

RESOLUTION R-5411

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING PROCLAMATION OF EMERGENCY RELATED TO THE COVID-19 VIRUS.

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

WHEREAS, in the exercise of such authority the City Manager did execute a Proclamation of Emergency related to the COVID-19 virus dated February 29, 2020; and

WHEREAS, the City Council held a regular meeting on March 3, 2020; and

WHEREAS, the City Council wishes to ratify the above-referenced Proclamation of Emergency and the acts of City departments and staff that have been and will be taken in connection with such emergency.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. Any and all acts undertaken by City departments and staff consistent with the Proclamation of Emergency related to the COVID-19 virus issued by the City Manager dated February 29, 2020 and prior to the effective date hereof are hereby ratified and confirmed.

Section 2. Any and all acts undertaken by City departments and staff consistent with the Proclamation of Emergency related to the COVID-19 virus issued by the City Manager dated February 29, 2020 and following the effective date hereof are hereby authorized until such time as such proclamation has been amended, rescinded or otherwise terminated by the City Manager or City Council.

Passed by majority vote of the Kirkland City Council in an open meeting this 3rd day of March, 2020.

Signed in authentication thereof this 3rd day of March, 2020.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk



PROCLAMATION OF EMERGENCY

WHEREAS, the City of Kirkland Fire Department was notified of potential exposure to the COVID-19 virus through patient contact due to responding to multiple calls for service over a week- long period to a Kirkland nursing care facility that has since been identified as a COVID-19 outbreak location, and with the recommendation of public health officials to quarantine exposed responders for up to 14 days, and with the recommendation of public health officials to implement heightened hygiene, cleaning, and social distancing measures, and with the potential need to suspend or alter public events, meetings, or City operations, circumstances giving rise to the proclamation of emergency by the City Manager; and with the State of Washington having now declared a State of Emergency as a result of the COVID-19 virus; and

WHEREAS, the facts and circumstances set forth above constitute an emergency 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, 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 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 and limitations on public gatherings and events;
- (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) Destruction of private property (e.g. unsafe structures), if necessary;
- (5) 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

- (6) 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 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 29th day of February, 2020.


Kurt Triplett, City Manager