

ADDENDUM



CURRENT COUNCIL AGENDA

MEETING OF MONDAY, JANUARY 31, 2022

BRIEFING SESSION

RESOLUTIONS

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

Request motion to suspend Council Rules and add the following items (RES 2022-0013 and RES 2022-0014) to the Agenda:

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| RES 2022-0013 | Formally censuring Council Member Jonathan Bingle. (Council Sponsors: Council Members Zappone and Stratton)
Brian McClatchey |
| RES 2022-0014 | Seeking executive action from Mayor Nadine Woodward. (Council Sponsors: Council Members Zappone and Stratton)
Brian McClatchey |

RESOLUTION NO. 2022-0013

A Resolution formally censuring Council Member Jonathan Bingle.

WHEREAS, upon their election to office, City Council members swear an oath to support the Constitution and laws of the state of Washington, the City Charter, the Spokane Municipal Code, and the Constitution of the United States; and

WHEREAS, in response to the COVID-19 pandemic, Governor Inslee under authority granted him by the Legislature has issued a number of proclamations, including Proclamation 20-25.17 (Sept. 13, 2021), which “prohibit[s] any individual from failing to wear a face covering as required by the Secretary of Health’s face covering order . . . [and] prohibit[s] any governmental . . . entity from allowing any individual to enter or remain in any indoor space under their control unless the individual is in compliance with the Secretary of Health’s face covering order”; and

WHEREAS, under state law, Governor’s proclamations have the force of law: “Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.” (RCW 43.06.220(5)); and

WHEREAS, the City Administration has issued clarifying guidance requiring that the Governor’s Proclamation, as applied at City Hall, requires all persons at City Hall to wear a mask unless they are alone at their desk or work station, and have posted signs throughout City Hall reminding every person who enters City Hall that they are to wear a mask; and

WHEREAS, Council Member Bingle has continuously and repeatedly intentionally violated, and continues to violate, state law by refusing to wear a mask anywhere in City Hall; and

WHEREAS, employees from multiple City departments have filed formal and informal complaints based on their personal experiences and observations that Council Member Bingle intentionally and willfully remains in violation of state law and regulations and City policy; and

WHEREAS, complaints to the state Department of Labor and Industries may also subject the City to enforcement actions, including monetary fines, which would be paid from taxpayer dollars; and

WHEREAS, Council Member Bingle’s intentional and willful violation of state law, state regulations, and City policy is wrongful conduct that affects the performance of his official duties as an elected official of the City of Spokane; and

WHEREAS, Council Member Bingle’s intentional and willful violation of Governor Inslee’s Proclamation 20-25.17 is an unlawful act, punishable as a gross misdemeanor; and

WHEREAS, Council Member Bingle's knowing and intentional refusal to support and uphold the laws of the State of Washington, in this case, through his refusal to obey the Governor's Proclamation which has the force of law, is a knowing and intentional violation of his oath of office; and

WHEREAS, Council Member Bingle's intentional refusal to wear a mask while within City Hall shows an intentional and flagrant disregard for the health and safety of every person with whom he comes into contact, including City employees, fellow Council Members, City Council staff, and members of the public who enter City Hall.

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council hereby issues a formal censure of Council Member Jonathan Bingle due to his willful, intentional, knowing, and wrongful conduct affecting the performance of his official duties, his violation of the oath of his office, his violation of state law, and his actions displaying his lack of judgment which reflects poorly on the public's trust and confidence in government generally and local elected officials specifically.

ADOPTED by the City Council this ____ day of _____, 2022.

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 2022-0014

A Resolution seeking executive action from Mayor Nadine Woodward.

WHEREAS, since 2000, the voters of Spokane have elected the mayor within a mayor-council system, sometimes called a “strong mayor” system, and the change was, in part, driven by a desire of the voters to have a mayor who was directly accountable to the people, had the ability to provide strong leadership, and whose job went far beyond the merely ceremonial role that was required of the mayor under the former council-manager form of government; and

WHEREAS, during the past two plus years, the City of Spokane has been faced with challenges that simply require strong, active, visible leadership from the Mayor; and

WHEREAS, in response to the COVID-19 pandemic, Governor Inslee under the authority granted him by the Legislature has issued a number of proclamations, including Proclamation 20-25.17 (Sept. 13, 2021), which “prohibit[s] any individual from failing to wear a face covering as required by the Secretary of Health’s face covering order . . . [and] prohibit[s] any governmental . . . entity from allowing any individual to enter or remain in any indoor space under their control unless the individual is in compliance with the Secretary of Health’s face covering order”; and

WHEREAS, the proclamation also prohibits cities from allowing individuals within its buildings to violate the mask order; and

WHEREAS, under state law, Governor’s proclamations have the force of law: “Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor” (RCW 43.06.220(5)); and

WHEREAS, allowing violations of the mask requirement could, in addition to endangering the health and safety of people at City Hall – employees and members of the public alike – but it may also subject the City to litigation and fines imposed by the Department of Labor and Industries; and

WHEREAS, by allowing individuals to violate this mask order, City Council is concerned that the Administration is engaging in an intentional and willful violation of Governor Inslee’s Proclamation 20-25.17, which is an unlawful act, punishable as a gross misdemeanor; and

WHEREAS, in addition to the legal reasons described in this Resolution, City Council anticipates that Mayor Woodward will enforce the reasonable, limited health and safety regulations within City Hall since not doing so would show disregard for the health and safety of every person who enters City Hall, including City employees, fellow Council Members, City Council staff, and members of the public.

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council urgently requests that Mayor Woodward promptly enforce the reasonable health and safety regulations issued by the Governor and the Department of Labor and Industries to support ending the public health crisis and mitigate its effects here in Spokane, keep all employees and members of the public safe within City facilities, uphold her oath of office, enforce the law, and help increase the public's trust and confidence in government generally and local elected officials specifically.

BE IT FURTHER RESOLVED that the Mayor should use the power of her office and the personnel who report to her to investigate any person not complying with state laws regarding masking within City owned buildings, and criminally prosecute willful non-compliance and remove them from City owned buildings.

ADOPTED by the City Council this ____ day of _____, 2022.

City Clerk

Approved as to form:

Assistant City Attorney