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**CITY OF LYNNWOOD**  
**ORDINANCE NO. 2324**

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTION 2.06.010 OF THE LYNNWOOD MUNICIPAL CODE AND SECTION 2 OF ORDINANCE 2311, SECTIONS 2.22.030 AND 2.22.040, AND SECTIONS 3 AND 4 OF ORDINANCE 1208 (1981) IN REGARD TO ESTABLISHING A CONFIRMATION PROCESS FOR CITY HEARING EXAMINER-; CLARIFYING EXAMINER QUALIFICATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.

WHEREAS, RCW 35A.12.090 authorizes the City Council to establish by ordinance a confirmation process for all officers and employees; and

WHEREAS, LMC 2.22 authorizes the appointment and contracting with a city Hearing Examiner as a city official; and

WHEREAS, the City Council directly delegates a portion of it's decision making authority to the city Hearing Examiner; and

WHEREAS, RCW Chapter 35A.11.020 authorizes the City Council to organize and regulate the city's internal affairs, internal-city-operations-and-processes, and to define the functions, duties, and authority of city officers and employeesstaff;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Amendment.** Sections 2.06.010 of the Lynnwood Municipal Code, and Ordinance 2311, section 2 (2000), are hereby amended to read as follows:

2.06.010 Scope. This Chapter shall apply to the appointment and confirmation process of the following appointive city officials and employees: City Attorney under LMC 2.16.020 and Hearing Examiner under LMC 2.22.030.

**Section 2. Amendment.** Sections 2.22.030 of the Lynnwood Municipal Code, and Ordinance 1208, section 3 (1981), are hereby amended to read as follows:

2.22.030 Hearing Examiner – Appointment. The Hearing Examiner shall be employed on a yearly contract basis, to be negotiated. Examiners pro-tem (i.e. substitute) may also be contracted to serve in the event of absence or inability of the Examiner to act. Prior to entering into a contract for the first year of either

1 the Hearing Examiner or any pro-tem Examiner(s), each shall be confirmed by  
2 the City Council according to the procedures set forth in Ch. 2.06 LMC.  
3

4 **Section 3. Amendment.** Sections 2.22.040 of the Lynnwood Municipal Code,  
5 and Ordinance 1208, section 4 (1981), are hereby amended to read as follows:


6 2.22.040 Hearing Examiner – Qualifications. Examiners shall be appointed  
7 soled with regard to their qualifications for the duties of their office and will  
8 have such training and experience as will qualify them to conduct  
9 administrative or quasi-judicial hearings or regulatory enactments and to  
10 discharge the other function conferred upon them. Examiners shall hold no  
11 other elective or appointive office or position in the City of Lynnwood. This  
12 section is not intended to provide for the qualifications of the position, but only  
13 to require that qualifications of the applicants for the position be the sole criteria  
14 for their appointment, subject to approval of a personal service contract with the  
15 examiner by the City Council following City Council confirmation of their  
16 appointment under the procedures established in Ch. 2.06 LMC.  
17

18 **Section 43. Severability.** If any section, sentence, clause or phrase of this  
19 ordinance should be held to be invalid or unconstitutional by a court of competent  
20 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or  
21 constitutionality of any other section, sentence, clause or phrase of this ordinance.

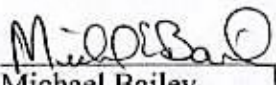
22 **Section 54. Effective Date.** This ordinance, being an exercise of a power  
23 specifically delegated to the City legislative body, is not subject to referendum, and  
24 shall take effect five (5) days after passage and publication of an approved summary  
25 thereof consisting of the title.

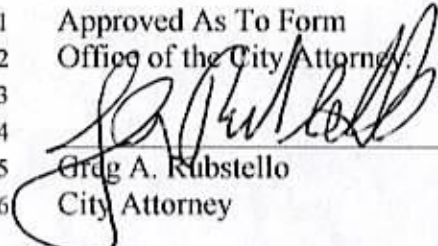
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27 ADOPTED by the City Council of the City of Lynnwood, Washington, at its  
28 regular meeting held the 11<sup>th</sup> day of September, 2000.

29 SIGNED AND APPROVED by the Mayor of the City of Lynnwood,  
30 Washington, this \_\_\_\_ day of September, 2000.

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32   
33 Tina Roberts, Mayor

34 Attested/Authenticated by:

35   
36 Michael Bailey  
37 Finance Director  
38  
39

1 Approved As To Form  
2 Office of the City Attorney  
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4   
5 \_\_\_\_\_  
6 Greg A. Rubstello  
City Attorney