

RESOLUTION NO. 917

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON CERTIFYING THE EXISTENCE OF AN EMERGENCY RELATIVE TO COVID-19

WHEREAS, on March 16, 2020, pursuant to Chapter 2.35 of the University Place Municipal Code (UPMC) and the authority conferred by state law, the City Manager, in consultation with the City departments, other governmental agencies and non-governmental partners certified the existence of an emergency relative to COVID-19; and

WHEREAS, the City Council has separately reviewed the situation and verified the existence of the emergency described herein, and the necessity for the City to take immediate, extraordinary action as outlined in this Resolution; and

WHEREAS, the aforesaid situation and its effects, which continue to impact the life and health of the residents of the City of University Place, as well as the property and transportation infrastructure of the City of University Place, all of which affect life, health, property, or the public peace, and therefore constitute a public emergency demanding immediate action; and

WHEREAS, the aforesaid conditions constitute an "emergency" within the meaning of the City's emergency management code, chapter 2.35 UPMC, state competitive bidding laws, RCW 39.04.280(3), and the State's emergency management code, chapter 38.52 RCW, among other laws, inasmuch as the conditions described are likely to result in loss of life or health, or material loss or damage to property, etc. if immediate action was not taken; and

WHEREAS, for City staff to have complied with the usual procedure would have jeopardized the proper, appropriate and adequate response of the City of University Place;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Certification of Existence of Emergency. Pursuant to RCW 39.04.280(2) and UPMC 2.35.060(A) the Council confirms and certifies the existence of an emergency as set forth in the March 16, 2020 Proclamation of a State of Emergency.

Section 2. City Departments Authorized. The City of University Place Departments are authorized to do the following:

1. Enter into contracts and incur obligations necessary to combat such emergency to the extent necessary to protect the health and safety of persons and property; and
2. Provide appropriate emergency assistance; and
3. Utilize the emergency contracting authority provided by state law, including but not limited to RCW 39.80.060 and RCW 39.04.280, and waive the competitive bidding and/or selection procedures otherwise required for the City's procurement of vital resources and public work; and
4. Take other actions as appropriate and reasonably necessary to address the emergency and protect the public health, safety and welfare of the University Place community.

Each City of University Place Department is authorized to exercise the powers vested under this Resolution in the light of the exigencies of the emergency situation without regard to time-consuming procedures and formalities prescribed by law (except mandatory legal requirements).

Section 3. Ratification of Actions Taken. The actions taken and expenditures made by the City Manager and City departments in responding to the emergency generally fall within their authority and

where processes were not followed, it was in the interest of responding timely to the emergency. As such, any and all actions taken to date by the City Manager or City staff in response to the emergency, including any rules and regulations issued under UPMC 2.35.080(A) are hereby ratified, confirmed and approved.

Section 4. Severability. If any section, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution or its application to any other person, property, or circumstance.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL ON MARCH 16, 2020.


Caroline Belleci, Mayor

ATTEST:


Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:


Matthew S. Kaser, City Attorney



PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS, on February 29, 2020 and subsequently restated, the Governor of the State of Washington declared that a State of Emergency exists in the State of Washington as a result of the novel coronavirus (COVID-19) being detected in the State of Washington; and

WHEREAS, the Governor's declaration of a state of emergency follows the declaration of a public health emergency declaration which was declared by the United States Department of Health and Human Services; and

WHEREAS, multiple cases of COVID-19 have been detected in Pierce County, including cases within the City of University Place; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, which is caused by the SARS-CoV-2 virus, a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, Pierce County has proclaimed an emergency within Pierce County due to COVID-19 has declared a public health emergency as a result of the new cases detected in Pierce County; and

WHEREAS, on March 11, 2020, the World Health Organization declared the rapidly spreading COVID-19 virus a global pandemic; and

WHEREAS, I have reviewed the situation, consulted with City department directors, and officials with other agencies and verified the existence of the emergency described herein, and the necessity for the City to take immediate, extraordinary action as outlined in this proclamation; and

WHEREAS, the aforesaid situation and its effects, which continue to impact the life and health of the residents of the City of University Place, as well as the property and transportation infrastructure of the City of University Place, all of which affect life, health, property, or the public peace, and therefore constitute a public emergency demanding immediate action; and

WHEREAS, in accordance with Section 2.35.060 of the University Place Municipal Code, if the City Council is not in session, the Emergency Management Director for the City of University Place (i.e., City Manager or designee) is authorized to declare a disaster or an

University Place (i.e., City Manager or designee) is authorized to declare a disaster or an emergency, subject to confirmation by the City Council at the earliest practical time and the City Council is not presently in session;

NOW THEREFORE, I, Stephen P. Sugg, City Manager of the City of University Place, as a result of the above-noted situation and pursuant to the provisions set forth in Chapter 2.35 of the University Place Municipal Code, do hereby proclaim as follows:

Section 1: Pursuant to University Place Municipal Code 2.35.060(A), an emergency exists in the City of University Place, State of Washington. I direct that the plans and procedures in the Emergency Management Plan for the City of University Place be implemented. City departments are directed to utilize City resources and to do everything reasonably possible to assist in an effort to respond to and recover from the event.

Section 2: The Emergency Operations Center is directed to coordinate and cooperate between the staff of the City departments and City services in carrying out the provisions of the Emergency Plan and Program and to resolve questions of authority and responsibilities that may arise between them.

Section 3. The Emergency Management Director and/or their designee are authorized to provide appropriate emergency assistance to any victims of such emergency, in accordance with the provisions of chapter 2.35 UPMC and chapter 38.52 RCW.

Section 4: In accordance with RCW 39.04.280(1)(c) and (1)(e) and University Place Municipal Code 2.35.080, the undersigned has determined that this emergency situation requires the waiver of competitive bidding requirements and the award of necessary contracts in order to remedy threats associated with the emergency and to protect the health, safety and welfare of the public. The Public Works Department and other affected City departments are authorized to execute appropriate contracts for, and without limitation, the removal of debris and the repair of City streets, storm drainage systems and other infrastructure, without the necessity of competitive bidding.

Section 5. All City of University Place departments are authorized to exercise the powers vested under this Proclamation and as outlined in the City of University Place Emergency Management Plan in light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements). This authorization includes, without limitation, the use and closure of City facilities and equipment for supplying necessary food, clothing, medicines, shelter or transportation to care facilities for people in need of assistance; the reassignment of personnel from their ordinary duties to work deemed necessary for the emergency without regard to job classification, and to require work beyond normal working hours, the purchase of necessary supplies and materials to address the emergency; and to secure the assistance of volunteers and donations of supplies or the use of

equipment in performing tasks that City departments deem most helpful in relieving the emergency.

Section 6: To the extent practical, a copy of this Proclamation shall be made available to all media outlets within Pierce County and to the general public. In order to give the widest dissemination of this Proclamation to the public, as many other practical means available shall be used, including but not limited to posting on public facilities, and posting on the City's internet site, <www.cityofup.com>.

Section 7: This Proclamation shall, within forty eight (48) hours, or as soon as practical, shall be filed with the City Clerk for presentation to the City Council, for ratification and confirmation, or modification or rejection at the next regular or special meeting of the University Place City Council, and if rejected, this Proclamation shall be void. If the City Council rejects this Proclamation, such rejection shall not affect the City's responsibility for actions undertaken prior to such rejection, including the City's responsibilities including the actual costs incurred by those who were ordered by or entered into contracts with the City.

DONE at University Place, Washington this 16th day of March 2020 at 10:41 AM.



Stephen P. Sugg, City Manager



EMERGENCY ORDER # 1

WHEREAS, pursuant to chapter 2.35 of the University Place Municipal Code, on March 16, 2020, I declared the existence of a state of emergency within the City of University Place; and

WHEREAS, the City has been advised that industry groups have expressed concerns to the Association of Washington Cities that certain municipalities have ordinances that prohibit deliveries during certain hours, and that a waiver of enforcement of such ordinances is appropriate to ensure deliveries to local grocery stores in order to keep stores stocked; and

WHEREAS, while the City has no such express prohibitions, in order to preemptively address such concerns, it is appropriate to issue a formal order alleviating such concerns; and

WHEREAS, under the authority conferred under Univ. Pl. Muni. Code 2.35.080(A), I have the authority to issue such "rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster," and the issues of the rules herein are reasonably related to the current emergency;

NOW THEREFORE, it is ORDERED as follows:

1. The enforcement of the City's noise regulations (Univ. Place Municipal Code 9.05.010), general City business licensing regulation (Chapter 5.05 Univ. Place Muni. Code) together with any noise regulations which might be specific to specific locales are suspended. This suspension is limited to those businesses making or furnishing deliveries to retailers, grocers, pharmacies and other similar businesses.
2. The Director of Devolvment Services or his designee, in consultation with the Chief of Police and the City Attorney is authorized to waive enforcement of additional provisions of the University Place Municipal Code to promote the flow of goods into the City;
3. Pursuant to Univ. Place Muni. Code 2.35.080(A), a copy of this Order will be presented to the City Council for confirmation at the earliest practical time.

DONE at University Place, Washington this 16TH day of March 2020.


Stephen P. Sugg, City Manager