

RESOLUTION R-5343

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND  
APPROVING A TEMPLATE CITY MANAGER PROCLAMATION OF  
EMERGENCY

1           WHEREAS, Kirkland Municipal Code ("KMC") 3.20.010(a) defines  
2 an "emergency or disaster" as "an incident or set of circumstances  
3 which: (1) Demands immediate action to preserve public health, protect  
4 public property, or to provide relief to any stricken community overtaken  
5 by such occurrences; or (2) Reaches a dimension or degree of  
6 destructiveness as to warrant the proclamation of a state of  
7 emergency," and  
8

9           WHEREAS, KMC 3.20.070 provides that the City of Kirkland  
10 ("City") "shall have the broadest authority and greatest discretion  
11 consistent with state law" in responding to emergencies or other  
12 disasters; and  
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14           WHEREAS, KMC Section 3.20.090 grants the City Manager the  
15 authority to take action on behalf of the City in the event of an  
16 emergency or other disaster, subject to ratification by the City Council  
17 as soon as practicable; and  
18

19           WHEREAS, Council approval of a template "proclamation of  
20 emergency" conferring on the City Manager the broadest authority and  
21 greatest discretion consistent with state and local law in responding to  
22 emergencies or other disasters, subject to ratification by the Council,  
23 will help the City respond more quickly and comprehensively in the  
24 event of an emergency or other disaster.  
25

26           NOW, THEREFORE, be it resolved by the City Council of the City  
27 of Kirkland as follows:  
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29           Section 1. The attached template "proclamation of emergency"  
30 is approved for use by the City Manager in the event of an emergency  
31 or other disaster, subject to ratification by the City Council as soon as  
32 practicable.  
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34           Passed by majority vote of the Kirkland City Council in an open  
35 meeting this 7th day of November, 2018.  
36

37           Signed in authentication thereof this 7th day of November, 2018.

  
Amy Walen, Mayor

Attest:

  
Anja Mullin, Deputy City Clerk

## PROCLAMATION OF EMERGENCY

WHEREAS, [initial "whereas" provisions describe the facts and circumstances giving rise to the proclamation of emergency and/or disaster by the City Manager or designee]; and

WHEREAS, the facts and circumstances set forth above constitute an emergency [and/or disaster] as defined by Chapter 3.20 of the Kirkland Municipal Code ("KMC") and the City of Kirkland ("City") Comprehensive Emergency Management Plan ("CEMP") and necessitates the utilization of emergency powers granted by applicable state and local law, including but not limited to Chapter 3.20 KMC, KMC Section 3.85.090 and Revised Code of Washington ("RCW") Sections 35.33.081, and RCW 38.52.070(2); and

WHEREAS, KMC Section 3.20.070 provides that the City shall have the broadest authority and greatest discretion consistent with state law with respect to emergency response and operation; and

WHEREAS, KMC Section 3.20.090 grants to the City Manager the authority to take action on behalf of the City in the event of an emergency or disaster, subject to ratification by the City Council as soon as practicable; and

WHEREAS, the City Manager wishes to exercise such authority to proclaim an emergency in order for the City to timely respond to such emergency [and/or disaster] subject to ratification by the City Council as soon as practicable.

NOW, THEREFORE, be it proclaimed by the City Manager that an emergency exists in Kirkland and City departments and relevant staff are hereby authorized and directed to respond to such emergency as follows:

Section 1: Undertake measures in response thereto and without regard to time-consuming procedures and formalities generally applicable under state or local law, subject only to any mandatory constitutional requirements, in connection with one or more of the following:

- (1) Budget law limitations;
- (2) Requirements of competitive bidding and publication of notices;
- (3) Provisions pertaining to the performance of public works;
- (4) Entering into contracts;
- (5) Incurring obligations;
- (6) Employment of temporary workers;
- (7) Rental of equipment;
- (8) Purchase of supplies and materials;

- (9) Reduction or waiver of fees and charges, such as those related to permits and other City approvals related to an emergency or disaster; and
- (10) Appropriation and expenditure of funds.

Section 2: Enter into agreements and incur obligations necessary to recall City employees from vacation, cancel days off, authorize overtime, or recall selected retired employees in order to help protect the health and safety of persons and property.

Section 3: Undertake such additional measures pursuant to the City's police power authority under Washington Constitution Article XI, Section 11 to protect the public health, safety and welfare, including such measures as are imminently necessary for the protection of life and property, including but not limited to:

- (1) Imposition of general curfews;
- (2) Temporary closures of public places and businesses, including those selling or dispensing alcoholic beverages;
- (3) Rationing or other limitations on the sale or distribution of fuel or other essential materials where demand is expected to exceed supply;
- (4) Evacuation or clearing of debris and wreckage from publicly and privately owned lands and waters;
- (5) Destruction of private property (e.g. unsafe structures), if necessary;
- (6) Temporary suspension or deferral of otherwise applicable City requirements, other than those directly related to public health and life and safety issues, including such requirements as those related to parking enforcement; unclaimed property; timely payment of taxes and fees; business and animal control license requirements; public nuisances; abandoned and unauthorized vehicles; nuisances and debris related to waters and surfacecraft; stormwater, sewer and garbage; tree removal; outdoor burning; obstruction of streets or sidewalks; and building and construction and land use permitting and approval application requirements; and
- (7) Use of volunteer workers provided they are afforded the privileges, benefits and immunities provided by state law and state or federal regulations for registered emergency workers so long as they remain under the direction and control of an authorized official.

Section 4: In implementing the provisions of this proclamation, City departments and staff are not subject to generally applicable departmental and individual expenditure limits; provided, however, that the City Manager or designee may impose such expenditure limits, together with any other terms and conditions, as may be considered necessary.

Section 5: This proclamation shall be subject to ratification by the City Council as soon as practicable. The City Council may meet during the pendency of such emergency in accordance with the special provisions provided therefore under the Washington Open Public Meetings Act, RCW 42.30.070.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Kurt Triplett, City Manager