



ORDINANCE NO. 3421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, 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; PROVIDING THAT THE ORDINANCE TAKE EFFECT IMMEDIATELY UPON ADOPTION AS A PUBLIC EMERGENCY; PROVIDING FOR TERMINATION SIX MONTHS FOLLOWING ADOPTION; AND PROVIDING FOR SUMMARY PUBLICATION

WHEREAS, on February 29, 2020, Governor Inslee issued Proclamation 20-05 declaring a state-wide emergency due to the CORONA-19 virus and that Proclamation remains in effective; and

WHEREAS, on April 29, 2022, Governor Inslee announced that the Proclamation 20-28 series would be rescinded effective June 1, 2022; the Proclamation 20-28 series allowed cities to hold meetings remotely with no in-person, physical component; and

WHEREAS, at 12:01 AM 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, when a state-wide or local emergency is not in effect, ESHB 1329 requires that cities provide an in-person physical location for members of the public to attend a meeting, even when all members of the governing body participate in the meeting remotely; and

WHEREAS, ESHB 1329 applies to city councils, and to boards, commissions, and committees that take testimony and provide recommendations to city councils; and

WHEREAS, ESHB 1329 is applicable to meetings of boards, commissions, and committees identified as advisory bodies in Lynnwood Municipal Code Chapter 2.24;

WHEREAS, ESHB 1329’s requirement for an in-person, physical component for meetings of boards, committees, and commissions that take testimony and provide recommendations to

45 city councils imposes hardships on the City of Lynnwood due to the limited number of
46 employees available to be assigned to the in-person, physical component of those meetings;
47 and

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

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54 WHEREAS, although Governor Inslee rescinded the Proclamation 20-28 series, and
55 although ESHB 1329 went into effect on June 1, 2022, Proclamation 20-05 issued February 29,
56 2020, remains in effect; and

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58 WHEREAS, the City of Lynnwood desires to enact this emergency ordinance to protect
59 the safety of its employees who might otherwise be required to attend a board, commission, or
60 committee meeting alone, in an unlocked city building in order to provide the physical
61 component required by ESHB 1329; and

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

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

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71 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
72 ORDAIN AS FOLLOWS:

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74 Section 1: Purpose. The purpose of this ordinance is to declare an emergency exception to
75 ESHB 1329's requirement that the City provide an in-person, physical component to its board,
76 commission, and committee meetings when the members of the board, commission, or
77 committee participate in the meeting remotely. This ordinance applies only to meetings of
78 boards, commissions, or committees identified as advisory bodies in Lynnwood Municipal Code
79 Chapter 2.24.

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81 Section 2: Emergency Exception to ESHB 1329's In-Person Component Requirement. The City
82 of Lynnwood hereby declares an emergency exception to ESHB 1329's requirement that
83 boards, commission, and committees provide a physical, in-person meeting component when
84 the members of the board, commission, or committee members participate in the meetings
85 remotely.

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87 Section 3. Severability: If any section, sentence, clause or phrase of this ordinance should be
88 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

89 unconstitutionality shall not affect the validity or constitutionality of any other section,
90 sentence, clause or phrase or word of this ordinance.

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92 Section 4. Effective Date and Termination: This ordinance, as a public emergency ordinance
93 necessary for the protection of the public’s health, safety, property, and peace, shall take effect
94 and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of*
95 *Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary
96 to support this emergency ordinance are included in the “WHEREAS” clauses, above, all of which
97 are adopted by reference as findings of fact as if fully set forth herein. This ordinance will
98 terminate and will no longer be in effect six months following adoption, or at 12:00 a.m. on
99 December 26th 2022.

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PASSED BY THE CITY COUNCIL this 27th day of June, 2022.

APPROVED:

DocuSigned by:
Christine Frizzell 6/28/2022
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Christine Frizzell, Mayor

ATTEST/AUTHENTICATED:

DocuSigned by:
Luke Lonie Luke Lonie,
on behalf of
9639FC9ACFCA4CF...
Karen Fitzthum, City Clerk

APPROVED AS TO FORM:

DocuSigned by:
Lisa Marshall
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Lisa Marshall, City Attorney