

CITY OF KIRKLAND

123 FIFTH AVENUE

KIRKLAND, WASHINGTON 98033-6189

425.587.3030

CITY ATTORNEY'S OFFICE
MEMORANDUM

To: David Ramsay, City Manager
From: Robin S. Jenkinson, City Attorney
Date: December 19, 2006
Subject: Resolution to Ratify City Manager's Declaration of Emergency

RECOMMENDATION:

That the Council pass the attached Resolution.

POLICY IMPLICATIONS:

As a result of the severe storm event which began on Thursday, December 14, 2006, Governor Christine Gregoire declared an emergency to exist throughout the State. King County Executive Ron Sims declared an emergency to exist throughout King County. Should the President declare the storm a major disaster for Washington, federal disaster aid will be made available for the state of Washington to supplement state and local recovery efforts. The attached Resolution identifies the City of Kirkland and its businesses and residents as having sustained damage and identifies potential funding needs.

BACKGROUND DISCUSSION:

On December 18, 2007, the City Manager declared an emergency as a result of the severe storm event which was experienced in much of the Puget Sound. Under Kirkland Municipal Code 3.20.090, in the event of an emergency or disaster the City Manager has the authority to act on behalf of the City Council and/or the Mayor. This authority is subject to ratification by the City Council as soon as is practicable. The attached Resolution will ratify the City Manager's declaration of emergency.

PROCLAMATION OF EMERGENCY

WHEREAS, the Director of Emergency Services has reported to the Kirkland City Council that beginning at approximately 4:00 p.m. on December 14, 2006, a storm has caused major flooding in the downtown and Juanita neighborhood, significant inflow into the Marina Park sanitary sewer lift station, many downed trees, a complete power outage that affected the Trend and Waverly Beach waste water lift stations, many street closures due to downed trees, and continued power outages which have lasted several days, related medical emergencies, including one fatality from carbon monoxide poisoning as a result of indoor use of a gasoline powered generator in the City of Kirkland, and

WHEREAS, these problems have caused a threat to life, property and environment, and

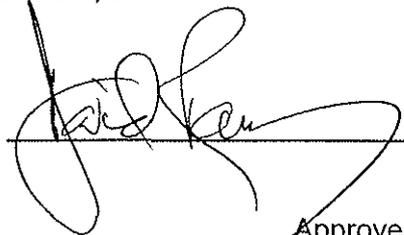
WHEREAS, this constitutes an emergency as defined by the City of Kirkland Municipal Code and the Comprehensive Emergency Management Plan and necessitates the utilization of emergency powers granted pursuant to Kirkland Municipal Code 3.20 and 3.85.090, RCW 35.33.081, and RCW 38.52.070(2); Now, Therefore,

BE IT PROCLAIMED BY THE KIRKLAND CITY COUNCIL that an emergency exists in the City of Kirkland; therefore, City of Kirkland departments are authorized to do the following:

- (1) enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property;
- (2) provide appropriate emergency assistance to the victims of such disaster; and
- (3) other actions, as appropriate.

Each City of Kirkland department is authorized to exercise the powers vested under this proclamation in the light of the exigencies of an extreme emergency situation without regard to time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements).

Dated this ___18th day of December, 2006.

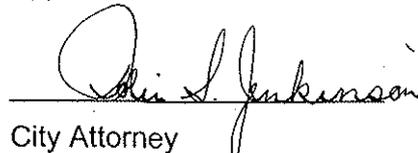

_____, *City Manager*

Recommended by:



Emergency Management Director

Approved as to form:



City Attorney

RESOLUTION R-4619

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
PROCLAIMING AN EMERGENCY AS OF DECEMBER 14, 2006.

WHEREAS, beginning at approximately 4:00 p.m. on December 14, 2006, much of the Puget Sound, including the City of Kirkland, experienced a storm of significant intensity and, as a result individuals were injured and properties, both public and private, experienced damage; and

WHEREAS, as a result of the storm, Governor Gregoire proclaimed a state of emergency to exist in the entire State of Washington and King County Executive Ron Sims issued a Proclamation of Emergency for all of King County; and

WHEREAS, Kirkland City Manager David Ramsay issued a proclamation of emergency in the City of Kirkland as a result of this storm;

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

Section 1. The City Council of the City of Kirkland hereby proclaims that an emergency has existed in the City of Kirkland beginning at approximately 4:00 p.m. on December 14, 2006, due to the storm affecting much of the Puget Sound, including the City of Kirkland.

Section 2. The City Council hereby ratifies City Manager David Ramsay's proclamation of an emergency dated December 18, 2006, and ratifies the City Manager's actions pursuant to Kirkland Municipal Code Chapter 3.20.

Section 3. The City Manager, the Director of Emergency Services, and other City officials are authorized to exercise the powers vested under this Resolution pursuant to RCW Chapter 38.52 and Kirkland Municipal Code Chapter 3.20 as considered necessary in the light of the emergency proclaimed.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 20__.

Signed in authentication thereof this ____ day of _____, 20__.

MAYOR

Attest:

City Clerk