



RESOLUTION NO. 2020-06

A RESOLUTION OF THE CITY OF LYNNWOOD, WASHINGTON, RATIFYING, CONFIRMING AND ADOPTING RULES AND REGULATIONS STATED IN THE MAYOR'S DECLARATIONS OF EMERGENCY – CITY OF LYNNWOOD COVID-19 RESPONSE DATED MARCH 4, 2020 AND MARCH 17, 2020.

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution grants the City broad police powers to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”, including during public health emergencies and disasters; and

WHEREAS, RCW 38.52.070 establishes emergency and disaster response powers, and authorizes the City to, among other things, protect the health and safety of persons and property, and provide emergency assistance to the victims of such emergencies or disasters; and

WHEREAS, pursuant to LMC 7.20.060A, the Mayor has the authority to declare that an emergency exists, in accordance with the provisions of that code section; and

WHEREAS, pursuant to LMC 7.20.070A, in the event that the Mayor has issued a declaration of emergency under LMC 7.20.060A, the Mayor has the authority to “make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster,” provided, that such rules or regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREASE, on January 31, 2020, the United States Department of Health and Human Services declared a public health emergency based on COVID-19, which is a respiratory disease that can result in serious illness or death, which can easily spread from person to person, and which is caused by a new strain of coronavirus that was not previously identified in humans; and

WHEREAS, on February 29, the Governor of the State of Washington declared that a state of emergency exists due to COVID-19, and Snohomish County and other counties state-wide have issued similar declarations of emergency; and

1 **WHEREAS**, on March 4, 2020, the Snohomish County Health District issued a declaration
2 of emergency regarding the COVID-19 pandemic, and other local health districts have done the
3 same throughout the State; and
4

5 **WHEREAS**, in the exercise of the authority granted under Chapter 7.20 of the City code,
6 including LMC 7.20.060A, on March 4, 2020, the Mayor of the City of Lynnwood determined that
7 the threat to public health necessitates the use of emergency powers granted under RCW
8 38.52.070 and Chapters 7.20 and 2.92 of the City code, and therefore to protect the health, safety
9 and welfare of the people of the City, the Mayor issued the Mayoral Declaration of Emergency –
10 City of Lynnwood COVID-19 Response; and
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12 **WHEREAS**, on March 17, 2020, the Mayor issued the second Mayoral Declaration of
13 Emergency – City of Lynnwood COVID-19 Response, confirming the continued existence of an
14 emergency; and
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16 **WHEREAS**, pursuant to the authority granted in LMC 7.20.070A, (1) in the March 4, 2020
17 Mayoral Declaration of Emergency, the Mayor declared and ordered that the response to COVID-
18 19 by City staff may require emergency purchases and that public procurement processes may
19 be waived where competitive processes are not practicable, pursuant to Chapter 2.92 LMC, RCW
20 38.52.070 and RCW 39.04.280, and (2) in the March 17, 2020 Mayoral Declaration of Emergency,
21 the Mayor confirmed that that the response to COVID-19 by City staff may require emergency
22 purchases and that public procurement processes may be waived where competitive processes
23 are not practicable, pursuant to Chapter 2.92 LMC, RCW 38.52.070 and RCW 39.04.280; and
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25 **WHEREAS**, pursuant to the authority granted in LMC 7.20.070A, in the March 17, 2020
26 Mayoral Declaration of Emergency, the Mayor declared and ordered that the response to COVID-
27 19 may require the waiver of water service discontinuation otherwise required under LMC
28 13.34.070A; and
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30 **WHEREAS**, the Governor of the State of Washington has issued Proclamations that
31 prohibit all water utilities in the State from disconnecting water service customers until the
32 termination of the COVID-19 state of emergency, or until July 28, 2020; and
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34 **WHEREAS**, based on the circumstances described in the recitals above and in the Mayor’s
35 March 4, 2020 and March 17, 2020 Declarations of Emergency – City of Lynnwood COVID-19
36 Response, the City Council wishes to ratify and confirm the rules or regulations stated in those
37 Declarations of Emergency, and any and all acts of City departments and staff that have been
38 taken pursuant to those rules or regulations; now, therefore
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40 **THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO RESOLVE AS**
41 **FOLLOWS:**
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1 Section 1. Findings. The recitals stated above, and in the March 4, 2020 and March 17, 2020
2 Mayoral Declarations of Emergency – City of Lynnwood COVID-19 Response, are incorporated by
3 reference as support for this Resolution.
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5 Section 2. Ratification and Confirmation.
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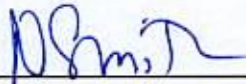
7 A. The City Council hereby ratifies, confirms and adopts the provisions of the March 4, 2020
8 and March 17, 2020 Mayoral Declarations of Emergency -- City of Lynnwood COVID-19
9 Response that: (1) "as a public emergency, the response by city staff may require
10 emergency purchases and the waiver of public procurement processes may be utilized
11 where the competition is not practicable, pursuant to LMC 2.92, RCW 38.52.070 and RCW
12 39.04.280"; and (2) city staff "may require waiver of water service discontinuance per
13 LMC 13.34.070A."

14 B. Any and all acts taken by City departments and staff consistent with or pursuant to the
15 March 4, 2020 and March 17, 2020 Mayoral Declarations of Emergency -- City of
16 Lynnwood COVID-19 Response are ratified, confirmed and authorized.
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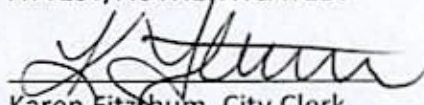
18 Section 3. Effective Date. This Resolution shall take effect on its date of passage.
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20 PASSED BY THE CITY COUNCIL this 8th day of June 2020.
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22 APPROVED:

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25 _____
26 Nicola Smith, Mayor
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29 ATTEST/AUTHENTICATED:

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31 _____
32 Karen Fitzthum, City Clerk