



LYNNWOOD CITY COUNCIL Work Session

This meeting will be held remotely. Please visit

www.lynnwoodwa.gov/city-council for log in information

MONDAY, DECEMBER 6, 2021 6:00 PM

-
1. CALL TO ORDER
 2. ROLL CALL
 3. COMMENTS AND QUESTIONS ON MEMO ITEMS
 4. WORK SESSION ITEMS
 - A. Council Liaison reports - *45 minutes*
[Council liaison report 2021.GH.pdf](#)
 - B. Bond Authorizing Ordinance, 2022 Issuance - *20 minutes*
Michelle Meyer, Director of Finance
[Bond Ordinance_City of Lynnwood_LTGO Ref Bonds 2022.pdf](#)
 - C. Snohomish County proposed sales tax increase of .1 percent - *30 minutes*
George Hurst, Council President
 - D. Boards & Commissions LMC changes - *10 minutes*
Council President Hurst
[Board and Commission Code Amendments - Oct 2021 Tracked Changes Version.pdf](#)
 - E. Council Rules Revisions - *10 minutes*
Council Vice President Smith
[revised council rules_ with new 10.18 comments.pdf](#)
 5. MAYOR COMMENTS
 6. COUNCIL COMMENTS
 7. EXECUTIVE SESSION
 - A. Executive Session - real estate - *15 minutes*
Lynn Sordel, Director of Parks, Recreation and Cultural Arts
 - B. Executive Session - Labor Relations - *45 minutes*
Director Chinn, HR Manager Charles, Director Meyer, Chief Nelson, Deputy

Chief Cohnheim

ADJOURN

MEMOS FOR FUTURE ACTION

Reappointment: Parks & Recreation Board - *0 minutes*
Lynn D. Sordel, Director

Reappointment: Human Services Commission - *0 minutes*
Lynn D. Sordel, Director

Reappointment: Arts Commission - *0 minutes*
Lynn D. Sordel, Director

Reappointments: Tourism Advisory Committee - Lodging Tax Advisory Committee - *0 minutes*
Ben Wolters, Economic Development Manager

Reappointment to Board of Ethics - *0 minutes*
Karen Fitzthum, Board of Ethics Liaison

Construction Contract Award - Recreation Pool Re-plaster and Repairs - *0 minutes*
Cathy Robinson, Interim Procurement Manager
[Procurement Report.pdf](#)

Consultant Contract: Lynnwood Water Comprehensive Plan 2023 - *0 minutes*
Operations Manager Jared Bond

Ordinance - Adopt Juneteenth as a holiday for the City of Lynnwood - *0 minutes*
Mayor Smith
[MEMO_Juneteenth.pdf](#)
[Ordinance Adding Juneteenth Holiday copy.pdf](#)

Reappointment: Diversity, Equity and Inclusion Commission - *0 minutes*

MEMOS FOR YOUR INFORMATION

Board and Commission Updates to Council - *0 minutes*
[Board&Commissions Report to Council 11.21.pdf](#)

CITY COUNCIL 4.A
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Council Liaison reports

DEPARTMENT CONTACT: Lisa Harrison, City Council

SUMMARY:

Council Members will share current issues and projects being addressed by the boards and commissions meetings they attend as liaisons.

ESTIMATED TIME:

45

DEPARTMENT ATTACHMENTS

Description:

[Council liaison report 2021.GH.pdf](#)

Council Liaison Report George Hurst

Snohomish County 911 Board (3rd Thursday) - Snohomish 911 is still deploying the emergency radio system that is funded by a voter approved .1% sales tax (2018). The radios are in service and the focus now is adding and updating the radio towers that are crucial in making sure all areas of the county, especially the more rural communities have radio service at all times for police and fire. Some of these towers are so remote that the only power is via generators.

Snohomish 911 Personnel Committee (chair- first Tuesday)- The greatest need right now for the 911 call center is to retain the existing staff as other call centers offer bonuses for lateral transfer (\$25,000 for Seattle 911). The other challenge is the lack of new applicants for the call center. This is part of the national trend of unfilled job openings. In January the dispatch center will go on a 12-hour work day. This has been a positive move both for staff and in the long run is anticipated to reduce overtime hours.

Snohomish 911 Future Facility Committee (2nd Tuesday)- Currently the 911 Call Center is co-located with the Everett Police Department South Precinct. During the past few years there have been security concerns and recognition that the building itself is aging and will need some substantial remodeling. I am part of this committee as options for a new call center are reviewed and implemented. Funding will be via a bond that is repaid with the .1% sales tax.

Finance Committee (3rd Thursday)- we meet and review City finances with Director Meyer.

Diversity, Equity, Inclusion Commission (2nd Wednesday)- This is an active commission that still sees a lot of turnover, mostly due to relocation out of Lynnwood. This commission has sent recommendations to the Council including a vote no recommendation on the Community Justice Center, a recommendation to not require voter registration as a requirement for commissioners on any city commission. The DEIC reviewed the Community Equity Survey before it was sent out to the public. The Commission has set up three sub-committees, Events, Data and Community Outreach and these will be more active with the recent addition of new members to the Commission.

CITY COUNCIL 4.B
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Bond Authorizing Ordinance, 2022 Issuance

DEPARTMENT CONTACT: Michelle Meyer, Finance

SUMMARY:

Review of the proposed bond authorizing ordinance for 2022 issuance

PRESENTER:

Michelle Meyer, Director of Finance

ESTIMATED TIME:

20

BACKGROUND:

On February 27, 2012 the City issued Limited Tax General Obligation (LTGO) Bonds to provide permanent financing for the 2008 LTGO Note that funded construction of the Recreation Center. The 2012 LTGO Bonds mature in 2037 with a call date in 2022. Due to favorable interest rates, the City plans to refund the remaining par amount in September of 2022.

On June 24, 2021 the City issued LTGO Bonds to fund construction of the Community Justice Center (CJC) in accordance with the parameters established in Bond Authorizing Ordinance No. 3387 adopted on March 22, 2021. Due to supply chain and material cost impacts resulting from the ongoing pandemic, construction bids for the CJC were higher than anticipated. Council approved the construction contract on September 13, 2021 with the understanding that an additional \$5 million in bond financing would need to be issued for the project in conjunction with the anticipated 2022 refunding issuance.

The attached draft Bond Authorizing Ordinance, prepared by the City's Bond Counsel, sets the parameters for the 2022 LTGO bond issuance to refund the 2012 LTGO Bonds and issue an additional \$5 million towards the construction of the CJC. The ordinance is proposed for approval in 2021 to align with the Mid-Biennium Review for the 2021-2022 budget which includes the additional \$5 million in bond revenue and construction expenditure authority. The Budget Ordinance and Bond Authorizing Ordinance will both be presented for approval at the next business meeting on December 13, 2021.

SUGGESTED ACTION:

Review proposed Bond Authorizing Ordinance

PREVIOUS COUNCIL ACTIONS:

August 2, 2021 City Council Work Session, CJC Contract Review
September 13, 2021 City Council Business Meeting, CJC Contract Approval
October 28, 2021 Finance Committee, Mid-Biennium Budget Modifications Review
November 1, 2021 City Council Work Session, Mid-Biennium Budget Modifications Review
November 22, 2021 Public Hearing on Mid-Biennium Budget Modifications
November 29, 2021 City Council Work Session, Mid-Biennium Budget Modifications Review

FUNDING:

Debt service payments for the 2012 LTGO Bonds are budgeted in the Recreation Center 2012 LTGO Fund. Revenues to cover the payments come from the General Fund. The reduced annual payments will continue to be funded by contributions from the General Fund.

Debt service payments for the 2021 LTGO Bonds are budgeted in the General Government Debt Service Fund. Revenues to cover the payments come from REET 1, the Criminal Justice Fund, the General Fund and operating revenues. The savings from the refunding of the 2012 LTGO Bonds will help cover debt service on the additional \$5 million that will be issued for the CJC project.

General Obligation debt capacity is governed by the City's Assessed Valuation (AV). Based on the Preliminary AV for 2022, the City will still have over \$30 million in non-voted General Obligation debt capacity remaining after the 2022 LTGO bonds are issued.

A presentation from the City's Financial Advisors will be shown during the meeting to provide additional detail.

VISIONS AND PRIORITIES ALIGNMENT:

Refunding outstanding debt obligations to achieve interest rate savings is in line with the Strategic Plan Priority to be financially sustainable.

DEPARTMENT ATTACHMENTS

Description:

[Bond Ordinance_City of Lynnwood_LTGO Ref Bonds 2022.pdf](#)

CITY OF LYNNWOOD, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE of the City of Lynnwood, Washington, relating to contracting indebtedness; providing for the issuance, sale and delivery of not to exceed \$25,800,000 aggregate principal amount of limited tax general obligation and refunding bonds in one or more series to provide funds to finance the City's community justice center project and other capital improvements, to refund certain outstanding limited tax general obligation bonds of the City and to pay the costs of issuance of the bonds; fixing or setting parameters with respect to certain terms and covenants of the bonds; appointing the City's designated representative to approve the final terms of the sale of the bonds; and providing for other related matters.

Passed December 13, 2021

This document prepared by:

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TABLE OF CONTENTS*

	<u>Page</u>
Section 1. Definitions.....	1
Section 2. Findings and Determinations	4
Section 3. Authorization of Bonds.....	5
Section 4. Description of Bonds; Appointment of Designated Representative	5
Section 5. Bond Registrar; Registration and Transfer of Bonds.....	6
Section 6. Form and Execution of Bonds	7
Section 7. Payment of Bonds	8
Section 8. Funds and Accounts; Deposit of Proceeds.....	8
Section 9. Redemption Provisions and Purchase of Bonds	9
Section 10. Failure To Pay Bonds.....	10
Section 11. Pledge of Taxes	10
Section 12. Tax Covenants; Designation of Bonds as “Qualified Tax Exempt Obligations.”	10
Section 13. Refunding or Defeasance of the Bonds	11
Section 14. Refunding of the Refunded Bonds.....	12
Section 15. Call for Redemption of the Refunded Bonds.....	13
Section 16. Findings with Respect to Refunding.....	13
Section 17. Sale and Delivery of the Bonds	14
Section 18. Official Statement	15
Section 19. Undertaking to Provide Continuing Disclosure.....	15
Section 20. Supplemental and Amendatory Ordinances.....	18
Section 21. General Authorization and Ratification	18
Section 22. Severability	18
Section 23. Effective Date of Ordinance	18

**The cover page, table of contents and section headings of this ordinance are for convenience of reference only, and shall not be used to resolve any question of interpretation of this ordinance.*

CITY OF LYNNWOOD, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE of the City of Lynnwood, Washington, relating to contracting indebtedness; providing for the issuance, sale and delivery of not to exceed \$25,800,000 aggregate principal amount of limited tax general obligation and refunding bonds in one or more series to provide funds to finance the City's community justice center project and other capital improvements, to refund certain outstanding limited tax general obligation bonds of the City and to pay the costs of issuance of the bonds; fixing or setting parameters with respect to certain terms and covenants of the bonds; appointing the City's designated representative to approve the final terms of the sale of the bonds; and providing for other related matters.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions. As used in this ordinance, the following capitalized terms shall have the following meanings:

- (a) “*2012 Bonds*” means the City's Limited Tax General Obligation Bonds, 2012, issued pursuant to Ordinance No. 2934.
- (b) “*Acquired Obligations*” means those United States Treasury Certificates of Indebtedness, Notes, and Bonds--State and Local Government Series and other direct, noncallable obligations of the United States of America that may be purchased to accomplish the refunding of the Refunded Bonds as authorized by this ordinance.
- (c) “*Authorized Denomination*” means \$5,000 or any integral multiple thereof within a maturity of a Series for those Series of Bonds sold through a negotiated or competitive sale, and in any denomination designated by the Designated Representative for those Bonds sold by private placement.
- (d) “*Beneficial Owner*” means, with respect to a Bond, the owner of any beneficial interest in that Bond.
- (e) “*Bond*” means each bond issued pursuant to and for the purposes provided in this ordinance.
- (f) “*Bond Counsel*” means the firm of Foster Garvey P.C., its successor, or any other attorney or firm of attorneys selected by the City with a nationally recognized standing as bond counsel in the field of municipal finance.
- (g) “*Bond Fund*” means the fund or account known as the Limited Tax General Obligation and Refunding Bond Fund, 2022, of the City created for the payment of the principal of and interest on the Bonds.

- (h) “*Bond Purchase Agreement*” means an offer to purchase a Series of the Bonds, setting forth certain terms and conditions of the issuance, sale and delivery of those Bonds, which offer is authorized to be accepted by the Designated Representative on behalf of the City, if consistent with this ordinance. In the case of a competitive sale, the official notice of sale, the Purchaser’s bid and the award by the City shall constitute the Bond Purchase Agreement for purposes of this ordinance.
- (i) “*Bond Register*” means the books or records maintained by the Bond Registrar for the purpose of identifying ownership of each Bond.
- (j) “*Bond Registrar*” means the Fiscal Agent, or any successor bond registrar selected by the City for any Series of Bonds sold by negotiated or competitive sale, and means the City’s Finance Director or any successor bond registrar selected for any Series of Bonds sold by private placement.
- (k) “*City*” means the City of Lynnwood, Washington, a municipal corporation duly organized and existing under the laws of the State.
- (l) “*City Council*” means the legislative authority of the City, as duly and regularly constituted from time to time.
- (m) “*Code*” means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.
- (n) “*DTC*” means The Depository Trust Company, New York, New York, or its nominee.
- (o) “*Designated Representative*” means the officer of the City appointed in Section 4 of this ordinance to serve as the City’s designated representative in accordance with RCW 39.46.040(2).
- (p) “*Final Terms*” means the terms and conditions for the sale of a Series of the Bonds including the amount, date or dates, denominations, interest rate or rates (or mechanism for determining interest rate or rates), payment dates, final maturity, redemption rights, price, and other terms or covenants, including minimum savings for refunding bonds (if the refunding bonds are issued for savings purposes).
- (q) “*Finance Director*” means the City’s Finance Director, Acting Finance Director, or such other officer of the City who succeeds to substantially all of the responsibilities of that office.
- (r) “*Fiscal Agent*” means the fiscal agent of the State, as the same may be designated by the State from time to time.
- (s) “*Government Obligations*” has the meaning given in RCW 39.53.010, as now in effect or as may hereafter be amended.
- (t) “*Issue Date*” means, with respect to a Bond, the date of initial issuance and delivery of that Bond to the Purchaser in exchange for the purchase price of that Bond.

- (u) “*Letter of Representations*” means the Blanket Issuer Letter of Representations between the City and DTC, dated November 25, 1996, as it may be amended from time to time, and any successor or substitute letter relating to the operational procedures of the Securities Depository.
- (v) “*MSRB*” means the Municipal Securities Rulemaking Board.
- (w) “*Official Statement*” means an offering document, disclosure document, private placement memorandum or substantially similar disclosure document provided to purchasers and potential purchasers in connection with the initial offering of a Series of the Bonds in conformance with Rule 15c2-12 or other applicable regulations of the SEC.
- (x) “*Owner*” means, without distinction, the Registered Owner and the Beneficial Owner.
- (y) “*Project*” means the City’s community justice center project, consisting of designing and building a purpose-built police department, a misdemeanor jail and remodeled court, and other capital purposes, as deemed necessary and advisable by the City. Incidental costs incurred in connection with carrying out and accomplishing the Project, consistent with RCW 39.46.070, may be included as costs of the Project. The Project includes acquisition, construction and installation of all necessary furniture, equipment, apparatus, accessories, fixtures and appurtenances.
- (z) “*Project Fund*” means the fund(s) or account(s) designated or created by the Finance Director for the purpose of carrying out the Project.
- (aa) “*Purchaser*” means the corporation, firm, association, partnership, trust, bank, financial institution or other legal entity or group of entities selected by the Designated Representative to serve as purchaser in a private placement, underwriter or placement agent in a negotiated sale or awarded as the successful bidder in a competitive sale of any Series of the Bonds.
- (bb) “*Rating Agency*” means any nationally recognized rating agency then maintaining a rating on the Bonds at the request of the City.
- (cc) “*Record Date*” means the Bond Registrar’s close of business on the 15th day of the month preceding an interest payment date. With respect to redemption of a Bond prior to its maturity, the Record Date shall mean the Bond Registrar’s close of business on the date on which the Bond Registrar sends the notice of redemption in accordance with Section 9.
- (dd) “*Refunded Bonds*” means all or a portion of the Refunding Candidates selected by the Designated Representative to be refunded with proceeds of a Series of the Bonds and included in a Refunding Plan.
- (ee) “*Refunding Candidates*” means the outstanding 2012 Bonds.
- (ff) “*Refunding Plan*” means:
- (1) the placement of sufficient proceeds of a Series of the Bonds which, with other money of the City, if necessary, will be deposited with the Refunding Trustee or Fiscal Agent and may be used to acquire the Acquired Obligations to be deposited along with cash, if necessary, with the Refunding Trustee;

(2) the payment of the principal of and interest on the Refunded Bonds when due up to and including such date as determined by the Designated Representative, and the call, payment, and redemption on such date, of all of the then-outstanding Refunded Bonds at a price of par; and

(3) may include the payment of the costs of issuing a Series of the Bonds and the costs of carrying out the foregoing elements of the Refunding Plan.

(gg) “*Refunding Trust Agreement*” means a Refunding Trust Agreement between the City and the Refunding Trustee.

(hh) “*Refunding Trustee*” means the trustee or escrow agent or any successor trustee or escrow agent serving as refunding trustee, if necessary, to carry out the Refunding Plan.

(ii) “*Registered Owner*” means, with respect to a Bond, the person in whose name that Bond is registered on the Bond Register. For so long as the City utilizes the book-entry only system for the Bonds under the Letter of Representations, Registered Owner shall mean the Securities Depository.

(jj) “*Rule 15c2-12*” means Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934, as amended.

(kk) “*SEC*” means the United States Securities and Exchange Commission.

(ll) “*Securities Depository*” means DTC, any successor thereto, any substitute securities depository selected by the City that is qualified under applicable laws and regulations to provide the services proposed to be provided by it, or the nominee of any of the foregoing.

(mm) “*Series of the Bonds*” or “*Series*” means a series of the Bonds issued pursuant to this ordinance.

(nn) “*State*” means the State of Washington.

(oo) “*Term Bond*” means each Bond designated as a Term Bond and subject to mandatory redemption in the years and amounts set forth in the Bond Purchase Agreement.

(pp) “*Undertaking*” means the undertaking to provide continuing disclosure entered into pursuant to Section 19 of this ordinance.

Section 2. Findings and Determinations. The City takes note of the following facts and makes the following findings and determinations:

(a) *Authority and Description of Project.* The City is in need of a community justice center, consisting of designing and building a purpose-built police department, a re-imagined misdemeanor jail and remodeled court, and other capital projects of the City. The City Council therefore finds that it is in the best interests of the City to carry out the Project.

(b) *Plan of Financing.* Pursuant to applicable law, including without limitation chapters 39.36, 39.44, 39.46, 39.52 and 35A.40.080 RCW, the City is authorized to issue general obligation bonds for the purpose of financing the Project. The total expected cost of the Project is approximately \$68,700,000, which is expected to be financed with proceeds of the Bonds, proceeds of the City's Limited Tax General Obligation Bonds, 2021, the criminal justice sales tax, the reallocation of jail expenses, jail bed revenue and other available money of the City.

(c) *Debt Capacity.* The maximum amount of indebtedness authorized by this ordinance is \$25,800,000. Based on the following facts, this amount is to be issued within the amount permitted to be issued by the City for general municipal purposes without a vote:

- (1) The preliminary assessed valuation of the taxable property within the City as ascertained by the last preceding assessment for City purposes for collection in the calendar year 2022 is \$8,479,270,508.
- (2) As of October 1, 2021, the City had limited tax general obligation indebtedness, consisting of bonds and leases outstanding in the principal amount of \$69,730,000, which is incurred within the limit of up to 1½% of the value of the taxable property within the City permitted for general municipal purposes without a vote. In addition, as of October 1, 2021, the City guaranteed \$19,255,400 of outstanding debt of the Lynnwood Public Facilities District.
- (3) As of October 1, 2021, the City had no unlimited tax general obligation debt outstanding.

(d) *The Bonds.* For the purpose of providing the funds necessary to carry out the Project, to refund the Refunded Bonds and to pay the costs of issuance and sale of the Bonds, the City Council finds that it is in the best interests of the City and its taxpayers to issue and sell the Bonds to the Purchaser, pursuant to the terms set forth in the Bond Purchase Agreement as approved by the City's Designated Representative consistent with this ordinance.

Section 3. Authorization of Bonds. The City is authorized to borrow money on the credit of the City and issue negotiable limited tax general obligation and refunding bonds evidencing indebtedness in one or more Series in the aggregate principal amount of not to exceed \$25,800,000 to provide funds necessary to carry out the Project, to refund the Refunded Bonds and to pay the costs of issuance and sale of the Bonds. A portion of the proceeds of the Bonds shall be deposited as set forth in Section 8 of this ordinance and shall be used to carry out the Project, or a portion of the Project, in such order of time as the City determines is advisable and practicable. The remaining portion of the proceeds of the Bonds shall be deposited as provided in Section 14 to carry out the Refunding Plan.

Section 4. Description of Bonds; Appointment of Designated Representative. The Finance Director, or the Mayor in the absence of the Finance Director, is appointed as the Designated Representative of the City and is authorized and directed to conduct the sale of the Bonds in the manner and upon the terms deemed most advantageous to the City, and to approve the Final Terms

of each Series of the Bonds, with such additional terms and covenants as the Designated Representative deems advisable, within the following parameters:

- (a) The Bonds may be issued in one or more Series, and the aggregate principal amount of the Bonds shall not exceed \$25,800,000;
- (b) One or more rates of interest may be fixed for the Bonds as long as no rate of interest for any maturity of the Bonds exceeds 5.00%;
- (c) The true interest cost to the City for each Series of Bonds does not exceed 4.50%;
- (d) The aggregate purchase price for each Series of Bonds shall not be less than 98% and not more than 140% of the aggregate stated principal amount of the Bonds, excluding any original issue discount;
- (e) The Bonds may be issued subject to optional and mandatory redemption provisions;
- (f) The Bonds shall be dated as of the date of their delivery, which date and time for the issuance and delivery of the Bonds is not later than December 31, 2022;
- (g) Each Series shall mature no later than December 31, 2050; and
- (h) There is a minimum net present value savings of 3.00% of the Refunded Bonds.

In addition, a Series of the Bonds may not be issued if it would cause the indebtedness of the City to exceed the City's legal debt capacity on the Issue Date. The Designated Representative may determine whether it is in the City's best interest to provide for bond insurance or other credit enhancement; and may accept such additional terms, conditions and covenants as she or he may determine are in the best interests of the City, consistent with this ordinance.

In determining the number of series, the series designations, final principal amounts, date of the Bonds, denominations, interest rates, payment dates, redemption provisions, tax status, and maturity dates for the Bonds, the Designated Representative, in consultation with other City officials and staff and advisors, shall take into account those factors that, in her or his judgment, will result in the lowest true interest cost on the Bonds to their maturity, including, but not limited to current financial market conditions and current interest rates for obligations comparable to the Bonds.

Section 5. Bond Registrar; Registration and Transfer of Bonds.

- (a) *Registration of Bonds.* Each Bond shall be issued only in registered form as to both principal and interest and the ownership of each Bond shall be recorded on the Bond Register.
- (b) *Bond Registrar; Duties.* The Fiscal Agent is appointed as initial Bond Registrar for any Series of Bonds sold by negotiated or competitive sale. The City's Finance Director will be appointed as the initial Bond Registrar for any Series of Bonds sold by private placement. The Bond Registrar shall keep, or cause to be kept, sufficient books for the registration and transfer of the Bonds, which shall be open to inspection by the City at all times. The Bond Registrar is

authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the Bonds and this ordinance, to serve as the City's paying agent for the Bonds and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the Bond Registrar's Certificate of Authentication on each Bond. The Bond Registrar may become an Owner with the same rights it would have if it were not the Bond Registrar and, to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as members of, or in any other capacity with respect to, any committee formed to protect the rights of Owners.

(c) *Bond Register; Transfer and Exchange.* The Bond Register shall contain the name and mailing address of each Registered Owner and the principal amount and number of each Bond held by each Registered Owner. A Bond surrendered to the Bond Registrar may be exchanged for a Bond or Bonds in any Authorized Denomination of an equal aggregate principal amount and of the same Series, interest rate and maturity. A Bond may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Any exchange or transfer shall be without cost to the Owner or transferee. The Bond Registrar shall not be obligated to exchange any Bond or transfer registered ownership during the period between the applicable Record Date and the next upcoming interest payment or redemption date.

(d) *Securities Depository; Book-Entry Only Form.* If a Bond is to be issued in book-entry form, DTC shall be appointed as initial Securities Depository and each such Bond initially shall be registered in the name of Cede & Co., as the nominee of DTC. Each Bond registered in the name of the Securities Depository shall be held fully immobilized in book-entry only form by the Securities Depository in accordance with the provisions of the Letter of Representations. Registered ownership of any Bond registered in the name of the Securities Depository may not be transferred except: (i) to any successor Securities Depository; (ii) to any substitute Securities Depository appointed by the City; or (iii) to any person if the Bond is no longer to be held in book-entry only form. Upon the resignation of the Securities Depository, or upon a termination of the services of the Securities Depository by the City, the City may appoint a substitute Securities Depository. If (i) the Securities Depository resigns and the City does not appoint a substitute Securities Depository, or (ii) the City terminates the services of the Securities Depository, the Bonds no longer shall be held in book-entry only form and the registered ownership of each Bond may be transferred to any person as provided in this ordinance.

Neither the City nor the Bond Registrar shall have any obligation to participants of any Securities Depository or the persons for whom they act as nominees regarding accuracy of any records maintained by the Securities Depository or its participants. Neither the City nor the Bond Registrar shall be responsible for any notice that is permitted or required to be given to a Registered Owner except such notice as is required to be given by the Bond Registrar to the Securities Depository.

Section 6. Form and Execution of Bonds.

(a) *Form of Bonds; Signatures and Seal.* Each Bond shall be prepared in a form consistent with the provisions of this ordinance and State law. Each Bond shall be signed by the Mayor and the City Clerk, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon. If any officer

whose manual or facsimile signature appears on a Bond ceases to be an officer of the City authorized to sign bonds before the Bond bearing his or her manual or facsimile signature is authenticated by the Bond Registrar, or issued or delivered by the City, that Bond nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign bonds. Any Bond also may be signed on behalf of the City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign bonds, although he or she did not hold the required office on its Issue Date.

(b) *Authentication.* Only a Bond bearing a Certificate of Authentication in substantially the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance: “Certificate of Authentication. This Bond is one of the fully registered City of Lynnwood, Washington, Limited Tax General Obligation and Refunding Bonds, 2022 (the year of issue), described in the Bond Ordinance.” The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this ordinance.

Section 7. Payment of Bonds. Principal of and interest on each Bond shall be payable in lawful money of the United States of America. Principal of and interest on each Bond registered in the name of the Securities Depository is payable in the manner set forth in the Letter of Representations. Interest on each Bond not registered in the name of the Securities Depository is payable by electronic transfer on the interest payment date, or by check or draft of the Bond Registrar mailed on the interest payment date to the Registered Owner at the address appearing on the Bond Register on the Record Date. However, the City is not required to make electronic transfers except pursuant to a request by a Registered Owner in writing received on or prior to the Record Date and at the sole expense of the Registered Owner. Principal of each Bond not registered in the name of the Securities Depository is payable upon presentation and surrender of the Bond by the Registered Owner to the Bond Registrar. The Bonds are not subject to acceleration under any circumstances.

Section 8. Funds and Accounts; Deposit of Proceeds.

(a) *Bond Fund.* The Bond Fund is created as a special fund of the City for the sole purpose of paying principal of and interest and any redemption premium on the Bonds. Bond proceeds in excess of the amounts needed to pay the costs of the Project and the costs of issuance of the Bonds, if any, shall be deposited into the Bond Fund. All amounts allocated to the payment of the principal of and interest on the Bonds shall be deposited in the Bond Fund as necessary for the timely payment of amounts due with respect to the Bonds. The principal of and interest on the Bonds shall be paid out of the Bond Fund. Until needed for that purpose, the City may invest money in the Bond Fund temporarily in any legal investment, and the investment earnings shall be retained in the Bond Fund and used for the purposes of that fund.

(b) *Project Fund.* The Project Fund is created or will be created as a fund or account of the City for the purpose of paying the costs of the Project. Proceeds received from the sale and delivery of the Bonds for the Project shall be deposited into the Project Fund and used to pay the costs of the Project and costs of issuance of the Bonds. Until needed to pay such costs, the City

may invest those proceeds temporarily in any legal investment, and the investment earnings shall be retained in the Project Fund and used for the purposes of that fund, except that earnings subject to a federal tax or rebate requirement (if applicable) may be withdrawn from the Project Fund and used for those tax or rebate purposes.

Section 9. Redemption Provisions and Purchase of Bonds.

(a) *Optional Redemption.* The Bonds shall be subject to redemption, or prepayment, at the option of the City on terms acceptable to the Designated Representative, as set forth in the Bond Purchase Agreement, consistent with the parameters set forth in Section 4.

(b) *Mandatory Redemption.* Each Bond that is designated as a Term Bond in the Bond Purchase Agreement, consistent with the parameters set forth in Section 4 and except as set forth below, shall be called for redemption at a price equal to the stated principal amount to be redeemed, plus accrued interest, on the dates and in the amounts as set forth in the Bond Purchase Agreement. If a Term Bond is redeemed under the optional redemption provisions, defeased or purchased by the City and surrendered for cancellation, the principal amount of the Term Bond so redeemed, defeased or purchased (irrespective of its actual redemption or purchase price) shall be credited against one or more scheduled mandatory redemption installments for that Term Bond. The City shall determine the manner in which the credit is to be allocated and shall notify the Bond Registrar in writing of its allocation prior to the earliest mandatory redemption date for that Term Bond for which notice of redemption has not already been given.

(c) *Selection of Bonds for Redemption; Partial Redemption.* If fewer than all of the outstanding Bonds are to be redeemed at the option of the City, the City shall select the Series and maturities to be redeemed. If fewer than all of the outstanding Bonds of a maturity of a Series are to be redeemed, the Securities Depository shall select Bonds registered in the name of the Securities Depository to be redeemed in accordance with the Letter of Representations, and the Bond Registrar shall select all other Bonds to be redeemed randomly in such manner as the Bond Registrar shall determine. All or a portion of the principal amount of any Bond that is to be redeemed may be redeemed in any Authorized Denomination. If less than all of the outstanding principal amount of any Bond is redeemed, upon surrender of that Bond to the Bond Registrar, there shall be issued to the Registered Owner, without charge, a new Bond (or Bonds, at the option of the Registered Owner) of the same Series, maturity and interest rate in any Authorized Denomination in the aggregate principal amount to remain outstanding.

(d) *Notice of Redemption.* Notice of redemption of each Bond registered in the name of the Securities Depository shall be given in accordance with the Letter of Representations. Notice of redemption of each other Bond, unless waived by the Registered Owner, shall be given by the Bond Registrar not less than 20 nor more than 60 days prior to the date fixed for redemption by first-class mail, postage prepaid, to the Registered Owner at the address appearing on the Bond Register on the Record Date. The requirements of the preceding sentence shall be satisfied when notice has been mailed as so provided, whether or not it is actually received by an Owner. In addition, the redemption notice shall be mailed or sent electronically within the same period to the MSRB (if required under the Undertaking), to each Rating Agency, and to such other persons and with such additional information as the Finance Director shall determine, but these additional mailings shall not be a condition precedent to the redemption of any Bond.

(e) *Rescission of Optional Redemption Notice.* In the case of an optional redemption, the notice of redemption may state that the City retains the right to rescind the redemption notice and the redemption by giving a notice of rescission to the affected Registered Owners at any time prior to the scheduled optional redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and each Bond for which a notice of optional redemption has been rescinded shall remain outstanding.

(f) *Effect of Redemption.* Interest on each Bond called for redemption shall cease to accrue on the date fixed for redemption, unless either the notice of optional redemption is rescinded as set forth above, or money sufficient to effect such redemption is not on deposit in the Bond Fund or in a trust account established to refund or defease the Bond.

(g) *Purchase of Bonds.* The City reserves the right to purchase any or all of the Bonds offered to the City at any time at any price acceptable to the City plus accrued interest to the date of purchase.

Section 10. Failure To Pay Bonds. If the principal of any Bond is not paid when the Bond is properly presented at its maturity or date fixed for redemption, the City shall be obligated to pay interest on that Bond at the same rate provided in the Bond from and after its maturity or date fixed for redemption until that Bond, both principal and interest, is paid in full or until sufficient money for its payment in full is on deposit in the Bond Fund, or in a trust account established to refund or defease the Bond, and the Bond has been called for payment by giving notice of that call to the Registered Owner.

Section 11. Pledge of Taxes. The Bonds constitute a general indebtedness of the City and are payable from tax revenues of the City and such other money, including the City's criminal justice sales taxes, as is lawfully available and pledged by the City for the payment of principal of and interest on the Bonds. For as long as any of the Bonds are outstanding, the City irrevocably pledges that it shall, in the manner provided by law within the constitutional and statutory limitations provided by law without the assent of the voters, include in its annual property tax levy amounts sufficient, together with other money that is lawfully available, to pay principal of and interest on the Bonds as the same become due. The full faith, credit and resources of the City are pledged irrevocably for the prompt payment of the principal of and interest on the Bonds and such pledge shall be enforceable in mandamus against the City.

Section 12. Tax Covenants; Designation of Bonds as "Qualified Tax Exempt Obligations."

(a) *Preservation of Tax Exemption for Interest on Bonds.* The City covenants that it will take all actions necessary to prevent interest on the Bonds from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Bonds or other funds of the City treated as proceeds of the Bonds that will cause interest on the Bonds to be included in gross income for federal income tax purposes. The City also covenants that it will, to the extent the arbitrage rebate requirements of Section 148 of the Code are applicable to the Bonds, take all actions necessary to comply (or to be treated as having complied) with those requirements in connection with the Bonds.

(b) *Post-Issuance Compliance.* The Finance Director is authorized and directed to review and update the City's written procedures to facilitate compliance by the City with the covenants in this ordinance and the applicable requirements of the Code that must be satisfied after the Issue Date to prevent interest on the Bonds from being included in gross income for federal tax purposes.

(c) *Designation of Bonds as "Qualified Tax-Exempt Obligations."* A Series of the Bonds may be designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code, if the following conditions are met:

- (1) the Series does not constitute "private activity bonds" within the meaning of Section 141 of the Code;
- (2) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) that the City and any entity subordinate to the City (including any entity that the City controls, that derives its authority to issue tax-exempt obligations from the City, or that issues tax-exempt obligations on behalf of the City) will issue during the calendar year in which the Series is issued will not exceed \$10,000,000; and
- (3) the amount of tax-exempt obligations, including the Series, designated by the City as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code during the calendar year in which the Series is issued does not exceed \$10,000,000.

Section 13. Refunding or Defeasance of the Bonds. The City may issue refunding bonds pursuant to State law or use money available from any other lawful source to carry out a refunding or defeasance plan, which may include (a) paying when due the principal of and interest on any or all of the Bonds (the "defeased Bonds"); (b) redeeming the defeased Bonds prior to their maturity; and (c) paying the costs of the refunding or defeasance. If the City sets aside in a special trust fund or escrow account irrevocably pledged to that redemption or defeasance (the "trust account"), money and/or Government Obligations maturing at a time or times and bearing interest in amounts sufficient to redeem, refund or defease the defeased Bonds in accordance with their terms, then all right and interest of the Owners of the defeased Bonds in the covenants of this ordinance and in the funds and accounts obligated to the payment of the defeased Bonds shall cease and become void. Thereafter, the Owners of defeased Bonds shall have the right to receive payment of the principal of and interest on the defeased Bonds solely from the trust account and the defeased Bonds shall be deemed no longer outstanding. In that event, the City may apply money remaining in any fund or account (other than the trust account) established for the payment or redemption of the defeased Bonds to any lawful purpose.

Unless otherwise specified by the City in a refunding or defeasance plan, notice of refunding or defeasance shall be given, and selection of Bonds for any partial refunding or defeasance shall be conducted, in the manner prescribed in this ordinance for the redemption of Bonds.

Section 14. Refunding of the Refunded Bonds.

(a) *Appointment of Refunding Trustee.* If necessary to refund the Refunded Bonds, the Designated Representative may select a Refunding Trustee in connection with the Bonds.

(b) *Use of Bond Proceeds; Acquisition of Acquired Obligations.* The proceeds of the sale of the Bonds to be used to carry out the Refunding Plan shall be deposited immediately upon the receipt thereof with the Refunding Trustee, if one is appointed, or with the Fiscal Agent, and used to discharge the obligations of the City relating to the Refunded Bonds under Ordinance No. 2934 by providing for the payment of the amounts required to be paid by the Refunding Plan. If necessary, to the extent practicable, such obligations shall be discharged fully by the Refunding Trustee's simultaneous purchase of the Acquired Obligations, bearing such interest and maturing as to principal and interest in such amounts and at such times so as to provide, together with a beginning cash balance, if necessary, for the payment of the amount required to be paid by the Refunding Plan. The Acquired Obligations, if acquired, will be listed and more particularly described in an exhibit to be attached to the Refunding Trust Agreement between the City and the Refunding Trustee, but are subject to substitution as set forth below. Any Bond proceeds or other money deposited with the Refunding Trustee not needed to purchase the Acquired Obligations and provide a beginning cash balance, if any, and pay the costs of issuance of the Bonds shall be returned to the City at the time of delivery of the Bonds to the initial purchaser thereof and deposited in the Bond Fund to pay interest on the Bonds on the first interest payment date.

If payment of the costs of issuance of the Bonds is not included in the Refunding Plan, the Bond proceeds that are not deposited with the Refunding Trustee will be deposited with the City to be used to pay the costs of issuance of the Bonds.

(c) *Substitution of Acquired Obligations.* Prior to the purchase of any Acquired Obligations, if any are purchased, by the Refunding Trustee, the City reserves the right to substitute other direct, noncallable obligations of the United States of America ("Substitute Obligations") for any of the Acquired Obligations and to use any savings created thereby for any lawful City purpose if, (a) in the opinion of the City's bond counsel, the interest on the Bonds and the Refunded Bonds will remain excluded from gross income for federal income tax purposes under Sections 103, 148, and 149(d) of the Code, and (b) such substitution shall not impair the timely payment of the amounts required to be paid by the Refunding Plan, as verified by a nationally recognized independent certified public accounting firm.

After the purchase of the Acquired Obligations by the Refunding Trustee, if any are purchased, the City reserves the right to substitute therefor cash or Substitute Obligations subject to the conditions that such money or securities held by the Refunding Trustee shall be sufficient to carry out the Refunding Plan, that such substitution will not cause the Bonds or the Refunded Bonds to be arbitrage bonds within the meaning of Section 148 of the Code and regulations thereunder in effect on the date of such substitution and applicable to obligations issued on the issue dates of the Bonds and the Refunded Bonds, as applicable, and that the City obtain, at its expense: (1) a verification by a nationally recognized independent firm acceptable to the Refunding Trustee confirming that the payments of principal of and interest on the substitute securities, if paid when due, and any other money held by the Refunding Trustee will be sufficient to carry out the Refunding Plan; and (2) an opinion from a nationally recognized bond counsel to

the City, to the effect that the disposition and substitution or purchase of such securities, under the statutes, rules, and regulations then in force and applicable to the Bonds, will not cause the interest on the Bonds or the Refunded Bonds to be included in gross income for federal income tax purposes and that such disposition and substitution or purchase is in compliance with the statutes and regulations applicable to the Bonds. Any surplus money resulting from the sale, transfer, other disposition, or redemption of the Acquired Obligations and the substitutions therefor shall be released from the trust estate and transferred to the City to be used for any lawful City purpose.

(d) *Administration of Refunding Plan.* The Refunding Trustee is authorized and directed to purchase the Acquired Obligations (or substitute obligations), if so directed by the Designated Representative, and to make the payments required to be made by the Refunding Plan from the Acquired Obligations (or substitute obligations) and money deposited with the Refunding Trustee pursuant to this ordinance. All Acquired Obligations (or substitute obligations) and the money deposited with the Refunding Trustee and any income therefrom shall be held irrevocably, invested and applied in accordance with the provisions of Ordinance No. 2934, this ordinance, chapter 39.53 RCW and other applicable statutes of the State of Washington and the Refunding Trust Agreement. All necessary and proper fees, compensation, and expenses of the Refunding Trustee for the Bonds and all other costs incidental to the setting up of the escrow to accomplish the refunding of the Refunded Bonds and costs related to the issuance and delivery of the Bonds, including bond printing, verification fees (if any), financial advisor fees, Bond Counsel's fees, and other related expenses, shall be paid out of the proceeds of the Bonds.

(e) *Authorization for Refunding Trust Agreement.* If necessary to carry out the Refunding Plan provided for by this ordinance, the Finance Director is authorized and directed to execute and deliver to the Refunding Trustee a Refunding Trust Agreement setting forth the duties, obligations and responsibilities of the Refunding Trustee in connection with the payment, redemption, and retirement of the Refunded Bonds as provided herein and stating that the provisions for payment of the fees, compensation, and expenses of such Refunding Trustee set forth therein are satisfactory to it. Prior to executing a Refunding Trust Agreement, the Designated Representative of the City is authorized to make such changes therein that do not change the substance and purpose thereof or that assure that the escrow provided therein and the Bonds are in compliance with the requirements of federal law governing the exclusion of interest on the Bonds from gross income for federal income tax purposes.

Section 15. Call for Redemption of the Refunded Bonds. The City calls for redemption on such date or dates as determined by the Designated Representative, all of the Refunded Bonds at par plus accrued interest. Such call for redemption shall be irrevocable after the delivery of the Bonds to the initial Purchaser thereof.

The proper City officials are authorized and directed to give or cause to be given such notices as required, at the times and in the manner required by Ordinance No. 2934 in order to effect the redemption prior to their maturity of the Refunded Bonds.

Section 16. Findings with Respect to Refunding. The City Council authorizes the Designated Representative to issue the portion of the Bonds to refund the Refunded Bonds if it will achieve debt service savings to the City and is in the best interest of the City and its taxpayers and in the public interest. In making such finding and determination, the Designated Representative will give

consideration to the fixed maturities of the Bonds and the Refunded Bonds, the costs of issuance of the Bonds and the known earned income from the investment of the proceeds of the issuance and sale of the Bonds and other money of the City used in the Refunding Plan, if any, pending payment and redemption of the Refunded Bonds.

The Designated Representative finds and determines that if the money and/or Acquired Obligations to be deposited with the Refunding Trustee or Fiscal Agent is sufficient to redeem the Refunded Bonds in accordance with Section 15 of this ordinance, it will discharge and satisfy the obligations of the City under Ordinance No. 2934 with respect to the Refunded Bonds and the pledges, charges, trusts, covenants, and agreements of the City therein made or provided for as to the Refunded Bonds, and that the Refunded Bonds shall no longer be deemed to be outstanding under such ordinance immediately upon the deposit of such money with the Refunding Trustee or Fiscal Agent.

Section 17. Sale and Delivery of the Bonds.

(a) *Manner of Sale of Bonds; Delivery of Bonds.* The Designated Representative is authorized to sell each Series of the Bonds by negotiated sale or private placement or by competitive sale in accordance with a notice of sale consistent with this ordinance, based on the assessment of the Designated Representative of market conditions, in consultation with appropriate City officials and staff, Bond Counsel and other advisors. In determining the method of sale of a Series and accepting the Final Terms, the Designated Representative shall take into account those factors that, in the judgment of the Designated Representative, may be expected to result in the lowest true interest cost to the City.

(b) *Procedure for Negotiated Sale or Private Placement.* If the Designated Representative determines that a Series of the Bonds is to be sold by negotiated sale or private placement, the Designated Representative shall select one or more Purchasers with which to negotiate such sale. The Bond Purchase Agreement for each Series of the Bonds shall set forth the Final Terms. The Designated Representative is authorized to execute the Bond Purchase Agreement on behalf of the City, so long as the terms provided therein are consistent with the terms of this ordinance.

(c) *Procedure for Competitive Sale.* If the Designated Representative determines that a Series of the Bonds is to be sold by competitive sale, the Designated Representative shall cause the preparation of an official notice of bond sale setting forth parameters for the Final Terms and any other bid parameters that the Designated Representative deems appropriate consistent with this ordinance. Bids for the purchase of each Series of the Bonds shall be received at such time or place and by such means as the Designated Representative directs. On the date and time established for the receipt of bids, the Designated Representative (or the designee of the Designated Representative) shall open bids and shall cause the bids to be mathematically verified. The Designated Representative is authorized to award, on behalf of the City, the winning bid and accept the winning bidder's offer to purchase that Series of the Bonds, with such adjustments to the aggregate principal amount and principal amount per maturity as the Designated Representative deems appropriate, consistent with the terms of this ordinance, and such award shall constitute the Bond Purchase Agreement. The Designated Representative may reject any or all bids submitted and may waive any formality or irregularity in any bid or in the bidding process if the Designated Representative deems it to be in the City's best interest to do so. If all bids are

rejected, that Series of the Bonds may be sold pursuant to negotiated sale or in any manner provided by law as the Designated Representative determines is in the best interest of the City, within the parameters set forth in this ordinance.

(d) *Preparation, Execution and Delivery of the Bonds.* The Bonds will be prepared at City expense and will be delivered to the Purchaser in accordance with the Bond Purchase Agreement, together with the approving legal opinion of Bond Counsel regarding the Bonds.

Section 18. Official Statement.

(a) *Preliminary Official Statement Deemed Final.* The Designated Representative shall review and, if acceptable to her or him, approve the preliminary Official Statement prepared in connection with each sale of a Series of the Bonds to the public or through a Purchaser as a placement agent. For the sole purpose of the Purchaser's compliance with paragraph (b)(1) of Rule 15c2-12, if applicable, the Designated Representative is authorized to deem that preliminary Official Statement final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12. The City approves the distribution to potential purchasers of the Bonds of a preliminary Official Statement that has been approved by the Designated Representative and been deemed final, if applicable, in accordance with this subsection.

(b) *Approval of Final Official Statement.* The City approves the preparation of a final Official Statement for each Series of the Bonds to be sold to the public in the form of the preliminary Official Statement that has been approved and deemed final in accordance with subsection (a), with such modifications and amendments as the Designated Representative deems necessary or desirable, and further authorizes the Designated Representative to execute and deliver such final Official Statement to the Purchaser if required under Rule 15c2-12. The City authorizes and approves the distribution by the Purchaser of the final Official Statement so executed and delivered to purchasers and potential purchasers of a Series of the Bonds.

Section 19. Undertaking to Provide Continuing Disclosure. If necessary to meet the requirements of paragraph (b)(5) of Rule 15c2-12, as applicable to a participating underwriter for the Bonds, the City makes the following written undertaking (the "Undertaking") for the benefit of holders of the Bonds:

(a) *Undertaking to Provide Annual Financial Information and Notice of Listed Events.* The City undertakes to provide or cause to be provided, either directly or through a designated agent, to the MSRB, in an electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB:

(1) Annual financial information and operating data of the type included in the final official statement for the Bonds and described in paragraph (b) ("annual financial information");

(2) Timely notice (not in excess of 10 business days after the occurrence of the event) of the occurrence of any of the following events with respect to the Bonds: (A) principal and interest payment delinquencies; (B) non-payment related defaults, if material; (C) unscheduled draws on debt service reserves reflecting financial difficulties; (D) unscheduled draws on credit enhancements reflecting financial difficulties; (E) substitution of credit or liquidity

providers, or their failure to perform; (F) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notice of Proposed Issue (IRS Form 5701 – TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (G) modifications to rights of holders of the Bonds, if material; (H) bond calls (other than scheduled mandatory redemptions of Term Bonds), if material, and tender offers; (I) defeasances; (J) release, substitution, or sale of property securing repayment of the Bonds, if material; (K) rating changes; (L) bankruptcy, insolvency, receivership or similar event of the City, as such “Bankruptcy Events” are defined in Rule 15c2-12; (M) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; (N) appointment of a successor or additional trustee or the change of name of a trustee, if material; (O) incurrence of a financial obligation of the City or obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City or obligated person, any of which affect security holders, if material; and (P) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the City or obligated person, any of which reflect financial difficulties. The term “financial obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with Rule 15c2-12.

(3) Timely notice of a failure by the City to provide required annual financial information on or before the date specified in paragraph (b).

(b) Type of Annual Financial Information Undertaken to be Provided. The annual financial information that the City undertakes to provide in paragraph (a):

(1) Shall consist of (A) annual financial statements prepared (except as noted in the financial statements) in accordance with applicable generally accepted accounting principles applicable to local governmental units of the State such as the City, as such principles may be changed from time to time, which statements may be unaudited, provided, that if and when audited financial statements are prepared and available they will be provided; (B) principal amount of general obligation bonds outstanding at the end of the applicable fiscal year; (C) assessed valuation for that fiscal year; and (D) regular property tax levy rate for the fiscal year;

(2) Shall be provided not later than the last day of the ninth month after the end of each fiscal year of the City (currently, a fiscal year ending December 31), as such fiscal year may be changed as required or permitted by State law, commencing with the City’s fiscal year in which a Series of the Bonds are issued; and

(3) May be provided in a single or multiple documents, and may be incorporated by specific reference to documents available to the public on the Internet website of the MSRB or filed with the SEC.

(c) Amendment of Undertaking. This Undertaking is subject to amendment after the primary offering of the Bonds without the consent of any holder of any Bond, or of any broker, dealer, municipal securities dealer, participating underwriter, Rating Agency or the MSRB, under the circumstances and in the manner permitted by Rule 15c2-12. The City will give notice to the MSRB of the substance (or provide a copy) of any amendment to the Undertaking and a brief statement of the reasons for the amendment. If the amendment changes the type of annual financial information to be provided, the annual financial information containing the amended financial information will include a narrative explanation of the effect of that change on the type of information to be provided.

(d) Beneficiaries. This Undertaking shall inure to the benefit of the City and the holder of each Bond, and shall not inure to the benefit of or create any rights in any other person.

(e) Termination of Undertaking. The City's obligations under this Undertaking shall terminate upon the legal defeasance of all of the Bonds. In addition, the City's obligations under this Undertaking shall terminate if the provisions of Rule 15c2-12 that require the City to comply with this Undertaking become legally inapplicable in respect of the Bonds for any reason, as confirmed by an opinion of Bond Counsel delivered to the City, and the City provides timely notice of such termination to the MSRB.

(f) Remedy for Failure to Comply with Undertaking. As soon as practicable after the City learns of any failure to comply with this Undertaking, the City will proceed with due diligence to cause such noncompliance to be corrected. No failure by the City or other obligated person to comply with this Undertaking shall constitute an event of default. The sole remedy of any holder of a Bond shall be to take action to compel the City or other obligated person to comply with this Undertaking, including seeking an order of specific performance from an appropriate court.

(g) Designation of Official Responsible to Administer Undertaking. The Finance Director or her or his designee is the person designated, in accordance with the Bond Ordinance, to carry out the Undertaking in accordance with Rule 15c2-12, including, without limitation, the following actions:

(1) Preparing and filing the annual financial information undertaken to be provided;

(2) Determining whether any event specified in paragraph (a) has occurred, assessing its materiality, where necessary, with respect to the Bonds, and preparing and disseminating any required notice of its occurrence;

(3) Determining whether any person other than the City is an "obligated person" within the meaning of Rule 15c2-12 with respect to the Bonds, and obtaining from such person an undertaking to provide any annual financial information and notice of listed events for that person required under Rule 15c2-12;

(4) Selecting, engaging and compensating designated agents and consultants, including financial advisors and legal counsel, to assist and advise the City in carrying out this Undertaking; and

- (5) Effecting any necessary amendment of this undertaking.

Section 20. Supplemental and Amendatory Ordinances. The City may supplement or amend this ordinance for any one or more of the following purposes without the consent of any Owners of the Bonds:

- (a) To add covenants and agreements that do not materially adversely affect the interests of Owners, or to surrender any right or power reserved to or conferred upon the City.
- (b) To cure any ambiguities, or to cure, correct or supplement any defective provision contained in this ordinance in a manner that does not materially adversely affect the interest of the Beneficial Owners of the Bonds.

Section 21. General Authorization and Ratification. The Mayor, Designated Representative, City Clerk and other appropriate officers of the City are severally authorized to take such actions and to execute such documents as in their judgment may be necessary or desirable to carry out the transactions contemplated in connection with this ordinance, and to do everything necessary for the prompt delivery of each Series of the Bonds to the Purchaser thereof and for the proper application, use and investment of the proceeds of the Bonds, including paying the fees and costs of the Purchaser, Bond Counsel, financial advisors and Rating Agency. All actions taken prior to the effective date of this ordinance in furtherance of the purposes described in this ordinance and not inconsistent with the terms of this ordinance are ratified and confirmed in all respects.

Section 22. Severability. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

Section 23. Effective Date of Ordinance. This ordinance shall take effect and be in force from and after its passage and five days following its publication as required by law.

PASSED by the City Council of the City of Lynnwood, Washington, at a regular open public meeting thereof on the 13th day of December, 2021, and signed in authentication of its passage this 13th day of December, 2021.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Foster Garvey P.C., Bond Counsel

CERTIFICATION

I, the undersigned, City Clerk of the City of Lynnwood, Washington (the “City”), hereby certify as follows:

1. The attached copy of Ordinance No. ____ (the “Ordinance”) is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on December 13, 2021, as that ordinance appears on the minute book of the City.

2. That said meeting was duly convened and held in all respects in accordance with law (including Proclamation 20-28 made by the Governor of the State of Washington on March 24, 2020, as extended, and acts of the legislative leadership of the State of Washington), and to the extent required by law, due and proper notice of such meeting was given.

4. The Ordinance will be in full force and effect five days after publication in the City’s official newspaper, which publication date is expected to be _____, 2021.

5. A quorum of the members of the City Council was present throughout the meeting and a majority of the members voted in the proper manner for the passage of the Ordinance.

Dated: December 13, 2021.

CITY OF LYNNWOOD, WASHINGTON

City Clerk

CITY COUNCIL 4.C

CITY OF LYNNWOOD CITY COUNCIL

TITLE: Snohomish County proposed sales tax increase of .1 percent

DEPARTMENT CONTACT: Lisa Harrison, City Council

SUMMARY:

Discussion regarding Sales Tax increase for affordable housing

PRESENTER:

George Hurst, Council President

ESTIMATED TIME:

30

BACKGROUND:

The state law provides that counties may adopt a sales tax increase of .1% for affordable housing. That tax that would apply to cities within that county that have not adopted that same sales tax for their city.

SUGGESTED ACTION:

Snohomish County Sales Tax Increase proposed

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL 4.D
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Boards & Commissions LMC changes

DEPARTMENT CONTACT: Lisa Harrison, City Council

PRESENTER:

Council President Hurst

ESTIMATED TIME:

10

SUGGESTED ACTION:

Review and approve changes made to the LMC regarding boards and commissions

DEPARTMENT ATTACHMENTS

Description:

[Board and Commission Code Amendments - Oct 2021 Tracked Changes Version.pdf](#)

CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S BOARDS AND COMMISSIONS; AMENDING CHAPTERS 2.24, 2.26, 2.29, 2.60, 2.30 AND 2.28 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, pursuant to state law, the City is authorized, and in some cases required, to establish certain advisory boards and commissions to accomplish the City's purposes; and

WHEREAS, in Chapter 2.24 of the Lynnwood Municipal Code, the City Council has established regulations and provisions of general applicability to all of the City's advisory boards and commissions; and

WHEREAS, in Chapters 2.26, 2.29, 2.60, 2.30, and 2.28 of the Lynnwood Municipal Code, the City Council has established provisions relating to some of the City boards and commissions, including the Arts Commission (Chapter 2.26), Planning Commission (Chapter 2.29), Diversity, Equity and Inclusion Commission (Chapter 2.60), the History and Heritage Board (Chapter 2.30), and the Parks and Recreation Board (Chapter 2.28).

WHEREAS, the City has determined that it is necessary to revise the City code provisions relating to the boards and commissions listed above, to meet requirements of state law and to promote the efficient and effective operation of the boards and commissions; and

WHEREAS, the City Council has determined that it is appropriate, and in the best interests of the public health, safety and general welfare, to amend the Lynnwood Municipal Code as stated in this Ordinance; now, therefore

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.24, entitled "Advisory Bodies – General Provisions," of the Lynnwood Municipal Code is amended to read as follows:

**Chapter 2.24
ADVISORY BODIES – GENERAL PROVISIONS**

Sections:

2.24.010 Definitions.

2.24.020 Scope of work.

2.24.030 Membership, nomination and confirmation process, reappointment process, residency requirements, and responsibilities.

- 1 **2.24.040 Officers – Identification and election.**
2 **2.24.050 Quorums, transacting business and resolutions.**
3 **2.24.060 Vacancies.**
4 **2.24.070 Multiple appointments prohibited.**
5 **2.24.080 Conflicts of interest.**
6 **2.24.090 Liaisons and ~~representatives~~ administrative support.**
7 **2.24.100 Procedures, records and minutes.**
8 **2.24.110 Meetings.**
9 **2.24.120 Compensation and reimbursement of expenses.**
10 **2.24.130 Lobbying efforts.**
11 ~~**2.24.140 Repealed.**~~

12 **2.24.010 Definitions.**

13 For the purposes of this chapter, and any other chapter in this code that establishes an advisory body,
14 the following definitions shall apply:

15 ~~An “advisory~~ “Advisory body” means any board or commission, established and named board or
16 ~~commission in by the ordinance or resolution creating the same, previously, or hereafter, created and~~
17 authorized by the city council to give advice on subjects and perform ~~such other functions~~ regulatory
18 functions as prescribed by the city council or applicable laws. “Advisory body” does not mean task
19 forces, informal committees, or working groups appointed by the mayor or created by the city council
20 for ~~short~~ specific periods of time or for specific tasks.

21 “Resident” means a person with primary residency who lives within the corporate boundaries of the city
22 of Lynnwood. ~~registered voter of the city of Lynnwood or a registered voter of an area that is within~~
23 ~~Lynnwood’s municipal urban growth area as designated by the city’s comprehensive plan. (Ord. 3248~~
24 ~~§ 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)~~

25 “Community stakeholder” means a person with primary residency who lives within Lynnwood’s
26 municipal urban growth area as defined by the city’s comprehensive plan.

27 “Non-resident” means a person with a primary residency who lives outside of the corporate boundaries
28 of the city of Lynnwood.

29 **2.24.020 Scope of work.**

30 A. Each advisory body shall be guided by a specific statement of purpose and function, which will be
31 reviewed at least every four years by the city council to determine its effectiveness. This statement of

purpose, as well as other information regarding duties and responsibilities, will be made available to all members when appointed.

B. The city council may determine any specific guidelines or tasks to be referred to ~~the~~ an advisory body by motion, resolution or ordinance.

C. Each advisory body shall develop a scope of work, within the body's jurisdiction and area of responsibility ~~of each advisory body~~ that may, as the city council determines necessary and appropriate, include the following:

1. Review relevant portion(s) of ~~the comprehensive plan or departmental multi-year plan(s)~~ adopted city plans and regulations, and suggest desired amendments thereto.

2. Review relevant portion(s) of the city budget and suggest desired amendments, as relates to Lynnwood's community vision, strategic plan, comprehensive plan, capital facilities plan, and policy matters.

3. Participate in the preparation of the advisory body annual report showing achievement towards fulfilling goals, policies, and objectives of the advisory body.

4. Present major policy advisories to the city council.

5. Meet with city council and other boards.

6. Examine and respond to referrals from the city council, mayor, or staff, including public meetings or formal hearings. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.030 Membership, nomination and confirmation process, reappointment process, residency and voter registration requirements, and responsibilities.

The number of members and any specific qualifications of each advisory body shall be set forth by ordinance. The position number for each member shall be set forth by ordinance, resolution, or motion.

~~Unless otherwise~~ Except as specifically provided by applicable ordinance, resolution, motion, or as may be required by state law, the following procedures and requirements shall apply to the appointment of all members of each advisory body:

A. Except where non-resident members are authorized for certain bodies, a member shall be a resident of the city for the full duration of their term. Each person at the time of nomination and continuing uninterrupted thereafter while serving on an advisory body shall be a resident of the city of Lynnwood;

1 ~~except that nonresidents may be allowed on certain boards and commissions if such applicants meet~~
2 ~~specific criteria outlined in the specific ordinance for each advisory body. Nonresidents must be~~
3 ~~registered voters, and shall reside in Lynnwood's municipal urban growth area as designated by the~~
4 ~~city's comprehensive plan.~~

5 B. Advisory body members shall be registered voters. Voter registration requirements for up to one
6 member of each board or commission may be waived by the Mayor and confirmed by Council if the
7 individual is ineligible to be a registered voter.

8 BC. Each person wishing to serve on a city advisory board shall submit an application to the city.

9 CD. Twice a year, the administration shall provide to the council a report on all applications to serve on
10 city advisory bodies received in the time period since the date of the most recent report. The report
11 shall contain at a minimum the name of all applicants, the date of receipt of their application by the city,
12 the advisory body to which they applied, and the date and disposition of each application.

13 DE. Each person to be appointed shall be nominated by the mayor ~~for~~ to a specific advisory body,
14 position number, and term. ~~on each advisory body.~~

15 ~~E. Each person shall be deemed appointed and commence service after confirmation by the city council~~
16 ~~or on a date determined by motion of the council.~~

17 EF. ~~F.~~ Each confirmation motion by the council shall include the position number, ending date and term
18 for the position to which the person is appointed, and service shall begin after confirmation by the city
19 council or on a date determined by motion of the council. ~~and such information shall be entered in the~~
20 ~~council journal.~~

21 ~~G. Each person appointed by the city council may serve no more than two consecutive terms, provided~~
22 ~~that a person appointed to fill an unexpired term of less than two years is eligible to serve two~~
23 ~~successive full terms, and provided further, a person who is ineligible to serve for having served two~~
24 ~~consecutive terms may again serve after one year has elapsed from the end of the second such term.~~

25 FG. ~~H.~~ Ninety days prior to term expiration, the advisory body member shall provide written notification
26 to the mayor's office regarding the individual's desire to serve a subsequent full term. There is not a
27 vested right to renomination or reappointment to any position. When considering renomination or
28 reappointment, the mayor and city council may consider factors such as the individual's attendance,
29 participation, and effectiveness during ~~his or her~~ the term.

H. All newly appointed advisory body members must complete a Board and Commission Member Training module prior to their first official meeting as an advisory body member and must sign and return a Training Acknowledgement Form. This training must be taken every four years. As an appointed city officer, each advisory body member of a board or commission must shall perform the member's duties in a manner consistent with applicable law, including abide by the city of Lynnwood's code of ethics as set forth in Chapter 2.94 LMC, and applicable provisions of the Open Public Meetings Act as set forth in Chapter 42.30 RCW and the Public Records Act as set forth in Chapter 42.56 RCW.

J. Any person may be removed from an advisory body board or commission by the mayor, with approval of the city council with or without expressed cause, for inefficiency, neglect of duty, excessive absences or malfeasance in office. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2940 § 1, 2012; Ord. 2737 § 1, 2008; Ord. 2121 § 1, 1997)

2.24.040 Officers – Identification and election.

Each advisory body shall elect from its membership a presiding officer who shall be referred to as the chair chairman, chairwoman, or chairperson, as determined appropriate by the advisory body, and such officer shall serve for one year. The advisory body may elect other officers as it deems necessary and such offices shall be set forth in the rules of procedure adopted by the advisory body. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.050 Quorums, transacting business and resolutions.

A. A majority of the appointed members of the advisory body shall constitute a quorum for the transaction of business. An affirmative vote of the majority of a quorum in attendance at any meeting shall be necessary to transact business or carry any proposition.

B. Expressions of an advisory body position, recommendation or request for any action shall be made by motion or resolution approved by the advisory body, which may include a statement of in the form of a resolution setting forth the reasons, facts, policies, and/or findings of the body supporting the motion or resolution and which shall be directed to the city council and mayor. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.060 Vacancies.

Membership vacancies other than through expiration of term shall be filled for the unexpired term. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.070 Multiple appointments prohibited.

No person shall serve be nominated or confirmed to a position on more than one advisory body at a time. This prohibition does not apply to special, ad hoc appointments multiple appointments created by

specifying certain “representative” memberships, expressly created by the city council, or as required by state law. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.080 Conflicts of interest.

If an advisory body member concludes that ~~he or she~~ the member has a conflict of interest or an appearance of fairness issue with respect to a matter pending before the advisory body, the advisory body member shall recuse ~~himself or herself~~ themselves from participating in all deliberations and decision-making related to the matter. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.090 Liaisons and ~~representatives~~ administrative support.

A. ~~Each year, the city council president may appoint a member of the A-city council representative will be appointed by the city council president each year and to be available to each an~~ advisory body for the purpose of providing a constructive relationship between the city council and the advisory body without implying direction, review, or oversight of the activities of the advisory body; provided that the Ethics Board shall not have a council liaison.

B. The mayor shall assign a city employee to provide administrative support to assist each advisory body. ~~A city staff liaison will be assigned by the mayor’s office to assist each advisory body.~~ The city staff liaison administrative support staff member shall perform tasks such as guiding the advisory body on the creation of a yearly work plan, setting monthly meeting agendas with the collaboration of the advisory body’s chair, noticing meetings, preparation and dissemination of meeting minutes, posting minutes to the city website, providing ~~advisory body members with~~ information on ~~appropriate~~ training opportunities, and generally advising on city business related to the activities of the advisory body. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.100 Procedures, records and minutes.

~~Each a~~ Advisory bodies may adopt rules of procedure in alignment with adopted municipal codes. Each advisory body shall provide for the taking of minutes and maintaining the records of all regular and special meetings. Any advisory body may establish standing or ad hoc committees to assist in accomplishing its duties and responsibilities. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.110 Meetings.

Each advisory body shall hold regular meetings. All meetings shall be open to the public to the extent required by law, and shall be held on not less than 24 hours’ notice to members and the public. Except as otherwise provided in this code, rRegular meeting dates and times shall be determined by majority vote of the advisory body and posted on the city’s website. ~~included in written rules of procedure~~

~~adopted by each advisory body by resolution or rule. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)~~

2.24.120 Compensation and reimbursement of expenses.

Members of an advisory body shall serve without compensation. Members may be reimbursed for authorized travel expenses incidental to that service. Authorization must be obtained prior to incurring the expense. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

2.24.130 Lobbying efforts.

Lobby efforts by any advisory body on legislative, or political, matters should first be checked for consistency with applicable law and existing city policy by contacting the mayor's office. In the event a position is taken that differs from that of the city's policy, an advisory body ~~cannot~~ shall not represent that position before another body, e.g., the state legislature or the county council. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the city, or as a member of an advisory body. (Ord. 3248 § 1, 2017; Ord. 3150 § 1, 2015; Ord. 2121 § 1, 1997)

~~**2.24.140 Application.**~~

~~Repealed by Ord. 3150. (Ord. 2121 § 1, 1997)~~

Section 2. Chapter 2.26, entitled "Arts Commission," of the Lynnwood Municipal Code is amended to read as follows:

**Chapter 2.26
ARTS COMMISSION**

Sections:

2.26.010 Created.

2.26.020 Duties.

2.26.030 Membership appointment – Term.

2.26.040 Residency requirements – Arts commission.

2.26.010 Created.

There is hereby established an arts commission of the city of Lynnwood composed of seven members as hereinafter provided. (Ord. 3150 § 3, 2015; Ord. 2940 § 2, 2012; Ord. 1605 § 1, 1987)

2.26.020 Duties.

The arts commission is an advisory commission of the city of Lynnwood whose duties shall be to provide advice and recommendations to the mayor and city council in regards to the display of art in public places within the city of Lynnwood, means of furthering appreciation of art within the city, and to perform such other duties as the mayor may direct. (Ord. 3150 § 3, 2015; Ord. 2940 § 2, 2012; Ord. 1605 § 2, 1987)

2.26.030 Membership appointment – Term.

Members of the commission shall be appointed to a position for a term of three years (or for fulfillment of an unexpired term); the appointees shall serve for terms as follows:

Position No. 1: Ending December 31, ~~2015~~ 2021

Position No. 2: Ending December 31, ~~2015~~ 2021

Position No. 3: Ending December 31, ~~2016~~ 2022

Position No. 4: Ending December 31, ~~2016~~ 2022

Position No. 5: Ending December 31, ~~2016~~ 2022

Position No. 6: Ending December 31, ~~2017~~ 2023

Position No. 7: Ending December 31, ~~2017~~ 2023

(Ord. 3150 § 3, 2015; Ord. 2940 § 2, 2012; Ord. 2121 § 3, 1997; Ord. 1724 § 1, 1989; Ord. 1605 § 3, 1987)

2.26.040 Residency requirements – Arts commission.

A. No more than two member(s) of the commission may be nonresident~~(s)~~, community stakeholder(s) of the city of Lynnwood. ~~and serve as “community stakeholders.” Community stakeholder members must have a Lynnwood mailing address and live in the city’s municipal urban growth area.~~

B. There is a preference for city of Lynnwood residents over nonresident candidates. (Ord. 3150 § 3, 2015; Ord. 2940 § 2, 2012)

Section 3. Chapter 2.29, entitled “Planning Commission,” of the Lynnwood Municipal Code is amended to read as follows:

**Chapter 2.29
PLANNING COMMISSION**

Sections:

2.29.010 Created.

2.29.020 Powers and duties.

2.29.030 Membership appointment – Term.

2.29.031 Residency requirements

2.29.040 Submission of ordinances for recommendation.

2.29.050 Number required for action.

2.29.060 Promotional duties.

2.29.010 Created.

There is hereby established a planning commission of the city of Lynnwood, composed of seven members as hereinafter provided. (Ord. 3150 § 5, 2015; Ord. 2121 § 5, 1997; Ord. 10 § 1, 1959; Ord. 60 § 2, 1960)

2.29.020 Powers and duties.

The planning commission shall have all of the powers and perform each and all of the duties specified by Chapter [35A.63](#) RCW, together with any other duties or authority which may hereafter be conferred upon them by the laws of the state of Washington. The performance of such duties and the exercise of such authority shall be subject to each and all the limitations expressed in such legislative enactment or enactments. (Ord. 3150 § 5, 2015; Ord. 2121 § 5, 1997; Ord. 60 § 2, 1960)

2.29.030 Membership appointment – Term.

Members of the commission shall be appointed to a position for a term of four years (or for fulfillment of an unexpired term); the appointees shall serve for terms as follows:

Position No. 1: Ending December 31, ~~2016~~ 2024

Position No. 2: Ending December 31, ~~2016~~ 2024

Position No. 3: Ending December 31, ~~2017~~ 2021

Position No. 4: Ending December 31, ~~2018~~ 2022

Position No. 5: Ending December 31, ~~2019~~ 2023

Position No. 6: Ending December 31, ~~2019~~ 2023

Position No. 7: Ending December 31, ~~2020~~ 2024

The members shall be selected without respect to political affiliations. A commissioner position shall automatically become vacant if the commissioner fails to attend six regular meetings in a 12-month period. (Ord. 3244 § 1, 2017; Ord. 3150 § 5, 2015; Ord. 2121 § 5, 1997; Ord. 60 § 2, 1960; Ord. 10 § 1, 1959)

2.29.031 Residency requirements

Each member of the planning commission shall be a resident of the city of Lynnwood.

2.29.040 Submission of ordinances for recommendation.

The city council may refer to the planning commission, for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in Chapter [35A.63](#) RCW, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper in the premises. (Ord. 3150 § 5, 2015; Ord. 2121 § 5, 1997; Ord. 10 § 3, 1959)

2.29.050 Number required for action.

No action which would result in a recommendation to the city council shall be effective unless passed by not less than four members of the planning commission at a public meeting thereof. In the absence of a quorum, the matter at hand may be referred to the city council without recommendation. (Ord. 3150 § 5, 2015; Ord. 2036 § 9, 1995; Ord. 545 § 1, 1970; Ord. 10 § 5, 1959)

2.29.060 Promotional duties.

The commission shall obtain and promote an understanding of and an interest in comprehensive planning for the city. The commission shall include in its studies and recommendations, from time-to-time, those areas outside the boundaries of the municipality which are included in the city's municipal urban growth area or otherwise being considered for annexation; or which have, or may have, an environmental influence on the general welfare of the city. Extraterritorial planning shall be done to promote an adequate county planning program, to estimate future municipal service requirements, to encourage orderly land use and development, and to cooperate in fact finding and reporting, relative to regional planning and local integration on behalf of the city.

The commission shall be responsible for the conduct of neighborhood and community hearings regarding its studies, recommendations and proposals, and shall have the responsibility of promoting satisfactory public relations as a group and individually, upon which the city council in public policy matters can rely. Such relations shall be of both a formal and informal nature, i.e., official hearings as well as informational fact finding discussions.

Plans, reports, administrative matters and recommendations of the planning commission shall be submitted by resolution or report directly to the city council by such commission.

A comprehensive, long range and annual work program of the planning commission is hereby authorized, which authorization shall include a review by the commission of all major public improvements. (Ord. 3150 § 5, 2015; Ord. 2121 § 5, 1997; Ord. 60 § 3, 1960)

Section 4. Chapter 2.60, entitled “Diversity, Equity and Inclusion Commission,” of the Lynnwood Municipal Code is amended to read as follows:

Chapter 2.60
DIVERSITY, EQUITY AND INCLUSION COMMISSION

Sections:

2.60.010 Created.

2.60.020 Powers and duties.

2.60.030 Membership appointment – Term.

2.60.040 Residency requirements.

2.60.010 Created.

There is hereby established a diversity, equity and inclusion commission of the city of Lynnwood composed of seven members as hereinafter provided. (Ord. 3247 § 1, 2017)

2.60.020 Powers and duties.

The diversity, equity and inclusion commission is an advisory commission of the city of Lynnwood whose duties shall be to provide advice and recommendations to the mayor and city council in regard to the following:

A. Achieving Lynnwood’s community vision in regard to being a welcoming city and a cohesive community that respects all by encouraging cooperation, tolerance and respect among and by all persons who come in contact with the city of Lynnwood (i.e., residents, visitors, employers, employees, etc.).

B. Recommending effective strategies for public engagement, removing barriers, and increasing access to city services for our city’s diverse population.

C. Recommending areas for investing upstream and where needs are greatest, addressing root causes of inequities and lack of access and smartly allocating our public resources, and recommending opportunities for community partnerships as a strategy to better understand and address equity impacts throughout our city.

D. Facilitating the building of relationships with underserved and underrepresented communities and serving as trusted messengers to the community at large.

E. Performing such other duties as the mayor and/or city council may direct. (Ord. 3247 § 1, 2017)

2.60.030 Membership appointment – Term.

Members of the commission shall be appointed to a position for a term of three years (or the fulfillment of a vacant term); appointees shall serve for terms as follows:

Position No. 1: Ending December 31, ~~2019~~ 2022

Position No. 2: Ending December 31, ~~2019~~ 2022

Position No. 3: Ending December 31, ~~2020~~ 2023

Position No. 4: Ending December 31, ~~2020~~ 2023

Position No. 5: Ending December 31, ~~2020~~ 2023

Position No. 6: Ending December 31, 2021

Position No. 7: Ending December 31, 2021

(Ord. 3247 § 1, 2017)

2.60.040 Residency requirements.

A. No more than two member(s) of the commission may be nonresident~~(s)~~, community stakeholder(s) of the city of Lynnwood. ~~and serve as “community stakeholders.” Community stakeholder members must have a Lynnwood mailing address and live in the city’s municipal urban growth area.~~

~~B. Voter registration requirements may be waived for up to two member(s) of the commission; provided, that the individual was born in a country other than the United States of America and the individual is actively working toward obtaining citizenship.~~

1 ~~BE~~. There is a preference for city of Lynnwood residents over nonresident candidates. (Ord. 3247 § 1,
2 2017)

3
4 **Section 5.** Chapter 2.30, entitled "History and Heritage Board," of the Lynnwood Municipal Code is
5 amended to read as follows:

6
7 **Chapter 2.30**
8 **HISTORY AND HERITAGE BOARD**

9 Sections:

10 **2.30.010 Created.**

11 **2.30.020 Powers and duties.**

12 **2.30.030 Membership appointment – Term.**

13 **2.30.040 Residency requirements – History and heritage board.**

14 **2.30.090 Repealed.**

15 2.30.010 Created.

16 There is hereby established a history and heritage board of the city of Lynnwood composed of seven
17 members as hereinafter provided. (Ord. 3248 § 3, 2017; Ord. 3150 § 6, 2015; Ord. 2531 § 1, 2004)

18 2.30.020 Powers and duties.

19 The history and heritage board is hereby declared to be an advisory board of the city of Lynnwood
20 whose duties shall be to provide advice and recommendations to the mayor and city council in regard to
21 historical, cultural, and heritage recognition, promotion and preservation activities of historic sites,
22 buildings, artifacts, and parks; partner on exhibits, events and operations of Heritage Park and the
23 Interurban Trail; and to perform such other duties as the mayor or council may direct. The history and
24 heritage board shall have the authority and perform all necessary duties in regard to designating
25 properties to the city of Lynnwood historic landmark register.

26 The board shall have all the powers and perform any duties of authority that may hereafter be
27 conferred upon them by laws of the city of Lynnwood and state of Washington. (Ord. 3248 § 3, 2017;
28 Ord. 3150 § 6, 2015; Ord. 2531 § 2, 2004)

29 2.30.030 Membership appointment – Term.

30 The history and heritage board shall consist of four at-large members and three ~~ex-officio~~ partner
31 members. At-large members of the board shall be appointed to a position for a term of three years (or
32 for fulfillment of an unexpired term); ~~ex-officio~~ partner members shall be selected by the board and

1 serve for a three-year term (or the fulfillment of an unexpired term). The members shall serve for terms
2 as follows:

3 Position No. 1: Ending December 31, ~~2017~~ 2023

4 Position No. 2: Ending December 31, ~~2017~~ 2023

5 Position No. 3: Ending December 31, ~~2018~~ 2021

6 Position No. 4: Ending December 31, ~~2018~~ 2021

7 Position No. 5: (~~ex-officio~~ Partner member) Ending December 31, ~~2019~~ 2022

8 Position No. 6: (~~ex-officio~~ Partner member) Ending December 31, ~~2017~~ 2023

9 Position No. 7: (~~ex-officio~~ Partner member) Ending December 31, ~~2018~~ 2021

10 ~~ex-officio~~ Partner members may be selected from any organization or group that has Lynnwood history
11 or heritage as their focus of work, such as:

12 A. Lynnwood Alderwood Manor Heritage Association and Museum;

13 B. Sno-Isle Genealogical Society;

14 C. Heritage Park Docent; or

15 D. Snohomish County Tourism Bureau. (Ord. 3248 § 3, 2017; Ord. 3150 § 6, 2015; Ord. 2531 § 3, 2004;
16 Ord. 2160 § 1, 1997)

17 2.30.040 Residency requirements – History and heritage board.

18 A. Two of four at-large members must be residents of the City of Lynnwood and have a primary
19 residence within city limits.

20 ~~BA. No more than Up to two member(s) of the at-large board member positions may be nonresident(s),~~
21 ~~community stakeholder(s) of the city of Lynnwood. and serve as “community stakeholders.” Community~~
22 ~~stakeholder members must have a Lynnwood mailing address and live in the city’s municipal urban~~
23 ~~growth area.~~

24 B. There is a preference for city of Lynnwood residents over nonresident candidates.

25 C. There are no residency requirements for ~~ex-officio~~ partner members. (Ord. 3248 § 3, 2017; Ord. 3150
26 § 6, 2015; Ord. 2940 § 4, 2012)

27 2.30.090 Severability.

1 *Repealed by Ord. 3150. (Ord. 2160 § 2, 1997)*

2
3 **Section 6.** Chapter 2.24, entitled “Parks and Recreation Board,” of the Lynnwood Municipal Code is
4 amended to read as follows:
5

6 **Chapter 2.28**
7 **PARKS AND RECREATION BOARD**

8 Sections:

9 **2.28.010 Created.**

10 **2.28.020 Duties.**

11 **2.28.030 Membership appointment – Term.**

12 **2.28.040 Residency requirements.**

13 **2.28.010 Created.**

14 There is hereby established a parks and recreation board of the city of Lynnwood composed of seven
15 members as hereinafter provided. (Ord. 3248 § 2, 2017; Ord. 3150 § 4, 2015; Ord. 2081 § 2, 1996)

16 **2.28.020 Duties.**

17 The parks and recreation board is an advisory board of the city of Lynnwood, whose duties shall be to
18 provide advice and recommendations to the mayor, city council, staff and other boards and
19 commissions in the city of Lynnwood with regard to parks, open space and recreation services and
20 programs for the city of Lynnwood and the city’s urban growth. (Ord. 3248 § 2, 2017; Ord. 3150 § 4,
21 2015; Ord. 2081 § 2, 1996)

22 **2.28.030 Membership appointment – Term.**

23 Members of the board shall be appointed to a position for a term of three years (or for fulfillment of an
24 expired term); appointees shall serve for terms as follows:

25 Position No. 1: Ending December 31, ~~2018~~ 2021

26 Position No. 2: Ending December 31, ~~2018~~ 2021

27 Position No. 3: Ending December 31, ~~2016~~ 2022

28 Position No. 4: Ending December 31, ~~2016~~ 2022

29 Position No. 5: Ending December 31, ~~2016~~ 2022

30 Position No. 6: Ending December 31, ~~2017~~ 2023

31 Position No. 7: Ending December 31, ~~2017~~ 2023

32 (Ord. 3248 § 2, 2017; Ord. 3150 § 4, 2015; Ord. 2121 § 4, 1997; Ord. 2081 § 2, 1996)

1 **2.28.040 Residency requirements.**

2 A. No more than two member(s) of the board may be nonresident(s), community stakeholder(s) of the
3 city of Lynnwood.

4 B. There is a preference for city of Lynnwood residents over nonresident candidates. (Ord. 3248 § 2,
5 2017; Ord. 3150 § 4, 2015)

6
7 **Section 7. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held
8 to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality
9 shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this
10 Ordinance.

11
12 **Section 8. Effective Date.** This Ordinance or a summary thereof consisting of the title shall be
13 published in the official newspaper of the City. This Ordinance shall take effect and be in full force five (5)
14 days after publication.

15
16 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2021.

17
18 APPROVED:

19
20
21 _____
22 Nicola Smith, Mayor
23
24

25 ATTEST/AUTHENTICATED:

26
27 _____
28 Michelle Meyer, Finance Director
29

30 APPROVED AS TO FORM:

31
32 _____
33 Rosemary Larson, City Attorney
34

35 FILED WITH ADMINISTRATIVE SERVICES: _____

36 PASSED BY THE CITY COUNCIL: _____

37 PUBLISHED: _____

38 EFFECTIVE DATE: _____

39 ORDINANCE NUMBER: _____
40

CITY COUNCIL 4.E
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Council Rules Revisions

DEPARTMENT CONTACT: Lisa Harrison, City Council

SUMMARY:

Final revisions for review and approval on December 13, 2021

PRESENTER:

Council Vice President Smith

ESTIMATED TIME:

10

SUGGESTED ACTION:

Review and approve changes made to the Council Rules as proposed by the council rules task force. All previous edits have been made...those in yellow and red are new from the 10/18 council meeting. See rules #9, 14 and 15 for latest edits.

DEPARTMENT ATTACHMENTS

Description:

[revised council rules_ with new 10.18 comments.pdf](#)

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**CITY OF LYNNWOOD
COUNCIL RULES OF PROCEDURE**

Adopted by Resolution No. 2008-11, as amended by Resolution No. 2011-16, Resolution No. 2012-01, Resolution No. 2012-05, Resolution No. 2015-04, Resolution No. 2016-16 and Resolution No. 2020-07.

Section 1.

- A. Rules -- Adopted. The City Council adopts as the governing rules of procedure and order of business of the City Council of the City of Lynnwood the rules set forth herein.
- B. Rules -- Application. These rules apply to and shall govern all meetings of the City Council, regardless of how styled; provided, however, that quasi-judicial proceedings of the Council shall be governed by rules and procedures established by Resolution No. 96-7.

Section 2. Rules of Procedure of the City Council of the City of Lynnwood.

Part I: General provisions

Rule 1. General Rules of Procedure:

- A. All meetings of the City Council shall be conducted according to the most current edition of Robert's Rules of Order Newly Revised; provided that Robert's Rules shall be superseded to the extent they conflict with state law, local ordinances or resolutions, or these rules. The suspension of any special rule set forth herein as permitted by Robert's Rules shall not be considered a conflict with these rules.
- B. The City Attorney shall serve as parliamentarian and shall advise the Presiding Officer regarding questions concerning procedures and application of Robert's Rules and these rules.
- C. All questions of order shall be decided by the Presiding Officer of the Council with the right of appeal to the Council by any member. Any decisions made by the Presiding Officer may be overruled by a majority vote of the Council.

Rule 2. Meeting Location & Time: Repealed.

Rule 3. Meetings Open to the Public:

All meetings of the City Council shall be open to the public, except for executive sessions authorized by Chapter 42.30 RCW.

47 **Rule 4. Election of Officers:**

- 48
- 49 A. At the first business meeting of the year, the Council shall elect a Council
- 50 President to serve at the pleasure of the Council for a term of one year who
- 51 shall serve as Mayor Pro-Tem in the absence of the mayor. The duties and
- 52 responsibilities of the Council President shall be determined by the Council
- 53 (See Rule #21).
- 54
- 55 B. At the first business meeting of the year, the Council shall also elect a Council
- 56 Vice-President to serve at the pleasure of the Council for a term of one year,
- 57 who shall serve as Mayor Pro-Tem in the absence of the Mayor and the Council
- 58 President. The Council Vice-President shall perform such other duties as the
- 59 Council President may direct.
- 60
- 61 C. While performing the duties of Mayor Pro-tem, Council President or Vice
- 62 President shall not have power to appoint or remove any officer, or to veto any
- 63 acts of the City Council.
- 64

65 **Rule 5. Presiding Officer:**

- 66
- 67 A. All meetings of the City Council shall be presided over by the mayor or, in the
- 68 mayor's absence, by the Mayor Pro-tem. If neither the mayor nor the Mayor
- 69 Pro-tem is present at a meeting, the Vice President of the Council shall serve
- 70 as presiding officer. Service as Presiding Officer shall not abridge a council
- 71 member's right to vote upon all questions coming before the Council.
- 72
- 73 B. The Presiding Officer shall conduct meetings of the Council in accordance with
- 74 the law, Robert's Rules, and these rules. The Presiding Officer shall state all
- 75 questions coming before the Council and announce the decision of the Council
- 76 on all subjects.
- 77
- 78 C. The Presiding Officer shall confine debate to the question under discussion,
- 79 preserve order and decorum and prevent personal attacks or attacks upon a
- 80 member's motives.
- 81

82 **Rule 6. Quorum:**

83

84 The presence of a majority of the full Council shall constitute a quorum for the

85 purpose of transacting business.

86

87 **Rule 7. Special Council Meetings - Call & Notice - Limitation:**

88

89 The mayor, or any four (4) members of the Council, may call for a special meeting

90 by providing notice via email and/or phone specifying the subject of the meeting to

91 each Council member and the mayor at least twenty-four (24) hours before the

92 time specified for the proposed meeting, except as otherwise provided by law. The

Council Executive Assistant shall confirm that all council members have been contacted and acknowledged receipt of the notice. At a special meeting final action may be taken only on matters set out in the notice calling the meeting and on no other matters.

Rule 8. Council Meetings - Business & Work Session:

Regular business and work session meetings of the Council shall be held as provided in LMC 2.04.030. The third Wednesday work sessions shall be the preferred meeting time for presentations to the Council by individuals, agencies or groups that are not affiliated with the City.

Rule 9. Council Meetings - Agendas & Order of Business:

A. The Council President and Vice President, in consultation with the Mayor and the Mayor's designee, shall set the agenda for all Council meetings, provided the Council may amend the agenda in accordance with Robert's Rules, state law, and City ordinances and resolutions.

B. The order of business for a regular business meeting shall be as follows:

10. Call to Order and Flag Salute

The mayor shall call the meeting to order and then rotate the flag salute among the council members unless an individual has been invited to lead the flag salute by the mayor.

20. Roll Call

30. Approval of Minutes

Minutes shall record what actually occurred at a meeting. Minutes may be amended only to conform them to what actually occurred. Minutes shall not include remarks made by individual council members or written statements submitted by council members during the Council Comment period (Item 80).

The minutes of the meeting shall include but not be limited to the following:

- The place of the meeting;
- The time the meeting started and ended;
- Which council members were present;
- The fact a quorum was present;
- Text of all main motions taken up by the council and their disposition (passed, failed, postponed, etc.);

- If amendments were made, the final version of the motion as amended;
- Expressions of support for, dissent from or protest against any ordinance or resolution of the council, and the reasons given, by any council member.
- Any points of order that were made and their resolution; and
- If the council went into executive session, the time of entering, the topic of discussion as provided, any time extensions, and the time of leaving such session.

Details of amendments to motions and voting results on them shall not be included in the minutes. Withdrawn motions will ordinarily also not be included in the minutes.

Amendments to the minutes necessary to correct errors of fact may be made when approved by majority vote of the council members present. The amendments are noted in the minutes of the meeting being corrected. The minutes of the meeting at which corrections are made shall state merely that, "the minutes were approved as corrected."

A council member's absence from a meeting does not prevent the member from participating in the correction or approval of the minutes for that meeting.

40. Messages and Papers from the Mayor

The mayor may bring forward any matters deemed necessary to share with the Council and/or public. The mayor may report on topics of interest to the Council as a whole, and may include a calendar of events, upcoming or on-going programs or projects, and other reports of a general nature. The mayor's comments shall be limited to two (2) minutes unless approval for more time is granted in advance by the Council President.

50. Public Comments and Communications

- A. The Presiding Officer shall announce that all persons who wish to be heard shall be heard, on any topic pertaining to the city. When appropriate, the Presiding Officer may request a deferral of public comment on a topic on the agenda to the time Council takes up the matter.
- B. The Presiding Officer shall request that all persons state their name and zip code.

- 178 C. In all cases, persons signing-in and/or raising their hand in **zoom in**
179 **a virtual meeting format** will be recognized first, and then those who
180 seek recognition from the audience will be recognized.
- 181 D. An individual person's comments shall be limited to three (3)
182 minutes, with no exceptions. A person providing comments as a
183 spokesperson for a group of persons in the audience shall be
184 limited to five (5) minutes, with no exceptions. The Council
185 Assistant shall monitor the comment time and use a bell or other
186 device to communicate when the allotted time has been completed.
- 187 E. All remarks by persons shall be addressed to the Council as a whole.
188 Any person making personal, impertinent, or slanderous remarks, who
189 becomes boisterous, threatening, or personally abusive, or otherwise
190 disrupts the conduct of the meeting while addressing the Council may be
191 requested by the Presiding Officer to leave the meeting.
- 192 F. If a person makes a specific request for Council action, the Presiding
193 Officer shall inform the person that they must secure the support of a
194 council member to serve as a sponsor for the proposed legislation or
195 other Council action. The sponsoring council member must secure the
196 support of a second council member before the item can be scheduled for
197 a work session.
- 198 G. Information will be available to the public at each meeting
199 summarizing these rules of procedure, including those concerning
200 public hearings.
201

202 **60. Presentations and Proclamations**

203
204 A proclamation by the mayor and/or Council is defined as an official
205 declaration recognizing or promoting city-wide or special activities
206 in the City. Presentations are to include awards, plaques,
207 certificates, grants, recognition or other items or things, given to the
208 public, to staff, to the Council, to council members, or the "city" as a
209 whole. The number of presentations and proclamations will be at
210 the discretion of Council leadership, based on the anticipated
211 workload for each meeting. The presentations and proclamations
212 will be limited to a reasonable time frame (approximately five (5)
213 minutes each), with a maximum of three (3) presentations and
214 proclamations per business meeting.
215

216 **70. Written Communications and Petitions**

217
218 The mayor shall ask whether any written communications or
219 petitions have been received by the city staff or any Council
220 member or whether any person wishes to present written

communications or petitions. Business meeting comments will not be read in public. The council assistant will summarize the overall concepts for the mayor to read at the meeting.

80. Council Comments and Announcements

A Council member's comments shall be limited to two (2) minutes unless more time is granted by the Council President.

90. Business Items and Other Matters:

90.1 Unanimous Consent Agenda:

A. The Council Leadership, in consultation with the mayor, shall place on the Unanimous Consent Agenda matters that:

1. Have been previously discussed by the Council; or
2. Have been the subject of a memo previously included in the council packet which does not need further explanation; or
3. Are routine in nature and adoption is likely; or
4. Have been scheduled by the Council.

B. Items on the Unanimous Consent Agenda shall be adopted by a non-debatable motion. Before requesting a motion to adopt the Unanimous Consent Agenda the council member reading the Unanimous Consent Agenda shall ask if any Council member wishes to have an item removed from the agenda.

C. Items removed by request shall be considered immediately after the Unanimous Consent Agenda.

D. The council member making the motion to adopt the Unanimous Consent Agenda shall read each matter on the agenda. After the motion is made, the Presiding Officer shall ask for unanimous consent to adopt the agenda as read, and

1. If no objection is made, the Presiding Officer shall state, in substance, that the Unanimous Consent Agenda is adopted.
2. If an objection is made, the Presiding Officer shall ask the member making the objection to identify the

objectionable item(s) and each item shall be removed from the motion and placed immediately after the adoption of the Consent Agenda or later on the agenda under "100 New Business."

3. The Presiding Officer shall identify the items removed from the Unanimous Consent Agenda, and then ask if there is objection to adoption of the amended Unanimous Consent Agenda. This process shall be repeated until there is no objection or until no items remain on the Unanimous Consent Agenda.

90.2 Public Hearings & Quasi-Judicial Proceeding

- A. Resolution 96-7 shall govern the conduct of public meetings and quasi-judicial proceedings.
- B. The Presiding Officer shall announce the procedures and sequence of steps of a public hearing or a quasi-judicial hearing at the beginning of each hearing.

100. New Business

- A. Any council member may propose additional item(s) of new business. The Council may consider and take immediate action on an item of new business proposed by a council member.
- B. Any item of New Business not acted upon shall be held over to the next business meeting.

Rule 10. Guidelines for the Purposes and Uses of Work Sessions & Workshops

- A. A work session may be conducted in the form of a workshop to allow Council members to do concentrated preliminary work on a single subject which may be time consuming or complex and allow informal discussion.
- B. Under no circumstances shall any "final action" (as defined in Chapter 42.30 RCW) be taken at any work session. or workshop; provided, that the Council may take action authorized by LMC 2.04.040.

Rule 11. Forms of Address:

The mayor shall be addressed as "Mayor (surname)", "Your Honor" or "Mayor."
The Council President, when acting for the mayor, shall be addressed as "Council

President (surname)." Members of the Council shall be addressed as "Council member (surname)."

Rule 12. Proposed Drafts - Ordinances, Resolutions and Motions:

Ordinances, resolutions, and motions may be proposed by the Administration or by council members. Such ordinances, resolutions, and motions may identify the originator(s) or sponsor(s) of the proposal. Ordinances shall be assigned a number upon a motion for final adoption.

Rule 13. Debate & Decorum:

- A. No member shall speak more than once until all members seeking recognition have spoken.
- B. Council members shall not engage in contemptuous or disorderly behavior, discuss, or comment on personalities, or indulge in derogatory remarks.
- C. The Council has the power ~~under as~~ **predicated** by state law to impose punishment on its members for violation of state law: provided that the Council cannot remove a council member from office.
- D. Any member of the Council shall have the right to challenge any action or ruling of the Presiding Officer.

Rule 14. Motions:

- A. A motion that does not receive a second dies, provided that nominations or a request for a roll call vote do not need a second.
- B. After a motion and second are made, the Presiding Officer shall identify the maker of the motion and the member who seconded the motion and state the motion before the Council.
- C. The maker of the motion shall be recognized to speak first in the discussion of the motion and be entitled to speak last to close debate,
- D. New motions proposing projects expected to involve significant Council or staff time shall be presented only during the New Business section of regularly scheduled business meetings or at a work session. The sponsor shall have two minutes to persuade at least two additional council members to proceed; otherwise, no action shall be taken.
- E. When a project proposal is granted, the council member making the proposal shall submit to ~~the Council President~~ **Council's Executive Assistant** a **written description** of the proposal within 7 days. of the proposal being approved.

After the written description of the proposal has been received, the Council President shall schedule the item for discussion at a work session within 45 days.

Rule 15. Voting:

Votes during a regular council business meeting shall be held as follows:

- A. Votes shall initially be by voice vote, except votes on any motion to approve an ordinance shall be by roll call. If the Presiding Officer is in doubt, the Presiding Officer may call for a show of hands. Any council member may supersede a voice vote by requesting a roll call vote.
- B. The order of a roll call vote shall be rotated to ensure that council members are called in a random order each time.
- C. Each member present must vote on all questions put to the Council.
 - a. ~~except as to~~ In matters in which such a council member has a prohibited personal financial interest or is otherwise precluded by law, said member must recuse themselves from the vote. Council members recusing themselves from voting on a question must leave the room before any hearings or discussion.
 - b. A council member who abstains from voting shall be noted as an abstention and shall not be counted as either a yea or a nay vote.
- E. In case of a tie vote, the mayor may choose to: (1) cast a vote and break the tie or (2) not vote and the vote will fail. The mayor shall not cast a vote if the matter to be decided involves:
 - 1. Adoption of any ordinance; or
 - 2. A resolution to spend money; or
 - 3. The granting or revocation of a franchise or a license; or
 - 4. Any motion for approval of vouchers, payments, claims or payroll.

Rule 16. Task Groups and Committee of the Whole:

A. Task Groups:

- 1. The Council President, in consultation with the Council, may appoint task group as may be appropriate, to consider any matter that requires special study before the matter is reviewed by the Council. All appointments shall occur at a Council meeting. The Administration may request the creation of a task group.

- 388 2. Each task group shall have a chairperson who is a council member and at
389 least two other members which includes at least one other council member,
390 who shall be appointed by the Council President after consultation with the
391 Council. Each task group shall have an assigned task and date for delivery
392 of a written report to Council.
393
- 394 3. The task group chair shall:
395 a. Schedule, set the agenda, determine a location, and make other
396 necessary arrangement for task group meetings.
397 b. Preside over the meeting and business of the task group.
398 c. Write up a report or explanation to accompany any action or
399 recommendation of the task group and include both majority and
400 minority reports and share with all council members.
- 401 4. Under no circumstances shall any "final action be taken at any task
402 group meeting.
- 403 5. A task group may be relieved of its responsibility by the Council.
404 Thereafter, the Council may conduct deliberation, consideration, and take
405 final action thereon, or otherwise make an appropriate disposition thereof.
406

407 **Rule 17. Finance Committee:**
408

- 409 A. The Finance Committee of the Lynnwood City Council is hereby established
410 and created. The Committee shall operate according to the following rules
411 and procedures, and have the following rights and responsibilities:
412

413 **Membership.**

- 414 1. The Committee shall consist of three council members appointed by the
415 Council President in consultation with the members of the City Council.
416 2. The appointments shall be made at the first business meeting of every
417 even numbered year and shall be for a term of two years provided that
418 appointments may be made for a shorter term in order to fill a vacancy.
419 3. The members of the Committee shall at least annually at their first
420 meeting of the year select a chair who shall be one of the three
421 Committee members.
422

423 **Meetings.**

- 424 1. The Committee shall meet in regular session at least monthly. Once
425 membership is established at the start of the year, the members of the
426 Committee shall prepare and present an ordinance or resolution to the
427 Council establishing the dates and times of the Committee's monthly
428 meetings for the year.
429 2. Additional meetings may be scheduled by majority vote of the
430 Committee members at a regular Committee meeting or by passage of
431 a scheduling motion at a business or work session of the City Council.

- 432 3. The meetings shall be presided over by the Committee chair and
433 operate according to all Council rules governing work sessions and work
434 committees unless otherwise noted in this resolution. In the absence of
435 the Committee chair, the Committee shall choose a presiding officer
436 from the remaining members.
437 4. All meetings shall be open to the public.
438

439 **Area of Responsibility.**

- 440 1. The Committee shall receive monthly financial reports from the
441 Administration and shall work with the Administration as to the content
442 and presentation format of those reports to the Council.
443 2. The Committee shall be responsible for creating and submitting the
444 Legislative Department Budget to the Council for their review and
445 adoption, and responsible for monitoring and reporting to the Council on
446 the implementation of that budget on a periodic basis.

447 **Rule 18. Reconsideration:**

- 448
449 A. If a motion has been either adopted or defeated during a meeting, and at
450 least one member who voted on the prevailing side wants to have a vote
451 reconsidered, such a member may make the motion to "reconsider "at the
452 current or next business meeting.
453 B. No motion to reconsider an adopted quasi-judicial written decision shall be
454 allowed after the close of the meeting at which the written findings and
455 conclusions were adopted.

456
457 **Rule 19. Audio and Video Recordings of Meetings:**

- 458
459 A. All regular business meetings shall be recorded by audio and video devices.
460 Regular work sessions shall be recorded by audio devices. Special business
461 meetings and special work sessions may be recorded by audio and/or video
462 devices, as scheduled by the Council President, or a majority of the Council.

463
464 **Rule 20. Other General Provisions:**

- 465
466 A. All proposals submitted to the Council shall have line numbers and page
467 numbers printed on them, and if the proposal involves amending the existing
468 language of another document, then the "strike through" and "underline"
469 amendatory format shall be used for words being removed, or added,
470 respectively.
471 B. Except for good cause, staff shall not distribute handouts of written materials at a
472 council meeting at which they are to be considered. Handouts from persons

testifying at hearings or public meetings, or staff information provided in response to matters raised at a public hearing or public meeting, shall be accepted in accordance with rules applicable to those proceedings.

Rule 21. Responsibilities of Council President:

- A. In January of each calendar year, the Council elects one of its members to serve as the Council President for the current year. A Vice President is also selected. Both serve at the Council's discretion.
- B. Overview of Responsibilities:
1. Drafts the meeting dates' calendar for the current year.
 2. Maintains a 90-day Council work calendar (sample attached).
 3. Determines Business Meeting Agenda in consultation with Administration (sample attached)
 4. Appoints Council liaisons to various boards and commissions
 5. Coordinates retreats and special meetings for Council
 6. Writes correspondence on behalf of the Council
 7. Serves as primary spokesperson for communication with Mayor's office
 8. Acts as Mayor Pro-Tem in absence of Mayor at business meetings and work sessions
 9. Forms Task Groups for specific projects
 10. Provides updates to Council on issues of concern
 11. Represents Council at various public functions
 12. Sees that the Council abides by its own rules
 13. Supervises the Council Executive Assistant

End of Document

CITY COUNCIL 7.A
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Executive Session - real estate

DEPARTMENT CONTACT: Karen Fitzthum, Executive Office

SUMMARY:

Receive information on a potential real estate transaction

PRESENTER:

Lynn Sordel, Director of Parks, Recreation and Cultural Arts

ESTIMATED TIME:

15

SUGGESTED ACTION:

receive information on potential real estate transaction

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL 7.B
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Executive Session - Labor Relations

DEPARTMENT CONTACT: Michelle Meyer, Executive Office

SUMMARY:

Discussion of collective bargaining and personnel issues

PRESENTER:

Director Chinn, HR Manager Charles, Director Meyer, Chief Nelson, Deputy Chief Cohnheim

ESTIMATED TIME:

45

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Reappointment: Parks & Recreation Board

DEPARTMENT CONTACT: Elena Flesher, Parks, Recreation and Cultural Arts

SUMMARY:

Reappoint Boardmember with term expiring December 31, 2021.

PRESENTER:

Lynn D. Sordel, Director

ESTIMATED TIME:

0

BACKGROUND:

Two Parks & Recreation Board members have terms that expire on December 31, 2021: Holly Hernandez (Position 1) and Mike Gladysz (Position 2). Boardmember Gladysz is not seeking reappointment. It is recommended that Boardmember Hernandez be reappointed for a three-year term expiring December 31, 2024.

Boardmember Hernandez is a valued member of the Parks & Recreation Board and her reappointment is fully supported by staff.

The present status of the Board is as follows:

Position 1, Holly Hernandez, term expires December 31, 2021

Position 2, Mike Gladysz, term expires December 31, 2021

Position 3, Katie McKeown, term expires December 31, 2022

Position 4, Baba Darboe, term expires December 31, 2022

Position 5, Whitney Stohr, term expires December 31, 2022

Position 6, Nick Coelho, term expires December 31, 2023

Position 7, Presley Morrissey, term expires December 31, 2023

SUGGESTED ACTION:

Reappoint Boardmember Hernandez to Position 1 of the Parks & Recreation Board for a term expiring December 31, 2024.

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Reappointment: Human Services Commission

DEPARTMENT CONTACT: Elena Flesher, Parks, Recreation and Cultural Arts

SUMMARY:

Reappoint Commissioner with term expiring December 31, 2021.

PRESENTER:

Lynn D. Sordel, Director

ESTIMATED TIME:

0

BACKGROUND:

Two Human Services Commissioners have terms that expire on December 31, 2021: Michelle Reitan (Position 6) and Mary Anne Dillon (Position 7). Commissioner Reitan is not seeking reappointment. It is recommended that Commissioner Dillon be reappointed for a three-year term expiring December 31, 2024.

Commissioner Dillon is a valued member of the Human Services Commission and her reappointment is fully supported by staff.

The present status of the Commission is as follows:

Position 1, Vanessa Villavicencio, term expires December 31, 2022

Position 2, Kris Hildebrandt, term expires December 31, 2022

Position 3, Christopher Collier, term expires December 31, 2023

Position 4, Christine Thomas, term expires December 31, 2023

Position 5, Pam Hurst, term expires December 31, 2023

Position 6, Michelle Reitan, term expires December 31, 2021

Position 7, Mary Anne Dillon, term expires December 31, 2021

SUGGESTED ACTION:

Reappoint Mary Anne Dillon to Position 7 of the Human Services Commission for a term expiring December 31, 2024.

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Reappointment: Arts Commission

DEPARTMENT CONTACT: Elena Flesher, Parks, Recreation and Cultural Arts

SUMMARY:

Reappoint Commissioner with term expiring December 31, 2021.

PRESENTER:

Lynn D. Sordel, Director

ESTIMATED TIME:

0

BACKGROUND:

Two Arts Commissioners have terms that expire on December 31, 2021: Elizabeth Lunsford (Position 1) and Barry Miller (Position 2). Commissioner Lunsford has served the maximum number of terms on the Commission. It is recommended that Commissioner Miller be reappointed for a three-year term expiring December 31, 2024.

Commissioner Miller is a valued member of the Arts Commission and his reappointment is fully supported by staff.

The present status of the Commission is as follows:

Position 1, Elizabeth Lunsford, term expires December 31, 2021

Position 2, Barry Miller, term expires December 31, 2021

Position 3, Teodora Popescu, term expires December 31, 2022

Position 4, Robert Gutcheck, term expires December 31, 2022

Position 5, Rhiannon Kruse, term expires December 31, 2022

Position 6, Lynn Hanson, term expires December 31, 2023

Position 7, Raniere, term expires December 31, 2023

SUGGESTED ACTION:

Reappoint Barry Miller to Position 2 of the Arts Commission for a term expiring December 31, 2024.

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Reappointments: Tourism Advisory Committee - Lodging Tax Advisory Committee

DEPARTMENT CONTACT: Christy Murray, Development and Business Services

SUMMARY:

TAC - LTAC Terms expire 12/31/2021

PRESENTER:

Ben Wolters, Economic Development Manager

ESTIMATED TIME:

0

BACKGROUND:

The LMC, Chapter 2.27, establishes provisions for the Tourism Advisory Committee (TAC) and the Lodging Tax Advisory Committee (LTAC). The TAC is comprised of eight designated positions that serves to advise and provide recommendations to the Mayor and City Council on tourism matters. Position 1 through 5 of the TAC constitute the LTAC pursuant to Washington state statutes.

The current membership of the Tourism Advisory Committee is as follows:

Position 1, Shannon Sessions, Council Chair

Position 2, Lodging Tax Collector, Vacant

Position 3, Lodging Tax Collector, Georgia Borg-Leon, Residence Inn

Position 4, Lodging Tax User, Janet Pope, Lynnwood Public Facilities District

Position 5, Lodging Tax User, Linda Jones, Lynnwood Chamber

Position 6, Restaurant Representative, Vacant

Position 7, Retail Representative, Jerry Irwin, Alderwood

Position 8, Citizen Representative, Vacant

City Council appoints Position 1, City Elected Official as part of the Council appointment process. City Council confirms appointments to positions 2 through 8 as part of the TAC - LTAC appointment process.

DBS is in the process of recruiting potential candidates for the vacant positions.

SUGGESTED ACTION:

Reappoint Georgia Borg-Leon, Janet Pope, Linda Jones and Jerry Irwin to the Tourism Advisory Committee - Lodging Tax Advisory Committee.

DEPARTMENT ATTACHMENTS

Description: _____

CITY COUNCIL

**CITY OF LYNNWOOD
CITY COUNCIL**

TITLE: Reappointment to Board of Ethics

DEPARTMENT CONTACT: Karen Fitzthum, Executive Office

SUMMARY:

Reappointment to the Board of Ethics

PRESENTER:

Karen Fitzthum, Board of Ethics Liaison

ESTIMATED TIME:

0

SUGGESTED ACTION:

Confirm the reappointment of Ty Tufono Chausse to the Board of Ethics position #2 for a 3 year term from January 2022 through December 2024.

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL

**CITY OF LYNNWOOD
CITY COUNCIL**

TITLE: Construction Contract Award - Recreation Pool Re-plaster and Repairs

DEPARTMENT CONTACT: Cathy Robinson, Executive Office

SUMMARY:

The recreation pool requires re-plastering and repairs.

PRESENTER:

Cathy Robinson, Interim Procurement Manager

ESTIMATED TIME:

0

BACKGROUND:

During the pool closure in 2021, it was discovered the recreation pool required re-plaster and repairs. The best time to perform this work is during the scheduled Rec Center closure in January 2022.

SUGGESTED ACTION:

Authorize the Mayor to execute a contract with Encore Interiors, Inc., for Recreation Pool Re-plaster and Repairs in the amount of \$130,390.00.

FUNDING:

Funding to perform this work is included in the current 2021-2022 Parks and Recreation budget.

DEPARTMENT ATTACHMENTS

Description:

[Procurement Report.pdf](#)

PROCUREMENT REPORT

Contract No.: 3411 – Recreation Pool Re-plaster & Repairs Construction

Type of Contract:

One-time small works roster construction contract.

Term of Contract:

Estimated date of project completion is January 21, 2022.

Background/Purpose of Contract:

During the pool closure in 2021, it was discovered the recreation pool requires re-plaster and repairs. The best time to perform this work is during the scheduled Rec Center closure in January 2022.

Cost (includes sales tax if applicable):

Estimated cost for re-plaster and repairs is \$130,390.00.

Advanced Planning:

Procurement Division worked closely with the Parks & Recreation Department staff to develop a solicitation for the re-plaster and repairs.

Method of Procurement:

A bid method was used in accordance with state law for obtaining construction services. The Small Works Roster bid process was used as the estimated project cost was below \$350,000.

Solicitation:

On October 28, 2021, the City issued ITB 3411 to contractors registered on the MRSC Small Works Roster under the category of Swimming Pool Construction/Renovation. Two bids were received. Encore Interiors, Inc., was the lowest, responsive, responsible bidder.

Recommended Action:

Approve the award to Encore Interiors Inc., for Recreation Pool Re-plaster and Repairs construction for \$130,390.00.

Procurement Officer: Cathy Robinson

Date: December 1, 2021

CITY COUNCIL
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Consultant Contract: Lynnwood Water Comprehensive Plan 2023

DEPARTMENT CONTACT: Ehsan Shirkhani, Public Works

SUMMARY:

Update Lynnwood Water Comprehensive Plan

PRESENTER:

Operations Manager Jared Bond

ESTIMATED TIME:

0

BACKGROUND:

The City's last Water Comprehensive Plan was updated by City Council in 2012, with an amendment adopted in 2018. Based on the current planning requirements of Washington Administrative Code (WAC), the City's WCP must be updated every 10 years. The City's next Water Comprehensive Plan update is due by September 30, 2023. This Water Comprehensive plan will address new regulatory requirements so that the City's water system is capable of meeting the needs of existing and future customers throughout the 20-year planning period. The existing water system will also be evaluated to support the development of an accurate and cost-effective Capital Improvement Plan (CIP).

SUGGESTED ACTION:

Authorize the Mayor to enter into, and execute on behalf of the City a contract with RH2 for the Lynnwood Water Comprehensive Plan 2023, in an amount of \$281,258.57 with an additional 10% management reserve for a total amount not to exceed \$309,384.00. Sales taxes do not apply.

FUNDING:

Utility Fund 412. Budgeted funds are available in the Water Utility Capital Fund, 412.

VISIONS AND PRIORITIES ALIGNMENT:

The Lynnwood Community Vision states that the City is to “Invest in efficient, integrated, local and regional transportation systems”, and “be a city that is responsive to the wants and needs of our citizens.” The Water Comprehensive Plan supports that vision and results in important improvements to the City’s infrastructure that links the City of Lynnwood’s programs, policies, comprehensive plans, mission, and ultimately the Community Vision. The City of Lynnwood

Comprehensive Plan describes the long-term direction and vision for the growth and development of the community. Key elements of the comprehensive plan related to Water System are the Capital Improvement Plan which identifies long term and short term improvement projects on the City's Water system to accommodate the projected growth.

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Ordinance - Adopt Juneteenth as a holiday for the City of Lynnwood

DEPARTMENT CONTACT: Karen Fitzthum, Executive Office

SUMMARY:

Ordinance - Adopt Juneteenth as a holiday for the City of Lynnwood

PRESENTER:

Mayor Smith

ESTIMATED TIME:

0

SUGGESTED ACTION:

Ordinance - Adopt Juneteenth as a holiday for the City of Lynnwood

DEPARTMENT ATTACHMENTS

Description:

[MEMO_Juneteenth.pdf](#)

[Ordinance Adding Juneteenth Holiday copy.pdf](#)

Date: December 1, 2021

To: Lynnwood City Council

From: Nicola Smith, Mayor

Subject: Ordinance Adopting Juneteenth (June 19th) as an Official City Holiday

I request that the City Council approve the attached ordinance that adds June 19th ("Juneteenth," also known as Emancipation Day, and Freedom Day) as an official City Holiday.

On June 19, 1865, enslaved Americans in Galveston, Texas, finally received word that they were free from bondage. This date has been celebrated across the nation as Juneteenth to mark the emancipation of those who had been enslaved in the United States.

On Juneteenth, we remember and recommit ourselves to the work of diversity, equity, inclusion, and justice. This day should be used to celebrate freedom with and for the African-American community in Lynnwood and throughout our nation. By recognizing this holiday, we honor the lives of those who were enslaved and celebrate the joy of their freedom.

On May 13, 2021, Governor Jay Inslee signed Substitute House Bill 1016, making June 19 a paid day off for state employees starting in 2022. On June 18, 2021, President Joseph Biden proclaimed Juneteenth as a federal holiday. Today, I encourage the City Council to recognize Juneteenth as an official City Holiday through city ordinance.

The City of Lynnwood should encourage City employees and all residents to use June 19th as a day to engage in fellowship with Black/African Americans; revisit our solidarity and commitment to antiracism; educate ourselves about slave history; and continue having conversations that uplift every Lynnwood resident.

Next Steps

The ordinance will be presented for City Council approval at the December 13 Council Business Meeting.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ADDING JUNE 19TH (JUNETEENTH) AS A CITY HOLIDAY; AMENDING SECTION 2.54.020 (HOLIDAYS GRANTED) OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION

WHEREAS, on May 13, 2021, Governor Jay Inslee signed Substitute House Bill 1016, making June 19th (known as Juneteenth, Emancipation Day, and Freedom Day) a paid day off for state employees starting in 2022; and

WHEREAS, the City Council agrees that June 19th, which has been celebrated across the nation as Juneteenth to mark the emancipation of those who had been enslaved in the United States, should be acknowledged and celebrated by all Washingtonians; and

WHEREAS, it is the City Council's intent to designate Juneteenth as a City holiday, starting in 2022, to celebrate the end of chattel slavery; and

WHEREAS, the City Council wishes to encourage City employees to use June 19th as a day to engage in fellowship with Black/African Americans; revisit our solidarity and commitment to antiracism; educate ourselves about slave history; and continue having conversations that uplift every Lynnwood resident;

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

Section 1. Lynnwood Municipal Code 2.54.020 – Holidays Granted is amended to read as follows (new text is shown in bold and underline):

2.54.020 Holidays Granted.

A. Holidays Designated. Each regular employee not otherwise covered by a collective bargaining agreement shall be entitled to paid time off at their designated accrual rate on each of the following holidays, which are declared to be official holidays of the city:

New Year's Day	January 1st
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3 rd Monday in February

Memorial Day	Last Monday in May
<u>Juneteenth</u>	<u>June 19th</u>
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veterans' Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Day before Christmas	December 24 th
Christmas	December 25 th
One Floating Holiday*	To be scheduled with department head; approved on an individual basis.

*A new employee shall be eligible for a floating holiday after completion of six months' continuous service.

The floating holiday must be taken during the calendar year or entitlement to the day will lapse, except when an employee has requested the day and the request has been denied.

If the date of any above-mentioned holiday should be changed, the new date shall be deemed a holiday, and any such holiday falling on Sunday shall be observed the following Monday, with the exception of December 24th. When December 24th falls on a Sunday, it will be observed on the following Tuesday; and when December 24th falls on Friday, it will be observed on Thursday. A holiday falling on Saturday shall be observed on the preceding Friday. In addition to the above, any day or portion thereof may be designated as a holiday by the city council.

B. Compensation for Holidays Worked. Any regular full-time employee (not covered by union contract or exempt status) who works on any holiday shall be paid time-and-one-half, plus the holiday pay.

C. When Paid. Any employee shall receive the holiday with pay only if in a paid status the work day before and the work day after the holiday.

Section 2. Severability: If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

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

Section 3. Effective Date: This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the _____ day of _____, 2021.

APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

Karen Fitzthum, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
Rosemary Larson, City Attorney

CITY COUNCIL
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Reappointment: Diversity, Equity and Inclusion Commission

DEPARTMENT CONTACT: Leah Jensen, Executive Office

ESTIMATED TIME:

0

BACKGROUND:

The LMC Chapter 26.0 established a diversity, equity and inclusion commission of the city of Lynnwood composed of seven members. The diversity, equity and inclusion commission is an advisory commission of the city of Lynnwood whose duties shall be to provide advice and recommendations to the mayor and city council in regard to the following:

A. Achieving Lynnwood's community vision in regard to being a welcoming city and a cohesive community that respects all by encouraging cooperation, tolerance and respect among and by all persons who come in contact with the city of Lynnwood (i.e., residents, visitors, employers, employees, etc.).

B. Recommending effective strategies for public engagement, removing barriers, and increasing access to city services for our city's diverse population.

C. Recommending areas for investing upstream and where needs are greatest, addressing root causes of inequities and lack of access and smartly allocating our public resources, and recommending opportunities for community partnerships as a strategy to better understand and address equity impacts throughout our city.

D. Facilitating the building of relationships with underserved and underrepresented communities and serving as trusted messengers to the community at large.

E. Performing such other duties as the mayor and/or city council may direct. (Ord. 3247 § 1, 2017)

The current membership of the Diversity, Equity and Inclusion Commission is as follows:

Position 1 Jennifer McLaughlin (term expires 12/31/22)

Position 2 Lu Jiang (term expires 12/31/22)

Position 3 Joshua Binda (term expires 12/31/2022)

Position 4 Jeanna Kim (term expires 12/31/2023)

Position 5 Simreet Dhaliwal (term expires 12/31/2023)

Position 6 Selam Habte (term expires 12/31/2021)

Position 7 Marcia Smith (term expires 12/31/21)

SUGGESTED ACTION:

Reappoint Commissioner Habte to Position #6 on the Diversity, Equity and Inclusion Commission to a second term; expiring 12/31/2024.

Selam Habte is a valued member of the Diversity, Equity, and Inclusion Commission. She fully participates in the work of the DEIC and her attendance at monthly meetings is consistent. Commissioner Habte's reappointment to the DEIC is fully supported by Mayor Smith and the DEIC staff liaison.

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Board and Commission Updates to Council

DEPARTMENT CONTACT: Leah Jensen, Executive Office

SUMMARY:

The attached is for your review is the report of applications for boards and commissions.

ESTIMATED TIME:

0

DEPARTMENT ATTACHMENTS

Description:

[Board&Commissions Report to Council 11.21.pdf](#)

Board and Commission Applicants: July – November 2021

Diversity, Equity, and Inclusion Commission

Applicant Name	Date Applied	Notes
Carolyn Kay	7/26/2021	Resident
Melissa Porter	0/12/2021	Unincorporated Lynnwood
Danna Prak	8/27/2021	Unincorporated Lynnwood
Donovan Marley	10/24/2021	Resident
Diodato Boucsiequez	11/16/2021	Resident
Audrey Tanberg	11/17/2021	Resident
Oladele Adejare	11/21/2021	Resident

Note: At the time of this report there is 1 open positions on the DEIC, which includes two MUGA positions. Two other vacancies are anticipated at the end of December 2021. The commissioner serving in Position #6 is applying for a second term. The commissioner serving in Position #3 was elected to a council position and vacate the position at the end of year.

Planning Commission

Applicant Name	Date Applied	Notes
Kenneth Monson	11/18/2021	Resident
Naz Lashgari	11/20/2021	Resident
Lori Hirsch	11/21/2021	Resident

Note: At the time of this report there are no vacant positions on the Planning Commission. However, the term for Position #3 will expire on 12/31/2021. The commissioner serving in the position will not apply for reappointment. The Development and Business Services department is currently recruiting to fill Position #3.

Parks and Recreation Board

Note: At the time of this report no applications for the Parks and Recreation Board were submitted between July and November 2021. Terms for Positions #1 and #2 on the Parks and Recreation Board will expire 12/31/2021. The commissioner serving in Position #1 is applying for reappointment. The commissioner serving in Position #2 will not seek reappointment.

Human Services Commission

Applicant Name	Date Applied	Notes
Donovan Marley	10/24/2021	Resident
Naz Lashgari	11/20/2021	Resident

Note: At the time of this report there is one vacant position on the Human Services Commission. The commissioner serving in Position #4 moved out of Lynnwood. Two commissioners are serving in positions that expire on December 31, 2021. The commissioner serving in Position #7 is applying for reappointment. The Commissioner serving in Position #6 will not seek reappointment. Recruitment for Positions #4 and 6 is ongoing.

Board of Ethics

Note: At the time of this report no applications for the Ethics Board were submitted between July and November 2021. The term for Position #1 will expire on December 31, 2021. The board member serving in Position #1 will not seek reappointment. Alternate #1, and Alternate #2 on the Ethics Board are vacant. Recruitment is ongoing.

Civil Service Commission

Applicant Name	Date Applied	Notes
Donovan Marley	10/24/2021	Resident

Note: At the time of this report all positions on the Civil Service Commission are filled.

History and Heritage Board

Applicant Name	Date Applied	Notes
Dale Clark	11/18/2021	Resident

Note: At the time of this report there is one open position on the History and Heritage Board. No applicants have applied in the last 6 months.

Tourism Advisory Committee

Applicant Name	Date Applied	Notes
Victoria Rodriguez	7/25/2021	Unincorporated Lynnwood
Oladele Adejare	11/21/2021	Unincorporated Lynnwood

Note: Tourism Advisory Committee members must apply for reappointment each year. Members serving in Positions #3, #4, #5, and #7 have applied for reappointment. The member serving in Position #2 will not seek a renewed term. Position #8 is vacant. Recruitment is ongoing.

Arts Commission

Applicant Name	Date Applied	Notes
Melissa Hudson	11/18/2021	Unincorporated Lynnwood

Note: At the time of this report Positions #1 and #2 on the Arts Commission will expire. The commissioner serving in Position #1 will not seek reappointment. The commissioner serving in Position #2 has applied for reappointment.