

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.

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

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

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

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

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

19
20 WHEREAS, through a series of actions taken by the
21 Governor to help slow the spread of the virus throughout the
22 state, most notably including the order to close all non-essential
23 businesses and projects, numerous businesses and residents of
24 the state and Kirkland have suffered and will continue to suffer
25 significant financial damages due to the loss of business and
26 employment as a result of these closures; and

27
28 WHEREAS, Art. XI, Sec. 11 of the Washington State
29 Constitution grants the City broad police powers to "make and
30 enforce within its limits all such local police, sanitary and other
31 regulations as are not in conflict with general laws," including
32 during public health emergencies; and

33 WHEREAS, the City Council has determined that the
34 pending COVID-19 emergency, including its serious and growing
35 economic consequences, constitute appropriate extenuating
36 circumstances allowing the permissible temporary deferment and
37 suspension of the collection by the City of all utility charges and
38 taxes imposed within Titles Five and Seven of the Kirkland
39 Municipal Code ("KMC") as well as the waiving of any related late
40 fees, penalties or interest that would otherwise accrue as a result
41 of such deferred payments; and

42
43 WHEREAS, the Council has further concluded that exercise
44 of the authority to make the determination of when the
45 appropriate extenuating circumstances exist to justify such
46 temporary deferment, suspension and waiver of portions of Titles
47 Five and Seven of the KMC should be delegated to the Director of
48 Finance and Administration given his experience making such
49 decisions under specifically identified chapters within those KMC
50 titles that grant him such discretion and to allow for the speediest
51 exercise of that authority; and

52
53 WHEREAS, this authority to temporarily suspend and waive
54 shall be of limited duration expiring 30 days after the effective
55 date of the Governor's rescission of the order closing all non-
56 essential businesses but allowing for any suspension or waiver
57 granted before that date to be honored after such date of
58 rescission; and

59
60 WHEREAS, given the foregoing limited duration, this
61 Ordinance will not be codified but will nonetheless temporarily
62 supersede any relevant codified provisions in Titles Five and Seven
63 of the KMC to the maximum extent permitted by law.

64
65 NOW THEREFORE, the City Council of the City of Kirkland
66 do ordain as follows:

67
68 Section 1. The Director of Finance and Administration of
69 the City of Kirkland is hereby authorized, where constitutionally
70 permissible and in recognition of the appropriate extenuating
71 circumstances associated with the COVID-19 pandemic and its
72 economic consequences to businesses and individuals in Kirkland,
73 to allow the temporary deferment and suspension of the collection
74 by the City of all utility charges and taxes imposed within Titles
75 Five and Seven of the Kirkland Municipal Code as well as the
76 waiving of any related late fees, penalties or interest that would
77 otherwise accrue as a result of such late payments until 30 days
78 after the effective date of the Governor's rescission of the order

79 closing all non-essential businesses but allowing for any
80 suspension or waiver granted before that date to be honored after
81 such date of rescission.
82

83 Section 2. If any provision of this ordinance or its
84 application to any person or circumstance is held invalid, the
85 remainder of the ordinance or the application of the provision to
86 other persons or circumstances is not affected.
87

88 Section 3. The City Council hereby declares that an
89 emergency exists necessitating that this ordinance take effect
90 immediately upon passage.
91

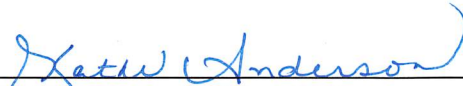
92 Passed by affirmative vote of at least five (5) members of
93 the Kirkland City Council in a special meeting this 31st day of
94 March, 2020.
95

96 Signed in authentication thereof this 31st day of March,
97 2020.



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

Publication Date: 04/06/2020