

RESOLUTION NO. 24-1106

A RESOLUTION OF THE CITY OF LYNDEN ADOPTING AMENDED PROCEDURAL RULES FOR THE OFFICE OF THE CITY OF LYNDEN HEARING EXAMINER

WHEREAS, the City established the office of the hearing examiner with Ordinance 1615 pursuant to the authority provided by Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.170 and Chapter 58.17 RCW; and

WHEREAS, the hearing examiner was assigned duties related to appeals, shoreline hearings and additional tasks as described in Lynden Municipal Code (LMC) 2.09; and

WHEREAS, LMC 2.09.050 states that the City Council shall approve rules and regulations for the procedural matters related to the duties of the office of the hearing examiner; and

WHEREAS, the hearing examiner has requested that these rules and regulations be amended to include the consolidation of some sections, include additional legal clarifications where necessary and, in some instances, revised deadlines to ensure that the hearing examiner receive materials well in advance of hearing dates; and

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

NOW THEREFORE LET IT BE ORDAINED BY THE CITY COUNCIL OF LYNDEN AS FOLLOWS:

SECTION 1:

The City Council hereby approves the Rules of Procedure for Proceedings before the Hearing Examiner of the City of Lynden, Washington as attached as **Exhibit A** hereto.

SECTION 2:

If any section, subsection, sentence, clause or phrase of these Rules of Procedure is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Rules of Procedure. The Council hereby declares that it would have passed the Rules of Procedure 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, the Rules of Procedure should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION 3:

The existing Rules and Procedures as adopted by the Lynden City Council on May 17, 2021, are hereby replaced.

These Rules of Procedure shall be in full force and effect October 8, 2024, after its passage and approval.

PASSED by the City Council this _____ day of _____, 2024,
and signed by the Mayor on the _____ day of _____, 2024.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney