AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE SCRIBER CREEK FLOOD REDUCTION STUDY PROJECT; AND SUPERSEDING ORDINANCE 3009; AND AUTHORIZING EXPENDITURES IN FUND 411; AND AS CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, pursuant to Chapter 35A.33 RCW, the City of Lynnwood is required to appropriate funds for City projects and to formally authorize the transfer of appropriations from one fund to another fund; and

WHEREAS, the City of Lynnwood has a Stormwater Utility Fund, in Fund 411, to help address public stormwater problems within the City of Lynnwood; and

WHEREAS, there is a history of repeating flooding problems throughout the Scriber Creek Basin on both public and private land; and

WHEREAS, a background of the flooding problems in the Scriber Creek Basin were summarized in the 2009 Stormwater Comprehensive Plan; and

WHEREAS, the City has received, and responded to, numerous complaints regarding flooding on private property within the basin; and

WHEREAS, it is in best interest of the City and the affected residents and business owners to work together to understand the viable solutions, respective costs and constraints associated with a series of basin-wide projects that will address the different issues that contribute to the ongoing public and private drainage problems within the basin;

WHEREAS, The City will need to study the basin in more detail to arrive at a series of cost-effective engineering improvements, and recommended implementation order, that will help solve recurring flooding problems within the basin while considering, and mitigating to the extent feasible for, any potential impacts of such improvements to the downstream system; and
WHEREAS, given the project has both public and private drainage problem elements, the City finds that the establishment of a Project Charter would be beneficial in order to outline the projects scope, objectives and participants prior to the commencement of the study, design and construction of improvements; and

WHEREAS, the Project Charter phase included public involvement and established a Citizen’s Advisory Committee to identify and engage stakeholders, establish project goals and objectives, and develop a suite of projects that the public will support for further evaluation; and

WHEREAS, the Citizen’s Advisory Committee’s Final Report and Recommendations to Lynnwood City Council, dated July 2014, contains a list of recommended projects, endorsed by the Advisory Committee, that the City of Lynnwood will use as guidance for the Study phase of the project; and

WHEREAS, the City has received fee-in-lieu of Stormwater Drainage Improvements from the Lynnwood Crossings project that will be used to help address ongoing flooding problems within the Scriber Creek Basin; and

WHEREAS, once the project scope and costs design and construction are known, later updates to the financial plan will include costs associated with these respective phases of the project; and

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

Section 1. Appropriation:

A. The estimated costs of the project are provided in detail on the attached Financial Plan dated 09/26/2014, and summarized as follows:

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Charter</td>
<td>56,000</td>
</tr>
<tr>
<td>Flood Reduction Study</td>
<td>302,100</td>
</tr>
<tr>
<td>Total</td>
<td>358,100</td>
</tr>
</tbody>
</table>
B. The sum of $358,100 is hereby appropriated, to the extent not previously appropriated, for engineering design, environmental review, permitting and bidding for the project as follows:

<table>
<thead>
<tr>
<th>Prior Ord # / Current Activity</th>
<th>Revenue Description</th>
<th>Amount</th>
<th>Expenditures Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ord 3009 411 Sep-14 Utility Fund (Fee-in-Lieu)</td>
<td>56,000</td>
<td>Project Charter-Scriber Creek Flood Reduction Study</td>
<td>56,000</td>
<td></td>
</tr>
<tr>
<td>Sep-14 411 Utility Fund (Fee-in-Lieu)</td>
<td>302,100</td>
<td>Study – Scriber Creek Flood Reduction Study</td>
<td>302,100</td>
<td></td>
</tr>
<tr>
<td>Sep-14</td>
<td>Current Total Appropriation</td>
<td>358,100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. The Funding Appropriation(s) and related changes, modifications, adjustments, if any, are provided in detail as follows:

<table>
<thead>
<tr>
<th>Prior Ord # / Current Activity</th>
<th>Revenue Description</th>
<th>Amount</th>
<th>Expenditures Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Ord 3009 411 Utility Fund (Fee-in-Lieu)</td>
<td>56,000</td>
<td>Project Charter-Scriber Creek Flood Reduction Study</td>
<td>56,000</td>
<td></td>
</tr>
<tr>
<td>Sep-14 411 Utility Fund (Fee-in-Lieu)</td>
<td>302,100</td>
<td>Study - Scriber Creek Flood Reduction Study</td>
<td>302,100</td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td>SubTotal</td>
<td>358,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sep-14</td>
<td>Current Appropriation</td>
<td>358,100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality therefore, shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. 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 this 28th day of October, 2014, and signed in authentication of its passage this 28th day of October, 2014.

APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:

Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 10/27/2014
PASSED BY THE CITY COUNCIL: 10/27/2014
PUBLISHED: 10/31/2014
EFFECTIVE DATE: 11/05/2014
ORDINANCE NUMBER: 3086
Financial Plan
Project: Scriber Creek Flood Reduction Study
Update: 09/26/2013
Project Manager: Robert Victor

<table>
<thead>
<tr>
<th>Planning/Study Phase</th>
<th>Target/Actual Expense</th>
<th>Difference</th>
<th>Revenue Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant Contract (Project Charter &amp; Public Involvement)</td>
<td>$56,000.00</td>
<td></td>
<td>$56,000.00</td>
</tr>
<tr>
<td>Consultant Contract (Flood Reduction Study)</td>
<td>$302,100.00</td>
<td></td>
<td>$302,100.00</td>
</tr>
<tr>
<td>Project Charter Total</td>
<td>$358,100.00</td>
<td></td>
<td>$358,100.00</td>
</tr>
<tr>
<td>Expenses Total</td>
<td>$358,100.00</td>
<td></td>
<td>$358,100.00</td>
</tr>
</tbody>
</table>
I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3086 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE SCRIBER CREEK FLOOD REDUCTION STUDY PROJECT; AND SUPERSEDING ORDINANCE 3009; AND AUTHORIZING EXPENDITURES IN FUND 411; AND AS CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on October 27, 2014 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on October 31, 2014.

Lorenzo Hines, Jr., City Clerk of the City of Lynnwood, Washington
On the, 27th day of October, 2014 the City Council of the City of Lynnwood, Washington, passed ordinance 3086. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3086

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE SCRIBER CREEK FLOOD REDUCTION STUDY PROJECT; AND SUPERSEDING ORDINANCE 3009; AND AUTHORIZING EXPENDITURES IN FUND 411; AND AS CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.

DATED this 31st day of October, 2014.

Lorenzo Hines Jr., Finance Director
Affidavit of Publication

State of Washington }  ss
County of Snohomish }  

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH597576 ORDINANCE SUMMARY as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/31/2014 and ending on 10/31/2014 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is $70.48.

Subscribed and sworn before me on this 31st day of October 2014.

Notary Public in and for the State of Washington.

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017