

# Sample Only

## Executive Order Proclaiming an Emergency In the City of Des Moines

Consistent with the general police powers vested in the City of Des Moines and its City Manager through applicable law, including without limitation Chapter 38.52 RCW and Chapter 2.36 DMMC, the following Executive Order Proclaiming an Emergency in the City of Des Moines is hereby issued, which Order provides as follows:

1. Beginning at approximately 10:54 a.m. on Wednesday, February 28, 2001, much of Western Washington, including the City of Des Moines, experienced a strong earthquake that measured at or about 6.8 on the Richter scale;
2. As a result of the earthquake, individuals were injured and properties, both public and private, experienced damage;
3. Shortly after the earthquake, Governor Locke proclaimed a State of Emergency to exist in Western Washington and directed that the supporting plans and procedures to the *Washington State Comprehensive Emergency Management Plan* be implemented, which plan includes the City of Des Moines' Emergency Management Plan;
4. In addition, the King County Executive, Ron Sims, has issued a Proclamation of Emergency for all of King County;
5. Consistent with the actions and emergency powers referenced above, the undersigned hereby declares that an emergency exists in the City of Des Moines due to the earthquake and its secondary hazards posed to persons and property;
6. The severity and magnitude of the current earthquake disaster is believed to be beyond the response and recovery capability of City resources and finances;
7. City Department Directors are authorized to a) enter into contracts and incur obligations necessary to combat such emergency; b) direct that work be undertaken to protect persons and property; c) direct or approve necessary repair work; d) make assessments of soundness regarding occupancy or use of particular structures; and e) provide appropriate emergency assistance to victims of the earthquake and its secondary hazards, which could include, without limitation, utility disruption, earth movement, settling, road hazards and/or landslides;
8. As provided by RCW 38.52.070(2), City Department Directors are authorized to exercise the powers vested under section 7 in light of the exigencies of the current emergency earthquake response situation without regard to time consuming procedures and formalities prescribed by law, excepting mandatory constitutional rights, which includes without limitation existing budget limitations, competitive bidding requirements, rental, purchase, contracting, and expenditure policies;

9. The City Manager will consult with the City Council as practical and present any necessary or appropriate action items for review and consideration by the Council at the earliest possible date, anticipated to be on or before March 22, 2001;

10. As provided in DMMC 2.36.030(1), all city officials, employees, agent and volunteers who discharge duties under authority of this Executive Order and/or the City's emergency management plan shall be deemed public servants in the discharge of official powers or duties;

11. As provided in DMMC 2.36.030(2), any person who knowingly hinders, delays, or obstructs any public servant in the discharge of official powers or duties exercised or performed under authority of this Executive Order and/or the City's emergency management plan shall be guilty of a misdemeanor.

12. All acts taken prior to the effective date of this Executive Order that are consistent with the intent and purpose of such Order are hereby ratified and confirmed retroactive to the time of the earthquake, or 10:54 a.m. on Wednesday, February 28, 2001;

13. A copy of this Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, copies of this Order shall be posted at the City's regular locations for official notices and shall be made available to members of the local news media and the general public; and

14. This Order shall remain in full force and effect until terminated by the issuance of a subsequent written Order which shall follow when the City Manager determines that the extraordinary measures detailed herein are no longer required for the protection of the public peace, safety and welfare.

Dated this \_\_\_\_ day of March, 2001.

\_\_\_\_\_  
Acting City Manager

Approved as to Form:

\_\_\_\_\_  
City Attorney