

RESOLUTION NO. 456

A PUBLIC EMERGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING THE CITY MANAGER TO ISSUE TEMPORARY EMERGENCY ORDERS FOR THE WAIVER OR SUSPENSION OF REGULATORY OBLIGATIONS RELATED TO THE RESPONSE TO THE COVID-19 VIRUS FOR PROTECTION OF PUBLIC HEALTH AND SAFETY; ESTABLISHING AN IMMEDIATE EFFECTIVE DATE AND A DURATION.

WHEREAS, in the exercise of authority granted to the City Manager pursuant to chapter 2.50 Emergency Management of the Shoreline Municipal Code (“SMC”), the City Manager did execute a Local Declaration of Public Health Emergency (“Declaration”) related to the COVID-19 virus, dated March 4, 2020, which the City Council ratified on March 16, 2020, by adoption of Resolution No. 454; and

WHEREAS, SMC 2.50.060 grants the City Manager the responsibility for the overall direction and control of emergency management activities in the City of Shoreline, including “to make rules and regulations to reasonably protect life during an emergency” and to “execute all of the special powers conferred by [chapter 2.50 SMC] or by resolution ... or any other lawful authority;” and

WHEREAS, RCW 35A.13.080 provides for the powers and duties of the City Manager which include “to see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency” and “to perform such other duties as the council may determine by ordinance or resolution;” and

WHEREAS, emergency management activities will likely necessitate the issuance of temporary emergency orders and the temporary waiver or suspension of certain regulatory provisions and administrative restrictions set forth in the Shoreline Municipal Code during the declared state of emergency in order to preserve and maintain public life, public health, or the public peace; and

WHEREAS, the City Council desires to allow the City Manager to immediately respond to such emergent situation during a proclaimed state of emergency by temporarily waiving or suspending regulatory obligations or administrative limitations if strict compliance would in any way prevent, hinder, or delay actions responding to the declared emergency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES RESOLVE:

Section 1. City Manager Authority.

- A. In addition to those powers and duties granted to the City Manager in SMC 2.50.060, the City Manager may, prior to the termination of the declared public emergency, issue an order to temporarily waive or suspend regulatory obligations or limitations set forth in the Shoreline Municipal Code when strict compliance with such regulatory obligations or limitations is necessary to preserve and maintain public life, public health, public welfare, or the public

peace and, for which, compliance would in any way prevent, hinder, or delay actions responding to the declared public emergency.

- B. The City Manager's order shall expressly denote the provision of the Shoreline Municipal Code that is being waived and the duration of the waiver or suspension.
- C. The City Council may terminate an order issued by the City Manager at any time if, in the Council's sole discretion, the Council determines the order was not necessary to preserve and maintain the public life, health, welfare, or peace. The City Council shall take such action at its next regular or special meeting following notification of the City Manager's waiver or suspension as provided in Section 3.

Section 2. Effective Duration. No order or orders concerning waiver or suspension of regulatory obligations or limitations under Section 1 shall be in effect for a period longer than the public emergency which supported the waiver or suspension, unless extended by the City Council.

Section 3. Record Management and Report to Council. A record of each order of regulatory waiver or suspension shall be made with the basis for making of the waiver or suspension clearly articulated and its need to address the City's response to the emergency. This information shall be promptly provided to the City Council in the same manner that information is generally provided to the Council by the City Manager. The City Manager shall ensure that all orders shall be promptly posted on the City's website for public review.

Section 4. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Resolution or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or its application to any person or situation.

PASSED BY THE CITY COUNCIL ON MARCH 23, 2020



Mayor Will Hall

ATTEST:



Jessica Simulcik Smith
City Clerk