

**RESOLUTION NO. 719-20**

**A Resolution of the Commission of the Port of Port Townsend**

**AUTHORIZING EMERGENCY POWERS AND DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR  
IN RESPONSE TO THE OUTBREAK OF COVID-19**

**WHEREAS**, the 2019 Novel Coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and poses a high risk of transmission from person-to-person; and

**WHEREAS**, on January 31, 2020, the Secretary of the United States Department of Public Health and Human Services, Alex Azar, declared a nationwide public health emergency for COVID-19, and its extreme risk of person-to-person transmission, a state of emergency exists in all counties in Washington State (Proclamation 20-05), and directed that the Washington State Comprehensive Emergency Management Plan be implemented; and

**WHEREAS**, on February 29, 2020, Governor Jay Inslee proclaimed that as a result of the worldwide outbreak of COVID-19, and its extreme risk exists in all counties in Washington State (Proclamation 20-05), and directed that the Washington State Emergency Management Plan be implemented; and

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) declared that COVID-19 constitutes a worldwide pandemic and, as of March 25, the WHO Situation Report confirmed a total of 414,179 cases globally; and

**WHEREAS**, on March 13, 2020, Governor Inslee ordered the closure of all schools in Washington State until April 27, 2020; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a National Emergency to free up federal funds to quickly respond to the pandemic; and

**WHEREAS**, on March 16, 2020 Governor Inslee ordered restaurants to limit in-person dining, and bars, entertainment and recreational facilities were ordered closed and gatherings of 50 or more banned; and

**WHEREAS**, on March 16, 2020, the President of the United States issued guidance limiting gatherings to 10 people, among other guidance consistent with Governor Inslee's order; and

**WHEREAS**, on March 18, the Executive Director of the Port of Port Townsend, in response to the COVID-19 pandemic, issued Declaration of Emergency No. 01-2020 asserting the authority to issue Emergency Orders to manage the emergency, consistent with policy adopted pursuant the Port's Delegation of Authority Resolution No. 713-20;

**WHEREAS**, as of March 22, 2020, the Jefferson County Public Health Department had administered 436 patient tests, with 235 patients having testing negative, 191 patient tests pending, and ten (10) patients confirmed as having tested positive for COVID-19, and has concluded that community level transmission of the virus is likely in the near future; and

**WHEREAS**, on March 23, 2020 Governor Inslee ordered a "Stay at Home, Stay Healthy" order immediately requiring all state residents to stay at home unless they need to pursue essential activities, banning all gatherings for social, spiritual and recreational purposes, and requiring closure (within 48 hours of issuance of the order) of all non-essential businesses for a period of at least two (2) weeks; and

**WHEREAS**, on January 8, 2020, the Port Commission adopted Resolution No. 713-20 delegating authority to Port management and outlining a policy establishing the limits of administrative authority delegated to the Port District Executive Director or his or her designee; and

**WHEREAS**, Section VI of the Specific Policy Directives of Administrative Authority to the Port District Executive Director adopted by way of Resolution No. 713-20 ("the policy") limits the Director's authority to rent or lease real or personal property; and

**WHEREAS**, specifically, Section VI of the policy requires that all real property leases and non-ministerial amendments thereto be approved by the Commission; and

**WHEREAS**, the rapidly evolving COVID-19 pandemic, and required state and federal governmental responses to slow the advance of the pandemic (as outlined in the findings above) are directly impacting the ability of certain classes of Port tenants to timely pay their rent; and

**WHEREAS**, the Commission desires that the policy accompanying Resolution No. 713-20 be amended to grant specific additional authority to the Executive Director to defer the payment of rent for those businesses most directly and adversely affected by this unprecedented public health emergency; and

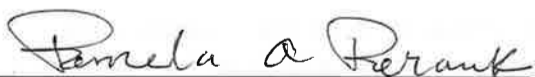
**WHEREAS**, the Commission further desires to formally ratify and confirm both the Declaration of Emergency No. 01-2020 issued by the Executive Director on March 18, 2020 and the Emergency Orders issued thereunder;

**NOW, THEREFORE, BE IT RESOLVED** by the Commission of the Port of Port Townsend, as follows:

1. **Executive Director's Declaration of Emergency Ratified and Confirmed:** Declaration of Emergency No. 01-2020 issued by the Executive Director on March 18, 2020 under the authority of Section IV(3) of the policy statement adopted by way of Resolution No. 713-20 is hereby ratified and confirmed.
2. **Authority Granted to Amend Leases to Defer Rent for Certain Tenant Categories:** The Executive Director is hereby specifically authorized to execute Deferred Rent Lease Amendments with Port tenants that operate businesses which, in the Director's discretion, are most directly and adversely affected economically by the COVID-19 pandemic and the State and Federal government response thereto, subject to the following limitations:
  - a. Rent shall not under any circumstance be deferred for longer than three (3) months; and
  - b. A rent schedule shall be included within any such lease amendment detailing how the back-rents will be repaid within twelve (12) months of the end of any deferred rent period; and
  - c. During any deferred rent period, the tenant shall continue to be responsible for, and pay, all required leasehold excise taxes.
3. **Effective Date - Duration:** This Resolution No. 719-20 shall take effect immediately and be in full force and effect for the same period, and without action required to renew, as Declaration of Emergency No. 01-2020 remains in effect.

**ADOPTED** this 25<sup>th</sup> day of March 2020, by the Commission of the Port of Port Townsend and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission duly affixed.

**ATTEST:**



Pamela A. Petranek, Secretary



Peter W. Hanke, President



William W. Putney, III, Vice President

APPROVED AS TO FORM:



Port Attorney

