

## ORDINANCE NO. 371

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, REAFFIRMING THE CITY MANAGER'S AUTHORITY TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE LOCATION OF A TEMPORARY HOMELESS ENCAMPMENT ON CERTAIN CITY-OWNED PROPERTY; AMENDING SECTION 2 AND SECTION 6 OF ORDINANCE NO. 369 FOR THE PURPOSE OF EXTENDING THE DEADLINE FOR EXECUTING SAID AGREEMENT; RATIFYING AND CONFIRMING ANY CITY ACTION THUS FAR TAKEN PURSUANT TO ORDINANCE NO. 369; SETTING FORTH FINDINGS AND CONCLUSIONS; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND ALLOWING FOR IMMEDIATE EFFECT.

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WHEREAS, the Woodinville City Council adopted Ordinance No. 369 at its August 10, 2004 special meeting; and

WHEREAS, Ordinance No. 369 authorized the City Manager to negotiate an agreement for the use of certain City-owned park property located north of Little Bear Creek on 134th Avenue NE and north of 177th Place NE as a temporary homeless encampment; and

WHEREAS, in light of recent legal challenges to Ordinance No. 369, the City Council desires to reaffirm the City Manager's delegated authority to negotiate said agreement;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

Section 1. Findings. The findings of fact contained in Ordinance No. 369, including but not limited to those expressed under Section 1 thereof, are hereby reaffirmed and incorporated herein by this reference as if set forth in full. The City Council also hereby enters

the following additional findings of fact in support of the actions authorized, directed or otherwise undertaken by this ordinance:

A. The temporary homeless encampment sponsored by SHARE/WHEEL and known generally as Tent City4 is currently occupying the City-owned park property located north of Little Bear Creek on 134th Avenue NE and north of 177th Place NE.

B. On August 13, 2004, Ordinance No. 369 was challenged by two separate plaintiffs in King County Superior Court. Both lawsuits alleged legal defects in the adoption process for and/or the substantive provisions of Ordinance No. 369.

C. Given SHARE/WHEEL's sponsorship by one or more local religious organizations, the City's ability to effectively regulate Tent City4 during the pendency of a temporary use permit application may have been affected by applicable statutory and constitutional provisions.

D. The City's adoption of Ordinance No. 369 as an emergency, which effectively authorized the use of designated City-owned park property by SHARE/WHEEL, was required in order to protect the public health, safety and welfare of the Woodinville community by ensuring that any temporary homeless encampment established by SHARE/WHEEL within the City's jurisdiction would remain subject to contractually-imposed conditions and limitations during the pendency of the temporary use permit application process.

E. Locating SHARE/WHEEL's temporary homeless encampment upon the City-owned park property designated under Ordinance No. 369 and preserving the result reached under Ordinance No. 369 is necessary to protect the public health, safety and welfare.

F. An emergency exists requiring that this ordinance become effective immediately upon passage.

Section 2. Conclusions. Based upon the findings contained in Section 1 of this ordinance, the City Council reaffirms the validity of Ordinance No. 369, and hereby makes the following conclusions:

A. The existence of an emergency requires this ordinance to take effect immediately upon adoption.

B. Passage of this ordinance will further insulate the City from legal challenge.

C. The public health, safety and welfare of the Woodinville community will be served by adoption of this ordinance.

Section 3. City Manager's Contract Authority Reaffirmed. The authority delegated to the City Manager under Section 2 of Ordinance No. 369 is hereby reaffirmed. The City Manager is authorized to negotiate and execute on behalf of the City an agreement for the location of a temporary homeless encampment upon the City-owned property designated under Ordinance No. 369. Such agreement shall be subject generally to the conditions established under Section 2 of Ordinance No. 369; PROVIDED, that the City Manager may, in his discretion, deviate from and/or supplement said conditions if such deviation or supplementation is reasonable and minor in character.

Section 4. Amendment of Section 2(a) of Ordinance No. 369. Section 2(a) of Ordinance No. 369 is hereby amended to provide in its entirety as follows:

a. SHARE/WHEEL and at least one, Woodinville-based church sponsor must jointly agree to the offer for use of the city property on or before 11:00 p.m. on Friday, August 27, 2004.

Section 5. Amendment of Section 6 of Ordinance No. 369. Section 6 of Ordinance No. 369 is hereby amended to provide in its entirety as follows:

**SECTION 6. No City Endorsement / Expiration of Offer.** The City of Woodinville actively supports and participates in regional efforts to provide permanent affordable housing opportunities to end homelessness. The offer by the City Council for limited use of future city park property is intended solely to protect the interests and needs of Woodinville neighborhoods, which otherwise would not have the benefit of public process and due process protection, pending resolution of regional policy decisions for locating homeless encampments by King County. The City Council does not endorse the Tent City encampment concept, nor does it establish a precedent or provide assurance that future homeless encampments will be permitted on public or private property anywhere in the city. The offer for use of the future park property along Little Bear Creek for Tent City 4 shall expire at 11:00 pm on Friday, August 27, 2004, or with the unpermitted establishment of a homeless encampment anywhere else in the city. Illegal encampments on city-owned properties by other individuals or groups are expressly prohibited. In partnership with other affected local jurisdictions, the City of Woodinville will pursue effective, long-term legal and political strategies to prevent the abrupt and chaotic relocation of temporary homeless encampments which threaten the peace, safety and well-being of city residents

Section 6. Ratification and Confirmation. Any action taken thus far pursuant to the general requirements and in furtherance of the general purposes underlying Ordinance No. 369 is hereby ratified and confirmed.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

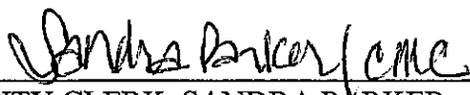
Section 8. Effective Date. This ordinance, having been declared an emergency by a vote of the majority plus one of the entire City Council, shall take effect and be in full force immediately upon its passage as authorized under state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council of the City of Woodinville this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

APPROVED:

  
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MAYOR DON BROCHA

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, SANDRA PARKER

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY  \_\_\_\_\_

FILED WITH THE CITY CLERK: ~~8-20-2004~~  
PASSED BY THE CITY COUNCIL: ~~8-23-2004~~  
PUBLISHED: ~~8-30-2004~~  
EFFECTIVE DATE: ~~8-23-2004~~  
ORDINANCE NO. 371