

Skagit County Interim Report May 5, 2020

Governor Begins Phased-In Reopening

In late April, Governor Inslee initiated the first steps in his plan to gradually reopen the state, including certain industries, public places, and activities as outlined in his [recovery plan](#). The Governor held a series of press conferences announcing these initial steps, which include the reopening of low-risk construction, reopening of outdoor day-time recreation, including golfing, fishing, hunting, and state parks, and partial reopening of certain elective surgeries.

The lifting of restrictions on the construction industry comes at the recommendation of the Governor's Construction Roundtable working group which included representatives from business, labor, health and safety experts, and local government. Low risk sites are those that have tasks and functions that can be performed while maintaining 6 feet of separation. To resume work, existing projects must meet safety measures, which include:

- A Safety Plan to maintain physical distancing, adequate PPE, a COVID-19, site supervisor, etc.
- Comprehensive COVID-19 exposure, control and mitigation plan
- Posting written notice of the work to be performed at the job site for employees, subcontractors and government officials
- Keeping a safe and healthy worksite

The Governor's office and the Department of Commerce have been convening specific industry stakeholder groups to develop plans to provide enforceable safety guidelines. These plans will guide modification of restrictions when safe to do so, as determined by data and health experts. These efforts have culminated in the Governor's Safe Start [phased approach](#) to reopening, announced on Friday, May 1st. The plan utilizes 4 different phases of reopening, each of which gradually lift restrictions on recreation, gatherings, travel, businesses and industries. Progression through the phases is determined by the Department of Health and local public health officers and requires "low and decreasing disease burden." In addition to disease burden, criteria in the four following arenas will be considered: health care system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations. Specific items that will be considered in each category are listed in the [Governor's policy brief](#), although targets are not yet quantified. Phase I begins on Tuesday, May 5th statewide and includes previously issued guidance with a few additions: curbside retail pick-up, car washes, pet walkers, landscaping, and automobile/RV/boat/ORV sales. Each phase will last up to three weeks: two weeks to allow for disease incubation and an additional week to collect data and confirm trends.

County Variance

While most areas of the state will be entering Phase I on May 5th, the Governor also announced that 10 counties may apply for optional variance to move to Phase II. These

counties have a population of less than 75,000 and have had no positive cases within the last three weeks. Eligible counties at this point include:

- Lincoln
- Wahkiakum
- Skamania
- Grays Harbor
- Columbia
- Garfield
- Ferry
- Pend Oreille
- Jefferson
- Kittitas

The process to apply is described in detail on pages 7 and 8 in the [Governor's policy brief](#). The application requires coordination from the county's local public health officer, local board of health, local hospitals, and county commissioners or council. Eligible counties must submit a signed recommendation either not to request a variance, request the full Phase II modifications, or request a subset of the Phase II modifications to the local board of health. Applications require certification from local hospitals of adequate bed capacity to serve the community and adequate PPE for hospital workers. Other information required includes testing and contact tracing data, plans for isolation and quarantine housing, plans for case management services to cases and contacts in isolation and quarantine, plans to make testing accessible, and plans for response to outbreaks. The Secretary of Health will approve or deny variance requests.

Members of the press and others, including local governments, have pointed out that expanded testing capabilities are likely to increase, rather than decrease, new case counts without necessarily reflecting new transmissions, making it difficult for other counties and the state to advance phases. The Governor and the Department of Health will be considering additional criteria for variances, possibly including cases per capita, within the next two weeks.

Is there going to be a Special Session of the Legislature?

The Governor or a two-thirds majority of both the House and Senate while in session may call for a special session of the legislature. Many are speculating that a special session will be necessary and will occur between the June revenue forecast and June 30th. The revenue forecast will ensure legislators will have more information about COVID-19 impacts on statewide revenue, which initial estimates show to be a \$3 to \$4 billion decline in revenues for this biennial budget. Legislators must convene before June 30th to make cuts to programs allocated in the last session, as new funding comes online July 1.

While a special session seems imminent, one potential limiting factor is that legislators cannot constitutionally call themselves into session right now. The Legislature must be

operating under joint rules to form a resolution setting the process to call a special session. While the Legislature is not in session, they are not operating under joint rules—therefore, the process to convene a special session would have had to been established during the 2020 legislative session. Currently, only the Governor is eligible to call for a special session.

Extension of Governor’s Proclamations

The Governor’s Executive authority during a state of emergency is limited to waiving certain statutory obligations or issuing prohibitions. He cannot create new policy. Orders waiving statutes are limited to 30 days unless extended in writing by the majority and minority leaders of the House and the Senate. On May 1st, the Governor announced the extension of the Stay-at-Home order until May 31st, necessitating the extension of many proclamations set to expire May 4th. Specific extensions to note are:

- Open Public Meetings Act statutory requirements are suspended until May 31st.
- The Public Record Act statutory requirements are suspended until May 11th.
- Financial reporting deadlines are extended until May 31st.
- Utility shutoffs for customers unable to pay are prohibited until May 31st.

Please find the Four Corners Letter authorizing these extensions attached. Allegedly, there is discussion around the impact of the PRA proclamation within the Legislature, explaining its shorter extension. It is unknown if the Legislature will authorize its extension to May 31st at a later date.

COVID-19 Impact on WSDOT Operations

Like most agencies, WSDOT has been working to estimate and understand the financial repercussions of the COVID-19 outbreak on transportation revenue such as fuel tax, tolls and fares on WA State Ferries. The lag in reporting and the uncertain length of the pandemic make it difficult to identify exact figures. However, current traffic and ridership numbers suggest the state could expect as much as a \$100 million per month decline in revenue. WSDOT is working with the Governor’s Office, the WA State Congressional delegation, and other partners to inform Congress of the state’s needs as it considers future federal stimulus packages.

The WSDOT executive team is weighing options to preserve existing funds. Immediate actions include:

- Deferring both permanent and non-permanent new hires
- Discontinuing out-of-state travel
- Suspending new consultant contracts and task orders
- Holding off all Transportation Equipment Fund and other major purchases

Exceptions to these general rules will be considered by a board made WSDOT Assistant Secretaries.

WSDOT is now permitted to continue work on existing projects under the Governor's low-risk construction reopening, granted safety requirements and plans are implemented. Fish passage projects have continued to ensure the state meets the federal court injunction deadline. Beyond this, WSDOT is developing a process to evaluate all programs and projects for potential savings which will be shared with the Governor and the Legislature.

CARES Act: Coronavirus Relief Fund

The Coronavirus Aid, Relief and Economic Stimulus (CARES) Act provides \$150 billion nationwide for states, local governments and tribal governments. Distribution is based on population and Washington State is allocated \$2.95 billion. Per federal guidance, 45% or \$1.3 billion will be directly distributed to the 5 jurisdictions in Washington that have a population of 500,000 or greater: King County, Pierce County, Snohomish County, Spokane County and the City of Seattle. The remaining 55% or \$1.6 billion will be distributed directly to the state. The federal government left it up to each state to determine how or if funds will be passed through to local jurisdictions. On April 27th, the Governor announced that \$300 million will be allocated to local jurisdictions that did not receive a direct allocation. Each county received at least \$250,000, while each city received at least \$25,000, or about \$60 and \$30 per capita respectively. Counties received a greater share of funding to cover essential public health services within incorporated and unincorporated areas. The funding distribution chart may be found [here](#).

The US Treasury Department issued additional guidance on what is considered an eligible expenditure. Please see the attached guidance PDF for more details and for frequently asked questions, updated May 4th. Funds **may not** be used to fill shortfalls in government revenue. Some of the examples included in the guidance are:

- Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID19 public health emergency.
- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
- Expenditures related to a State, territorial, local, or Tribal government payroll support program
- Expenses for public safety measures undertaken in response to COVID-19

Expenses must be incurred between March 1 and December 31 of 2020. The State will have to return any funds not expended by the end of the year. The funding will be distributed by the Department of Commerce as grants and will be in the form of reimbursements rather than direct allocations. The Legislature is working with the



Governor's office to approve the funds, which will be available within the upcoming weeks.