



**ORDINANCE NO. 3433**

**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**

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WHEREAS, effective October 31, 2022, Governor Inslee rescinded Proclamation 20-05 regarding the state-wide emergency due to the CORONA-19 virus;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

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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

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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

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

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 Ordinance No. 3421 is hereby repealed in its entirety.

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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.

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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.

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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.

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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.

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88 PASSED BY THE CITY COUNCIL this 9<sup>th</sup> day of January, 2023.

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APPROVED:

DocuSigned by:  
*Christine Frizzell* 1/12/2023  
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Christine Frizzell, Mayor

98 ATTEST/AUTHENTICATED:

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APPROVED AS TO FORM:

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DocuSigned by:  
*Luke Lonie*  
9859FC9ACFCA4CF...  
Luke Lonie, City Clerk

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DocuSigned by:  
*Lisa Marshall*  
UC9DE54C77524E7...  
Lisa Marshall, City Attorney