

RESOLUTION NO. 24-1099

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNDEN
REGARDING FLUORIDATION OF THE CITY'S WATER SUPPLY**

WHEREAS, the City of Lynden ("City") is a municipal corporation empowered under the laws of the State of Washington to furnish water service to property owners within and without the City in the manner provided by law; and

WHEREAS, in 1959 the Lynden City Council passed and approved Ordinance No. 371, a copy of which is attached hereto as **Exhibit A**, which authorized and directed the City's water department to add fluoride to the City's public water supply, in accordance with the rules and regulations of the State Board of Health pertaining thereto; and

WHEREAS, Ordinance Number 371 is currently codified at Lynden Municipal Code 13.04.440; and

WHEREAS, in 2023 the City Council began hearing from community members seeking discontinuation of the addition of fluoride to the City's water supply; and

WHEREAS, pursuant to RCW 70A.125.120, a public water system considering commencing or discontinuing fluoridation of its water supply must notify its customers and the Washington State Department of Health at least 90 days prior to a vote or decision on the matter; and

WHEREAS, in late January, 2024, the City sent a letter to the Washington State Department of Health notifying the Department that the City would be considering discontinuing fluoridation of the City's water supply; and

WHEREAS, the City scheduled a public hearing on whether the addition of fluoride to the City's water supply should be discontinued, and undertook extensive efforts to effectively notify its water customers ahead of said public hearing; and

WHEREAS, public notice of the hearing included without limitation: (1) posting a legal notice in the Lynden Tribune on January 31, 2024, (2) posting a News Flash on the City's website, (3) including an insert in the utility bills sent out to the City's customers during March and April 2024, and (4) placed an advertisement for the public hearing in the April 3rd and April 24th, 2024 publications of the Lynden Tribune; and

WHEREAS, the City Council held a public hearing on whether the City should discontinue fluoridation of the City's water supply at its May 6, 2024 meeting, at which time public testimony was taken; and

WHEREAS, said public hearing was continued and further public testimony was taken at the May 20, 2024 City Council meeting, after which the public hearing was closed; and

WHEREAS, the City also invited the submission of written comments on the topic, which were included in the record and provided to members of the City Council; and

WHEREAS, the City Council discussed whether to discontinue fluoridation of the City's water supply at the June 3rd, 2024, City Council, meeting; and

WHEREAS, after consideration of the issue and the public comments received, it is the desire of a majority of the City Council that fluoridation of the City's water supply cease once the City's current supply of fluoride is exhausted; and

WHEREAS, the City Council also desires to make a commitment to promoting oral health efforts in the community; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lynden, Washington, as follows:

Section 1: Fluoridation of the City's water supply shall continue until the supply of fluoride the City's public works department currently has on-hand is exhausted.

Section 2: Once the current supply of fluoride is exhausted, the Public Works Department shall discontinue fluoridation of the City's municipal water supply.

Section 3: The fluoride tank, pumps, and related appurtenances at the City's water plant shall not be removed without prior authorization of the City Council. The City Council intends that said fluoride tank, pumps, and related appurtenances remain in place for a period of at least five (5) years from the date of this resolution.

Section 4: City staff shall develop a plan to promote oral health within the Lynden community for review by the City Council, to be funded in the amount of \$25,000 annually, commencing with the 2025 budget.

Section 5: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 6: If any section, subsection, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases has been declared invalid or unconstitutional, and if, for any reason, this resolution should be declared invalid or unconstitutional, then the original resolution or resolution shall be in full force and effect.

Section 7: This resolution shall be in full force and effect five (5) days after its passage, approval, and publication as provided by law.

AFFIRMATIVE VOTE ____ IN FAVOR, AND _____ AGAINST, AND SIGNED BY THE MAYOR THIS ____ DAY OF _____ 2024.

Scott Korthuis, Mayor

ATTEST:

Pamela Brown, City Clerk

APPROVED AS TO FORM:

ROBERT CARMICHAEL, City Attorney