future. There are no utilities currently in this right of way. Staff recommended setting the hearing on the petition to vacate the unopened right of way. The hearing will be noticed for a minimum of twenty days, pursuant to RCW 35.79.020.

***Deputy Mayor Hogan made a motion To Adopt Resolution No. 2020-09, Setting A Public Hearing On April 8, 2020 At 7PM At The Multi-Purpose Center On The Petition To Vacate A Portion Of Unopened Kansas Street. Second by Councilmember Kelly. Motion passed (6-0)***

#### **B. AB20-28- Sale of City Property Adjacent to Cemetery.**

Treasurer Larson briefed on the sale of the property. The City Council agreed to surplus the property which is made up of 9.8 acres of land adjacent to the cemetery in its meeting of February 26<sup>th</sup>, 2020. The property has an offer of \$100,000 from the McMahon family who owns the adjacent property. The City appraisal in 2019 that showed a value of \$95,000. If accepted, the City will reinvest the proceeds in the City's cemetery to build an irrigation system and reduce labor expense.

***Councilmember Drennen made a motion to authorize the Sale of Parcel No. 0418011003 to the McMahon Family for \$100,000 Plus Costs and Fees, and authorize The Mayor to Execute All Documents Necessary to Complete the Sale, In a Form Acceptable to the City Attorney. Second by Councilmember Kelly. Motion passed (6-0)***

#### **C. GOALS**

Mayor Penner pulled this item from the agenda.

#### **D. COVID19 Discussion.**

Mayor Penner briefed on updates from the Governor and Pierce County. Discussion followed on changes made due to COVID19 regulations:

- The plan for utility's;
- Water shut offs;
- Waiver of on line fees;
- City sponsored Recreation Activities;
- Meeting limitations;
- Non-essential meetings;
- Virtual Meetings;
- Closure of City Hall;
- More signage;
- Purchase of supplies for COVID19;
- De Con of Parks;
- Restrooms;
- Vulnerable Citizens in the City;
- Senior Center;
- Police protocols.

The Mayor will provide regular updates to the Council.

### **5. EXECUTIVE SESSION**

Mayor Penner announced that there would be an executive session per RCW 42.30.110 (i) (2) regarding potential litigation. They will be out for 5 minutes, no action anticipated upon return to open session. The Mayor recessed the meeting to a 4 minute break at 8:05pm.

The Executive Session started at 8:09pm.  
8:14pm– Session over.

Mayor Penner called the meeting back to order at 8:14pm.

Pierce County Councilmember Dave Morrell was present and briefed the Council on how the Pierce County Council is operating due to COVID19. He also spoke about the effects on the economy and all the events that have had to be cancelled.

## 6. ADJOURNMENT

***Deputy Mayor Hogan made a motion to Adjourn. Second by Councilmember Williams. Motion passed (6-0).***

Mayor Penner adjourned the meeting at 8:25pm.

ATTEST:

\_\_\_\_\_  
*Jane Montgomery, City Clerk, CMC*

\_\_\_\_\_  
*Joshua Penner, Mayor*

## Councilmembers

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## Orting City Council

Regular Business Meeting Minutes  
City Hall, 110 Train St. SE  
Orting, WA  
March 25<sup>th</sup>, 2020  
7 p.m.

### **Mayor Joshua Penner, Chair**

**\*Pursuant to the recommendations from public health officials, the City took the following actions for this Council Meeting:**

- *Older adults and individuals with underlying medical conditions that are at increased risk of serious COVID-19 are encouraged not to attend the meeting (including employees); and*
- *The City will utilize social distancing recommendations, including efforts to limit contact of people within 6 feet from each other for 10 minutes or longer); and*
- *Proper hand hygiene and sanitation will be readily available to all attendees and employees; and*
- *The City will comply with environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC).*

The City utilized remote attendance for Councilmembers and City employees. Please note: Per the Governor's proclamation, the meeting is accessible to the public via a call in number, waiving OPMA requirements to provide a physical location open to the public.

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

Mayor Penner called the meeting to order at 7:00pm. Councilmember Kelly led the pledge of allegiance.

**Councilmembers Present:** Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, Tony Belot, John Williams, Gregg Bradshaw.

**Absent:** Councilmember Drennen

**Staff Present:** Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Assistant City Administrator/Treasurer, Charlotte Archer, City Attorney, JC Hungerford, Engineer, Lt. Devon Gabreluk.

***Councilmember Kelly made a motion to excuse Councilmember Drennen. Second By Councilmember Bradshaw. Motion passed (6-0).***

### **2. CONSENT AGENDA**

#### **A. Payroll and Claims Warrants**

***Deputy Mayor Hogan made a motion to approve Consent Agenda as prepared. Second by Councilmember Kelly. Motion passed (6-0)***

### **3. NEW BUSINESS**

#### **A. COVID 19 Update.**

Mayor Penner updated the Council on what staff has been doing related to COVID19.

Each Councilmember was given the opportunity to ask questions and make comments.

The Mayor stated that if he was unable to perform the duties of Mayor, Deputy Mayor Hogan would be the acting Mayor.

City Attorney Archer briefed on the suspension of the Open Public Meetings Act in regard to providing a physical location for citizens to attend meetings. That requirement has been waived by order of the Governor.

Council Committees will be cancelled for the month of April. Council Devices are on order.

#### 4. ADJOURNMENT

***Councilmember Kelly made a motion to Adjourn. Second by Deputy Mayor Hogan. Motion passed (6-0)***

Mayor Penner adjourned the meeting at 7:42pm.

***ATTEST:***

\_\_\_\_\_  
*Jane Montgomery, City Clerk, CMC*

\_\_\_\_\_  
*Joshua Penner, Mayor*



## Councilmembers

### **Position No.**

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## Orting City Council

Special Meeting Minutes  
City Hall, 110 Train St. SE  
Orting, WA  
March 30, 2020  
6pm.

**Mayor Joshua Penner, Chair**

### **1. CALL SPECIAL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

Mayor Penner called the meeting to order at 6:00pm. Councilmember Belot led the Pledge of Allegiance.

**Councilmembers Present:** Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, Tony Belot, John Williams, Gregg Bradshaw, and Scott Drennen.

**Staff Present:** Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, Charlotte Archer, City Attorney, JC Hungerford, Engineer, and Greg Reed, PW Director.

### **City Attorney Archer read a statement made by Mayor Penner; related to a Proclamation of Emergency:**

"On March 13, 2020, I signed a Proclamation of Emergency due to the COVID-19 outbreak to initiate emergency operations and utilize emergency powers. Pursuant to my emergency powers, and to comply with the Governor's Orders requiring social distancing and meetings, I hereby order and suspend any City rules and procedures that do not allow telephonic or virtual City Council meetings until the emergency is declared over. This includes, but is not limited to, allowing council, staff and the public to attend City meetings via phone or other electronic means.' Councilmembers concurred with the Mayors Proclamation.

### **2. NEW BUSINESS**

#### **A. Change Order**

Mark Bethune briefed on the change order. In the initial phases of the facility plans the City was told that they had a good chance of using a gravity system. As it turns out a Wastewater gravity plan is no longer feasible. A grinder pump and vault need to be purchased and installed. This calls for a change order. The contractor notified the architect and City that the amount is \$61,426.34 including time/material and sales tax. This was negotiated down from \$85,000. The vault and pump need to be ordered now as it takes 6-8 weeks to get the product delivered. Council discussion followed. JC will do further negotiations to reduce the extra pipe layer price, and will look in to buying a vault locally.

**Deputy Mayor Hogan made a Motion to authorize the Mayor to execute change order #1906 with Pease Construction Inc., for Orting City Hall Project for a maximum amount of \$61,426.34. Second by Councilmember Kelly. Motion passed (6-1). Councilmember Williams was the Nay vote.**

### **3. ADJOURNMENT**

**Councilmember Drennen made a motion to Adjourn. Second by Deputy Mayor Hogan. Motion passed (7-0).**

Mayor Penner adjourned the meeting at 6:30pm.

### **ATTEST:**

\_\_\_\_\_  
Jane Montgomery, City Clerk, CMC

\_\_\_\_\_  
Joshua Penner, Mayor

# Fund Transaction Summary

Transaction Type: Invoice  
Fiscal: 2020 - April 2020 - 1st Council

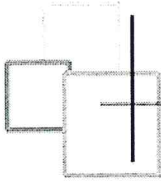
Line Number	Description	Amount
001	Current Expense	\$79,647.06
101	City Streets	\$4,531.15
104	Cemetery	\$413.19
105	Parks Department	\$2,062.17
303	Emergency Evacuation Bridge Fund	\$51,666.25
304	City Hall Construction	\$553,099.59
401	Water	\$13,304.58
408	Wastewater	\$9,615.89
410	Stormwater	\$6,538.79
	<b>Count: 9</b>	<b>\$720,878.67</b>

# Register

Fiscal: 2020  
 Deposit Period: 2020 - April 2020  
 Check Period: 2020 - April 2020 - 1st Council

Number	Name	Print Date	Clearing Date	Amount
<b>Key Bank</b>	<b>2000073</b>			
<b>Check</b>				
<u>48446</u>	Rose, Ashleigh	4/1/2020		\$275.77
<u>48447</u>	AHBL, INC	4/8/2020		\$13,526.77
<u>48448</u>	Alpine Products Inc.	4/8/2020		\$4,904.30
<u>48449</u>	Arrow Lumber	4/8/2020		\$635.03
<u>48450</u>	Associated Petroleum Products INC	4/8/2020		\$1,290.14
<u>48451</u>	Automatic Wilbert Vault	4/8/2020		\$205.51
<u>48452</u>	Bingham, Matthew	4/8/2020		\$108.97
<u>48453</u>	BlueTarp Credit Services	4/8/2020		\$21.84
<u>48454</u>	Brisco Inc.	4/8/2020		\$820.41
<u>48455</u>	Centurylink	4/8/2020		\$3,108.99
<u>48456</u>	CenturyLink/Qwest	4/8/2020		\$274.99
<u>48457</u>	Comcast	4/8/2020		\$502.48
<u>48458</u>	Core & Main	4/8/2020		\$2,624.29
<u>48459</u>	Cornerstone Electric, Inc	4/8/2020		\$2,309.74
<u>48460</u>	Crystal & Sierra Springs	4/8/2020		\$213.07
<u>48461</u>	Curry & Williams, P.I.I.c	4/8/2020		\$2,063.47
<u>48462</u>	Department of Retirement Systems	4/8/2020		\$25.00
<u>48463</u>	Drain-Pro INC	4/8/2020		\$292.21
<u>48464</u>	Galls LLC	4/8/2020		\$1,846.85
<u>48465</u>	Hach Company	4/8/2020		\$404.60
<u>48466</u>	Helix Design Group	4/8/2020		\$26,035.00
<u>48467</u>	Hinds, Laura	4/8/2020		\$359.94
<u>48468</u>	Korum Automotive Group	4/8/2020		\$2,746.43
<u>48469</u>	Lakeside Industries	4/8/2020		\$718.85
<u>48470</u>	Leads Online LLC	4/8/2020		\$6,765.00
<u>48471</u>	Mitel Leasing	4/8/2020		\$278.73
<u>48472</u>	Opportunity Center Of Orting	4/8/2020		\$625.00
<u>48473</u>	Orca Pacific, Inc	4/8/2020		\$934.52
<u>48474</u>	Orting Valley Fire & Rescue	4/8/2020		\$2,979.17
<u>48475</u>	Orting Valley Senior Cent	4/8/2020		\$1,250.00
<u>48476</u>	P.c. Budget & Finance	4/8/2020		\$2,700.96
<u>48477</u>	Parametrix	4/8/2020		\$70,726.99
<u>48478</u>	Pease Construction INC	4/8/2020		\$527,064.59
<u>48479</u>	Puget Sound Energy	4/8/2020		\$1,402.85
<u>48480</u>	Recovery Cafe	4/8/2020		\$833.33
<u>48481</u>	Sarco Supply	4/8/2020		\$564.85

<u>Invoice #</u>	<u>Payee</u>	<u>Invoice Date</u>	<u>Check #</u>	<u>Amount</u>
48482	Schwab, Erica	4/8/2020		\$300.00
48483	Scientific Supply & Equip	4/8/2020		\$461.74
48484	Secure Pacific Corp/Mountain Alarm	4/8/2020		\$341.85
48485	SHRED-IT USA	4/8/2020		\$200.89
48486	South Sound 911	4/8/2020		\$29,677.50
48487	Spectral Laboratories	4/8/2020		\$336.00
48488	Sportsites, INC	4/8/2020		\$1,000.00
48489	Sumner Lawn'n Saw	4/8/2020		\$131.83
48490	The Walls Law Firm	4/8/2020		\$1,875.00
48491	Thomas C. Peter, Ph.D	4/8/2020		\$300.00
48492	UniFirst Corporation	4/8/2020		\$435.61
48493	United Laboratories	4/8/2020		\$379.36
48494	Verizon Wireless	4/8/2020		\$2,339.53
48495	Vision Forms LLC	4/8/2020		\$323.91
48496	Washington Rock Quarries,	4/8/2020		\$489.21
48497	Water Management Lab Inc.	4/8/2020		\$266.00
48498	Way Scarff Ford Auburn	4/8/2020		\$579.60
			<b>Total</b>	<b>\$720,878.67</b>
			<b>Total</b>	<b>2000073</b>
			<b>Grand Total</b>	<b>\$720,878.67</b>



# Custom Council Report

Vendor	Number	Invoice	Account Number	Notes	Amount		
AHL, INC	48447	118026 - 2190800.30	001-558-60-41-02	Planning Consultant-	\$7,870.54		
		118027- 2190800.32	001-558-60-41-02	Planning Consultant- Business Licenses-	\$201.25		
		118028- 2190800.33	001-558-60-41-02	Land Use Planning Consultant- Pre-	\$957.60		
		118029- 2190800.34	001-558-60-41-02	App Meeting Planning Consultant-Carbon	\$3,088.63		
		118030- 2190800.35	001-558-60-41-02	River RV Park Planning Consultant- Gibson	\$603.75		
		118031- 2190800.37	001-558-60-41-02	Coffee Shop Planning Consultant- Comp	\$431.25		
		118032- 2190800.38	001-558-60-41-02	Plan -Staff Report Planning Consultant- Belfair	\$201.25		
		118033- 2190800.39	001-558-60-41-02	Estates Planning Consultant- Zoning	\$172.50		
					Letter		
			<b>Total</b>	<b>\$13,526.77</b>			
Alpine Products Inc. 48448		TM-192767	101-542-64-49-01	Paint-Streets	\$1,872.81		
		TM-192843	101-594-42-64-01	25-Barricades-100 Orange Cones	\$753.50		
			401-594-34-64-01	25-Barricades-100 Orange Cones	\$700.00		
			408-594-35-64-01	25-Barricades-100 Orange Cones	\$700.00		
			410-594-31-64-06	25-Barricades-100 Orange Cones	\$453.50		
		TM-192870	101-542-30-31-00	Broom	\$27.50		
			401-534-10-31-00	Broom	\$27.50		
			408-535-10-31-00	Broom	\$27.50		
			410-531-38-31-00	Broom	\$27.50		
		TM-192986	101-542-30-48-02	Caution Tape - Masking Tape	\$157.24		
			105-576-80-48-00	Caution Tape - Masking Tape	\$157.25		
				<b>Total</b>	<b>\$4,904.30</b>		
		Arrow Lumber	48449	600186-Mar2020	001-514-23-31-02	Hillman Fasteners- Bolt Snap	\$9.16
					101-542-30-31-02	Mask-Covid 19	\$15.94
	101-542-30-48-02			Stakes-Streets	\$49.12		
	101-542-30-48-04			Strap FA1050	\$22.94		
	105-576-80-31-00			Measuring Cup- Parks	\$1.63		
	105-576-80-31-00			Bolt Snap-Hillman Fasteners	\$9.59		
	105-576-80-35-00			Bow Rake	\$24.04		

Vendor	Number	Invoice	Account Number	Notes	Amount			
Arrow Lumber	48449	600186-Mar2020	105-576-80-48-00	Hillman Fasteners	\$0.60			
			105-576-80-48-00	Hillman Fasteners	\$3.08			
			105-576-80-48-00	Hillman Fasteners	\$7.21			
			105-576-80-48-00	Readimix-Park Benches	\$19.62			
			105-576-80-48-00	Fertilzer	\$21.85			
			105-576-80-48-00	Peat Moss	\$39.24			
			105-576-80-48-00	Readimix-Park Benches	\$82.40			
			105-576-80-48-00	Hemfir-Calistoga Park	\$96.14			
			401-534-10-31-00	3M Picture Hangers	\$5.13			
			401-534-10-31-00	3M Picture Hangers	\$5.13			
			401-534-10-31-00	Mask-Covid 19	\$9.39			
			401-534-10-31-00	Flagging Tape	\$21.58			
			401-534-10-31-00	Rags-FA1067	\$22.29			
			401-534-50-35-00	Drill Bit	\$13.08			
			401-534-50-48-02	Foam-Shut Coupling	\$4.57			
			401-534-50-48-02	1" PVC Coupling	\$10.91			
			408-535-10-31-00	Batteries	\$5.45			
			408-535-10-31-00	Faucet Connector	\$20.75			
			408-535-10-31-00	Hand Soap	\$25.13			
			408-535-50-48-03	Hillman Fasteners-Park Bathroom	\$0.83			
			408-535-50-48-04	HDI Faucet-Lab Bathroom	\$45.12			
			410-531-38-31-00	Duct Tape	\$5.13			
			410-531-38-48-00	Ultra Flex Knee Pads	\$30.59			
			410-531-38-48-01	Screwdriver-Hillman Fasteners	\$7.39			
				<b>Total</b>	<b>\$635.03</b>			
			Associated Petroleum Products INC	48450	018730-IN	101-542-30-32-00	Fuel	\$117.05
						401-534-80-32-00	Fuel	\$468.18
401-534-80-32-01	Fuel	\$53.86						
408-535-80-32-00	Fuel	\$468.18						
408-535-80-32-01	Fuel	\$11.97						
410-531-38-32-01	Fuel	\$117.04						
410-531-38-32-02	Fuel	\$53.86						
	<b>Total</b>	<b>\$1,290.14</b>						
Automatic Wilbert Vault	48451	65187	104-536-20-34-00	Cemetery Liner	\$205.51			
			<b>Total</b>	<b>\$205.51</b>				
Bingham, Matthew	48452	1346196	101-542-30-31-02	Reimbursement for Work Pants	\$36.33			
			105-576-80-31-00	Reimbursement for Work Pants	\$36.32			
			410-531-38-31-00	Reimbursement for Work Pants	\$36.32			
			<b>Total</b>	<b>\$108.97</b>				

Vendor	Invoice Number	Invoice	Account Number	Notes	Amount
BlueTarp Credit Services	48453	H45690/3	105-576-80-31-07	Sprayer-to Spray Parks-Covid 19	\$21.84
				<b>Total</b>	<b>\$21.84</b>
Brisco Inc.	48454	APR2020-203	001-524-20-32-01	Fuel Buiding	\$46.00
			401-534-80-32-00	Fuel Water	\$150.00
			401-534-80-32-00	Fuel Water	\$300.00
			408-535-80-32-01	Fuel Sewer	\$150.00
			410-531-38-32-02	Fuel Storm	\$56.04
			410-531-38-32-02	Fuel Storm	\$58.35
			410-531-38-32-02	Fuel Storm	\$60.02
				<b>Total</b>	<b>\$820.41</b>
Centurylink	48455	109178327-APRIL2020	001-521-50-42-00	PD Repeater	\$70.89
		300549818-APRIL2020	001-514-23-42-00	City Phones	\$513.41
			001-524-20-42-00	City Phones	\$27.60
			101-542-63-47-03	City Phones	\$61.50
			401-534-10-42-01	City Phones	\$428.28
			408-535-10-42-01	City Phones	\$415.35
			410-531-38-42-01	City Phones	\$126.56
		300550216-APRIL2020	408-535-10-42-01	Sewer Phones	\$911.08
		300550553-APRIL2020	001-521-50-42-00	PD Phones	\$426.34
		300550592-APRIL2020	001-512-50-42-00	Court Phones	\$127.98
				<b>Total</b>	<b>\$3,108.99</b>
CenturyLink/Qwest	48456	464B-APR2020	001-521-20-45-02	Cell Connection	\$116.86
		465B-APR2020	001-521-20-45-02	Cell Connection	\$81.86
		492B-APR2020	001-521-20-45-02	Cell Connection-PD	\$76.27
				<b>Total</b>	<b>\$274.99</b>
Comcast	48457	0221105-April2020	001-514-23-42-00	City Hall Internet	\$62.81
			001-524-20-31-00	City Hall Internet	\$62.81
			401-534-10-42-01	City Hall Internet	\$62.81
			408-535-10-42-01	City Hall Internet	\$62.81
		0221113-April2020	001-512-50-42-00	PSB Internet	\$25.12
			001-521-50-42-00	PSB Internet	\$226.12
				<b>Total</b>	<b>\$502.48</b>
Core & Main	48458	L958740	401-534-50-48-02	Insta-Tite	\$305.81
		L958741	408-535-50-48-02	Magnetic Valve Cover Lifter	\$142.09
		L967496	401-534-50-48-02	Mueller Kit	\$710.45
		L996571	401-534-50-48-02	5/8 Resetter	\$1,465.94
				<b>Total</b>	<b>\$2,624.29</b>
Cornerstone Electric, Inc	48459	APR-2020-202	401-534-50-48-03	PW-Connect Outlets st Work Area	\$321.60
			408-535-50-48-03	PW-Connect Outlets st Work Area	\$321.60
			410-531-38-48-00	PW-Connect Outlets st Work Area	\$321.60

Vendor	Invoice#	Invoice	Account Number	Note	Amount		
Cornerstone Electric, Inc	48459	APR2020-200	408-535-50-48-02	Head Works-Checked Floats & Replace	\$590.22		
		APR2020-201	408-535-50-48-04	Village Green-Replace Timer for Generator	\$754.72		
		<b>Total</b>			<b>\$2,309.74</b>		
Crystal & Sierra Springs	48460	5225720 032820	401-534-10-31-00	Water for Public Works	\$106.53		
			408-535-10-31-00	Water for Public Works	\$106.54		
			<b>Total</b>		<b>\$213.07</b>		
Curry & Williams, P.I.I.c	48461	Court Judge-Mar 2020	001-512-50-10-02	Court Judge-Mar 2020	\$2,063.47		
				<b>Total</b>	<b>\$2,063.47</b>		
Department of Retirement Systems	48462	1388263	001-514-40-49-02	Old Age And Survivors Insurance-2019	\$25.00		
				<b>Total</b>	<b>\$25.00</b>		
Drain-Pro INC	48463	66291	408-535-60-48-04	Honey Bucket Service -Cemetery	\$96.57		
				66292	408-535-60-48-04	Honey Bucket Service-Main Park	\$97.82
				66293	408-535-60-48-04	Honey Bucket Service-Rocky Road	\$97.82
				<b>Total</b>	<b>\$292.21</b>		
Galls LLC	48464	014902585	001-521-20-31-01	Polos-Turner	\$189.24		
		014919465	001-521-20-31-01	Vehicle Code Book-DUI	\$33.45		
		014929290-CR	001-521-20-31-01	Refund Credit on Duty Belt-Rose	(\$56.09)		
		014933984	001-521-20-31-01	Tactical Trainer Belt	\$50.95		
		014985640	001-521-20-31-01	Belt Keeper-Rose	\$16.38		
		015011730	001-521-20-31-01	Womans Pant-Rose	\$172.66		
		015031843	001-521-20-31-01	Stryke Pant-Cassatt	\$82.49		
		015042553	001-521-20-31-01		\$53.66		
		015075991	001-521-20-31-01	Trouser Pant-Rose	\$59.39		
		015124583	001-521-20-31-01	Polos-Cassatt	\$53.66		
		015136373	001-521-20-31-01	Embroidabel Rectangle-Rose	\$2.19		
		015136419	001-521-20-31-01	Embroidabel Rectangle-Rose	\$2.19		
		015148625	001-521-20-31-01	Jumpsuits-Rose	\$779.46		
		015164273	001-521-20-31-01	Boots for Gard	\$109.99		
		015174626	001-521-20-31-01	T-Shirts Hubbard	\$257.33		
		016164274	001-521-20-31-01	Vechicle Code Book-Handcuffs - Hubbard	\$39.90		
		<b>Total</b>		<b>\$1,846.85</b>			
Hach Company	48465	11888413	408-535-10-31-04	Chemical Purchases	\$135.90		
		11890992	408-535-10-31-04	Ammonia	\$132.80		



Vendor	Number	Invoice	Account Number	Notes	Amount
Hach Company	48465	11894074	408-535-10-31-04	Chemical Purchases	\$135.90
				<b>Total</b>	<b>\$404.60</b>
Helix Design Group	48466	0000006-A18-021.10	304-594-18-60-01	New City Hall Facilities	\$14,433.00
			304-594-31-60-01	New City Hall Facilities	\$2,164.95
			304-594-34-60-01	New City Hall Facilities	\$2,164.95
			304-594-35-60-01	New City Hall Facilities	\$4,329.90
			304-594-44-60-01	New City Hall Facilities	\$481.10
			304-594-76-60-01	New City Hall Facilities	\$481.10
		0000006-A18-021.16	304-594-18-60-01	New City Hall Facilities	\$1,188.00
			304-594-31-60-01	New City Hall Facilities	\$178.20
			304-594-34-60-01	New City Hall Facilities	\$178.20
			304-594-35-60-01	New City Hall Facilities	\$356.40
			304-594-44-60-01	New City Hall Facilities	\$39.60
			304-594-76-60-01	New City Hall Facilities	\$39.60
				<b>Total</b>	<b>\$26,035.00</b>
Hinds, Laura	48467	2818-N95	401-534-10-31-04	Reimbursement for N95 Masks for Public Works	\$179.97
			408-535-10-31-05	Reimbursement for N95 Masks for Public Works	\$179.97
				<b>Total</b>	<b>\$359.94</b>
Korum Automotive Group	48468	5703971	401-534-50-48-06	Water Pump Gaskets-Drive Belt FA1022	\$304.58
			408-535-50-48-08	Water Pump Gaskets-Drive Belt FA1022	\$609.14
			410-531-38-48-01	Water Pump Gaskets-Drive Belt FA1022	\$304.58
		6703286	104-536-50-48-01		\$207.68
			105-576-80-48-02		\$207.68
			401-534-50-48-06		\$207.68
			408-535-50-48-08		\$415.38
		6704066	401-534-50-48-06	Oil Pan Frilter-FA1051	\$244.85
			408-535-50-48-08	Oil Pan Frilter-FA1051	\$122.43
			410-531-38-48-01	Oil Pan Frilter-FA1051	\$122.43
				<b>Total</b>	<b>\$2,746.43</b>

Vendor	Number	Invoice	Account Number	Note	Amount
Lakeside Industries	48469	118417	101-542-30-48-07	Street Asphalt	\$718.85
				<b>Total</b>	<b>\$718.85</b>
Leads Online LLC	48470	254641	001-521-30-31-04	Online Crime Systems- Investigation	\$6,765.00
				<b>Total</b>	<b>\$6,765.00</b>
Mitel Leasing	48471	902487734	001-594-14-41-03	City Hall Phone Lease	\$69.77
			001-594-24-41-02	City Hall Phone Lease	\$13.94
			001-594-76-41-02	City Hall Phone Lease	\$13.94
			101-594-42-41-02	City Hall Phone Lease	\$13.94
			401-594-34-42-03	City Hall Phone Lease	\$78.04
			408-594-35-64-55	City Hall Phone Lease	\$75.16
			410-594-31-41-42	City Hall Phone Lease	\$13.94
				<b>Total</b>	<b>\$278.73</b>
Opportunity Center Of Orting	48472	3503-Orting Opportunity Center Grant-April 2020	001-571-20-31-14	Orting Opportunity Center Grant-April 2020	\$625.00
				<b>Total</b>	<b>\$625.00</b>
Orca Pacific, Inc	48473	42114	401-534-10-31-01	Sodium Hypochlorite	\$934.52
				<b>Total</b>	<b>\$934.52</b>
Orting Valley Fire & Rescue	48474	Payment #4 Lease for PSB	001-512-50-41-04	Payment #4 Lease for PSB	\$297.92
			001-521-50-41-07	Payment #4 Lease for PSB	\$2,681.25
				<b>Total</b>	<b>\$2,979.17</b>
Orting Valley Senior Cent	48475	203-Monthly Support-April 2020	001-571-20-31-06	Monthly Support-April 2020	\$1,250.00
				<b>Total</b>	<b>\$1,250.00</b>
P.c. Budget & Finance	48476	CI-285582 C-104188	001-514-23-41-11	Rainier Cable Conission -1st QRT Dues	\$2,700.96
				<b>Total</b>	<b>\$2,700.96</b>
Parametrix	48477	16991	001-558-60-41-01	General Developmente- Community Baptist Church	\$793.75
			001-558-60-41-01	General Development	\$1,790.00
			001-558-60-41-01	General Consulting- General	\$5,447.50
			101-542-30-41-01	General Consulting- Streets	\$170.00

Vendor	Number	Project	Account Number	Notes	Amount		
Parametrix	48477	16991	101-542-30-41-13	Transportation Mater Plan-Update	\$140.00		
			401-534-10-41-01	General Consulting-Water	\$417.50		
			401-534-10-41-16	WSP Project Management	\$193.75		
			401-534-10-41-19	General Consulting-Telemetry O&M	\$2,790.00		
			408-594-35-41-12	WWTP Improvements-Pre Design Engineering Report	\$95.00		
			408-594-35-41-12	WWTP Improvements-Project Management	\$480.00		
			410-531-39-41-01	General Consulting-Storm	\$4,143.75		
			410-594-31-41-43	Calistoga St-Stormwater Report	\$25.00		
			16993	303-595-90-40-01	Emergency Evacuation Bridge-Project Management	\$203.75	
				303-595-90-40-01	Emergency Evacuation Bridge-Environmental Process/Permitting	\$387.50	
		303-595-90-40-01		Emergency Evacuation Bridge-90% Contract Plans	\$3,420.00		
		303-595-90-40-01		Emergency Evacuation Bridge-60% Design	\$47,655.00		
		16990		410-594-31-63-24	Addition Service-Project Management	\$438.24	
				16992	001-524-20-41-02	Carbon River RV Park-Design Review	\$140.00
		001-524-20-41-02	Bridgewater Plat-Design Review		\$362.50		
		001-524-20-41-02	The Meadows-Design Review		\$1,633.75		
						<b>Total</b>	<b>\$70,726.99</b>
		Pease Construction 48478 INC	Payment Request #7-New City Hall Facilities	304-594-18-60-01	Payment Request #7-New City Hall Facilities	\$316,238.77	
				304-594-31-60-01	Payment Request #7-New City Hall Facilities	\$47,435.81	
				304-594-34-60-01	Payment Request #7-New City Hall Facilities	\$47,435.82	
304-594-35-60-01	Payment Request #7-New City Hall Facilities			\$94,871.63			
304-594-44-60-01	Payment Request #7-New City Hall Facilities			\$10,541.28			
304-594-76-60-01	Payment Request #7-New City Hall Facilities			\$10,541.28			
				<b>Total</b>	<b>\$527,064.59</b>		

Vendor	Invoice #	Invoice Date	Account Number	Note	Amount
Puget Sound Energy	48479	200021064239-APR2020	401-534-50-47-03	Well 1	\$1,379.81
				<b>Total</b>	<b>\$1,402.85</b>
Recovery Cafe	48480	004-Grant Recovery Cafe-April 2020	001-571-20-31-39	Grant Recovery Cafe-April 2020	\$833.33
<b>Total</b>					<b>\$833.33</b>
Rose, Ashleigh	48446	Rose-Milage Mar 2-16 2020	001-521-40-41-06	Mileage for Police Academy March 2-16 2020	\$275.77
				<b>Total</b>	<b>\$275.77</b>
Sarco Supply	48481	1129309	105-576-80-31-00 401-534-10-31-00	Bathroom Supplies-Soap	\$323.19
				Bathroom Supplies-Soap	\$241.66
				<b>Total</b>	<b>\$564.85</b>
Schwab, Erica	48482	2-Civil Service--March 2020	001-521-10-10-04	Civil Service--March 2020	\$300.00
				<b>Total</b>	<b>\$300.00</b>
Scientific Supply & Equip	48483	31443553	408-535-10-31-00	Lab Supplies	\$461.74
				<b>Total</b>	<b>\$461.74</b>
Secure Pacific Corp/Mountain Alarm	48484	Invoice - 4/1/2020 7:27:35 PM	001-514-23-31-02 408-535-10-41-07	City Hall Alarm	\$83.85
				WWTP Alarm	\$258.00
				<b>Total</b>	<b>\$341.85</b>
SHRED-IT USA	48485	8129422244 8129422279	001-521-20-31-03 001-514-23-31-02	PD Shredding	\$105.73
				<b>Total</b>	<b>\$200.89</b>
					\$95.16
South Sound 911	48486	000126-2nd QRT	001-521-10-40-05 001-521-50-48-07	2nd Dispatch Records Management System-Enforcer	\$10,600.00
				2nd QRT Police Dispatch-LE Comm	\$19,077.50
				<b>Total</b>	<b>\$29,677.50</b>
Spectral Laboratories	48487	148090	408-535-10-41-03	Lab Testing	\$336.00
				<b>Total</b>	<b>\$336.00</b>
Sportsites, INC	48488	566	001-571-20-31-01 001-571-20-31-15 001-571-20-31-17 001-571-20-31-21 001-571-20-31-23	Internet Online Payments	\$83.46
				Internet Online Payments	\$83.33
				Internet Online Payments	\$83.33
				Internet Online Payments	\$83.33
				Internet Online Payments	\$83.33

Vendor	Invoice#	Invoice	Account Number	Notes	Amount	
Sportsites, INC	48488	566	001-571-20-31-25	Internet Online Payments	\$83.33	
			001-571-20-31-32	Internet Online Payments	\$83.33	
			001-571-20-31-34	Internet Online Payments	\$83.33	
			001-571-20-44-00	Internet Online Payments	\$83.33	
			001-575-50-48-00	Internet Online Payments	\$83.30	
			105-576-80-31-00	Internet Online Payments	\$83.30	
			105-576-80-31-00	Internet Online Payments	\$83.30	
				<b>Total</b>	<b>\$1,000.00</b>	
Sumner Lawn'n Saw	48489	45051	105-576-80-31-07	Manual Backpack-to Spray Parks-Covid 19	\$131.83	
				<b>Total</b>	<b>\$131.83</b>	
The Walls Law Firm	48490	37-Prosecuting Attorney-March 2020	001-515-41-41-03	Prosecuting Attorney-March 2020	\$1,875.00	
				<b>Total</b>	<b>\$1,875.00</b>	
Thomas C. Peter, Ph.D	48491	10676	001-521-20-41-00	Psychological Evaluation-Rose	\$300.00	
				<b>Total</b>	<b>\$300.00</b>	
UniFirst Corporation	48492	300 1620329	408-535-10-31-03	Uniform Item-Protective Services	\$287.61	
		330 1618206	408-535-10-31-03	Uniform Item-Protective Services	\$148.00	
			<b>Total</b>	<b>\$435.61</b>		
United Laboratories	48493	INV282382	105-576-80-48-00	Disinfect Plus	\$379.36	
				<b>Total</b>	<b>\$379.36</b>	
Verizon Wireless	48494	9850556781	001-512-50-42-00	Cell Phones-Court	\$44.92	
			001-514-23-42-00	Cell Phones	\$215.22	
			001-524-20-42-00	Cell Phones	\$47.28	
			401-534-10-42-01	Cell Phones	\$476.40	
			408-535-10-42-01	Cell Phones	\$476.40	
			9850556782	001-512-50-42-00	Cell Phones-Court	\$49.74
				001-521-20-45-01	Cell Phones-PD	\$498.06
				001-521-20-45-02	Cell Connection Data-PD	\$491.50
			401-534-10-42-01	PW Data	\$20.01	
			408-535-10-42-01	PW Data	\$20.00	
				<b>Total</b>	<b>\$2,339.53</b>	
Vision Forms LLC	48495	5910	401-534-10-31-00	Utility Bill Processing & Mailing	\$38.62	
			401-534-10-42-00	Utility Bill Processing & Mailing	\$69.35	

Vendor	Number	Invoice	Account Number	Notes	Amount
Vision Forms LLC	48495	5910	408-535-10-31-00	Utility Bill Processing & Mailing	\$38.62
			408-535-10-42-00	Utility Bill Processing & Mailing	\$69.35
			410-531-38-31-00	Utility Bill Processing & Mailing	\$38.62
			410-531-38-42-00	Utility Bill Processing & Mailing	\$69.35
			<b>Total</b>		<b>\$323.91</b>
Washington Rock Quarries,	48496	109899	101-542-30-48-06	Concrete Dump Fee	\$99.68
			110054	Crushed Rock	\$129.85
			105-576-80-48-00	Crushed Rock	\$129.84
			401-534-50-48-02	Crushed Rock	\$129.84
<b>Total</b>		<b>\$489.21</b>			
Water Management Lab Inc.	48497	183761	401-534-10-41-03	Lab Testing	\$134.00
			184012	401-534-10-41-03	Lab Testing
<b>Total</b>		<b>\$266.00</b>			
Way Scarff Ford Auburn	48498	22024	101-542-30-48-04	Replace Wire Assembly-FA1030	\$144.90
			105-576-80-48-02	Replace Wire Assembly-FA1030	\$202.86
			401-534-50-48-06	Replace Wire Assembly-FA1030	\$115.92
			408-535-50-48-08	Replace Wire Assembly-FA1030	\$86.94
			410-531-38-48-01	Replace Wire Assembly-FA1030	\$28.98
			<b>Total</b>		<b>\$579.60</b>
<b>Grand Total</b>		<b>\$720,878.67</b>			



**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Date(s)</b>
<b>Subject: Ordinance No. 2020-1060 Pertaining to Enforcement of Emergency Orders</b>	<b>AB20-39</b>			
		<b>N/A</b>	<b>N/A</b>	<b>4/8/20</b>
	<b>Department:</b> Admin			
	<b>Date Submitted:</b>			
	<b>Cost of Item:</b> <u>\$ NA</u>			
<b>Amount Budgeted:</b> <u>\$NA</u>				
<b>Unexpended Balance:</b> <u>\$ NA</u>				
<b>Bars #:</b>				
<b>Timeline:</b> <b>March 2020</b>				
<b>Submitted By:</b> <b>Mark Bethune; Charlotte Archer, City Attorney</b>				
<b>Fiscal Note:</b>				
<b>Attachments:</b> Ordinance No. 2020-1060; Resources on Governor’s Proclamations				
<p><b>SUMMARY STATEMENT:</b> The U.S. President, Governor of Washington, County Executive, local public health officials and Mayor have all issued proclamations and other orders related to the COVID-19 pandemic. On Monday, March 30, 2020, Governor Inslee issued guidance to local law enforcement regarding enforcement of these orders. Violations of the Governor’s Order and the orders of local public health officials are classified as misdemeanors/gross misdemeanors under state law, but local law enforcement has limited enforcement ability to charge these unless the City adopts the relevant RCWs by reference in its code. Similarly, the Mayor is authorized under state law to proclaim a state of emergency, but currently there is no provision in the Orting Municipal Code pertaining to enforcement of rules adopted by the Mayor and City Council to aid in combating this public health emergency. Currently and moving forward the primary goal as it relates to compliance with the Governor’s Order is education, but tools are necessary to meet the Governor’s directive to take action against chronic, flagrant violations that present a danger to the public health and safety.</p> <p>This Ordinance does three things, all in the furtherance of emergency management for the City: (1) adopts by reference RCW 4306.220, which makes the violation any proclamation by the governor during a state of emergency a misdemeanor/gross misdemeanor in Orting; (2) adopts by reference RCW 70.05.120, which makes the violation of any rule or order of the Tacoma/Pierce Public Health Official (or any local health officer set out in the RCW) a misdemeanor/gross misdemeanor; and (3) codifies the Mayor’s authority under state law to proclaim an emergency, and makes the violation of the Mayor’s proclamation or any emergency management regulation adopted thereunder a misdemeanor/gross misdemeanor.</p>				
<p><b>RECOMMENDED MOTION:</b> <i>To adopt Ordinance No. 2020-1060, Adopting New OMC 6-1B-19 and Amending OMC Chapter 1-8 Pertaining to Emergency Management.</i></p>				

**CITY OF ORTING**  
**WASHINGTON**  
**ORDINANCE NO. 2020-1060**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO EMERGENCY  
MANAGEMENT, ADOPTING NEW OMC 6-1B-19  
ENFORCEMENT OF EMERGENCY PROCLAMATIONS;  
AMENDING OMC CHAPTER 1-8 FOR EMERGENCY  
MANAGEMENT; DECLARING AN EMERGENCY;  
PROVIDING FOR SEVERABILITY; ESTABLISHING AN  
IMMEDIATE EFFECTIVE DATE**

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**WHEREAS**, RCW 43.06.220 provides that the Governor of the State of Washington may issue orders by proclamation following declaration of a state of emergency, and that “[a]ny person violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor[;]” a

**WHEREAS**, the Washington State Governor issued proclamation 20-05 on February 29, 2020 declaring that the worldwide outbreak of coronavirus disease 2019 (COVID-19) created a State of Emergency in all Washington Counties; and

**WHEREAS**, the Washington State Governor issued subsequent proclamations that are enforceable through RCW 43.06.220; and

**WHEREAS**, RCW 70.05.120 establishes a penalty for violations of chapters 70.05, 70.24 and 70.46 RCW, pertaining to orders and rules issued by the local board of health or local health official for the prevention, suppression and control of dangerous contagious and infectious diseases; and

**WHEREAS**, the Washington Supreme Court held in *Auburn v. Gauntt*, 174 Wn.2d 321, 274 P.3d 1033 (2012) that cities can only prosecute state statutes that are adopted or incorporated into its municipal code; and

**WHEREAS**, the Mayor likewise has authority to declare a proclamation of emergency due to a public health crisis or other civil emergency, and seek ratification of that proclamation by the City Council, pursuant to Chapter 38.52 RCW; and

**WHEREAS**, the City Council desires to clarify the authority for and impact of a proclamation of emergency by the Governor, Mayor and public health officials, and set out penalties for violations of same; and

**WHEREAS**, the City Council finds that adoption of new OMC 6-1B-15 and the amendments to OMC Chapter 1-8 as set out herein is appropriate and necessary to aid in the protection and preservation of public health, safety and welfare; and



**WHEREAS**, the Mayor issued a Proclamation of Local Emergency on March 13, 2020, pertaining to the spread of the novel coronavirus known and COVID-19; and

**WHEREAS**, the Council finds that the COVID-19 pandemic poses an emergency to the public health and safety, and warrants immediate action by the Council to aid the City to prevent the further dissemination of the virus and to combat its impacts;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. OMC Chapter 6-1B-19, Enacted.** New Section 6-1B-19 of the Orting Municipal Code, titled “Enforcement of Emergency Proclamations” is hereby enacted to read as follows:

6-1B-19 ENFORCEMENT OF EMERGENCY PROCLAMATIONS.

A. RCW 43.06.220 is adopted by reference as if set forth in full in this chapter. The penalties for violation of any proclamation issued by the governor during a state of emergency shall be as set forth in Section 6-1A-14.

B. RCW 70.05.120 is adopted by reference as if set forth in full in this chapter. The penalties for violation of any of the requirements therein, including but not limited to any directive from the by the local board of health or local health officer or administrative officer or state board of health, shall be as set forth in Section 6-1A-14.

**Section 2. OMC Chapter 1-8, Emergency Services Department, Amended.** Chapter 1-8 of the Orting Municipal Code is hereby amended to read as follows:

#### EMERGENCY MANAGEMENT

1-8-1: Creation; Purpose

1-8-2: Director of Emergency Services

1-8-3: Copy of Ordinance to State

1-8-4: Proclamation of Emergency

1-8-1: CREATION; PURPOSE:

There is hereby created the Department of Emergency Services. The purpose of said Department shall be to formulate such rules and regulations as are necessary to help the City prepare for and deal with an emergency or disaster of the magnitude referred to in the preamble of Ordinance 557 codified in this Chapter.

1-8-2: DIRECTOR OF EMERGENCY SERVICES:

A. Position Created; Appointment: There is hereby created the position of the Director of the Emergency Services Department. The Director shall be appointed by the Mayor subject to confirmation by the City Council.

B. Duties And Responsibilities: The Director of the Emergency Services Department shall be directly responsible to the Mayor and said Director shall be responsible for the organization, administration, and operation of the Department of Emergency Services. The Director of the Department of Emergency Services shall promulgate such rules and regulations as are necessary in order to prepare the City for dealing with an emergency or disaster as described in the preamble to Ordinance 557 codified in this Chapter. All rules and regulations so promulgated shall be approved by the Mayor prior to becoming effective.

#### 1-8-3: COPY OF ORDINANCE TO STATE:

A certified copy of Ordinance 557 codified in this Chapter shall be sent to the Director of the Washington State Emergency Services Council and the Director of the Emergency Services Department shall coordinate his efforts with that of the Director of the Washington State Emergency Services Council.

#### 1-8-4: PROCLAMATION OF EMERGENCY:

A. Proclamation by Mayor. Whenever an emergency as defined herein, or the imminent threat thereof, occurs in the City and results in, or threatens to result in the death or injury of persons or the destruction of or damage to property to such extent as to require, in the judgment of the Mayor, extraordinary measures to protect the public peace, safety and welfare, the Mayor may proclaim in writing the existence of a civil emergency. In the absence of the Mayor, the Deputy Mayor may declare an emergency and issue orders, and in the absence of the Mayor Pro Tem, the City Manager may declare an emergency and issue orders. The authority granted to the Mayor in this chapter is in addition to and not in limitation of other policies allowing the Mayor to declare an emergency and take action necessary to deal with such emergency, including but not limited to those powers set forth in Chapter 38.52 RCW.

For the purposes of this chapter an emergency shall mean:

- (1) A riot, unlawful assembly, insurrection, enemy attack, sabotage, or other hostile action; or
- (2) A natural or human-caused disaster, including fire, flood, storm, explosion, earthquake, volcanic disturbance or other natural cause; or
- (3) An event or set of circumstances that demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences;
- (4) Any emergency or disaster as defined by RCW 38.52.010.

Proclamations of civil emergencies issued by the Mayor shall as soon as practicable be filed with the City Clerk and presented to the City Council for ratification and confirmation, modification

or rejection. Proclamations which are rejected shall, after vote, be void. Proclamations shall be considered in full force and effect until the City Council shall act to ratify.

B. In addition to or as an alternative to those emergency powers prescribed by this chapter upon the declaration of a civil emergency upon proclamation of a state of emergency or disaster by the Governor or County Executive pursuant to chapter 43.06 RCW and chapter 38.52 RCW, the Mayor shall have the authority to exercise authority all emergency powers and take action necessary to deal with such emergency, including but not limited to those powers set forth in Chapter 38.52 RCW.

1-8-5: VIOLATION; PENALTY:

A. It shall be a violation of this chapter to:

1. Willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon such member by virtue of this chapter;

2. Perform any act forbidden by any lawful rule or regulation issued pursuant to this chapter if such act is of such a nature as to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense of protection thereof; or

3. Wear, carry or display, without authority, any means of identification specified by the emergency management agency of the city.

B. Violations of a declaration of civil emergency issued pursuant to this chapter or of a subsequent emergency order issued pursuant this chapter, or any other order or directive given by a law enforcement officer or designated emergency services personnel pursuant to authority of such declaration or orders is a misdemeanor; provided that a second or subsequent offense hereunder shall be a gross misdemeanor. Violations shall be punishable as such under OMC 1-4-1.

1-8-6: IMMUNITY:

There shall be no liability on the part of any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any buildings or premises that have been designated by the Director as a disaster shelter for any injuries sustained by any person while in or upon said building or premises as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, provided such person has entered, gone upon or into said building or premises for the purpose of seeking refuge therein during a disaster; provided further, however, that this section shall not apply to the willful acts of such owner or occupant or his or her servants, agents, or employees. This section shall also apply to any practice drill authorized pursuant to this chapter.

**Section 3. Declaration of Emergency.** Pursuant to RCW 35A.12.130 and RCW 35A.13.190, the City Council finds that this Ordinance is a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, and shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of*

*Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

**Section 4. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 5. Codification.** The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

**Section 6. Effective Date.** This Ordinance shall take effect immediately and shall be published in the official newspaper of the City.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 8<sup>TH</sup> DAY OF APRIL, 2020.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Jane Montgomery, City Clerk, CMC

Approved as to form:

\_\_\_\_\_  
Charlotte A. Archer, City Attorney  
Inslee Best, PS

Filed with the City Clerk: 4.3.20  
Passed by the City Council: 4.8.20  
Date of Publication: 4.9.20  
Effective Date: 4.8.20



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATION 20-05**

**20-25**

**STAY HOME – STAY HEALTHY**

**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, 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, and 20-24, 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, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

**WHEREAS**, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

**WHEREAS**, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

**WHEREAS**, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues 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 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 Chapters 38.08, 38.52 and 43.06 RCW, 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 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

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 situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout

Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. **All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services.** This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:

- a. **Essential activities** permitted under this Proclamation are limited to the following:
  - 1) **Obtaining necessary supplies and services** for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
  - 2) **Engaging in activities essential for the health and safety** of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
  - 3) **Caring for** a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
  - 4) **Engaging in outdoor exercise activities**, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.
- b. **Employment in essential business services** means an essential employee performing work for an essential business as identified in the "[Essential Critical Infrastructure Workers](#)" list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.
- c. **This prohibition shall not apply to** individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.
- d. **This prohibition also shall not apply to** individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.

- e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
2. **All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein.** Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. **This prohibition shall not apply to** activities and gatherings solely including those people who are part of a single household or residential living unit.

3. **Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines.** This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

- a. **Non-essential businesses** are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.
- b. **Essential businesses** are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.
- c. **This prohibition does not apply to** businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.





On March 23, 2020, Governor Inslee issued Proclamation directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Washingtonians.

In accordance with this Proclamation, the Governor has designated the following list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security.

## **HEALTHCARE / PUBLIC HEALTH**

### **Sector Profile**

The Healthcare and Public Health (HPH) Sector is large, diverse, and open, spanning both the public and private sectors. It includes publicly accessible healthcare facilities, research centers, suppliers, manufacturers, and other physical assets and vast, complex public-private information technology systems required for care delivery and to support the rapid, secure transmission and storage of large amounts of HPH data.

### **Essential Workforce**

- Workers providing COVID-19 testing and workers that perform critical clinical research and development needed for COVID-19 response.
- Health care providers and caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, midwives and doulas attending facility-based or home-based births, alternative healthcare providers, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists).
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric, Residential, Rural Health Clinics and Federally Qualified Health Centers, biotechnology therapies, consumer health products, cannabis retailers).
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, medical devices, diagnostics, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

- Public health / community health workers, including those who compile, model, analyze and communicate public health information.
- Behavioral health workers (including mental and substance use disorder) responsible for coordination, outreach, engagement, and treatment to individuals in need of mental health and/or substance use disorder services.
- Blood and plasma donors and the employees of the organizations that operate and manage related activities.
- Workers that manage health plans, billing, and health information, who cannot practically work remotely.
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely.
- Workers who provide support to vulnerable populations to ensure their health and well-being including family care providers
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
- Workers conducting research critical to COVID-19 response.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters.
- Pharmacy employees necessary for filling prescriptions.
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers.
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral health services to the family members, responders, and survivors of an incident.
- Workers supporting veterinary hospitals and clinics

## **EMERGENCY SERVICES SECTOR**

### **Sector Profile**

The Emergency Services Sector (ESS) is a community of highly-skilled, trained personnel, along with the physical and cyber resources, that provide a wide range of prevention, preparedness, response, and recovery services during both day-to-day operations and incident response. The ESS includes geographically distributed facilities and equipment in both paid and volunteer capacities organized primarily at the federal, state, local, tribal, and territorial levels of government, such as city police departments and fire stations, county sheriff's offices, Department of Defense police and fire departments, and town public works departments. The ESS also includes private sector resources, such as industrial fire departments, private security organizations, and private emergency medical services providers.

### **Essential Workforce - Law Enforcement, Public Safety and First Responders**

- Including front line and management, personnel include emergency management, law enforcement, Emergency Management Systems, fire, and corrections, search and rescue, tactical teams including maritime, aviation, and canine units.
- Military personnel, including National Guard personnel and Coast Guard personnel
- Emergency Medical Technicians
- Public Safety Answering Points and 911 call center employees
- Fusion Center employees
- Fire Mitigation Activities
- Hazardous material responders and hazardous devices teams, from government and the private sector.
- Workers – including contracted vendors -- who maintain digital systems infrastructure supporting law enforcement and emergency service operations.
- Private security, private fire departments, and private emergency medical services personnel.
- Protective services workers responsible for mission critical functions in state institutions, programs, and community facilities, including homeless shelters.

### **Essential Workforce - Public Works**

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications. Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste.

## **FOOD AND AGRICULTURE**

### **Sector Profile**

The Food and Agricultural (FA) Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. Beyond domestic food production, the FA Sector also imports many ingredients and finished products, leading to a complex web of growers, processors, suppliers, transporters, distributors, and consumers. This sectors is critical to maintaining and securing our food supply.

## Essential Workforce

- Workers supporting groceries, pharmacies, and other retail that sells food and beverage products, including but not limited to Grocery stores, Corner stores and convenience stores, including liquor stores that sell food, Farmers' markets, Food banks, Farm and produce stands, Supermarkets, Similar food retail establishments, Big box stores that sell groceries and essentials.
- Restaurant carry-out and quick serve food operations – including food preparation, carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; shellfish facilities including hatcheries and nurseries and growing areas; brewery and wine-making facilities; coffee production facilities; artisan food production; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution (including curbside distribution and deliveries), including warehouse workers, vendor-managed inventory controllers, blockchain managers, distribution
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Workers supporting cannabis retail and dietary supplement retail
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

## ENERGY

### Sector Profile

The Energy Sector consists of widely-diverse and geographically-dispersed critical assets and systems that are often interdependent of one another. This critical infrastructure is divided into three interrelated segments or subsectors—electricity, oil, and natural gas—to include the production, refining, storage, and distribution of oil, gas, and electric power, except for hydroelectric and commercial nuclear power facilities and pipelines. The Energy Sector supplies fuels to the transportation industry, electricity to households and businesses, and other sources of energy that are integral to growth and production across the Nation. In turn, it depends on the Nation's transportation, information technology, communications, finance, water, and government infrastructures.

### Essential Workforce - Electricity industry:

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for hydroelectric, biofuels, biogas, geothermal energy, wind, biomass, solar and coal energy generation.
- Workers who maintain emergency management, risk management, safety and security, and business continuity at all energy generation, transmission, distribution, delivery, production, processing or refining facilities that provide critical community services to Washington state.
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for Energy Management System and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

### Essential Workforce - Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers

- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.

**Essential Workforce - Natural and propane gas workers:**

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers
- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

## **WATER AND WASTEWATER**

### **Sector Profile**

The Water and Wastewater Sector is a complex sector composed of drinking water and wastewater infrastructure of varying sizes and ownership types. Multiple governing authorities pertaining to the Water and Wastewater Sector provide for public health, environmental protection, and security measures, among others.

### **Essential Workforce**

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing

- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

## TRANSPORTATION AND LOGISTICS

### Sector Profile

The Transportation Systems Sector consists of seven key subsectors, or modes:

- Aviation includes aircraft, air traffic control systems, and airports, heliports, and landing strips. Commercial aviation services at civil and joint-use military airports, heliports, and sea plane bases. In addition, the aviation mode includes commercial and recreational aircraft (manned and unmanned) and a wide-variety of support services, such as aircraft repair stations, fueling facilities, navigation aids, and flight schools.
- Highway and Motor Carrier encompasses roadway, bridges, and tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including commercial motorcoaches and school buses; vehicle and driver licensing systems; taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies; traffic management systems; AND cyber systems used for operational management.
- Maritime Transportation System consists of ferries, coastline, ports, pilotage, waterways, and intermodal landside connections that allow the various modes of transportation to move people and goods to, from, and on the water.
- Mass Transit and Passenger Rail includes terminals, operational systems, and supporting infrastructure for passenger services by transit buses, trolleybuses, monorail, heavy rail—also known as subways or metros—light rail, passenger rail, and vanpool/rideshare.
- Pipeline Systems consist of pipelines carrying natural gas hazardous liquids, as well as various chemicals. Above-ground assets, such as compressor stations and pumping stations, are also included.
- Freight Rail consists of major carriers, smaller railroads, active railroad, freight cars, and locomotives.
- Postal and Shipping includes large integrated carriers, regional and local courier services, mail services, mail management firms, and chartered and delivery services.



## **Essential Workforce**

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, workers engaged in snow removal and avalanche control for state highways, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Ferry workers
- Taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, pilots, longshoremen, mariners, equipment operators, ship and vessel operators, crane operators, and shipyard foremen/women, marina workers.
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive, motorcycle, bicycle and motorized wheelchair/scooter repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

## **COMMUNICATIONS AND INFORMATION TECHNOLOGY**

### **Sector Profile**

The Communications Sector provides products and services that support the efficient operation of today's global information-based society. Communication networks enable people around the world to contact one another, access information instantly, and communicate from remote areas. This involves creating a link between a sender (including voice signals) and one or more recipients using technology (e.g., a telephone system or the Internet) to transmit information from one location to another. Technologies are changing at a rapid pace, increasing the number of products, services, service providers, and communication options. The national communications architecture is a complex collection of networks that are owned and operated by individual service providers. Many of this

sector's products and services are foundational or necessary for the operations and services provided by other critical infrastructure sectors. The nature of communication networks involve both physical infrastructure (buildings, switches, towers, antennas, etc.) and cyber infrastructure (routing and switching software, operational support systems, user applications, etc.), representing a holistic challenge to address the entire physical-cyber infrastructure.

The IT Sector provides products and services that support the efficient operation of today's global information-based society and are integral to the operations and services provided by other critical infrastructure Sectors. The IT Sector is comprised of small and medium businesses, as well as large multinational companies. Unlike many critical infrastructure Sectors composed of finite and easily identifiable physical assets, the IT Sector is a functions-based Sector that comprises not only physical assets but also virtual systems and networks that enable key capabilities and services in both the public and private sectors.

#### **Essential Workforce - Communications:**

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, newspapers and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting, and workers involved in the printing and distribution of newspapers.
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

#### **Essential Workforce - Information Technology:**

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, and

information technology equipment (to include microelectronics and semiconductors) for critical infrastructure

- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

## **OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS**

### **Essential Workforce**

- Critical government workers, including the Governor's Office, as defined by the employer and consistent with Continuity of Operations Plans and Continuity of Government plans.
- State and county workers responsible for determining eligibility for safety net benefits
- Workers responsible for facilitating return to work resources.
- The Courts, consistent with direction from the Washington State Chief Justice
- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Workers who are critical to facilitating trade in support of the national, state, and local emergency response supply chain
- Workers supporting public and private childcare establishments, licensed pre-K establishments, K-12 schools, colleges, and universities for purposes of distance learning, or the provision of school meals, or child care for the children of essential workers across all sectors and for uniquely vulnerable children.

- Hotel workers.
- Construction workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction) for all essential facilities, services and projects included in this document, and for residential construction related to emergency repairs and projects that ensure structural integrity.
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, and disposal of solid waste and hazardous waste)
- Commercial Retail Stores, that supply essential sectors, including convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, garden stores and nurseries that support food cultivation and production, office supply stores that support working-from home, and home appliance retailers
- Workers providing care to animals in zoos, aquariums, wildlife parks, nature preserves and game farms.
- Workers critical to operating Rental Car companies that facilitate continuity of operations for essential workforces, and other essential travel
- Workers who provide or determine eligibility for food, shelter, in-home supportive services, child welfare, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members and individuals experiencing homelessness)
- Professional services, such as legal or accounting and tax preparation services, when necessary to assist in compliance with legally mandated activities and critical sector services
- Artists and musicians providing services through streaming or other technology
- Unions and worker advocacy organizations
- Workers providing, maintaining and repairing heating, cooling and refrigeration services.
- Professional employer organizations providing payroll benefits, regulatory assistance and HR services.
- Laundromats and laundry services

## **CRITICAL MANUFACTURING**

### **Sector Profile**

The Critical Manufacturing Sector identifies several industries to serve as the core of the sector: Primary Metals Manufacturing, Machinery Manufacturing, Electrical Equipment, Appliance, and Component Manufacturing, Transportation Equipment Manufacturing Products made by these manufacturing industries are essential to many other critical infrastructure sectors.

### **Essential Workforce**

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

## **HAZARDOUS MATERIALS**

### **Essential Workforce**

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

## **FINANCIAL SERVICES**

### **Sector Profile**

The Financial Services Sector includes thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial utilities and services that support these functions. Financial institutions vary widely in size and presence, ranging from some of the world's largest global companies with thousands of employees and many billions of dollars in assets, to community banks and credit unions with a small number of employees serving individual communities. Whether an individual savings account, financial derivatives, credit extended to a large organization, or investments made to a foreign country, these products allow customers to: Deposit funds and make payments to other parties; Provide credit and liquidity to customers; Invest funds for both long and short periods; Transfer financial risks between customers.

### **Essential Workforce**

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

## CHEMICAL

### Sector Profile

The Chemical Sector—composed of a complex, global supply chain—converts various raw materials into diverse products that are essential to modern life. Based on the end product produced, the sector can be divided into five main segments, each of which has distinct characteristics, growth dynamics, markets, new developments, and issues: Basic chemicals; Specialty chemicals; Agricultural chemicals; Pharmaceuticals; Consumer products

### Essential Workforce

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/ or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

## DEFENSE INDUSTRIAL BASE

### Sector Profile

The Defense Industrial Base Sector is the worldwide industrial complex that enables research and development, as well as design, production, delivery, and maintenance of military weapons systems, subsystems, and components or parts, to meet U.S. military requirements. The Defense Industrial Base partnership consists of Department of Defense components, Defense Industrial Base companies and their subcontractors who perform under contract to the Department of Defense, companies providing incidental materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities. Defense Industrial Base companies include domestic and foreign entities, with production assets located in many countries. The sector provides products and services that are essential to mobilize, deploy, and sustain military operations.

### **Essential Workforce**

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

To clarify status, or to petition to be added to this list, please email: [business@mil.wa.gov](mailto:business@mil.wa.gov).



STATE OF WASHINGTON  
Office of the Governor

MEMORANDUM

**TO:** Interested Stakeholders

**FROM:** Governor Jay Inslee

A handwritten signature in black ink, appearing to read "Jay Inslee".

**DATE:** March 25, 2020

**SUBJECT:** Construction Guidance – Stay Home, Stay Healthy Proclamation (20-25)

In general, commercial and residential construction is not authorized under the Proclamation because construction is not considered to be an essential activity.

However, an exception to the order allows for construction in the following limited circumstances:

- a) Construction related to essential activities as described in the order;
- b) To further a public purpose related to a public entity or governmental function or facility, including but not limited to publicly financed low-income housing; or
- c) To prevent spoliation and avoid damage or unsafe conditions, and address emergency repairs at both non-essential businesses and residential structures.

To that end, it is permissible for workers who are building, construction superintendents, tradesmen, or tradeswomen, or other trades including, but not limited to, plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, heavy equipment and crane operators, finishers, exterminators, pesticide applicators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC technicians, painting, moving and relocation services, forestry and arborists, and other service providers to provide services consistent with this guidance.

All construction activity must meet social distancing and appropriate health and worker protection measures before proceeding.







STATE OF WASHINGTON  
Office of the Governor

MEMORANDUM

**TO:** Interested Stakeholders

**FROM:** Governor Jay Inslee

A handwritten signature in black ink, appearing to read "Jay Inslee".

**DATE:** March 27, 2020

**SUBJECT:** Real Estate and Mortgage Guidance – Stay Home, Stay Healthy Proclamation (20-25)

There are thousands of real estate and mortgage transactions currently pending in Washington State. Most transactions are for residential properties, with people already in transition out of/into new residences. Significant legal liability and displacement (if not homelessness), could occur if these transactions do not close. Pending/under contract sales should be allowed to close, using remote/electronic means whenever possible, and following social distancing guidelines if remote/electronic closing cannot occur. For homeowners in distress related to the COVID-19 event, it is important that they have the option to sell their home or pursue a refinance or residential mortgage loan modification.

While real estate activities along with mortgage lending activities have been approved as essential activities under the Proclamation, such activities shall only be permitted under the following restrictions and limitations:

- a) In-person meetings with customers are prohibited except when necessary for a customer to view a property or sign necessary documents;
- b) No real estate open houses shall be permitted;
- c) Property viewings, inspections, appraisals, and final walk-throughs shall be arranged by appointment and limited to no more than two people on site at any one time, exercising social distancing at all times; and
- d) Except for the limited exceptions authorized above, all new real estate listings shall be facilitated remotely.

To that end, it is permissible to engage in real estate sales, as appraisers, settlement agents and escrow officers, property inspectors, mortgage loan originators, processors, and underwriters, and other necessary office personnel including IT professionals, and back office staff necessary to maintain office operations, along with those government workers necessary to review real estate excise tax and record documents.

All real estate and mortgage activities must meet social distancing and appropriate health and worker protection measures before proceeding.



## **WSDOT suspending construction work due to COVID-19 safety concerns**

Following the state Stay Home, Stay Healthy order, WSDOT is suspending most state construction work for at least two weeks. WSDOT is asking our contractor partners to safely secure construction jobsites by the end of the day, Thursday, March 26.

WSDOT has been working closely with our contractor, labor and industry partners to develop COVID-19 response plans that would protect all of the people working on our projects by meeting the Centers for Disease Control and Prevention (CDC) guidelines. Unfortunately, despite these efforts, it is not possible to meet the guidelines while maintaining construction. There have also been difficulties sustaining sufficient staff levels. In some cases this week, between 25% and 40% of a given crew was not available to work on WSDOT construction projects.

We recognize the profound impact this decision has on thousands of individuals. However, we believe it is critical that we take every appropriate step available to protect the lives and health of our loved ones, families, our friends, coworkers and neighbors. These are important projects to Washington, and we remain committed to restarting them when safe to do so to ensure the transportation system continues to support our statewide economy and economic recovery.

WSDOT will use the intervening time to work closely with industry partners to ensure appropriate protective equipment, procedures and training are in place when projects restart.

State officials will be closely monitoring the trajectory of the virus over the next few weeks in close consultation with the Governor's Office. Once the numbers start trending in a favorable direction and appropriate measures are in place, WSDOT will look to begin restarting our projects.

While most state projects will halt, work to complete fish passage culvert work will continue in order to make progress on the federal court injunction deadlines and to comply with time-sensitive fish windows for in-water work. Work on the design portion of design-build projects will continue although fieldwork to support design will be suspended. Some details on that work are evolving in this rapidly changing situation and WSDOT will share more details when they are available.

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Washington Association of  
**SHERIFFS &  
POLICE CHIEFS**

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Lacey, WA 98516  
360-486-2380 (Phone)  
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[www.waspc.org](http://www.waspc.org)

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FOR IMMEDIATE RELEASE  
March 24, 2020

## Stay at Home Order law enforcement – Enforcement means Engagement and Education

(Olympia) --- The Washington Association of Sheriffs and Police Chiefs (WASPC) provided an overview of how Sheriffs and Chiefs are prioritizing enforcement of Governor Jay Inslee's Stay at Home Order. The following can be attributed to Steve Strachan, executive director of WASPC:

This situation is unique in our history and the people that serve you understand that and will do our duty with professionalism, compassion and common sense.

Enforcement means engagement and education in support of the order. Law officers have not been asked to detain, arrest, ticket or establish checkpoints for compliance. The Stay at Home order is like other laws in that they work because people agree with the rationale and see it as a legitimate and sensible way to keep people safe. Our communities have shown they understand the severity of the situation and are doing all they can already to keep themselves, their families and neighbors safe and healthy.

We view our role more as one of education. Educating residents on how to keep themselves safe, how to keep their families safe and most importantly, to keep the rest of the community safe, especially our vulnerable populations.

As the Governor's statement makes clear – Essential services will continue and the people who work in those jobs will still be able to get to work and back each day. Everyone will be able to travel for basic needs like groceries and medical services.

When officers and deputies encounter people not complying with an order, we will remind them, as appropriate, of the recommendation and restrictions. Rumors of individuals or businesses needing "passes" or "licenses" to conduct essential services are not true.

The men and women in law enforcement across Washington are your neighbors. They are sons and daughters, brothers and sisters, father and mothers. They will continue to serve you every minute of every day and they will enforce the laws that keep people safe.

###

JAY INSLEE  
Governor



STATE OF WASHINGTON  
Office of the Governor

March 27, 2020

Dear Honorable Tribal Leaders:

During times of emergency, it is critical that Washington State maintains open and robust government-to-government communications with its tribal partners.

Earlier this week, I issued a *Stay Home, Stay Healthy* order (Emergency Proclamation 20-25), which generally prohibits Washingtonians from leaving their homes, except in pursuit of certain enumerated essential activities. I intend this letter to clarify that order as it relates to activities on tribal lands.

First, none of my Emergency Proclamation orders apply to conduct on tribal lands. Tribal governments, as sovereign nations, are making their own decisions in response to the current COVID-19 emergency.

Second, constituents have presented several questions to my office regarding individuals who commute to tribal lands or Washington businesses that work on tribal lands. While I have defined essential activities (for purposes of Emergency Proclamation 20-25) in Washington, tribal leaders maintain sovereignty to define essential activity on tribal lands. Accordingly, if tribal governments classify certain activity or business on their lands as “essential,” under Emergency Proclamation 20-25, Washingtonians may leave their homes to pursue those tribally defined essential activities on tribal lands — even if those activities are not considered essential on non-tribal lands.

Thank you for your leadership during this very trying time.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor



Washington State  
Coronavirus Response (COVID-19)

## Violations of the Governor's Proclamation

Governor Inslee has issued several orders including the Stay Home-Stay Healthy proclamation, 20-25, prohibiting people from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services. If you have concerns and would like to report suspected violations of this order, please follow these guidelines:

If this report is about an individual or private group that is not following the proclamation, contact your local law enforcement agency. DO NOT call 911. Please refer to the law enforcement agency website for directions on how to file a complaint or use the agency's non-emergency number.

If this report is about a business that is not following the proclamation, fill out the form on this webpage. This report will be forwarded to the appropriate agency to review the violation for the appropriate response.

For eviction related complaints, please go to  
<https://fortress.wa.gov/atg/formhandler/ago/COVID19EvictionComplaintForm.aspx>



**City Of Orting  
Council Agenda Bill Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Council</b>
<b>Subject: PBS Engineering and Environmental Amendment No. 1</b>	<b>AB20-40</b>			
				<b>4/8/2020</b>
	<b>Department:</b>	Administration		
	<b>Date Submitted:</b>	<b>4.2.20</b>		
<b>Cost of Item:</b>	<u>\$ 16,260</u>			
<b>Amount Budgeted: contingency funds</b>	<u>\$400,000</u>			
<b>Unexpended Balance:</b>	<u>\$50,000</u>			
<b>Bars #:</b>	<b>Multiple</b>			
<b>Timeline:</b>	<b>Urgent</b>			
<b>Submitted By:</b>	<b>JC Hungerford, PE</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Scope and Budget from PBS Engineering and Environmental Inc.				
<p><b>SUMMARY STATEMENT:</b></p> <p>The Tacoma Pierce County Health Department has determined that a groundwater monitoring program is necessary to achieve site closure for the contaminated soil on the new City Hall property. Under the attached scope of work, PBS will install three groundwater wells and provide four quarterly monitoring Groundwater Monitoring Events (GMEs).</p>				
<p><b>RECOMMENDED ACTION: MOTIONS:</b> <i>To authorize the Mayor to a contract with PBS Engineering and Environmental Inc. in the amount of \$16,260 for the installation and monitoring of groundwater wells at the new City Hall site.</i></p>				



December 9, 2019

Mark Bethune  
City Administrator  
City of Orting  
PO Box 489  
Orting, WA 98360

Via email: [mbethune@cityoforting.org](mailto:mbethune@cityoforting.org)

Regarding: Proposal for Monitoring Well Installation and Groundwater Monitoring  
New Orting City Hall  
102 Bridge Street South, Orting, WA 98360  
Department of Ecology ERTS #684417

Dear Mr. Bethune:

PBS Engineering and Environmental Inc. (PBS) is pleased to submit this proposal to the City of Orting to provide groundwater monitoring services as related to contaminated groundwater discovered at 102 Bridge Street South in Orting, Washington (the Site/Property). PBS understands that the City of Orting is currently constructing a new City Hall building on the Property.

This proposal outlines our project approach, scope of work, schedule, and budget for PBS' services based on our understanding of the project, information provided to us to date, and experience with similar projects.

## **BACKGROUND**

In August 2018, PanGeo Inc. completed a geotechnical study at the subject property and identified a petroleum hydrocarbon odor in one of the boring locations. The odor was detected at five and seven feet below ground surface within this boring, which was advanced in the center of the property. This boring was completed as a geotechnical observation well. PanGeo recorded groundwater at 14.75 feet bgs at this location.

A Phase I Environmental Site Assessment was conducted for the subject property in January 2018 by Environmental Corporation (ENCO). According to the report, Ecology records indicate the following underground storage tanks (USTs) and above-ground storage tanks (ASTs) had operated on the subject property:

- One 400 to 600-gallon kerosene UST
- Two 1,000 to 5,000-gallon fuel oil USTs
- One 10,000 to 12,000-gallon gasoline UST
- One 10,000 to 12,000-gallon diesel fuel UST
- One 12,000-gallon diesel fuel AST
- One 1,000-gallon concrete vault for kerosene and diesel fuel AST
- One 1,000-gallon propane AST

A tank removal and installation report from December 1995 reports that a 12,000-gallon diesel AST, a 12,000-gallon diesel UST, and a 10,000-gallon gasoline UST were removed and a 1,000-gallon above-ground diesel

and kerosene "Convault" tank and an above-ground propane tank were installed. Site plans show that the tank basin was located directly adjacent to the PanGEO observation well location. No records detailing the removal of the 400 to 600-gallon kerosene UST or two 1,000 to 5,000-gallon fuel oil USTs were discovered.

In September and October 2018, PBS conducted a subsurface investigation to investigate the degree and extent of the possible contamination related to the ASTs and USTs. Ten boreholes were advanced to depths ranging from 20 to 25 feet bgs to facilitate the collection of soil and grab groundwater samples from each location. Gasoline range hydrocarbons were detected in soil exceeding the MTCA Method A cleanup level in two borings and diesel range hydrocarbons were detected in groundwater above the MTCA Method A cleanup level in the geotechnical observation well and the grab groundwater sample from one boring.

Following receipt of analytical results on October 3, 2018, and at the request of the City of Orting, PBS notified the Department of Ecology of a historical release and the Site was assigned Environmental Response Tracking System (ERTS) number 684417. On November 14, 2018, PBS reported the release to Rob Olsen with the Tacoma Pierce County Health Department (TPCHD). On November 29, 2018, PBS submitted the Subsurface Investigation Report to Carol Johnston with the Department of Ecology. On December 14, 2018, PBS submitted the Subsurface Investigation Report to Rob Olsen with TPCHD.

PBS prepared an Interim Action Work Plan and submitted to the Department of Ecology and TPCHD on December 14, 2018. A response dated January 16, 2019 from Rob Olsen with TPCHD approved the following interim actions:

- Preparation of a contaminated media management plan (CMMP) and technical specifications.
- On-call oversight services for excavation in the area of contaminated soil.
- Vapor mitigation design and installation oversight.
- Preparation of an interim action remedial investigation report.

A CMMP was prepared by PBS in March 2019 to describe procedures regarding the management of contaminated soil encountered during development at the Site. Petroleum contaminated soil (PCS) was encountered during excavation for the planned building foundation. In accordance with the Contaminated Media Management Plan, PBS was contacted to evaluate the discovered contaminated soil and develop a plan for the removal and management of the soil.

On October 30, 2019, PBS collected one soil sample from the suspected petroleum contaminated soil (PCS) and confirmed that gasoline and diesel were present at concentrations exceeding the Washington Department of Ecology (Ecology) Model Toxics Control Act (MTCA) Method A Cleanup Levels.

On November 4 and 6, 2019 PBS was on-site to oversee PCS removal. The completed excavation reached depths of up to 16 feet below ground surface (bgs) and groundwater was encountered at approximately 14.5 feet bgs. Sidewall and base samples were collected from the excavation. Based on analytical results from samples collected from the excavation, PCS remains in-place at the base and one sidewall of the excavation, however additional excavation of these areas was deemed infeasible, so the excavation was backfilled. A total of 432.24 tons of PCS was removed and transported for off-site disposal at an approved landfill.

On November 27, 2019, PBS submitted a PCS Removal Report to Carol Johnston with Ecology and Rob Olsen with TPCHD. A response from Mr. Olsen on December 2, 2019 indicated that a groundwater monitoring program would be necessary to achieve Site closure.



## **SCOPE OF WORK**

### **Task 1: Monitoring Well Installation**

PBS proposes to install three groundwater monitoring wells to approximately 20-foot bgs. Two of the wells will be installed hydraulically down gradient (north) of the former tank pit and one will be installed hydraulically upgradient (south). All work will be overseen by a State of Washington Licensed Hydrogeologist:

- a. Prepare a traffic control plan for Washington Avenue Southeast and submit along with an application for a street use permit for approval by the City of Orting.
- b. PBS will mark the drilling locations with white paint and will submit a public utility notification at least two days prior to commencing drilling at the Site. Additionally, PBS will contract a private utility locator to confirm the absence of buried utilities at each proposed well location.
- c. Prior to drilling review and revise (if needed) the site-specific Health and Safety Plan (HASP).
- d. PBS will contract a Washington-state licensed driller to install three groundwater monitoring wells at the Site. During completion of the pilot borings, PBS personnel will observe and log the soil cuttings. Soils will be screened for evidence of volatile contaminants with a photoionization detector (PID).
- e. PBS will collect one soil sample from each boring prior to development as a monitoring well. Samples will be analyzed
  - a. Samples will be collected directly into laboratory supplied containers and submitted for analysis of total petroleum hydrocarbons (TPH) as diesel fuel and TPH as gasoline.
- f. The wells will be constructed in accordance with Washington WAC 173-160-420 requirements. Following installation, the wells will be developed using a bailer and/or development pump. Up to 12 gallons of groundwater will be removed from each well and purge water will be containerized on site in 55-gallon drums.
- g. PBS will contract a surveying professional to survey the elevation of each of the monitoring wells. Approximate groundwater flow direction will be determined using survey data and depth to water within each well.

### **Task 2: Groundwater Monitoring Events**

This scope includes four (4) quarterly Groundwater Monitoring Events (GMEs) following the procedures outlined below:

- a. Gauge depth to water in each monitoring well.
- b. Collect groundwater samples using low-flow sampling techniques designed to capture formation water and to ensure minimal loss of volatiles.
  - a. Samples will be collected directly into laboratory supplied containers and submitted for analysis of total petroleum hydrocarbons (TPH) as diesel fuel and TPH as gasoline.
- c. Record water quality parameters (pH, temperature, dissolved oxygen, redox potential and conductivity) during the sampling activities.
- d. PBS will notify the client verbally upon receipt of draft lab results.
- e. Results will be reported in the remedial investigation report proposed in PBS Proposal WA29070.

Laboratory Sample Analysis

Sample analysis will be conducted by an Ecology certified laboratory. Upon receipt of the laboratory report, PBS will review the results of the lab’s data quality control/quality assurance testing, discuss any discrepancies with the laboratory, and determine if follow-up analytical is warranted. The client will be kept informed as this process progresses.

**COMPENSATION**

Work for the scope of services will be provided by PBS on a time and materials cost basis. The following is a breakdown of the estimated fees for the scope of services.

**TASK 1 – Monitoring Well Installation**

Sr. Technical Review.....	\$350
Staff Geologist/Project Management.....	\$1,425
Administrative Support .....	\$65
Field Supplies, equipment, mileage, etc. ....	\$270
Contract Services:	
Private Utility Locator.....	\$440
Drilling Services (3 push-probe borings).....	\$4,750
Laboratory Analysis Fees .....	\$450
Well Location Survey.....	\$500
<b>Sub-total .....</b>	<b>\$8,250.00</b>

**TASK 2 - Groundwater Monitoring Events (Four Quarters)**

Sr. Technical Review.....	\$700
Staff Geologist/Project Management.....	\$4,000
Field Supplies, equipment, mileage, etc. ....	\$1,750
Laboratory Analysis Fees .....	\$1,560
<b>Sub-total .....</b>	<b>\$8,010.00</b>

**ESTIMATED TOTAL..... \$16,260.00**

Costs for this project will be based on actual accrued time and expenses. PBS will not exceed proposal stated cost limits without client authorization. You will be notified of any conditions that would require an increase in the services and/or associated costs.

**SCHEDULE**

PBS can begin work upon receiving written notice to proceed. Work is expected to be performed during normal business hours (generally 7am to 6pm), Monday through Friday, unless arranged in advance. Work performed outside of these hours will result in a premium applied to the hourly rate. We understand that Contractor and Project Schedules may affect PBS’ assumptions on amount of field observation time.

**APPROVAL**

PBS appreciates the opportunity to submit its proposal to you. Please feel free to contact me at 206.233.9639 or [kyle.johnson@pbsusa.com](mailto:kyle.johnson@pbsusa.com) with any questions or comments.

Sincerely,

ACCEPTED BY:

Kyle Johnson, GIT  
Staff Geologist  
PBS Engineering and Environmental Inc.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Name (Please Print)

Review By: Tom Mergy, LHG, Principal Hydrogeologist

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Attachments: General Terms and Conditions for Professional Services (Rev. 10/2018)



## GENERAL TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES

These General Terms and Conditions for Professional Services ("Terms and Conditions") are attached to and made part of the letter proposal and scope of work (collectively, the "SOW") from PBS Engineering and Environmental Inc. ("PBS") to Client (as defined in the letter proposal). The Terms and Conditions and the SOW (collectively, the "Agreement") represent the entire and integrated agreement between Client and PBS. This Agreement supersedes all prior negotiations, representations, or agreements, written or oral. If there are any inconsistencies between the SOW and the Terms and Conditions, the SOW shall control. Any services outside the SOW will be considered an "extra" and billed directly to the Client, outside of the contract amount, on a "Time and Materials" basis in accordance with PBS's currently established bill rates and these Terms and Conditions.

The Agreement memorializes the contractual obligations of PBS and Client with respect to PBS' delivery of professional consulting services to Client as an engineer, consultant, or owner representative.

- 1. PROFESSIONAL LIABILITY AND STANDARD OF CARE:** PBS will perform the professional services described in the SOW in accordance with the standard of care and skill ordinarily recognized under similar circumstances by members of its profession in the state and region at the time the services are performed. PBS makes no other warranty, express or implied, in connection with its performance of its professional services. If PBS' services under this Agreement do not include observation or review of contractor performance during construction phase, PBS services are deemed complete on the date the design is completed or if applicable, the date when the approving authority approves the design. Client assumes all responsibility for the application and interpretation of the construction phase review of design.
- 2. TERM AND TERMINATION:** This Agreement will remain in full force and effect until all work described in the SOW has been completed and Client has paid for the work in full. Client may terminate this Agreement at any time and for any reason by providing written notice to PBS of its decision to terminate. Client is responsible for payment of all fees for any work performed by PBS through the date and time PBS receives the written termination notice. The amount of fees owed will be established by the SOW and PBS' then current rate schedule. PBS may elect to suspend or terminate this Agreement for nonpayment of its fees. If PBS elects to suspend services, PBS will give Client seven days' written notice to cure the nonpayment before suspending services. In the event of a suspension of services, PBS shall have no liability to Client because of the suspension and Client shall indemnify, defend, and hold PBS harmless from and against any claims arising out of or in any way related to such suspension. If Client fails to cure a nonpayment after a suspension that lasts thirty (30) days, PBS may terminate this Agreement and recover its fees as provided in this Agreement and by law.
- 3. INDEPENDENT CONTRACTOR:** Client has retained PBS, including its subconsultants and subcontractors, to perform the services and to prepare any deliverables described in the SOW as an independent contractor. Accordingly, PBS is not responsible for the following: (a) the health and safety of Client's personnel or other persons present on the Property (as defined in paragraph 8 below) at the time PBS performs its field services; (b) the overall status of Client's project; (c) any damage to any real or personal property of Client unless it results from an intentional or negligent act of PBS; (d) the interpretation of any PBS report, design drawings, or results by others; (e) any use of PBS reports, design drawings, or results by Client or others except as specifically set forth herein; or (f) any other matter not encompassed in the SOW.
- 4. INSURANCE AND LIMITATION OF PBS' LIABILITY:** PBS carries the following insurance: Worker's Compensation and/or Employer's Liability as required by law; Commercial General Liability (\$1,000,000 per occurrence/\$2,000,000 aggregate); Employer's Liability (\$1,000,000); Business Automobile Liability (\$1,000,000); and Professional Liability (\$1,000,000), including pollution liability coverage. PBS makes no representations or warranties concerning the effect, applicability, or scope of such insurance. Client acknowledges and agrees that PBS' maximum liability to Client for any breach of this Agreement or for any PBS act or omission affecting client, including negligence, shall not exceed the policy limits for any policy of insurance that applies to the breach, act, or omission. Under no circumstances shall PBS be liable to Client for any indirect, incidental, special, punitive, or consequential damages, including any loss of use, profit or revenue.
- 5. RATE SCHEDULE:** Fees for services are based on the number of hours spent working on Client's project by PBS personnel, including travel, plus all reimbursable expenses. PBS hourly rates will be billed as stated in the SOW or at its current hourly rates as applicable (current rates are available upon request). Invoices will include sales tax when required.
- 6. REIMBURSABLE EXPENSES:**
  - A. Outside Services.** Services performed by any subconsultants or subcontractors will be invoiced at cost plus 15 percent (15%). Examples of services that may be subcontracted include other professional disciplines, soil boring, well installation, heavy and specialty equipment operators, geophysical surveys, commercial data base search providers, and computer programming. Remediation, Abatement, General Construction and Software services will be invoiced as quoted.
  - B. Supplies and Equipment.** Charges for items not ordinarily furnished by PBS such as expendable equipment, rental equipment, subsistence, travel expenses, tolls, special fees, reproduction, permits, licenses, priority mail fees, and deposits will be invoiced at cost plus 10 percent (10%). Certain PBS-owned equipment (for sampling, testing, personal protective equipment, surveying, mapping, vehicle mileage, photocopying, etc.) may be required to complete Client's project. These will be invoiced at PBS standard rates without markup (rates available upon request).
  - C. Laboratory.** PBS utilizes both in-house and outside laboratories for sample analysis. PBS maintains a list of standard rates for sample analyses commonly utilized in conjunction with PBS services (available upon request).
- 7. PAYMENTS TO PBS AND LIEN RIGHTS:** Invoices for services performed will be submitted periodically, but no more frequently than monthly. Invoices will describe the work PBS has performed and hours worked, reimbursable expenses incurred, and the total amount due to PBS in accordance with this Agreement. All invoices are due net thirty (30) days and an account will become delinquent 30 days after the invoice date. Delinquent accounts shall bear interest at the rate of eighteen percent (18%) per annum; provided, however, that if 18% per annum exceeds the maximum rate allowable by law, the maximum rate allowable by law will apply instead. If Client contests an invoice, Client may withhold only that portion contested and must pay the undisputed portion. Client acknowledges and agrees that if PBS may assert a lien against Client's project to secure payment for its services to the extent permitted by law.

- 8. RIGHT OF ENTRY:** Unless otherwise agreed in writing, Client will furnish PBS with a legal right-of-entry to any real property PBS is required to access in order to perform its services (the "Property") and that Client will be responsible for securing appropriate conditions concerning the time, place, and manner of PBS' entry upon the Property to perform its services. PBS will take reasonable precautions to minimize damage to the Property in the performance of its services. Restoration of the Property to its approximate condition prior to performance of PBS' services is not provided unless it is expressly included in the SOW. If the Client desires PBS to restore the Property to its approximate former condition, PBS will accomplish this and add the cost plus 15 percent (15%) to its fee.
- 9. BURIED UTILITIES:** PBS field personnel are trained in the public utility notification process and the risk of subsurface work encountering buried utilities. PBS personnel will avoid observable hazards or utilities at the Property and will take reasonable precautions to avoid damage to subsurface structures and utilities. PBS is not responsible for damage or loss due to undisclosed or unknown surface or subsurface conditions. Client will hold PBS and PBS subcontractors harmless from any loss resulting from inaccuracy of markings, of plans, or lack of plans, relating to the location of utilities. Note: Utility locates typically require two full working days' advance notice.
- 10. RETENTION OF RECORDS AND SAMPLES:** Client may make and retain copies of documents provided to Client for reference with the understanding that such documents may not be relied upon unless signed by PBS or its consultants. PBS has a Records Retention policy (available upon request), and pursuant thereto, client acknowledges that PBS has the right to destroy copies of documents without seeking further approval from Client. Samples retained by PBS and not subject to the recipient laboratory retention policy will be discarded 30 days after submission of PBS' final report unless other arrangements are made.
- 11. EMPLOYEE AND SERVICES SOLICITATION:** Client agrees not to solicit or tender any employment offer of/to any PBS employee, or consulting services offer to any PBS subcontractor assigned to perform work for Client under this Agreement within six (6) months of completion of their part of the work without PBS' prior written approval. Client agrees that any breach of this provision resulting in the Client hiring any PBS employee for employment or any PBS subcontractor for consulting services will cause damage to PBS and obligate the Client to reimburse PBS for recruitment and service fees incurred in connection with the breach upon demand by PBS.
- 12. OWNERSHIP OF INTELLECTUAL PROPERTY:** All concepts, plans, drawings, specifications, designs, models, reports, photographs, computer software, surveys, calculations, construction and other data, documents, and processes produced by PBS pursuant to this Agreement, including all copyright and other intellectual property therein (collectively, the "Instruments of Service"), are and shall at all times remain PBS' property. Any Client use of any Instruments of Service is permitted only if authorized by a written agreement executed by PBS and Client. Any unauthorized use or distribution of any Instruments of Service is a violation of this Agreement, will cause damage to PBS, and shall be at Client and recipient's sole risk. Accordingly, Client agrees to indemnify, defend, and hold PBS, its officers and employees, and its subconsultants and subcontractors harmless from and against any and all claims, damages, costs, losses, and expenses, including but not limited to attorney fees and costs of arbitrations, mediations, trials, proceedings in bankruptcy, or appeals, arising out of or in any way related to Client's unauthorized use, sale, or delivery to any third party of any Instrument of Service.
- 13. TIME FOR COMPLETION:** If, through no fault of PBS, the schedule to provide our services is changed, then the time for completion of PBS' services, and the rates and amounts of PBS' compensation shall be adjusted equitably via contract amendment. PBS shall not be responsible for delays in completing its services that cannot be reasonably foreseen at the time of entering into this agreement, or for delays caused by factors beyond PBS's control.
- 14. MISCELLANEOUS:** Neither party shall hold the other responsible for delay in performance caused by Acts of God, strikes, lockouts, weather, accidents, or other events beyond the control of the other or the other's employees and agents.

Any waiver of any provision, term, or condition, in this Agreement must be in writing and any such waiver will not be construed as a waiver of any subsequent breach of the same provision, term, or condition.

PBS may rely upon the accuracy and completeness of all information furnished by Client and may use such information in performing or furnishing services under this Agreement.

An opinion of construction, remediation, and restoration costs prepared by PBS represents its judgment as a professional. PBS has no control over the cost of labor and material, or over competitive bidding or market conditions.

If the SOW includes the investigation, remediation, or disposal of solid or hazardous wastes or substances, then the following terms shall apply: (a) PBS will assist Client with its legal obligation to make a hazardous waste determination and then act as an arranger with respect to solid and hazardous waste management only. Client acknowledges its full and sole responsibility to otherwise manage its solid and hazardous wastes and its ultimate liability for final disposal of all the solid and hazardous wastes it generates; (b) Should any release of hazardous substances or any other matter requiring notification to governmental authorities arise while PBS performs the services under this Agreement, Client acknowledges its responsibility to make such notification and agrees to do as required by applicable law; and, (c) Client agrees that PBS and its subconsultants and subcontractors are not responsible for any known or unknown pre-existing hazardous substance condition(s) PBS is being asked to investigate at the Property (collectively, "pre-existing conditions"). Accordingly, Client agrees to defend, indemnify, and hold PBS and its subconsultants and subcontractors harmless from liability for injury to person or property or loss arising from any pre-existing conditions, the unintentional exacerbation of any pre-existing conditions by PBS, and the exacerbation of pre-existing conditions by any third parties.

PBS does not provide legal opinions or advice. Client should consult with an attorney for advice on any legal issues related to this Agreement including efforts to minimize legal liability, the reportability of a condition to a public agency, potential cost recovery from responsible parties, and the possibility of protecting PBS' services under the attorney-client and attorney work product privileges.

In the event there is a dispute between PBS and the Client concerning the performance of any provision in this Agreement, the losing party shall pay the prevailing party's reasonable attorney's fees and costs in mediation, arbitration, trial, any proceeding in bankruptcy, and in any appeal or review. In addition, Client agrees to pay PBS for all employee time, costs, and witness costs incurred for collection activity. All disputes between Client and PBS shall be settled by arbitration in accordance with the rules of JAMS Mediators and Arbitrators.