

RESOLUTION NO. 1734

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, DECLARING THE CITY OF ENUMCLAW TO BE AN INCLUSIVE COMMUNITY WHERE CITIZENS AND BUSINESSES SHOULD BE TREATED EQUALLY WITHOUT DISCRIMINATION WITH RESPECT TO VACCINATION STATUS.

WHEREAS, on February 29, 2020, the State of Washington declared a State of Emergency in all Washington counties due to COVID-19; and

WHEREAS, on October 25, 2021, Seattle-King County Public Health instituted a mandate requiring vaccination verification or negative Covid-19 PCR testing at businesses deemed “non-essential” due to Covid-19; and

WHEREAS, this mandate was announced on September 10, 2021 during peak case counts and hospitalizations due to the rapid surge of the COVID-19 Delta variant wave and represented as necessary to reduce transmission to unvaccinated individuals and avoid overwhelming the hospital system, and

WHEREAS, in the roughly six weeks that has passed between the announcement and implementation of the vaccine verification the hospitalizations and case count within King County has dropped significantly with no regulatory changes being implemented, and

WHEREAS, the City of Enumclaw as a municipality has no legal ability to waive mandates enforced by Seattle-King County Department of Health, Washington State Department of Labor and Industries, or the Washington State Liquor & Cannabis Board, and therefore cannot protect any local business from county or state-directed penalties or license suspensions; and

WHEREAS, the Enumclaw City Council recognizes that as a community, citizens can make their own decisions regarding personal health & safety as well as the health & safety of their families; and

WHEREAS, the Enumclaw City Council recognizes that properly trained private businesses are capable of determining what is best for the health and safety of citizens who they employ and serve; and

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Resolution Requested By: CM Wright

Draft #2 Requested By: City Administrator

WHEREAS, the Enumclaw City Council recognizes that private businesses have not been given training over vaccine verification, testing verification or de-escalation training for mandates in which they were not given a choice in implementing; and

WHEREAS, the Enumclaw City Council recognizes all businesses as essential, supporting different functions of the economic cycle, and ensuring that all forms of income are not threatened by government mandates; and

WHEREAS, the City of Enumclaw stands as an inclusive community, where all people regardless of their vaccine status, religious preference, disability, medical condition or access to testing should be treated equally, with kindness, compassion, and understanding; and

WHEREAS, the Enumclaw City Council stands with private businesses and with citizens in opposition to the Seattle-King County Public Health mandate, does not give customers of privately owned businesses the right to harass, assault, or vilify an employee or business because of a mandate, that can strip them of a license or of their livelihood; and

WHEREAS, while the Enumclaw City Council is against the mandate, it does not mean we should take our collective frustrations out on employees or business owners, as all citizens retain freedom of choice, have the ability to choose a different form of service and we should be voicing our collective views of discrimination against such a mandate; and

WHEREAS, the Enumclaw City Council does not support government mandates or restrictions promoting Covid-19 classification, grouping, segregating or discriminating in our community; and

WHEREAS, proof of vaccination status should not be required by any government mandate in order to access businesses, cultural events or would otherwise provide inequity of services resulting in discrimination; and

WHEREAS, per Seattle-King County Public Health, employers, employees, and volunteers should provide reasonable accommodation for those with disabilities who attest to having completed their vaccination series but are unable to provide proof of vaccination due to a disability.

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**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ENUMCLAW,
WASHINGTON HEREBY RESOLVES AS FOLLOWS:**

Section 1. The City of Enumclaw is an inclusive community where we do not stand for or allow discrimination. Where all businesses are considered essential, where all businesses treat, and citizens are treated with, equal access regardless of vaccination status. No business should medically classify a citizen, as businesses have not been trained by health care officials to determine the validity of vaccination or testing documentation. No business should discriminate against a citizen based on vaccination status due to a deeply held religious belief or personal medical condition. No business should discriminate against a citizen with a disability that prevents them from receiving a vaccination or providing proof of verification because of a disability.

Section 2. The Enumclaw City Council views requiring testing documentation as a requirement for select businesses determined by Seattle-King County Public Health as being “non-essential”, as an act of discrimination that will disproportionately target lower income citizens, minority communities, citizens who adhere to religious beliefs, citizens with disabilities and citizens with a medical condition preventing vaccination.

Section 3. The Enumclaw City Council views discrimination as “treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit”. Since the State of Washington and King County have classified people in either a vaccinated or un-vaccinated status, they are now responsible for ensuring that they do not discriminate between these two groups or take any action that would show disparate treatment to either group. The practical effect of this is forcing citizens to eat outside in the elements rather than be allowed inside a public venue related to entertainment or denied entry into a government-deemed “non-essential” business because of lack of on-site rapid testing access.

Section 4. Seattle-King County Public Health is now mandating discrimination against those citizens they have placed in an “unvaccinated status”, who have reduced access to testing. As not all testing sites are open twenty-four hours, seven days a week, as not all testing, can be guaranteed to not produce a false positive, as not all testing can be guaranteed to have a reasonable turn around time for results. As not all testing opportunities are considered

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equal from King County's accepted list. Seattle-King County Public Health's requirement to require testing documentation is a distinction against anyone who is deemed unvaccinated, would and should be considered discrimination.

Section 5. The City of Enumclaw should not take part in or support a mandate, designed to discriminate against its citizens or the citizens of King County. Since the Covid-19 Pandemic actions are based on the science and data, full access to businesses was restored statewide as of June 30, 2021. With the use of proper PPE, social distancing and with the continuous acceptance of preventive behaviors and vaccination, this was done without vaccine verification and without mandates that would discriminate. Such verification and mandates even the federal government has publicly stated it will not take up. Such verifications that are not mandated by the State of Washington, constitute an abuse of authority.

Section 6. Severability. If any provision of this resolution is determined to be invalid or unenforceable for any reason, the remaining provisions of this resolution shall remain in force and affect.

DONE IN OPEN AND REGULAR SESSION this 25th day of October, 2021.




Mayor Jan Molinaro

INTRODUCED 10/25/21
PASSED 10/25/21
APPROVED 10/28/21

Attested:

Approved as to form:



Maureen Burwell
City Clerk



Michael J. Reynolds
City Attorney

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