

ORDINANCE 911

AN ORDINANCE OF THE CITY OF TENINO SUSPENDING THE CITY OF TENINO FAÇADE IMPROVEMENT GRANT PROGRAM FOR FISCAL YEAR 2020 AND ESTABLISHING A ONE-TIME GRANT IN FAVOR OF TENINO FOOD BANK PLUS

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed 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, on March 23, 2020, Governor Inslee imposed a “Stay Home – Stay Healthy” Order throughout Washington State which prohibited all people in Washington State from leaving their homes or participating in social, spiritual, and recreational gatherings of any kind regardless of the number of participant, and all non-essential businesses in Washington State from conducting business, within the limitations provided by Proclamation 20-25; and

WHEREAS, the economic downturn resulting from the state of emergency and resulting “Stay Home – Stay Healthy” Order have had a tremendous adverse economic effect on the Citizens of the City of Tenino and many Businesses located in Tenino; and

WHEREAS, these adverse economic conditions having been caused by the government, citizens and businesses are now looking to the government for economic relief; and

WHEREAS, Article 8, Section 7, Washington State Constitution, provides that “No county, city, town or other municipal corporation shall here-after give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm; and

WHEREAS, the test used by Washington courts to determine whether there has been a gift of public funds consists of two questions: 1) were the funds expended to carry out a fundamental purpose of the government, and 2) were the funds given with donative intent and what the public received in exchange. If the answer to question #1 is “yes,” then there has been no gift of public funds and the inquiry ceases; and

WHEREAS, in a Memorandum dated March 17, 2020, the Washington Attorney General’s Office issued a memorandum that states: “In general, constitutional restrictions on use of public funds should not be an impediment to state and local efforts to combat COVID-19, because expenditures being made in furtherance of this effort in this time of crisis further fundamental public purposes, such as protecting the public health and welfare; and

WHEREAS, the Memorandum also states that “Given the public health crisis our state is facing, there is a strong basis for state and local governments to make expenditures for the primary purpose of protecting and promoting public health which may have an incidental benefit on private citizens and entities;” and

WHEREAS, the City Council of the City of Tenino finds that the efforts of Tenino Community Service Center, especially the operations of the Tenino Food Bank Plus, is essential to the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TENINO, WASHINGTON, that the Tenino Façade Improvement Grant Program is suspended for Fiscal Year 2020 and in its place, the City will provide a one-time grant of funds to the Tenino Community Service Center's Tenino Food Bank Plus as follows:

Section 1. The Tenino Façade Improvement Grant Program for FY-20 are hereby suspended, except that any grants that have already been approved for FY-20 shall be honored by the City.

Section 2. A one-time grant in the amount of \$5000.00 shall be awarded to the Tenino Community Service Center's Tenino Food Bank Plus for the specific purpose of improving the conditions of the Food Bank's facilities so as to increase the capacity to receive, store, and distribute food products necessary for the support of the poor and infirm.

Section 3. The Clerk/Treasurer is hereby directed to amend the City's 2020 Municipal Budget to include this \$5000.00 grant and may, at his discretion, utilize monies from the General Fund (Fund 001), Contingency Fund (Fund 109), or Municipal Capital Improvement Fund (Fund 310) for this purpose.

Section 4. Because of the emergent nature of this action, a second reading of this ordinance shall not be required.

Section 5. This ordinance shall be effective five days after publication as required by law.

ADOPTED by the City Council of the City of Tenino, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 28th day of April, 2020.

Wayne Fournier, Mayor

Attest:

John Millard, City Clerk-Treasurer

Approved as to form:

Richard L. Hughes, City Attorney