

Proposed Final Agenda

Time	Agenda Item	Speaker
2:30 p.m.	Call to Order & Introductions	Keith Grellner, Board Chair
2:35 p.m.	1. Approval of Agenda—Possible Action	Keith Grellner, Board Chair
2:40 p.m.	2. Discussion—Determination of Meeting Format for the Remainder of the Declared State of Emergency—Possible Action	Board Executive Director
3:00 p.m.	Adjournment	

- **To access the meeting online and to register:**
https://us02web.zoom.us/webinar/register/WN_yS5tQaEbTVmxQSOeGHxs0A
- **You can also dial-in using your phone for listen-only mode:**
 Call in: +1 (253) 215-8782 (not toll-free)
 Webinar ID: 815 4658 1181
 Passcode: 118256

Important Information to Know:

- Times are estimates only. We reserve the right to alter the order of the agenda.
- If you need special accommodation, please contact Melanie Hisaw, State Board of Health Executive Assistant, at (360) 236-4110 or by email melanie.hisaw@sboh.wa.gov by May 26, 2022.
- To request this document in an alternate format or a different language, please contact Kelie Kahler, State Board of Health Communication Manager, at 360-236-4102 or by email kelie.kahler@sboh.wa.gov

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WASHINGTON STATE BOARD OF HEALTH

Date: May 27, 2022

To: Washington State Board of Health Members

From: Michelle Davis, Executive Director

Subject: Determination of Meeting Format

Background and Summary:

On February 29, 2020, Governor Inslee issued Proclamation 20-05, proclaiming a State of Emergency for all counties in Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak. On March 13, 2020, President Trump declared a national emergency through Proclamation 9994 concerning the COVID-19 pandemic. President Biden issued a notice on April 13, 2022, continuing the national emergency for another 90 days.

On March 24, 2020, Governor Inslee issued Proclamation 20-28, prohibiting in-person meetings as well as waiving and suspending provisions in chapter 42.56 RCW, the Public Records Act, and chapter 42.30 RCW, the Open Public Meetings Act (OPMA), that hinder conducting public meetings remotely. The OPMA requires all meetings of governing bodies of public agencies to be open to the public. Proclamation 20-28 and subsequent extensions waived requirements for an in-person setting for public meetings, allowing agencies to hold fully remote public meetings.

During the 2022 Legislative Session, the Legislature passed, and the Governor signed Engrossed Substitute House Bill (ESHB) 1329, which:

- Clarifies that meetings subject to the OPMA must have a physical location, with a few exceptions; and
- Allows agencies to limit public attendance or to hold fully remote public meetings after a local, state, or federal state of emergency has been declared if the agency determines that a meeting with in-person attendance cannot be held with reasonable safety because of the emergency. If an agency makes such a determination, it may: (a) Hold a remote meeting of the governing body without a physical location; or (b) Hold a meeting of the governing body at which the physical attendance by some or all members of the public is limited due to a declared emergency.

Further, if the agency decides to limit public attendance or conduct the meeting remotely, it must provide an option for the public to listen to the meeting. This may be through the telephone, on a local cable television station, over the Internet, or through some other means. The option cannot require any cost to the public to access the meeting. If the public agency does not provide such an option, it cannot take action at

(continued on the next page)

the meeting. Notice provided for a remote meeting or a meeting with limited public attendance must include instructions for how the public may attend remotely.

On April 29, 2022, Governor Inslee issued Proclamation 20-28.16, stating that:

- Proclamation 20-28 and its subsequent extensions, which waived the OPMA requirement for in-person locations for public meetings, are terminated and rescinded effective 12:01 A.M. on June 1, 2022; and
- Proclamation 20-05 and its subsequent amendments remain in effect; therefore, a State of Emergency continues to exist in all counties of Washington.

Meetings of the Washington State Board of Health (Board) are subject to the OPMA. Prior to the pandemic, the Board typically held its regular meetings in person, and its committee meetings by phone. Board members, presenters and invited guests participated remotely in regular meetings from time to time, and TVW often livestreamed the Board's meetings. After the Governor issued proclamation 20-28, the Board met virtually for the remainder of 2020 and 2021. At its November 2021 meeting the Board adopted its 2022 meeting schedule and determined that meetings would be held virtually through the duration of the declared public emergency. These meetings did not have a physical location and, instead, provided the opportunity for Board members, staff, and members of the public to participate via a video communications platform, without additional costs.

Today, the Board will have an opportunity to discuss how it wants to hold future public meetings while the State of Emergency continues to exist, and whether or not it can hold in-person meetings with reasonable safety. If the Board determines it cannot hold in-person meetings with reasonable safety, then it may consider whether to hold meetings entirely remotely or to meet in person and limit public attendance. The Board can revisit this determination at any time during the declared state of emergency.

Recommended Board Actions:

The Board may wish to consider and amend, if necessary, the following motions:

Proposed Motion 1 (fully remote meetings): Due to the COVID-19 state of emergency as well as the reasons articulated by the Board today, the Board determines it is not reasonably safe to hold in-person meetings at this time. The Board directs Board staff to organize fully remote meetings for the duration of the Washington State of Emergency or the National Emergency, whichever terminates later.

Proposed Motion 2 (limit physical attendance): Due to the COVID-19 state of emergency as well as the reasons articulated by the Board today, the Board determines it is not reasonably safe to hold in-person meetings that include attendance by members of the public during this time. The Board directs Board staff to organize in-person meetings for Board members without in-person attendance by members of the public for the duration of the Washington State of Emergency or the National Emergency, whichever terminates later.

Proposed Motion 3 (fully in-person meetings): The Board determines that it is reasonably safe to hold in-person meetings and directs Board staff to identify in-person meeting locations for 2022 and to revise the Board's 2022 meeting schedule accordingly.

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov. TTY users can dial 711.

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STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**PROCLAMATION BY THE GOVERNOR
AMENDING
PROCLAMATION 20-05 and RESCINDING PROCLAMATION 20-28, et seq.**

20-28.16

Open Public Meetings Act and Public Records Act Proclamations

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 several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; too

WHEREAS, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers, suspensions, and prohibitions; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, during the 2022 Regular Legislative Session, the Legislature passed, and the Governor signed, Engrossed Substitute House Bill 1329, which, in part, authorized public agency governing bodies to hold public meetings remotely in certain circumstances and after a local, state or federal state of emergency has been declared; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 24 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies 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 20-28, et seq., are terminated and rescinded effective 12:01 A.M. on June 1, 2022.

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 and wildfires.

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,



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the Washington State Board of Health (Board), for the year 2022. The Board's meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the Board's website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the Board reserves the right to change or amend agendas at the meeting.

2022 Meeting Schedule
Approved by the Board November 10, 2021

	Meeting Date	Location
Board	Wednesday January 12, 2022	Likely Virtual, TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online.
Board	Wednesday March 9, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online.
Board	Wednesday April 13, 2022	Hold date – meet only if necessary
Board	Wednesday June 8, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online.

Board	Wednesday July 13, 2022	Hold date – meet only if necessary
Board	Wednesday August 10, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online.
Board	Wednesday October 12, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online. <i>(note: possibly co-locate with WSALPHO or EPHD Meeting in mid Oct, date TBD)</i>
Board	Wednesday November 9, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online. <i>(note: possibly co-locate with WSAC & WSALPHO County Leaders Conference in mid-November, date TBD)</i>

Last updated 11/10/2021

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See the [Board of Health website](#) for the most current information.

If you need further information, please contact:

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Please be advised the Washington State Board of Health is required to comply with the Public Records Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.