



**LYNNWOOD CITY COUNCIL Business Meeting**  
**City Hall Council Chambers 19100 44th Ave W Lynnwood WA 98036**  
**MONDAY, JANUARY 9, 2023, FOLLOWING ADJOURNMENT OF THE**  
**SPECIAL WORK SESSION**

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1. CALL TO ORDER
2. FLAG SALUTE- Council Member Altamirano-Crosby
3. ROLL CALL
4. MESSAGES AND PAPERS FROM THE MAYOR
5. WRITTEN COMMUNICATIONS AND PETITIONS
6. PRESENTATIONS AND PROCLAMATIONS
7. PUBLIC COMMENTS AND COMMUNICATIONS - up to 30 minutes
8. COUNCIL COMMENTS AND ANNOUNCEMENTS- Council President Hurst
9. APPROVAL OF MINUTES - Council Member Sessions
  - 9.A [Minutes Approval](#) - 5 minutes
10. UNANIMOUS CONSENT AGENDA - Council Member Sutton
  - 10.A [RFP 3538 - Utility Billing Web Portal Platform](#) - 0 minutes  
Michelle Meyer, Finance Director
  - 10.B [Voucher Approval](#) - 0 minutes  
Michelle Meyer, Finance Director
11. BUSINESS ITEMS AND OTHER MATTERS
  - 11.A [2023 Elected positions- President and Vice President votes](#) - 20 minutes  
Council
  - 11.B [2023 Elected Liaison positions votes](#) - 20 minutes  
Council
  - 11.C [2023 Appointed positions](#) - 20 minutes  
Newly elected Council President

- 11.D [Ordinance: Declaration of Emergency Related to Remote Board and Commission Meetings - 10 minutes](#)  
Julie Moore, Assistant City Administrator

12. NEW BUSINESS

ADJOURNMENT

**CITY COUNCIL 9.A**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE: Minutes Approval**

**DEPARTMENT CONTACT: Luke Lonie, Executive Office**

**ESTIMATED TIME:**

5

**SUGGESTED ACTION:**

Approve the minutes from the October 10, 2022 Business Meeting, the November 21, 2022 Work Session, and the November 28th, 2022 Business Meeting.

**DEPARTMENT ATTACHMENTS**

Description:

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[10.10.22 Minutes Draft.pdf](#)

[11.21.22 Minutes Draft.pdf](#)

[11.28.22 Minutes Draft.pdf](#)



**CITY OF LYNNWOOD  
CITY COUNCIL BUSINESS MEETING MINUTES  
October 10, 2022**

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1. CALL TO ORDER AND FLAG SALUTE

Mayor Frizzell called the meeting to order at 6:00 pm.

2. ROLL CALL

Present:

Mayor Christine Frizzell  
President George Hurst  
Member Julieta Altamirano-Crosby  
Member Patrick Decker  
Member Shannon Sessions  
Member Jim Smith  
Member Shirley Sutton

Absent:

Member Joshua Binda

Councilmember Decker arrived at 6:03 pm via Zoom and disconnected at 8:30 pm.

3. APPROVAL OF MINUTES

3.A Minutes Approval

Councilmember Smith amended the minutes of the September 21, 2022 meeting.

Moved by Shannon Sessions to Approve minutes as Amended. Motion Passed

4. MESSAGES AND PAPERS FROM THE MAYOR

4.A 2023-2024 Preliminary Budget Presentation

Mayor Christine Frizzell presented on the 2023-2024 Preliminary Budget.

5. PUBLIC COMMENTS AND COMMUNICATIONS - up to 30 minutes

Public comment was provided by nine community members.

6. PUBLIC HEARING

6.A Public Hearing: 2023-28 Proposed Utility Rates

Bill Franz, Public Works Director, and Sergey Tarasov, FCS Consultants Senior Project Manager, presented on the 2023-2028 proposed utility rates.

Comment was provided by four community members.

City staff provided clarification to the testimony provided.

7. PRESENTATIONS AND PROCLAMATIONS

7.A Proclamation: Indigenous Peoples' Day

Council Member Sessions read and Members of the Indigenous community received a proclamation recognizing Indigenous Peoples' Day.

7.B Introduction of Lila Robinson Executive Assistant to the Mayor

Executive Assistant Lila Robinson was introduced to Council and the community.

8. WRITTEN COMMUNICATIONS AND PETITIONS

9. COUNCIL COMMENTS AND ANNOUNCEMENTS

Councilmember Sessions moved to extend the meeting until the end of the agenda. Motion passed.

10. UNANIMOUS CONSENT AGENDA

10.A Consultant Contract: School Safety Program

Authorize the Mayor to enter into and execute on behalf of the City, a contract with Toole Design Group not to exceed a total contract value of \$300,000.

10.B #3534 – Golf Course Irrigation Pump Station Fabrication

Approve the award to Watertronics, LLC. for Golf Course Irrigation Pump Station Fabrication in the amount of \$230,025.88.

10.C Re-appointment of Ms. Taylor Nordby to the Lynnwood Public Facilities District Board of Directors, Position #1.

Approve Reappointment of Ms. Norby to the LPFD Board, Position #1

10.D Voucher Approval

Approve claims in the amount of \$2,544,941.86 for the period 9/19/22 through 10/2/22. Approve payroll in the amount of \$1,244,397.11 dated 9/23/22.

11. BUSINESS ITEMS AND OTHER MATTERS

11.A Ordinance #3416: Vehicle License fee relief for Lynnwood residents.

Moved by Councilmember Hurst to postpone item 11.A until the October 24, 2022 Business Meeting.

Motion Passed 5 – 0

Voting For: George Hurst, Julieta Altamirano-Crosby, Shannon Sessions, Jim Smith, Shirley Sutton

Voting Against: none

11.B Ordinance #3417: Utility tax relief for Lynnwood residents

Moved by Councilmember Hurst to postpone item 11.B until the October 24, 2022 Business Meeting.

Motion Passed 5 – 0

Voting For: George Hurst, Julieta Altamirano-Crosby, Shannon Sessions, Jim Smith, Shirley Sutton

Voting Against: none

11.C Lease Extension for Development and Business Services Office Space

Moved by Councilmember Sessions to Approve proposed 3 year extension of Development and Business Services Office Space Lease.

Motion Passed 4 – 1

Voting For: George Hurst, Julieta Altamirano-Crosby, Shannon Sessions, Shirley Sutton

Voting Against: Jim Smith.

11.D Final Contract Acceptance: Water Main Replacement Project

Moved by Councilmember Sessions to grant final acceptance of the work performed under the contract for Water Main Replacement project, subject to appropriate State and Federal agencies and ultimately release of retainage to the Contractor, if any.

Motion Passed 5 – 0

Voting For: George Hurst, Julieta Altamirano-Crosby, Shannon Sessions, Jim Smith, Shirley Sutton

Voting Against: none

11.E Consultant Contract Supplement: Poplar Way Bridge

Moved by Councilmember Sessions to authorize the Mayor to execute on behalf of the City, a Supplement in the amount of \$1,100,000 to the Contract with Perteet Inc. for a new maximum total contract value of \$3,990,106.00.

Motion Passed 5 – 0

Voting For: George Hurst, Julieta Altamirano-Crosby, Shannon Sessions, Jim Smith, Shirley Sutton

Voting Against: none

11.F American Rescue Plan Act Fund allocations - amended with presentations given at meeting

Moved by Councilmember Altamirano-Crosby to allocate \$20,000 of American Rescue Plan Act Funds to the Police Flex Fund.

Motion Passed 5 – 0

Voting For: George Hurst, Julieta Altamirano-Crosby, Shannon Sessions, Jim Smith, Shirley Sutton

Voting Against: none

12. NEW BUSINESS

Moved by Councilmember Altamirano-Crosby to allocate a 2023 Lynnwood Convention Center city use day for a Veterans' Association dinner.

Motion Passed 5 – 0

Voting For: George Hurst, Julieta Altamirano-Crosby, Shannon Sessions, Jim Smith, Shirley Sutton

Voting Against: none

13. EXECUTIVE SESSION

13.A Executive Session: Quarterly Update regarding Current and Potential Litigation, Legal risks

The meeting was extended five minutes to complete the executive session.

ADJOURNMENT

The meeting was adjourned from executive session at 10:04 pm.



**CITY OF LYNNWOOD  
CITY COUNCIL WORK SESSION MINUTES  
November 21, 2022**

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1. CALL TO ORDER  
The meeting was called to order at 6:02 pm.

2. ROLL CALL

Present

Mayor Christine Frizzell  
President George Hurst  
Councilmember Julieta Altamirano-Crosby  
Councilmember Binda  
Councilmember Patrick Decker  
Councilmember Shannon Sessions  
Councilmember Jim Smith  
Councilmember Shirley Sutton

Councilmember Binda appeared via Zoom.

3. MAYOR COMMENTS
4. COUNCIL COMMENTS
5. COMMENTS AND QUESTIONS ON MEMO ITEMS
6. WORK SESSION ITEMS

6.A Discussion: Property Taxes  
Finance Director Meyer presented on the proposed 2023-2024 Property Tax ordinance.

6.B Discussion: 2023-2024 Biennial Budget and Salary Schedule  
Finance Director Meyer presented on the proposed 2023-2024 Biennial Budget and Salary Schedule ordinance.

Director Meyer, IT Director Will Cena, Court Administrator Paulette Revoir, PRCA Director Lynn Sordel, Public Works Director Bill Franz,

Assistant City Administrator Julie Moore, and Police Chief Nelson answered questions regarding the updates to the 2023-2024 Budget.

Council took a 10 minute break from 8:00 – 8:10 pm.

6.C 2021-2022 Final Budget Amendments

Finance Director Meyer presented on the final amendments to the 2021-2022 Biennial Budget.

ADJOURN

The meeting was adjourned at 9:04 pm.



**CITY OF LYNNWOOD  
CITY COUNCIL BUSINESS MEETING MINUTES  
November 28, 2022**

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1. CALL TO ORDER

The meeting was called to order at 6:00 pm.

2. FLAG SALUTE

3. ROLL CALL

Present

Mayor Christine Frizzell  
President George Hurst  
Member Julieta Altamirano-Crosby  
Member Joshua Binda  
Member Patrick Decker  
Member Shannon Sessions  
Member Jim Smith  
Member Shirley Sutton

4. MESSAGES AND PAPERS FROM THE MAYOR

5. WRITTEN COMMUNICATIONS AND PETITIONS

6. PRESENTATIONS AND PROCLAMATIONS

6.A Development & Business Services Department Spotlight Presentation  
Development and Business Services Director David Kleitsch presented his Department Spotlight.

7. COUNCIL COMMENTS AND ANNOUNCEMENTS

8. PUBLIC COMMENTS AND COMMUNICATIONS – up to 30 minutes

8.A Public comment was given by two community members.

9. PUBLIC HEARING

- 9.A Public Hearing: 2021-2022 Final Budget Amendments  
Finance Director Michelle Meyer presented on the final amendments to the 2021-2022 Budget,

Public input was provided by one community member.

10. APPROVAL OF MINUTES

10.A Minutes Approval

Moved by Jim Smith to amend item 11.A in the the October 24, 2022 Business Meeting Minutes to remove the vote count. Motion Passed.

Moved by Jim Smith to amend item 6.C in the October 31, 2022 Work Session Minutes to remove the vote count. Motion Passed.

Moved by George Hurst to approve minutes as amended. Motion Passed.

11. UNANIMOUS CONSENT AGENDA

Moved by Shannon Sessions to adopt the Unanimous Consent Agenda as read.

11.A Voucher Approval

Approve claims in the amount of \$3,206,653.09 for the period of 11/7/22 through 11/20/22.

Approve payroll in the amount of \$1,318,279.26 dated 11/4/22.

Approve payroll in the amount of \$1,390,636.29 dated 11/18/22.

11.B Interlocal Agreement: With Alderwood Water and Wastewater District for Sewer Pipe Lining

Authorize the Mayor to enter into and execute on behalf of the City, an Interlocal Agreement with the Alderwood Water and Wastewater District to jointly execute the 2023 Cast-In Place Sewer Pipe Rehabilitation Project.

11.C Contract Supplemental Change Order Approval - Herrera Environmental for Support Services for Stormwater Report and Regulations Update

Approve Contract Supplemental Change Order with Herrera Environmental in the amount of \$124017.46 for support services for the City's stormwater support and regulations update.

Approved as read.

12. BUSINESS ITEMS AND OTHER MATTERS

12.A Ordinance: 2023 Property Tax Levy

Finance Director Michelle Meyer provided additional information on the 2023 Property Tax Levy.

Moved by Shannon Sessions to adopt Ordinance 3427, an ordinance of the City Council of the City of Lynnwood, Washington, relating to ad valorem tax levy for the Fiscal Year commencing January 1, 2023, setting an estimated regular property tax levy of \$5,000,000, providing for certification and transmittal to Snohomish County, providing for severability, providing for summary publication, and establishing an effective date.

Moved by Jim Smith to amend Ordinance 3427 to set an estimated regular property tax levy of \$4,500,000.

Motion Passed 7 – 0

Voting for: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Joshua Binda, Patrick Decker, Shannon Sessions, Shirley Sutton

Voting Against: none

Council took a break from 7:43 pm until 7:48 pm.

Council went into Executive Session at 7:48 pm and returned at 8:20 pm.

Motion to adopt Ordinance 3427 as amended passed 7 – 0.

Voting for: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Joshua Binda, Patrick Decker, Shannon Sessions, Shirley Sutton.

Voting Against: none

12.B Ordinance: 2023 Salary Schedule

Finance Director Michelle Meyer and Human Resources Director Evan Chinn presented the 2023 Salary Schedule.

Moved by Patrick Decker to schedule the item on the December 12th Business Meeting.

Motion passed 7 – 0

Voting for: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Joshua Binda, Patrick Decker, Shannon Sessions, Shirley Sutton

Voting Against: none

12.C Ordinance: 2023-2024 Budget Adoption

Finance Director Michelle Meyer provided information on the 2023-2024 Biennial Budget.

Moved by Jim Smith to adopt Ordinance 3428, the 2023-2024 Biennial Budget.

Moved by Jim Smith to postpone Ordinance 3428 to the December 12, 2022 Business Meeting.

Motion Passed 7 – 0

Voting for: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Joshua Binda, Patrick Decker, Shannon Sessions, Shirley Sutton  
Voting Against: none

12.D Ordinance Removing 5th Monday council meetings for 2023

Moved by George Hurst; seconded by Julieta Altamirano-Crosby to Adopt Ordinance 3429, an ordinance of the City Council of the City of Lynnwood, Washington, amending LMC 2.04.020 and 2.04.030 to clarify when meetings shall occur when falling on a legal holiday and eliminating meetings falling on the fifth Monday of the month; providing for severability; establishing an effective date; and providing for summary publication.

Motion Passed: 7- 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Joshua Binda, Patrick Decker, Shannon Sessions, Shirley Sutton  
Voting Against: none

13. NEW BUSINESS

ADJOURNMENT

The meeting was adjourned at 8:51 pm.

## CITY COUNCIL 10.A

### CITY OF LYNNWOOD CITY COUNCIL

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**TITLE: RFP 3538 - Utility Billing Web Portal Platform**

**DEPARTMENT CONTACT: Brady Schach, Finance**

**SUMMARY:**

The Finance department is seeking a replacement for the current Utility Billing payment methods. The City desires to implement customer friendly general banking and/or merchant services.

**PRESENTER:**

Michelle Meyer, Finance Director

**ESTIMATED TIME:**

15

**BACKGROUND:**

Currently, Utility Billing customers are using the Munis payment portal or calling the front desk staff to manually process credit card payments by phone, with each request taking a minimum of 5 minutes to complete. One root cause of the high volume of payments by phone that has been identified is that the Munis web payment platform is hard to use. The City does not currently have an automated pay by phone option, so all phone payments require staff time to process. Additionally, the Munis platform does not provide other options for payment (credit cards and ACH only). The City of Lynnwood desires to implement customer friendly merchant services.

**SUGGESTED ACTION:**

Approve the award to i3-Milestone, LLC for Utility Billing Web Portal services exceeding \$100,000.00 per year.

**PREVIOUS COUNCIL ACTIONS:**

January 3, 2023 Council Work Session

**FUNDING:**

The contract cost will exceed \$100,000.00 per year, based on a fee-per-transaction model. This is the same model the City currently has in place.

**DEPARTMENT ATTACHMENTS**

Description:

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[3538 - Utility Billing Web Portal Platform - Procurement Report.pdf](#)

**PROCUREMENT REPORT**  
**#3538 – Utility Billing Web Portal Platform**  
**Contract Award**

<p><b>Type of Contract:</b> Ongoing Software as a Service subscription.</p>														
<p><b>Term of Contract:</b> Estimated date of implementation by January 31, 2023.</p>														
<p><b>Background/Purpose of Contract:</b> The Finance department is seeking a replacement for the current Utility Billing payment methods. The City desires to implement customer friendly general banking and/or merchant services.</p>														
<p><b>Cost (includes sales tax if applicable):</b> The contract cost will exceed \$100,000.00 per year, based on a fee-per-transaction model.</p> <div style="text-align: center; margin: 10px 0;"> <table border="1" style="border-collapse: collapse; width: 60%; margin: auto;"> <thead> <tr> <th colspan="2" style="padding: 5px;"><b>Absorbed Fee Model Per Transaction (City pays transaction fees)</b></th> </tr> </thead> <tbody> <tr> <td colspan="2" style="padding: 5px;">Average Bill Amount: \$500</td> </tr> <tr> <td style="padding: 5px;">Web Credit/Debit Card</td> <td style="padding: 5px; text-align: right;">2% + \$0.25</td> </tr> <tr> <td style="padding: 5px;">IVR Credit/Debit Card</td> <td style="padding: 5px; text-align: right;">2% + \$0.35</td> </tr> <tr> <td style="padding: 5px;">Web ACH</td> <td style="padding: 5px; text-align: right;">1.25%</td> </tr> <tr> <td style="padding: 5px;">IVR ACH</td> <td style="padding: 5px; text-align: right;">1.25%</td> </tr> <tr> <td style="padding: 5px;">CC In-Person</td> <td style="padding: 5px; text-align: right;">2% + \$0.25</td> </tr> </tbody> </table> </div>	<b>Absorbed Fee Model Per Transaction (City pays transaction fees)</b>		Average Bill Amount: \$500		Web Credit/Debit Card	2% + \$0.25	IVR Credit/Debit Card	2% + \$0.35	Web ACH	1.25%	IVR ACH	1.25%	CC In-Person	2% + \$0.25
<b>Absorbed Fee Model Per Transaction (City pays transaction fees)</b>														
Average Bill Amount: \$500														
Web Credit/Debit Card	2% + \$0.25													
IVR Credit/Debit Card	2% + \$0.35													
Web ACH	1.25%													
IVR ACH	1.25%													
CC In-Person	2% + \$0.25													
<p><b>Advanced Planning:</b> The Finance department worked closely with the Information Technology department to establish the required criteria and ensure that the proposed software would integrate with our current financial system.</p>														
<p><b>Method of Procurement:</b> A formal request for proposals solicitation was used, as the dollar amount was expected to exceed the \$100,000.00 purchasing threshold.</p>														
<p><b>Solicitation:</b> On September 2, 2022, the City publicly issued RFP 3538. Nine proposals were received, of which three were invited to demonstrate the platform for the evaluation panel. i3-Milestone, LLC was deemed most qualified responsive and responsible proposer.</p>														
<p><b>Recommended Action:</b> Approve the award to i3-Milestone, LLC for Utility Billing Web Portal services exceeding \$100,000.00 per year.</p>														
<p><b>Procurement Officer:</b> Brady Schach, Buyer</p>														
<p><b>Date:</b> December 2, 2022</p>														

**CITY COUNCIL 10.B**

**CITY OF LYNNWOOD  
CITY COUNCIL**

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**TITLE: Voucher Approval**

**DEPARTMENT CONTACT: Michelle Meyer, Finance**

**SUMMARY:**

Voucher Approval

**PRESENTER:**

Michelle Meyer, Finance Director

**ESTIMATED TIME:**

0

**SUGGESTED ACTION:**

Approve claims in the amount of \$6,158,832.62 for the period 12/5/22 through 1/1/23.  
Approve payroll in the amount of \$1,247,812.51 dated 12/16/22.  
Approve payroll in the amount of \$1,349,447.28 dated 12/30/22.

**DEPARTMENT ATTACHMENTS**

Description:

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**CITY COUNCIL 11.A**

**CITY OF LYNNWOOD  
CITY COUNCIL**

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**TITLE: 2023 Elected positions- President and Vice President votes**

**DEPARTMENT CONTACT: Lisa Harrison, City Council**

**SUMMARY:**

Council members serve as liaisons to various City boards and commissions, as well as serving as the City's representatives to outside agencies and organizations. Some of these positions are elected by council.

**PRESENTER:**

Council

**ESTIMATED TIME:**

20

**SUGGESTED ACTION:**

Council members will vote on leadership based on earlier discussion.

**DEPARTMENT ATTACHMENTS**

Description:

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**CITY COUNCIL 11.B**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE:** 2023 Elected Liaison positions votes

**DEPARTMENT CONTACT:** Lisa Harrison, City Council

**SUMMARY:**

Council members serve as liaisons to various City boards and commissions, as well as serving as the City's representatives to outside agencies and organizations. Some of these positions are elected by council.

**PRESENTER:**

Council

**ESTIMATED TIME:**

20

**SUGGESTED ACTION:**

Council members will vote on liaison positions based on earlier discussion.

**DEPARTMENT ATTACHMENTS**

Description:

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**CITY COUNCIL 11.C**

**CITY OF LYNNWOOD  
CITY COUNCIL**

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**TITLE: 2023 Appointed positions**

**DEPARTMENT CONTACT: Lisa Harrison, City Council**

**SUMMARY:**

Council members serve as liaisons to various City boards and commissions, as well as serving as the City's representatives to outside agencies and organizations. Some of these positions are appointed by the Council President.

**PRESENTER:**

Newly elected Council President

**ESTIMATED TIME:**

20

**SUGGESTED ACTION:**

Elected council president will assign liaison positions based on earlier discussion.

**DEPARTMENT ATTACHMENTS**

Description:

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**CITY COUNCIL 11.D**

**CITY OF LYNNWOOD  
CITY COUNCIL**

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**TITLE: Ordinance: Declaration of Emergency Related to Remote Board and Commission Meetings**

**DEPARTMENT CONTACT: Julie Moore, Executive Office**

**SUMMARY:**

Ordinance 3421, relating to the emergency exemption to an in-person location related to the Open Public Meetings Act is set to expire on December 26, 2022.

**PRESENTER:**

Julie Moore, Assistant City Administrator

**ESTIMATED TIME:**

10

**BACKGROUND:**

Ordinance 3421, relating to the emergency exemption to an in-person location related to the Open Public Meetings Act for Boards and Commissions is set to expire on December 26, 2022. Administration is requesting an extension to this emergency proclamation.

The purpose of this ordinance is to declare an emergency exception to ESHB 1329's requirement that the City provide an in-person, physical component to its board, commission, and committee meetings when the members of the board, commission, or committee participate in the meeting remotely. This ordinance applies only to meetings of boards, commissions, or committees identified as advisory bodies in Lynnwood Municipal Code Chapter 2.24.

**SUGGESTED ACTION:**

Adopt

**DEPARTMENT ATTACHMENTS**

Description:

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[ORD - HB 1329 NEW JANUARY 09 2023 \(1\).doc](#)



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, REPEALING ORDINANCE NO. 3421, ADOPTING A NEW ORDINANCE HEREIN RELATING TO THE OPEN PUBLIC MEETINGS ACT, RCW 42.30, AS AMENDED BY ESHB 1329, DECLARING THE CITY'S INABILITY TO PROVIDE A PHYSICAL LOCATION FOR THE CONDUCT OF CITY'S BOARD, COMMISSION, AND COMMITTEE MEETINGS SUBJECT TO THE OPEN PUBLIC MEETINGS ACT; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION

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WHEREAS, on February 29, 2020, Governor Inslee issued Proclamation 20-05 declaring a state-wide emergency due to the CORONA-19 virus and on June 1, 2022, ESHB 1329 became effective, amending the Open Public Meetings Act to allow cities to hold meetings remotely without a physical, in-person component during a state-wide or locally declared emergency; and

WHEREAS, in response to ESHB 1329, the City adopted Ordinance 3421 on June 27, 2022 which expires on December 26, 2022;

WHEREAS, effective October 31, 2022, Governor Inslee rescinded Proclamation 20-05 regarding the state-wide emergency due to the CORONA-19 virus;

WHEREAS, despite Governor Inslee's rescission of Proclamation 20-05, the City of Lynnwood continues to experience a local emergency regarding ESHB 1329's requirement for an in-person, physical component for meetings of boards, committees, and commissions that take testimony and provide recommendations to city councils due to the limited number of employees available to be assigned to the in-person, physical component of those meetings; and

WHEREAS, should the City of Lynnwood require an employee to staff an in-person board, commission, or committee meeting otherwise held remotely, the employee would be required to staff the board, committee or commission meeting alone in a City building, without security, thus compromising the safety of that employee; and

WHEREAS, the City of Lynnwood desires to enact this emergency ordinance to protect the safety of its employees who might otherwise be required to attend a board, commission, or

44 committee meeting alone, in an unlocked city building in order to provide the physical  
45 component required by ESHB 1329; and

46  
47 WHEREAS, RCW 35A.12.130 states than an ordinance passed by a majority plus one of  
48 the whole membership of the council, which designates therein that it is a public emergency  
49 ordinance necessary for the protection of public health or public safety, may be made effective  
50 upon adoption; and

51  
52 WHEREAS, it is in the best interest of the health, safety, and welfare of the City of  
53 Lynnwood to adopt this emergency ordinance; and

54  
55 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
56 ORDAIN AS FOLLOWS:

57  
58 Section 1. Repealer. Ordinance No. 3421 is hereby repealed in its entirety.

59  
60 Section 2. Purpose. The purpose of this ordinance is to declare an emergency exception to  
61 ESHB 1329's requirement that the City provide an in-person, physical component to its board,  
62 commission, and committee meetings when the members of the board, commission, or  
63 committee participate in the meeting remotely. This ordinance applies only to meetings of  
64 boards, commissions, or committees identified as advisory bodies in Lynnwood Municipal Code  
65 Chapter 2.24.

66  
67 Section 3: Emergency Exception to ESHB 1329's In-Person Component Requirement. The City  
68 of Lynnwood hereby declares an emergency exception to ESHB 1329's requirement that  
69 boards, commission, and committees provide a physical, in-person meeting component when  
70 the members of the board, commission, or committee members participate in the meetings  
71 remotely.

72  
73 Section 4. Severability: If any section, sentence, clause or phrase of this ordinance should be  
74 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
75 unconstitutionality shall not affect the validity or constitutionality of any other section,  
76 sentence, clause or phrase or word of this ordinance.

77  
78 Section 5. Effective Date and Termination: This ordinance, as a public emergency ordinance  
79 necessary for the protection of the public's health, safety, property, and peace, shall take effect  
80 and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of  
81 Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary  
82 to support this emergency ordinance are included in the "WHEREAS" clauses, above, all of which  
83 are adopted by reference as findings of fact as if fully set forth herein. This ordinance will  
84 terminate and will no longer be in effect six months following adoption, or at 12:00 a.m. on June  
85 11, 2023.

86

87  
88 PASSED this XX day of XXXXXXXX, 20XX, and signed in authentication of its passage this \_\_\_day of  
89 \_\_\_\_\_, 2023.

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APPROVED:

\_\_\_\_\_  
Christine Frizzell, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

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\_\_\_\_\_  
Luke Lonie, City Clerk

\_\_\_\_\_  
Lisa Marshall, City Attorney