ORDINANCE O-4722

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AUTHORIZATION TO THE DIRECTOR OF FINANCE AND ADMINISTRATION ON A TEMPORARY BASIS AND IN THE APPROPRIATE EXTENUATING CIRCUMSTANCES TO TEMPORARILY DEFER AND SUSPEND THE COLLECTION OF ALL UTILITY CHARGES AND TAXES WITHIN TITLES FIVE AND SEVEN OF THE KIRKLAND MUNICIPAL CODE AND TO WAIVE ANY LATE FEES, PENALTIES OR INTEREST THAT WOULD OTHERWISE ACCRUE AS A RESULT OF SUCH LATE PAYMENTS AND DECLARING AN EMERGENCY.

WHEREAS, the coronavirus identified as COVID-19 has reached pandemic proportions throughout the world, including the United States and the state of Washington; and

WHEREAS, the State of Washington and King County have each proclaimed an emergency to exist as a result of COVID-19; and

WHEREA, the City Manager proclaimed an emergency to exist in Kirkland as a result of COVID-19 on February 29, 2020, which proclamation was ratified by the City Council through Resolution R-5411 on March 3, 2020; and

WHEREAS, the President of the United States has declared an emergency to exist as a result of COVID-19 and issued a major disaster declaration for the state of Washington in connection therewith; and

WHEREAS, the facts giving rise to such proclamations and declarations continue to exist; and

WHEREAS, through a series of actions taken by the Governor to help slow the spread of the virus throughout the state, most notably including the order to close all non-essential businesses and projects, numerous businesses and residents of the state and Kirkland have suffered and will continue to suffer significant financial damages due to the loss of business and employment as a result of these closures; and

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution grants the City broad police powers to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws," including during public health emergencies; and
WHEREAS, the City Council has determined that the pending COVID-19 emergency, including its serious and growing economic consequences, constitute appropriate extenuating circumstances allowing the permissible temporary deferment and suspension of the collection by the City of all utility charges and taxes imposed within Titles Five and Seven of the Kirkland Municipal Code ("KMC") as well as the waiving of any related late fees, penalties or interest that would otherwise accrue as a result of such deferred payments; and

WHEREAS, the Council has further concluded that exercise of the authority to make the determination of when the appropriate extenuating circumstances exist to justify such temporary deferment, suspension and waiver of portions of Titles Five and Seven of the KMC should be delegated to the Director of Finance and Administration given his experience making such decisions under specifically identified chapters within those KMC titles that grant him such discretion and to allow for the speediest exercise of that authority; and

WHEREAS, this authority to temporarily suspend and waive shall be of limited duration expiring 30 days after the effective date of the Governor’s rescission of the order closing all non-essential businesses but allowing for any suspension or waiver granted before that date to be honored after such date of rescission; and

WHEREAS, given the foregoing limited duration, this Ordinance will not be codified but will nonetheless temporarily supersede any relevant codified provisions in Titles Five and Seven of the KMC to the maximum extent permitted by law.

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Director of Finance and Administration of the City of Kirkland is hereby authorized, where constitutionally permissible and in recognition of the appropriate extenuating circumstances associated with the COVID-19 pandemic and its economic consequences to businesses and individuals in Kirkland, to allow the temporary deferment and suspension of the collection by the City of all utility charges and taxes imposed within Titles Five and Seven of the Kirkland Municipal Code as well as the waiving of any related late fees, penalties or interest that would otherwise accrue as a result of such late payments until 30 days after the effective date of the Governor’s rescission of the order.
closing all non-essential businesses but allowing for any suspension or waiver granted before that date to be honored after such date of rescission.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. The City Council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage.

Passed by affirmative vote of at least five (5) members of the Kirkland City Council in a special meeting this 31st day of March, 2020.

Signed in authentication thereof this 31st day of March, 2020.

[Signature]

Penny Sweet, Mayor

Attest:

[Signature]

Káthi Anderson, City Clerk

Approved as to Form:

[Signature]

Kevin Raymond, City Attorney

Publication Date: 04/06/2020