



**CITY OF LYNNWOOD**

**RESOLUTION NO. 2022-04**

A RESOLUTION OF THE CITY OF LYNNWOOD, WASHINGTON, RATIFYING, CONFIRMING AND ADOPTING RULES AND REGULATIONS STATED IN THE MAYOR’S DECLARATIONS OF EMERGENCY – COVID-19 RESPONSE DATED JANUARY 14, 2022, AND JANUARY 18, 2022

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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 by a resolution, within thirty days if possible; and

WHEREAS, 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

45 WHEREAS, on March 4, 2020, the Snohomish County Health District issued a declaration  
46 of emergency regarding the COVID-19 pandemic, and other local health districts have done the  
47 same throughout the State; and  
48

49 WHEREAS, in the exercise of the authority granted under Chapter 7.20 of the City code,  
50 including LMC 7.20.060A, on March 4, 2020, the Mayor of the City of Lynnwood determined that  
51 the threat to public health necessitates the use of emergency powers granted under RCW  
52 38.52.070 and Chapters 7.20 and 2.92 of the City code, and therefore to protect the health, safety  
53 and welfare of the people of the City, the Mayor issued the Mayoral Declaration of Emergency –  
54 City of Lynnwood COVID-19 Response; and  
55

56 WHEREAS, on March 17, 2020, the Mayor issued a second Mayoral Declaration of  
57 Emergency – City of Lynnwood COVID-19 Response, confirming the continued existence of an  
58 emergency; and  
59

60 WHEREAS, pursuant to the authority granted in LMC 7.20.070A, (1) in the March 4, 2020  
61 Mayoral Declaration of Emergency, the Mayor ordered that the response to COVID-19 by City  
62 staff may require emergency purchases and that public procurement processes may be waived  
63 where competitive processes are not practicable, pursuant to Chapter 2.92 LMC, RCW 38.52.070  
64 and RCW 39.04.280, and (2) in the March 17, 2020 Mayoral Declaration of Emergency, the Mayor  
65 confirmed that that the response to COVID-19 by City staff may require emergency purchases  
66 and that public procurement processes may be waived where competitive processes are not  
67 practicable, pursuant to Chapter 2.92 LMC, RCW 38.52.070 and RCW 39.04.280; and  
68

69 WHEREAS, pursuant to the authority granted in LMC 7.20.070A, in the March 17, 2020,  
70 Mayoral Declaration of Emergency, the Mayor ordered that the response to COVID-19 may  
71 require the waiver of water service discontinuation otherwise required under LMC 13.34.070A;  
72 and  
73

74 WHEREAS, by Resolution No. 2020-06, the City Council confirmed the provisions in the  
75 Mayor’s March 4, 2020, and March 17, 2020, Declarations; and  
76

77 WHEREAS, on February 9, 2021, the Mayor issued a Mayoral Declaration of Emergency,  
78 and directed the Finance and Public Works Departments to waive the reapplication process  
79 under LMC 13.20.080A.4, so that customers eligible for the special utility rates authorized in MC  
80 13.20.080A during a previous year may remain eligible for those rates while the State of  
81 Emergency remains in effect; and  
82

83 WHEREAS, in Resolution No. 2021-04, the City Council confirmed the waiver provision in  
84 the February 9, 2021, Mayoral Declaration of Emergency; and  
85

86 WHEREAS, on January 14, 2022, the current Mayor issued a Mayoral Declaration of  
87 Emergency – COVID 19 Response, confirming the continued existence of an emergency with

88 respect to COVID-19, and declaring and ordering that (1) the response to COVID-19 by City staff  
89 may require emergency purchases and public procurement processes may be waived where  
90 competitive processes are not practicable, pursuant to Chapter 2.92 LMC, RCW 38.52.070 and  
91 RCW 39.04.280, and (2) the response to COVID-19 may require waiver of water service  
92 discontinuance pursuant to LMC 13.34.070A to sustain hygiene practices; and  
93

94 WHEREAS, on January 18, 2022, the current Mayor issued a second Mayoral Declaration  
95 of Emergency – COVID 19 Response, directing the Finance and Public Works Departments to  
96 waive the reapplication process under LMC 13.20.080A.4, so that customers eligible for the  
97 special utility rates authorized in LMC 13.20.080A during a previous year may remain eligible for  
98 those rates while the State of Emergency remains in effect; and  
99

100 WHEREAS, based on the circumstances described in the recitals above, in the former  
101 Mayor’s March 4, 2020, March 17, 2020 and February 9, 2021 Declarations of Emergency – City  
102 of Lynnwood COVID-19 Response, and in the current Mayor’s January 14, 2022 and January 18,  
103 2022 Declarations of Emergency –COVID-19 Response, the City Council wishes to ratify and  
104 confirm the rules or regulations stated in the January 14, 2022 and January 18, 2022 Declarations  
105 of Emergency, and any and all acts of City departments and staff that have been taken pursuant  
106 to those rules or regulations; now, therefore  
107

108 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO RESOLVE AS  
109 FOLLOWS:  
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111 Section 1. Findings. The recitals stated above, and in the March 4, 2020, March 17, 2020,  
112 February 9, 2021, January 14, 2022, and January 18, 2022, Mayoral Declarations of Emergency, are  
113 incorporated by reference as support for this Resolution.  
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115 Section 2. Ratification and Confirmation.  
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117 A. The City Council hereby ratifies, confirms and adopts the provisions of the January 14,  
118 2022 and January 18, 2022 Mayoral Declarations of Emergency that: (1) “as a public  
119 emergency, the response by city staff may require emergency purchases and the waiver  
120 of public procurement processes may be utilized where the competition is not  
121 practicable, pursuant to LMC 2.92, RCW 38.52.070 and RCW 39.04.280”; (2) city staff  
122 “may require waiver of water service discontinuance per LMC 13.34.070A;” and (3) the  
123 Finance and Public Works Departments are directed “to continue to waive the  
124 reapplication provision of LMC 13.20.080A.4, in order that customers eligible for certain  
125 special utility rates during a previous year remain eligible while the State of Emergency  
126 so declared remains in effect.”

127 B. Any and all acts taken by City departments and staff consistent with or pursuant to the  
128 January 14, 2022, and January 18, 2022, Mayoral Declarations of Emergency -- COVID-19  
129 Response are ratified, confirmed, and authorized.

130 C. The adoption of provisions of the January 14, 2022 and January 18, 2022 Mayoral  
131 Declarations of Emergency and the authorization of acts taken by City departments and  
132 staff, as stated in Paragraphs A and B above, shall be in effect for a period of 90 days from  
133 the passage of this Resolution, unless extended to a later date by the Council or unless  
134 the Declaration of Emergency related to COVID-19 is terminated earlier by the Mayor.  
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136 Section 3. Effective Date. This Resolution shall take effect on its date of passage.  
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138 PASSED BY THE CITY COUNCIL this 14th day of February 2022.  
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140 APPROVED:

141  
142 DocuSigned by:  
143 *Christine Frizzell* 2/17/2022  
144 91CCC3BB0DB14DA...  
145 Christine Frizzell, Mayor  
146

147 ATTEST/AUTHENTICATED:

148 DocuSigned by:  
149 *Karen Fitzthum*  
150 549561C7EC99433...  
Karen Fitzthum, City Clerk