

Resolution No. 31033

The City of Seattle – Legislative Department

Resolution sponsored by: LICATA

Resolution No. 31033

A RESOLUTION ratifying and confirming the Mayoral Proclamation of Civil Emergency related to the rainstorms of December 2 and 3, 2007, and acknowledging the Mayor's December 6, 2007 termination of said Proclamation.

Related Legislation File: _____

Date Introduced and Referred: <u>Dec. 10, 2007</u>	To: (committee): <u>Full Council for Introduction</u>
Date Re-referred:	To: (committee): <u>And Adoption</u>
Date Re-referred:	To: (committee):
Date of Final Action: <u>12-10-07</u>	Date Presented to Mayor:
Date Signed by Mayor:	Date Returned to City Clerk: <u>12-11-2007</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Returned Without Concurrence:
Published in Full Text <input checked="" type="checkbox"/>	

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
<u>12-10-07</u>	<u>Adopted As Amended</u> ^(E)	<u>8-0</u> <u>(Absent: Della)</u>

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RESOLUTION 31033

A RESOLUTION ratifying and confirming the Mayoral Proclamation of Civil Emergency related to the rainstorms of December 2 and 3, 2007, and acknowledging the Mayor's December 6, 2007 termination of said Proclamation.

WHEREAS, pursuant to Seattle Municipal Code ("SMC") Section 10.02.010, the Mayor issued a Proclamation of Civil Emergency, and filed the proclamation with the City Clerk for presentation to the City Council, on December 4, 2007; and

WHEREAS, SMC Section 10.02.010C requires that the Seattle City Council either ratify and confirm, modify or reject such a proclamation at the earliest practicable time; and

WHEREAS, on December 6, 2007, the Mayor issued a termination of the proclamation before the City Council could convene and vote thereon;

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

Section 1. The Mayoral Proclamation of Civil Emergency of Mayor Gregory J. Nickels, dated December 4, 2007 and attached hereto as Exhibit A, is hereby ratified and confirmed.

Section 2. The City Council further acknowledges the Mayor's termination of the Proclamation of Civil Emergency, dated December 6, 2007 and attached hereto as Exhibit B.



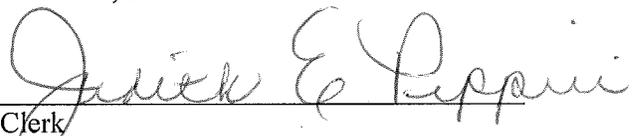
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Adopted by the City Council the 10th day of December, 2007, and signed by me in
open session in authentication of its adoption this 10th day of December, 2007.



President of the City Council

Filed by me this 10th day of December, 2007.



City Clerk

(Seal)

EXHIBIT A: Mayoral Proclamation of Civil Emergency
EXHIBIT B: Mayoral Proclamation of Termination of Civil Emergency



PROCLAMATION

MAYORAL PROCLAMATION OF CIVIL EMERGENCY

WHEREAS, Seattle Emergency Management has reported to me that on Monday, December 3, 2007 the severe rainstorm that occurred in the region caused property damage, flooding, and landslides in the city. The Emergency Operations Center activated and departments responded with 1,100 calls to Public Utilities, significant call volume to Police and Fire dispatch centers, six major transportation routes were impaired during the event, and a number of residents evacuated and sheltered due to severe localized flooding in the north end of the city. The event damaged property, caused flooding and caused 16 landslides thus creating newly vulnerable conditions in areas of Seattle that threatens the safety of citizens and public and private property; and that, as described in Section II of this proclamation, the situation is sufficiently serious that I need to declare a civil emergency and exercise the Mayor's civil emergency powers; and

WHEREAS, I have reviewed the situation, consulted with appropriate City Department Heads and verified the existence of the emergency cited below, and the necessity for me to take immediate, extraordinary action as outlined in the proclamation; NOW, THEREFORE, I, Gregory Nickels, AS MAYOR OF THE CITY OF SEATTLE, DO PROCLAIM THAT:

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CITY OF SEATTLE
07 DEC -4 PM 3:58
CITY CLERK

I. CIVIL EMERGENCY POWERS

A. A CIVIL EMERGENCY EXISTS REQUIRING ME TO EXERCISE THE EMERGENCY POWERS VESTED IN ME AS MAYOR BY RCW CHAPTER 38.52 and SEATTLE MUNICIPAL CODE CHAPTER 10.02 AS DESCRIBED IN THIS PROCLAMATION;

B. EFFECTIVE UPON MY SIGNING THIS PROCLAMATION, I WILL BE EXERCISING THAT AUTHORITY THROUGH THE ISSUANCE OF EXECUTIVE ORDERS AND THROUGH THE USE AND DIRECTION OF SERVICES AND EQUIPMENT; AND

C. IT IS UNLAWFUL FOR ANYONE TO FAIL OR REFUSE TO OBEY AN ORDER PROCLAIMED BY ME.

II. DETERMINATION OF EMERGENCY

Based on my review of the present circumstances, the report of Seattle Emergency Management, and my consultations with City Department Heads, I have determined that these circumstances have already caused the destruction of property and the disruption of local government to such an extent as to require me to exercise the authority assumed in Section I and to take the extraordinary measures in Section III to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.

III. CONTRACTING AND BORROWING AUTHORITY

A. Pursuant to SMC Section 10.02.030, I hereby assume the authority to enter into contracts and incur obligations necessary to relieve the emergency, protect the health and safety of persons and property, and provide emergency assistance to the victims, and to exercise them in light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance or other law (excepting mandatory



constitutional requirements), including, but not limited to the following limitations and requirements:

The budget law (RCW 35.32A) and the adopted City budget;
Competitive bidding and the publication of notices pertaining to the performance of public works (RCW 35.22.620 et seq.; RCW Chapters 39.04 through 39.12; SMC Chapter 3.18; and SMC Chapter 20.48, etc.);

Entering into contracts;

Incurring of obligations;

Employment of temporary workers;

Rental of equipment;

Purchase of supplies and materials (including Seattle Municipal Code Chapters 20.44 and 20.46);

Appropriation and expenditure of public funds; and

Use of streets, parks, and municipal building for shelter, for temporary storage, or as places of refuge.

I intend to consult with the City Council wherever practical and present legislation to the City Council for review and appropriate action at the earliest practical time.

B. I delegate to the following City department heads and officials the authority under my supervision to take the actions identified for and on behalf of the City: To the Fire Chief and Police Chiefs, direction of any necessary population and property protection, as well as control of incidents and maintenance of public peace and order. Other departments and personnel will assist as requested.

C. I delegate to City department heads generally the authority to permit the use of City facilities and equipment under their control for supplying necessary food, clothing, medicines, shelter or transportation to care facilities

necessary food, clothing, medicines, shelter or transportation to care facilities for people in need of assistance; to reassign personnel from their ordinary duties to work deemed necessary for the emergency without regard to job classifications; and to require work beyond normal working hours; and to secure the assistance of volunteers and donations of supplies or the use of equipment in performing tasks that the department head deems most helpful in relieving the emergency.

IV. CIRCULATION

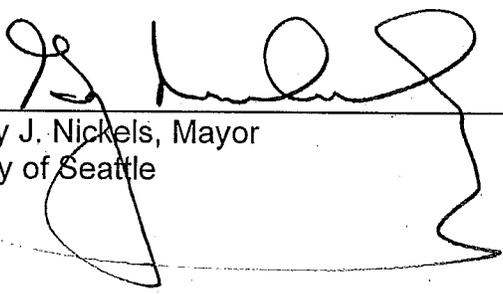
A copy of this Proclamation shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, notices of this Proclamation shall be made available to all news media within the City and to the general public.

V. PRESENTATION, RATIFICATION, TERMINATION

This Proclamation shall at the earliest practicable time be presented to the City Council for ratification and confirmation, modification, or rejection, and if rejected, shall be void.

This Proclamation shall be terminated by the issuance of another proclamation when I determine that the extraordinary measures are no longer required for the protection of the public peace, safety and welfare.

DATED this 4th day of December, at 3:15 o'clock PM PST PDT.

signed 

Gregory J. Nickels, Mayor
The City of Seattle



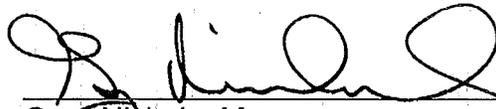
PROCLAMATION

PROCLAMATION TERMINATING CIVIL EMERGENCY

I, Greg Nickels, Mayor of the City of Seattle, hereby terminate my Mayoral Proclamation of Civil Emergency, dated Tuesday, December 4, 2007 and relinquish all authority assumed under my Proclamation.

The termination of my Proclamation shall not affect the validity of contracts or debts incurred by the City under my Orders pursuant to my Proclamation; and it shall not affect any pending prosecutions for violation of my Orders during the civil emergency. Pending prosecutions shall continue without regard to this termination.

DATED this 6th day of December, at 3:05 pm



Greg Nickels, Mayor
The City of Seattle

FILED
CITY OF SEATTLE

2007 DEC -6 PM 3:17

CITY CLERK

Exhibit B



STATE OF WASHINGTON – KING COUNTY

--SS.

218549
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

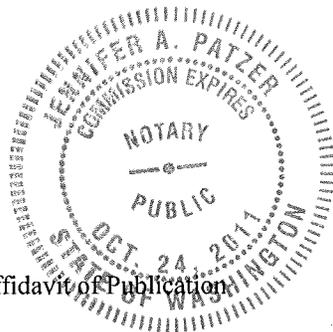
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:31033 RESOLUTION

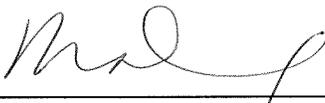
was published on

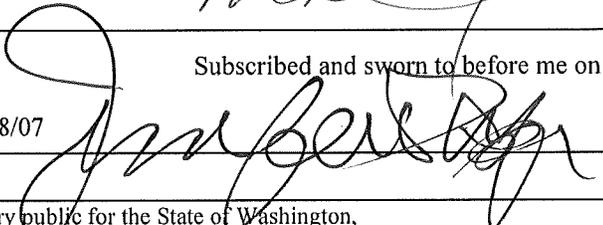
12/18/07

The amount of the fee charged for the foregoing publication is the sum of \$ 209.25, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
12/18/07


Notary public for the State of Washington,
residing in Seattle

City of Seattle

RESOLUTION 31033

A RESOLUTION establishing a two-year Seattle Nightlife Advisory Board.

WHEREAS, Seattle has been home to a vibrant music and nightlife industry for decades; and

WHEREAS, the music and nightlife industry makes a significant contribution to the cultural and economic vitality of Seattle and the entire Puget Sound region; and

WHEREAS, according to a study commissioned by the City's Office of Economic Development, there are 3,000 music related businesses supporting nearly 8,700 jobs that generate \$650 million annually in economic contribution to Seattle's economy; and

WHEREAS, the City Council seeks to support, maintain and promote an active and safe environment that fosters a successful music and nightlife industry; and

WHEREAS, increasing density in the City's urban centers and villages has created the demand for balancing neighborhood livability with vibrant nightlife activity; and

WHEREAS, the City Council has adopted Resolution 31005 regarding enforcement staffing related to nightlife activity and Resolution 31004 to pursue multiple strategies to maintain a secure and vibrant nightlife in Seattle; and

WHEREAS, the City Council has adopted Ordinance 122474 requiring large nightclub operators to develop safety plans and Ordinance 122473 amending the City's nuisance code to include occupancy code violations as a trigger for enabling the City Attorney's office to pursue a nuisance action against a problem establishment; and

WHEREAS, the City Council anticipates that it will consider modifications to the noise ordinance aimed at establishing an objective standard for measuring and curtailing commercial noise disturbances; and

WHEREAS, the City Council seeks feedback on the Council and the Executive's newly implemented strategies for addressing and balancing nightlife and neighborhood issues; and

WHEREAS, input from neighborhood residents and industry representatives would benefit the City Council and help inform public policy decisions related to nightlife in Seattle; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The Nightlife Advisory Board shall consist of nine (9) members. All members shall be appointed by a majority vote of the City Council. The City Council may remove any member of the Board.

Section 2. The positions on the Nightlife Advisory Board shall be numbered one (1) thru nine (9). Positions one (1) thru three (3) shall be filled with representatives from the music and nightlife industry. Positions four (4) thru (6) shall be filled with neighborhood representatives. Position seven (7) shall be filled with a representative with a law enforcement background. Position eight (8) shall be filled with a representative with current or past affiliation with the Washington State Liquor Control Board. Position nine (9) shall be filled with a representative with a background in acoustical engineering or a similar field.

Section 3. A facilitator selected by the City Council shall staff and assist in developing an annual work plan for the Nightlife Advisory Board based on the duties and responsibilities described in this resolution. The Board's duties shall include advising the City Council regarding policy issues related to the City's promotion, development and sustainability of the nightlife industry in Seattle, including: (1) the effectiveness of the City's enforcement of nightlife related regulations; (2) emerging nightlife issues related to increasing density in urban villages and centers; (3) ways to support positive nightlife management practices; (4) identification of problem establishments through LIQUORSTAT; (5) developing possible recommendations for improvements to the rules and processes associated with regulating nightlife activities; and (6) Washington State Liquor Control Board disposition which the City has invoked the new deferment afforded by Engrossed House Bill 2113; (7) make recommendations to Council with regard to the impact of EHB 2113 on nightlife establishments and neighborhoods. The Board's annual work plan shall be reviewed and approved by the chair of the committee to which it is assigned.

State of Washington, King County

The Board should review the effectiveness of new nightlife related legislative

actions adopted by the City Council including changes made to the City's public nuisance code (Ordinance 122473), new requirements related to nightclub safety plans (Ordinance 122474), new nightlife enforcement efforts (Resolution 31005), other nightlife related public safety strategies (Resolution 31004) and modifications made to the City's noise ordinance related to nightlife establishments. The Board should also review the effectiveness of new nightlife enforcement activities initiated by the Executive. Recommendations from the Board shall be based on its independent review and analysis as to whether the before mentioned legislative actions and Executive enforcement activities have been effective.

The Board may make itself available to nightlife establishments and neighborhood residents that want to discuss methods to mitigate conflicts and issues related to nightlife activity. The Board shall prepare and submit a year-end report to the City Council no later than December 1 of each year advising the City regarding the effectiveness of the City's enforcement of regulations related to the nightlife industry and observations about nightlife in Seattle.

Section 4. The Nightlife Advisory Board shall be in place for two (2) years beginning January of 2008 and ending on December 31, 2009. Members of the Nightlife Advisory Board shall serve a two (2) year term. At a minimum, the Board shall meet four times per year. Service on the Board is voluntary and members shall not be compensated. Council shall strive for gender, racial, age, sexual orientation, ethnic and cultural diversity in appointing members to the Nightlife Advisory Board.

Adopted by the City Council the 10th day of December, 2007, and signed by me in open session in authentication of its adoption this 10th day of December, 2007.

Nick Licata

President of the City Council

Filed by me this 11th day of December, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 18, 2007.

12/18(218549)