

City of Kenmore

Proclamation & Issuance of Emergency Rule 21-01: Terminating and Rescinding Emergency Proclamations & Rules Nos. 20-04 et seq., 20-06 et seq., and 20-07.

WHEREAS, the outbreak of the novel coronavirus (COVID-19), and its rapid progression in Washington state continues to threaten the life and health of its people as well as the economy of the state, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed a State of Emergency due to COVID-19; and

WHEREAS, on March 5, 2020, the City Manager issued the *City of Kenmore Proclamation*, which proclaimed an emergency due to COVID-19, and also proclaimed that emergency operations under Chapter 8.30 of the Kenmore Municipal Code (KMC) and the utilization of emergency powers granted under RCW 38.52.070 were in effect, and the City Council ratified the same; and

WHEREAS, on March 11, 2020, the World Health Organization classified the global spread of COVID-19 as a pandemic, and urged all governments to take action now to stem the spread of the disease; and

WHEREAS, on March 18, 2020, the Governor issued Proclamation 20-19, which imposed a statewide moratorium on residential evictions, and which was amended to extend the moratorium until June 30, 2021; and

WHEREAS, federal, state and local proclamations, recommendations and orders have the intended purpose of containing, mitigating and slowing the transmission of COVID-19, and include, among other things, social distancing measures, such as, limiting businesses, public events and recommending that individuals stay at home to reduce exposure to and transmission of COVID-19; and

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution vests the City of Kenmore with 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 disasters; and

WHEREAS, RCW 38.52.070 establishes emergency and disaster response powers, and authorizes the City to, among other things, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster; and

WHEREAS, pursuant to KMC 8.30.060.A, the City Manager has the authority to “make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster”; and

WHEREAS, pursuant to such authority, issued certain Covid-19 Pandemic and Public Health Emergency Rules (Emergency Proclamations), such as:

- Emergency Proclamation 20-04 et seq., suspending Chapter 8.50 KMC, the City’s Plastic Bag Policy;
- Emergency Proclamation 20-06 et seq., imposing a temporary moratorium on small business/nonprofit tenant evictions; and
- Emergency Proclamation 20-07, incorporating May 11, 2020 Public Health Face Covering Directive issued by the Public Health – Seattle & King County Local

WHEREAS, the City Council ratified these Emergency Proclamations; and

WHEREAS, since the adoption of Emergency Proclamation 20-04 et seq., suspending the City’s Plastic Bag Policy, the State Legislature adopted Chapter 70A.530 RCW, which 1) banned the use of single-use plastic carryout bags, effective January 1, 2021; and 2) preempted local governments’ single-use carryout bag ordinances; and

WHEREAS, Governor Inslee issued Washington State Proclamation 20-82 et seq., which delayed the Legislature’s ban on single-use plastic bags, but did not delay the preemption of local plastic bag ordinances, and thus, the City’s plastic bag ban ordinance (Chapter 8.50 KMC) has been preempted; and

WHEREAS, due to this statutory preemption, the City Manager desires to terminate and rescind Emergency Proclamation 20-04 et seq., so that the use of plastic bags within Kenmore follows state law and Governor Inslee’s proclamations; and

WHEREAS, the termination date for Emergency Proclamation 20-06 et seq. (small business/non-profit eviction moratorium) was tied to the end of Governor Inslee’s Proclamation 20-19 et seq., which expired on June 30, 2021, and the City Manager desires to terminate and rescind Emergency Proclamation 20-06 et seq., for clarity; and

WHEREAS, on May 20, 2021, King County’s Local Health Officer issued its updated “Indoor Masking Directive”, and the City Manager desires to terminate and rescind Emergency Proclamation 20-07, and encourages all Kenmore residents and visitors to comply with the May 20, 2021 directive; and

WHEREAS, on July 1, 2021, Governor Inslee issued Proclamation 20-25.14 “Washington Ready”, which emphasized that over the past 16 months health experts have gained critical knowledge regarding the spread of COVID-19, and that the “willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways”; and

WHEREAS, Governor Inslee also noted that notwithstanding the progress made on vaccinations, “we continue to have new COVID-19 cases on a daily basis and new COVID-19 deaths on nearly daily basis”, and declared that “a State of emergency remains in effect”; and

WHEREAS, the City Manager also finds and declares that the COVID-19 emergency remains in effect, but also acknowledges that Washington and Kenmore are on a positive pathway towards recovery, and as such, desires to adopt this proclamation officially terminating and rescinding certain unnecessary Emergency Proclamations;

NOW, THEREFORE, THE CITY MANAGER OF THE CITY OF KENMORE, WASHINGTON, HEREBY PROCLAIMS AS FOLLOWS:

1. Recitals. The recitals set forth above, which are incorporated herein by reference, are adopted as findings in support of the adoption of this proclamation.
2. Terminated and rescinded. The City Manager hereby terminates and rescinds Emergency Proclamation 20-04 et seq., suspending Chapter 8.50 KMC, the City’s Plastic Bag Policy.
3. Terminated and rescinded. The City Manager hereby terminates and rescinds Emergency Proclamation 20-06 et seq., imposing a temporary moratorium on small business/nonprofit tenant evictions.
4. Terminated and rescinded. The City Manager hereby terminates and rescinds Emergency Proclamation 20-07, incorporating May 11, 2020 Public Health Face Covering Directive issued by the Public Health – Seattle & King County Local.
5. New masking directive. The City Manager encourages all Kenmore residents and visitors to comply with King County Local Health “Indoor Masking Directive”, dated May 20, 2021.
6. Effective date & Duration. This proclamation and emergency rule shall be in full force and effect upon signature of the City Manager. The emergency rule shall be ratified by the City Council at the earliest practicable time.

Dated this 2nd day of August 2021.

Leticia Salcido
Signed Leticia Salcido (Aug 3, 2021 17:48 PDT)

Leticia Salcido, Acting City Manager/ Finance & Administration Director

Anastasiya Warhol
Attested Anastasiya Warhol (Aug 4, 2021 13:44 PDT)
Anastasiya Warhol, City Clerk

Date Aug 4, 2021