

RESOLUTION R-5427

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RATIFYING CITY MANAGER EMERGENCY PROCLAMATION RELATED TO CRIMINAL ACTIVITIES OCCURRING TOGETHER WITH PEACEFUL PROTESTS HONORING GEORGE FLOYD AND CALLING FOR RACIAL EQUALITY AND JUSTICE.

1 WHEREAS, Kirkland Municipal Code ("KMC") Section  
2 3.20.090 grants the City Manager the authority to take action on  
3 behalf of the City of Kirkland ("City") in the event of an emergency  
4 or disaster, subject to ratification by the City Council as soon as  
5 practicable; and  
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7 WHEREAS, in the exercise of such authority the City  
8 Manager did execute a Proclamation of Emergency related to  
9 widespread armed assaults, arson, vandalism and looting  
10 occurring together with peaceful protests honoring George Floyd,  
11 who died in police custody in Minneapolis, Minnesota on May 25,  
12 2020, and calling for racial equality and justice across the nation;  
13 and  
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15 WHEREAS, the City Council wishes to ratify the above-  
16 referenced Emergency Proclamation and the acts of City  
17 departments and staff that have been and will be taken in  
18 connection with such emergency until such time as such  
19 proclamation has been rescinded or amended by the City Manager  
20 or City Council.  
21

22 NOW, THEREFORE, be it resolved by the City Council of the  
23 City of Kirkland as follows:  
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25 Section 1. Any and all acts undertaken by City departments  
26 and staff consistent with the Proclamation of Emergency related  
27 to, or growing out of, widespread armed assaults, arson,  
28 vandalism and looting occurring together with peaceful protests  
29 honoring George Floyd and calling for racial equality and justice  
30 across the nation issued by the City Manager dated June 1, 2020  
31 and prior to the effective date hereof are hereby ratified and  
32 confirmed.  
33

34 Section 2. Any and all acts undertaken by City departments  
35 and staff consistent with Proclamation of Emergency related to,  
36 or growing out of, widespread armed assaults, arson, vandalism  
37 and looting occurring together with peaceful protests honoring  
38 George Floyd and calling for racial equality and justice across the  
39 nation issued by the City Manager dated June 1, 2020 and  
40 following the effective date hereof are hereby authorized until  
41 such time as such Emergency Proclamation has been rescinded or  
42 amended by the City Manager or City Council.

43 Passed by majority vote of the Kirkland City Council in an  
44 open meeting this 2<sup>nd</sup> day of June, 2020.

45 Signed in authentication thereof this 2<sup>nd</sup> day of June, 2020.  
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\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

## **PROCLAMATION OF EMERGENCY**

WHEREAS, the death of George Floyd in Minneapolis, Minnesota on May 25, 2020 while in police custody has led to widespread public protests across the nation focused on incidents of police brutality and systemic racial injustice in the United States, including such protests in Seattle, Bellevue and Tukwila this past weekend; and

WHEREAS, these protests have been principally led by individuals and organizations appropriately and peacefully exercising their rights of free speech in response to urgent issues of injustice and inequality in this country; and

WHEREAS, many individuals, however, reportedly including those associated with organized gangs, have chosen instead to use such peaceful protests as cover for widespread dangerous and organized criminal acts, including armed assaults, arson, vandalism and rampant looting of stores and other places of business as well as public gathering spots, resulting in significant and widespread damage, destruction and harm; and

WHEREAS, there remains a significant likelihood at this time that such dangerous and organized criminal acts may continue in our region, specifically including within Kirkland, thereby creating an emergent circumstance demanding immediate action to help preserve the public health safety, welfare and property of individuals and businesses within Kirkland; and

WHEREAS, other cities in our region, including Seattle, Bellevue and Tukwila, have declared emergencies and in some instances also imposed curfews in response to these threats; 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 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 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 and shall remain in effect until such time as it has been rescinded or amended by the City Manager or the City Council. 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 1<sup>st</sup> day of June, 2020.

  
Kurt Triplett, City Manager