

**EDMONDS CITY COUNCIL  
VIRTUAL ONLINE MEETING  
APPROVED MINUTES  
March 24, 2020**

**ELECTED OFFICIALS PRESENT**

Mike Nelson, Mayor  
Adrienne Fraley-Monillas, Council President  
Kristiana Johnson, Councilmember  
Luke Distelhorst, Councilmember  
Diane Buckshnis, Councilmember  
Vivian Olson, Councilmember  
Susan Paine, Councilmember  
Laura Johnson, Councilmember

**STAFF PRESENT**

Phil Williams, Public Works Director  
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.  
Shane Hope, Development Services Director  
Scott James, Finance Director  
Dave Turley, Assistant Finance Director  
Jessica Neill Hoyson, HR Director  
Shannon Burley, Interim Parks & Recreation Dir.  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The Edmonds City Council virtual online meeting was called to order at 7:00 p.m. by Mayor Nelson. The meeting was opened with the Pledge of Allegiance.

**2. LAND ACKNOWLEDGEMENT**

Councilmember Paine read the City Council Land Acknowledge Statement: “We acknowledge the original inhabitants of this place, the Sdohobsh (Snohomish) people and their successors the Tulalip Tribes, who since time immemorial have hunted, fished, gathered, and taken care of these lands. We respect their sovereignty, their right to self-determination, and we honor their sacred spiritual connection with the land and water.”

**3. ROLL CALL**

City Clerk Scott Passey called the roll. All elected officials were present, participating remotely.

Mayor Nelson described the procedure for Councilmembers to be recognized to speak.

**4. APPROVAL OF AGENDA**

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PAINE, TO APPROVE THE AGENDA IN CONTENT AND ORDER.**

**COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE AGENDA TO CHANGE AGENDA ITEM 8.5, EMERGENCY COMPENSATION PLAN, FROM AN ACTION ITEM TO A DISCUSSION ITEM.**

Council President Fraley-Monillas encouraged Councilmembers not to support this change due to the need to disseminate the information to employees affected by the coronavirus.

Councilmember Olson said there was no idea regarding the financial implications of this proposal as there are no numbers included. She did not feel the Council could responsibly vote on it without having any idea of the financial impact. She has also not had an opportunity to research what other systems are place such as unemployment benefits, etc. that would impact whether it would be a good idea to support this proposal.

Council President Fraley-Monillas said she requested the HR Director gather information regarding the financial impacts and she will be providing that information during her presentation.

Councilmember Buckshnis was concerned the Council was receiving this information two hours before the meeting. She was also concerned the Council did not have enough information. She suggested the HR Director explain why this needs to be done today.

Councilmember Olson said if the intent is to have her to support this, that is more likely if she has an opportunity to get the information she needs to make a good decision.

Councilmember K. Johnson agreed this should be a discussion item to ensure Councilmembers had all the information they needed and not hastily making a decision of this importance without all the information in advance. She would be unable to make a decision based on simply a presentation for something this extensive and she said the Council should consider it very carefully.

Council President Fraley-Monillas commented this is very important and is related to staff, the ability for them to work as well as work from home, and it includes compensation figures. Numerous staff members have been sent home including likely the Council's legislative assistant. She suggested retaining it as an action item and hearing what the HR Director has to say.

Councilmember Distelhorst said the information provided talks about implementing a similar plan during weather events which presumably would have happened after the fact. He asked if this could be passed at next week's meeting and back-dated. Mayor Nelson said that was something that could be considered during the discussion on that agenda item. This is simply whether it is an action or discussion item on the agenda.

**UPON ROLL CALL, AMENDMENT FAILED (3-4), COUNCILMEMBERS K. JOHNSON, BUCKSHNIS AND OLSON VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS DISTELHORST, L. JOHNSON, AND PAINE VOTING NO.**

**COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE AGENDA TO CHANGE THE 2019 TRANSPORTATION BENEFIT DISTRICT REPORT FROM AN ACTION ITEM TO A DISCUSSION ITEM.**

Councilmember K. Johnson pointed out no action was requested for that agenda item so it was a discussion item.

**AMENDMENT CARRIED UNANIMOUSLY.**

**MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.**

**5. PRESENTATION**

**1. PROCLAMATION IN RECOGNITION OF WOMEN'S HISTORY MONTH AND INTERNATIONAL WOMEN'S DAY**

Mayor Nelson read a proclamation recognizing the month of March as of Women's History Month and calling this observance and recognition to the attention of all citizens.

**6. AUDIENCE COMMENTS (SUBMITTED VIA EMAIL)**

See Attached.

**7. APPROVAL OF CONSENT AGENDA ITEMS**

**COUNCILMEMBER L. JOHNSON MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

1. **APPROVAL OF COUNCIL MEETING MINUTES OF MARCH 3, 2020**
2. **APPROVAL OF COUNCIL MEETING MINUTES OF MARCH 17, 2020**
3. **APPROVAL OF CLAIM, PAYROLL AND BENEFIT CHECKS, DIRECT DEPOSIT AND WIRE PAYMENTS**
4. **WWTP POLYMER CONTRACT**

**8. ACTION ITEMS**

**1. SENIOR CENTER LOAN REQUEST**

Finance Director Scott James explained tonight is the third meeting where the Council has considered the Senior Center's request for the City to help them secure a \$2 million line of credit from a bank. He reviewed:

- During the March 10<sup>th</sup> meeting, Council asked staff to update the Ground Lease Amendments to include provisions for second floor alcoholic beverages
  - Section 1.2.1.1.D:
    - ...similarly, alcoholic beverages may be consumed on the second floor outside of the caterer's exclusivity rights, PROVIDED THAT guidelines for alcohol consumption on the second floor will be mutually agreed upon subject to requirements of the Washington State Liquor & Cannabis Board;
- During the March 5<sup>th</sup> Council meeting, Council asked about the financial strength of Financial Northwest Bank
  - BauerFinancial has assigned its highest rating of 5 stars to First Financial Northwest Bank
- Tonight's Council packet includes the Assignment of Deposit Account (the City's collateral agreement with First Financial Northwest Bank)
- Staff recommends the Council approve the resolution in the packet that captures the Ground Lease Amendments and the Account of Assignment

Council President Fraley-Monillas asked if the City would be paying any other part of this loan to the bank such as the interest. City Attorney Jeff Taraday answered his understanding was the City could potentially end up paying interest; ultimately the promissory note will be between the Senior Center and the lender. Any missed payments would be subject to the City's collateral; the City may end up paying nothing but if there are missed payments, the collateral would potentially be subject to the bank's use for missed payments. Council President Fraley-Monillas asked about the interest charges. Mr. Taraday said if the Senior Center owes interest to the bank under its promissory note and the Senior Center fails to pay the bank, then the City's collateral would be at risk.

Council President Fraley-Monillas asked if the Senior Center would be responsible for the interest or was the City responsible for paying the interest in addition to the loan amount. Mr. Taraday explained all the City was doing was providing collateral for the loan. The City was not necessarily agreeing to pay anything to the bank. The City may pay zero, but because the City is putting up the collateral, any default by the Senior Center, whether it is failure to pay interest or principal, would subject the City's collateral to risk in that the bank would have a right to it.

Councilmember Paine read the response from Daniel Johnson, Campaign Manager, Senior Center, to her question if the Senior Center had doublechecked with the donors who have outstanding pledges in the amount of approximately \$1M: "The \$1,100,000 approximately in outstanding pledges represents gifts from 24 donors. Eight are Senior Center board members or staff, one board member who signed a five year pledge had hoped to pay it off in three years told me last week he would likely need to take the full five years. The largest pledge is \$500,000, \$100,000/year beginning in 2021. I spoke with this donor on Friday and he voiced no concern about paying the pledge on time. The second largest pledge is \$200,000 due this year. It comes from a donor who has already paid his initial \$4 million pledge. I have regular contact with these donors and I have spoken with 11 of them the past week. The total pledges from these 11 donors represents 78% of those outstanding pledges."

Councilmember Paine commented times have been changing rapidly and many have been looking at their retirement accounts with jitters so she was curious how these pledges were holding up.

**COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE RESOLUTION NO. 1450, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING THE EXECUTION OF AN ASSIGNMENT OF DEPOSIT ACCOUNT AND AN AMENDMENT TO GROUND LEASE IN RELATION TO THE CITY'S PROVIDING OF \$2,000,000 COLLATERAL IN SUPPORT OF THE EDMONDS SENIOR CENTER'S BORROWING OF UP TO \$2,000,000 FROM FIRST FINANCIAL NORTHWEST BANK TO COMPLETE CONSTRUCTION OF THE EDMONDS WATERFRONT CENTER.**

Councilmember Buckshnis thanked Mr. James and the Senior Center who have been working on this since January. She found the packet very complete with all the data necessary to make an educated decision. Mr. James recognized Ms. Burley and Mr. Taraday who were instrumental in negotiating the Ground Lease Amendments with the Senior Center.

**MOTION CARRIED UNANIMOUSLY.**

**2. ORDINANCE IMPOSING MORATORIUM ON SMALL BUSINESS & NON-PROFIT TENANT EVICTIONS**

City Attorney Jeff Taraday reviewed the proposed ordinance:

1. Moratorium on evictions of small businesses and nonprofit tenants until the end of the emergency or 60 days from the effective date of the Ordinance.
  - a) Does not excuse tenants from paying rent under leases
  - b) If someone does not pay rent, the ordinance would give them time to get caught up or an eviction proceeding could occur when the ordinance is no longer in effect

Councilmember K. Johnson referred to Section 1.E that states there will be no late fees, interest or other charges due to late payment, observing that of course there should not be any penalties or gouging, but payment of interest to the property owner would be fair. Mr. Taraday said that is a legitimate policy question for the Council to deliberate on. The Council could amend the ordinance to include interest but not allow late fees.

Councilmember Buckshnis asked if this was a standard ordinance that Mr. Taraday obtained from another city and did he know what other cities were doing in terms of interest, considering that interest rates were zero now. Mr. Taraday said Seattle has an emergency order in effect that is essentially the same as the ordinance in the Council packet. Councilmember Buckshnis asked if Seattle's ordinance allowed interest. Mr. Taraday said Seattle ordinance is very similar to subsection E with regard to excusing interest and late fees during this time period.

Councilmember Paine asked if this language would affect a lease agreement. Mr. Taraday explained on an emergency basis, in order to provide some relief, the ordinance language would override late fees otherwise contained in a lease.

**COUNCILMEMBER BUCKSHNIS, MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO ADOPT ORDINANCE NO. 4178, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, IMPOSING A MORATORIUM ON EVICTIONS OF SMALL BUSINESS AND NONPROFIT TENANTS AND DECLARING AN EMERGENCY.**

Councilmember L. Johnson commented small businesses are part of the fabric of the community and they are being called on to make huge sacrifices right now. As a small business owner herself, although she did not have a storefront, she is beginning to feel this and is aware firsthand of the stresses that many are under. She was supportive of the ordinance and appreciative of the moratorium.

Council President Fraley-Monillas said this was an example of something the City could do to ensure small businesses survive this epidemic. She was supportive of the ordinance as written.

Councilmember Buckshnis relayed the Chamber of Commerce's announcement of the availability of a grant program for small businesses that the public can donate to, similar to what Amazon did, donating \$5M to help small businesses. Once Mayor Nelson declared an emergency in Edmonds, small businesses can obtain Small Business Administration emergency loans. She will support the ordinance requiring no interest because interest is zero.

Councilmember K. Johnson commented the fifth whereas is non-specific and she suggested it either be specific or removed. Mr. Taraday agreed the data in that whereas was now dated. Councilmember K. Johnson suggested the data in the fourth whereas was also dated. Mr. Taraday said the reason for the whereas clauses was to explain to someone reading the ordinance why the Council did what it did. That information helps paint the picture even if it is not up-to-the-minute accurate with respect to the number of cases, etc.

**COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO REMOVE THE 5<sup>TH</sup> WHEREAS CLAUSE BECAUSE IT DOES NOT DEFINE THE REGION AND IT IS NOT TIME SPECIFIC.**

Councilmember Olson said for the purpose of context, she preferred to retain the whereas clause and therefore would not support the amendment.

Councilmember K. Johnson suggested making it specific to the State of Washington, the date corresponding to the number of cases and the expectation about the exponential rate. This is a moving target and if the intent is a historical picture, it should be accurate.

**COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER OLSON, TO MAKE IT SPECIFIC TO THE STATE OF WASHINGTON, THE DATE CORRESPONDING TO**

**THE NUMBER OF CASES AND THE EXPECTATION ABOUT THE EXPONENTIAL RATE.  
AMENDMENT TO THE AMENDMENT CARRIED UNANIMOUSLY.**

Mr. Taraday asked for clarification regarding the intent of the amendment, update the 5<sup>th</sup> Whereas after the Council meeting and before the Mayor signs the ordinance with up-to-date information. Councilmember K. Johnson agreed. Mr. Taraday summarized the Council was delegating the authority to staff to replace the 5<sup>th</sup> Whereas clause with current, up-to-date figures. Councilmember K. Johnson suggested the region be the State of Washington.

**MAIN MOTION CARRIED UNANIMOUSLY.**

**3. ADOPTION OF EMERGENCY ORDINANCE FOR MORATORIUM ON RESIDENTIAL EVICTIONS**

Mr. Taraday explained this ordinance is very similar to the previous agenda item but addresses residential evictions. To those who would question the need for this as there is a State order in place, his understanding was the State's order was in effect for a shorter period of time compared to the proposed ordinance which is 60 days from the date of the emergency ordinance.

Mayor Nelson recognized Councilmember Distelhorst for his assistance with this ordinance.

Councilmember K. Johnson asked if this was necessary since the State adopted a similar moratorium. Mr. Taraday answered the moratorium proposed in the ordinance is longer than what is provided by the State. Councilmember K. Johnson recommended making the same language change as was made in the previous ordinance.

Councilmember Paine commented the ordinance will assist people in the Puget Sound area and Edmonds specifically. The State's moratorium covers areas with lower rents.

**COUNCILMEMBER DISTELHORST MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE ORDINANCE NO. 4179, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, IMPOSING A MORATORIUM ON RESIDENTIAL TENANT EVICTIONS AND DECLARING AN EMERGENCY.**

**COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE MOTION TO AMEND THE ORDINANCE BY UPDATING THE 5<sup>TH</sup> WHEREAS CLAUSE. AMENDMENT CARRIED UNANIMOUSLY.**

Councilmember Olson emphasized this ordinance did not waive the payment of rent if a person was in a position to do so. It would prevent evictions from occurring and give people time to determine how to make good on their obligations.

**MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.**

**4. REVIEW AND RATIFICATION OF THE MAYOR'S STAY AT HOME ORDER**

City Attorney Jeff Taraday commented as the Council will recall during discussion at the March 22<sup>nd</sup> meeting, whatever emergency order is issued by the Mayor under the authority given via the revisions to Chapter 6.60 of the Edmonds City Code, that emergency order comes back before the City Council as soon as is practicable for review and either ratification, modification or voiding the order. To keep the order in effect beyond this Council meeting, the City Council would need to ratify or modify the order. Since the March 22<sup>nd</sup> Council meeting, the Governor has issued a Stay at Home Order for the State of Washington that takes effect in slightly over 24 hours from now as it relates to businesses. Mayor Nelson

issued the order on Sunday; after the Governor's order came out, there was interest in having a sunset clause added to Mayor Nelson's order to avoid any confusion about what order was in effect.

Mr. Taraday explained this afternoon he emailed the Council a draft of the order that contains modifications regarding the effective date. He reviewed the proposed modification.

- Section 1. Stay Home: Residents, business owners, and other who either work or recreate within the City of Edmonds, shall, effective 11:50 p.m. on Sunday March 22, 2020 and until ~~further~~ ~~notice~~ 11:59 p.m. on Wednesday, March 25, 2020.

Mr. Taraday advised these amendments were proposed by administration and the Council could propose other amendments if they wished.

Councilmember Buckshnis suggested adding accounting and tax services, bookkeeping, financial managers as essential businesses because even though the tax date is being extended, those professions are essential.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER DISTELHORST, TO ADD ACCOUNTING AND TAX SERVICES, BOOKKEEPING, AND FINANCIAL MANAGERS AS ESSENTIAL BUSINESSES.**

Councilmember Paine said she understood the need for these services but those services could be done remotely. She has contacted financial managers and CPAs who are managing their businesses well with safe interactions that do not involve people coming into their business. She recalled visiting a CPA with a friend who was having her taxes done and she found the business very unsanitary and the employees were not wiping down surfaces between clients. It is much safer to use electronic drop boxes which is not an unfamiliar practice for most with that type of business.

Council President Fraley-Monillas said the Governor's order keeps banks open and but the businesses in the motion were not included in the Governor's order. She acknowledged a financial person may consider those essential but it was most important to keep people off the streets as much as possible. Edmonds has the highest number of attorneys and banks in the State; they are important but not important enough to risk people's lives and spreading the virus.

Councilmember K. Johnson said the Governor's directive lists financial services which includes thousands of depository institution, providers of investment products, insurance companies, other credit and financing organizations and the providers of critical financial utilities and services that support this functions. Financial institutions vary widely in the size and the presence. Whether it is an individual savings account, financial derivatives, credit extended to large organizations or investments to a foreign country, these products allow customers to deposit funds, make payments, provide credit and liquidity, invest funds, transfer financial risks. The essential workforce identifies three types of workers, 1) those needed to process and maintain systems including insurance services, capital markets, wholesale funding, workers who are needed to provide consumer access to banking and lending services and workers who support financial operations such as staffing, data and security operation. It does not specify accountants but covers those type of financial institutions.

Economic Development/Community Services Director Patrick Doherty explained Mayor Nelson's order would only be in place until tomorrow as the Governor's order would supersede it tomorrow at midnight. The City does not have the authority to be more permissive than the Governor's order after tomorrow at midnight. To Councilmember K. Johnson's point about exceptions, it does not include people who do not need to be in a bank or other financial institution. Therefore financial planners, accountants and other individuals who provide advice or planning service regarding finances are not exempt under the Governor's order. Occasionally there needs to be a witnessed signature of a document and some people

do not have access to DocuSign so there is an exemption in the Governor's order about the basic functions of maintaining a business. For example a quick witness signature of financial planning documents would be permissible. Having a financial planning office with a staff and people visiting the office is not permissible by the Governor's order and the City did not have the authority to supersede that.

Councilmember L. Johnson echoed Councilmember Paine's sentiments. The Council is an example of virtual meetings working and she wanted to encourage that to the fullest extent possible. She did not support the amendment.

Councilmember Distelhorst relayed his understanding that staff could be in an office and not necessarily open for business. Some financial institutions are currently administering and helping small businesses with SBA emergency loans. He realized it was only for 24 hours but was an important distinction to make, allowing someone to be in an office with a secure connection did not necessarily mean they were open for people to walk in off the street.

Councilmember Olson echoed Councilmember Distelhorst's point.

Councilmember Buckshnis commented this was going to be moot in 24 hours, but she believes the finance world needed to have staff working in their offices if they did not have VPNs (virtual private networks) at home. She has received approximately ten emails regarding this topic. She offered to withdraw the motion, deciding to leave it on the floor out of "kindness to the finance people."

Councilmember L. Johnson appreciated Councilmember Distelhorst's perspective, commenting she had been considering it from the viewpoint of being open to customers. She supported an amendment that allowed this, at least for tomorrow. She was opposed to having a business open for customers to come in.

Council President Fraley-Monillas commented the point of all this was to avoid people intermixing. Staff in an office are intermixing, driving to and from work and getting gas and food. The Governor's order is primarily to ensure banks continue to operate. There are many different agencies who would like to have the ability to continue working with only 1-2 in an office but COVID-19 is airborne. She did not view this as a necessity for 24 hours.

**UPON ROLL CALL, MOTION CARRIED (4-3), COUNCILMEMBERS OLSON, BUCKSHNIS, DISTELHORST AND K. JOHNSON VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS L. JOHNSON AND PAINE VOTING NO.**

**COUNCILMEMBER PAINE MOVED, SECONDED BY COUNCILMEMBER L. JOHNSON, TO APPROVE THE EMERGENCY ORDER AS PROPOSED BY JEFF TARADAY.**

Councilmember Buckshnis raised a point of order. This is not regarding the emergency ordinance; this about the Mayor's emergency order. Councilmember Paine clarified it is regarding the emergency order.

Councilmember Olson asked if that included Ordinance related to Chapter 6.60. Mayor Nelson answered it did not, it was only the Stay at Home Order.

**MOTION CARRIED UNANIMOUSLY.**

Councilmember Olson raised a point of order, that the ordinance amending Chapter 6.60 was part of this agenda item. Mayor Nelson advised it was not on tonight's agenda.

**5. EMERGENCY COMPENSATION PLAN**

HR Director Jessica Neill Hoyson explained this item is related to the Emergency Closure/Essential Personnel Compensation Plan, written in response to the Governor' Stay at Home Order that becomes effective tomorrow at midnight.

- Governor's Stay at Home Order
  - Effective in 48 hours (Wednesday at midnight): All businesses, except for essential businesses. Businesses that can operate using telework should continue to do so
  - Government is considered an essential business
    - Not all functions are considered essential
    - Some essential work may be done remotely, or not at all
    - If not considered essential and unable to work remotely, employees should not be working during stay at home order
- Standard Practice
  - It is generally a standard practice to have an Emergency Closure/Essential Personnel Compensation Policy in place
  - This has been done at Edmonds on an ad-hoc basis in the past which can lead to inequity and confusion among the employees
  - Policy would clearly establish how compensation will be handled during the Governor's State at Home Order
  - Council can consider a standing policy going forward for future closure events such as extreme weather events
- Three Categories of Compensation
  - Category 1
    - Employees who must physically report to work more than a de minimis amount of time (1 day) and will be exposed to potentially increased hazards due to this requirement and are supporting the City's essential services.
  - Category 2
    - Employees who can perform the majority of their work remotely (more than 2 days per week) and must be physically present a de minimis amount of time (less than 1 day). These employees are less exposed to potentially increased hazards while continuing to support the City's essential services.
  - Category 3
    - Employee cannot perform their work remotely nor are they required to be physically present to perform essential functions.
- Compensation Levels by Category
  - Category 1
    - Propose a 6% pay differential for each week in which an employee is in this category
  - Category 2
    - Propose a 3% pay differential for each week in which an employee is in this category
  - Category 3
    - Propose maintenance of regular pay for each week in which an employee is in this category
- What is the Compensation Proposal Based On?
  - Survey of other agencies (Listserv of approximately 70 HR professionals in Washington) has shown that emergency closure pay for employees who must physically report to work ranges between 5% and 15% with most falling in the 5% to 7% range
  - A step one increase on City pay schedules is 5%
  - City has previously compensated employees who were required to come to work during a weather event with a 5% pay differential
  - Given the nature of this closure and the potentially increased hazards employees may be exposed to, an additional 1% over what has previously been provided is proposed, equaling 6% in total

- Employees who can work remotely with minimal on-site work would receive half of the proposed pay differential due to the reduced hazard exposure
- It is proposed to continue to provide employees who are told to stay at home with their regular compensation consistent with previous weather event emergency closures where the City has done so.
- Employees by Category
  - Emergency Sector Services
    - Police
      - Category 1: 63 employees
      - Category 2: 5.75 employees
      - Category 3: 0 employees
    - Public Works
      - Category 1: 31.5 employees (split schedules of week on week off plus 7 engineering)
      - Category 2: 15 employees
      - Category 3: 2.45 employees (split schedules of week on week off)
    - Development Services
      - Category 1: 1 employee
      - Category 2: 17.25 employees
      - Category 3: 0 employees
    - City Clerk
      - Category 1: 3 employees
      - Category 2: 2 employees
      - Category 3: 0 employees
    - Finance
      - Category 1: 0 employees
      - Category 2: 13 employees
      - Category 3: 0 employees
    - Human Resources
      - Category 1: 1 employee
      - Category 2: 2.5 employees
      - Category 3: 0 employees
    - Parks & Recreation
      - Category 1: 6 employees (split shift week on week off)
      - Category 2: 10.4 employees
      - Category 3: 8.4 employees (split shift week on week off plus 2.4 employees)
    - Community Services
      - Category 1: .25 employee
      - Category 2: 2.25 employees
      - Category 3: 0 employees
- Totals by Category
  - Category 1: 105.75 employees
  - Category 2: 142.15 employees
  - Category 3: 32.9 employees
    - Majority of employees are working split shift
  - Only approximately 2.9 employees are not doing a split shift, not essential and cannot work remotely
- Union Considerations
  - Both AFSCME and Teamsters have submitted a demand to bargain wages should the City be under an emergency closure/essential personnel only status
  - Action the Council takes tonight will be shared with the unions

Ms. Neill Hoyson explained the week on, week off schedule is in response to the Governor's directive as well as it reduces the number of staff working at one time to reduce exposure between employees as well as isolates a group of employees for the week so if there is a contact event among that work group, the group is isolated from that event. A Parks employee was determined to be COVID-19 positive; following an analysis of employees who had prolonged and close contact, 12 employees were notified that they needed to quarantine. Fortunately a majority were already teleworking but two employees who could not work remotely were sent home.

With regard to the actual financial impact, Ms. Neill Hoyson explained the employees in Category 3 who would be kept on salary, that cost is already budgeted; they would basically be on a standby leave. There would be an increase in the budget due to pay differentials; for example, an employee earning \$65,000/year, the 6% pay differential for the two weeks of the Governor's current Stay at Home Order, the cost would be \$150 for that employee. The cost for an employee in the 3% category would be \$71.54.

Councilmember Olson said she had reservations about voting on this today. These are not typical economic times for the City and the fact that this is coming up in the context of a pandemic and the potential it could last 4-6 months instead of 4 weeks, she felt it would be prudent to spend more time thinking about the ramifications of the proposed plan. She referenced Councilmember Distelhorst's earlier suggestion about backdating and tabling this issue until next week.

**COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCILMEMBER K. JOHNSON, TO TABLE THIS UNTIL NEXT WEEK WITH THE UNDERSTANDING WHATEVER DECISION WAS MADE NEXT WEEK, IF IT WAS AN AFFIRMATIVE VOTE, WOULD BE BACKDATED TO BE EFFECTIVE TODAY.**

Council President Fraley-Monillas said these are extraordinary times and she estimated the pay for these people would be no more than six weeks when it is anticipated the coronavirus will begin to decrease. She cares for staff and appreciates them working every day and around citizens, each other and the virus and this was a tiny bit of additional compensation for working in this abnormal environment. Other cities, the county and the state are doing this and she did not see any point in waiting a week. The Council's job is to legislate, not to micromanage departments and their staff; she counted on the directors to make those decisions. She also wanted staff to be kept safe in this environment and she appreciated employees coming to work every day and putting themselves in jeopardy of potential contracting the virus just to serve the City. She did not support waiting a week before compensating staff for working in this dangerous environment.

Councilmember L. Johnson raised a point of order, referring to people visible on the screen in Council Chambers (standing close together behind City Clerk Scott Passey who was participating in the meeting) who were not abiding by the Governor's orders and putting staff at risk. Mayor Nelson directed the people standing behind Mr. Passey to disperse from Council Chambers. Mr. Taraday advised they could remain in Council Chambers but must remain 6 feet apart. He suggested Mr. Passey turn off his video feed.

Mayor Nelson declared a brief recess.

Mayor Nelson advised during the break he learned there was an emergency proclamation by the Governor amending the Open Public Meetings Act (OPMA). In response to the Governor's emergency order, the meeting has been closed to the public. The proclamation also limits the business the Council as a legislative body conducts to coronavirus related items. City Attorney Jeff Taraday said during the break he was alerted to the proclamation. He summarized the proclamation, the Governor has prohibited public agencies from conducting any meeting subject to the OPMA unless that meeting is not conducted in person and instead provides an option for the public to attend the proceedings at minimum telephonic

access and may also include other electronic internet and other means of remote access, and provides the ability for all persons attending the meeting to hear each other at the same time. Mr. Taraday said the Council is complying as Councilmembers are separated and meeting over the internet.

Mr. Taraday said the proclamation goes on to say agencies are further prohibited from taking action as defined in RCW 42.30.020 unless those matters are necessary and routine or are matters necessary to respond to the COVID-19 outbreak and the current public health emergency until such time as regular public participation under the OPMA is possible. The proclamation makes additional modifications to the OPMA which Mr. Taraday indicated he had not had time to fully process. One of the items on the Council's agenda (2019 Transportation Benefit District Report) may not be allowed unless an argument could be made that it was necessary and routine. The proclamation remains in effect for 30 days until April 23, 2020.

Councilmember Paine asked whether backdating the compensation would be possible if the Council did not approve the plan until next week. Ms. Neill Hoyson said her concern is being responsive to the Governor's order as of midnight tomorrow so there would be some employees who potentially would not be considered essential and should be sent home.

Councilmember Paine asked if Ms. Neill Hoyson could provide a rough, back of the envelope estimate of the cost. Ms. Neill Hoyson said salaries on average generally range between \$65,000 and \$75,000. She reiterated for an employee earning \$65,000/year, a 2 week period at 6% would be \$150 and 3% would be \$71.54. She noted the Governor's orders are for two weeks.

Councilmember Olson said the City will be complying with the Governor's orders whether employees are in the office or not. She asked whether the value of the Council approving this plan tonight was to address the compensation aspect. Ms. Neill Hoyson answered most urgent is addressing the compensation aspect for the employees who would be told not to come to work and who cannot work remotely.

Councilmember Olson observed the value of not tabling and not backdating compensation was to avoid creating any new problems. Ms. Neill Hoyson said both the AFSCME and Teamsters had demanded to bargain prior to taking any action to send employees home without pay. There would be union impacts related to that action. Mr. Taraday said there is a rule under the Gift of Public Funds Doctrine that public employees need to be paid pursuant to adopted policy or approved collective bargaining agreements and for that reason retroactive pay is generally not allowed unless there is an existing policy or collective bargaining agreement that specifically allows for retroactive pay. It is unlikely that paying them retroactive would work. He was uncertain it was clear to the Council the effect of sending staff home if the policy is not adopted.

Public Works Director Phil Williams commented the additional pay recognizes employees have additional hazards coming to work now that they did not have previously. In addition it creates some incentive; a person could call in sick and would be justified in doing so. He acknowledged many of staff are scared and although every effort is made to make them feel comfortable coming to work and doing their work, with all the inflamed stories, some of which are accurate and some are not, employees get pretty worked up. This compensation would go a long way to help smooth that over. He agreed there were more hazards now than there were before. Doing a quick calculation of 200 employees at \$125 each over the next 2 weeks equated to about \$24,000.

Council President Fraley-Monillas commented this was a very minor amount of money to have people doing the type of work they do while the Council is staying at home doing its work. Essential employees show up no matter what; the estimated cost to have these people working on the frontlines of this virus is change on the dollar.

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER L. JOHNSON, TO APPROVE THE PROPOSED EMERGENCY CLOSURE/ESSENTIAL PERSONNEL COMPENSATION PLAN.**

Councilmember L. Johnson expressed appreciation for and agreed with Mr. Williams' comment. Staff is being asked to continue to do their jobs to the best of their ability and the Council needs to recognize what is being asked of them. This is a small step to recognize that and continue to encourage and incentivize them. She supported the motion.

Councilmember Olson said without a doubt she had immense appreciation for staff's efforts. She was looking ahead and around at a world of hurt for the entire community and all the citizens and was concerned about the City's total resources. She asked if this plan agreed to the pay for only two weeks. She was looking at the bigger picture of the City's resources and knowing what the Council was agreeing to financially before making that agreement and felt that was a responsible thing for the Council to do. Ms. Neill Hoyson said it is tied to the Governor's Stay at Home Order which is currently two weeks. The plan would change based on the Governor's order. Councilmember Olson commented it was a big unknown.

Mr. Taraday explained if the Governor's order gets continued and continued and continued again, and the Council wants to revisit this issue, the Council could put it on an agenda and alter the compensation policy. For example, if the Council was willing to agree to a compensation policy for two weeks but not for 8-12 weeks, it could be revisited.

Council President Fraley-Monillas acknowledged the Council was the keeper of the taxpayers' dollars, but what are the citizens going to say when staff City is not doing their jobs and more citizens are put at risk. She supported staff as well as the citizens by staff working and helping contain the virus in the City.

Mr. Williams said the federal government has passed bills and will continue looking at ways whereby when this event is over, the City can apply for financial assistance to offset additional costs and this would certainly be one of those costs. He acknowledged that was not a certainty or that the City would be reimbursed 100%. Typically 75% of the costs are paid by the federal government and often 12.5% paid by the state. He summarized there would likely be some recovery of additional expenses to respond.

Councilmember Buckshnis said everyone supports staff and thinks they are doing a great job. This is a wonderful thing to do. The point that is being missed, similar to Ordinance 4177, there is not complete information. She asked if HR could provide a more complete packet with a projected cost for the next meeting. She agreed with Mr. Williams' comments, pointing out the fact of the matter is the Council needs to have a good understanding of what they are approving. She summarized staff deserve this but she wanted to have a more complete picture.

Councilmember Paine said she supported the motion for the following reasons: staff needed to have a sense of job security, their work is in support of the City's mission and the additional compensation will calm some of the waters. She agreed with having an update regarding the costs. She appreciated efforts to develop the proposal in as comprehensive a way as possible, acknowledging there may be some missing information, but she was confident about the direction it was going.

**COUNCILMEMBER K. JOHNSON MOVED TO POSTPONE THE ORIGINAL MOTION UNTIL THE NEXT MEETING. MOTION DIED FOR LACK OF A SECOND.**

Councilmember K. Johnson said she found the information very incomplete and confusing. The Council has a fiduciary responsibility and does not know how much this will cost. The Council has been provided

information in a PowerPoint presentation about the number of affected employees. The Council does not have any details and this will take effect Wednesday night. She did not support something that had so many loose ends and was not well-thought out. The employees are the City's most important assets and no one should come to work if they feel they are in harm's way. She wanted to know more about the state's unemployment for people unable to work remotely; for example, rather than paying their salary, would they be eligible for unemployment insurance. There were too many unknowns, she needed more information and she needed the information in writing. The Council had no way to capture the information presented in the PowerPoint. She concluded it was a very poor way of making a decision and she did not support the motion although in concept she felt it was a good idea but it needed a lot more work.

Councilmember Olson agreed with Councilmember K. Johnson, relaying she came to the meeting with the desire to postpone this item. She was somewhat convinced by Mr. Williams' comments about the labor unions. She wanted assurance that if this was approved tonight, it could be scheduled on an agenda even if only one Councilmember wanted to put it on the agenda, noting it had been difficult for her to get items on the agenda in the past.

Council President Fraley-Monillas said Councilmembers could vote no if they did not support the proposal although she encouraged Councilmembers to support the motion. She agreed with asking the HR Director to provide additional financial information for the long term via email or sending documents to Council. The alternative is to do nothing and if nothing is done, staff will not receive the compensation they deserve for fighting the virus. She encouraged Councilmembers to support the motion and work out the cost later. She commented this was very little money particularly compared to some things the City spends money on.

Councilmember Olson commented since the Council was voting on this with incomplete information, she reiterated her request that it be scheduled on an agenda at the request of any Councilmember when further information is provided. Council President Fraley-Monillas reiterated Councilmembers could vote no if they wished or could vote yes if they wanted to approve it tonight and the HR director would be asked to provide further information to Council.

Interim Parks Director Shannon Burley explained the idea of split shifts was an effort to try and keep employee safe as much as possible. There are several staff members in the high risk category and she has to make difficult decisions every day. For example, a member of her staff who is over 60 was asked to go home due to concerns for her health. That occurred two days prior to a Parks employee testing positive. These are difficult decisions to make and it was difficult for directors to compile information in time to get it into the presentation based on the directive the Governor's issued last night. Splitting shifts will be challenging without assurances and doing so by the time the order is effective tomorrow night does not give much time to help employees understand the benefits of continuing to maintain social distance. She appreciated the Council's willingness to consider this.

**MOTION CARRIED (6-1), COUNCILMEMBER K. JOHNSON VOTING NO.**

**Motion #1**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER OLSON, TO AMEND THE AGENDA TO ADD ORDINANCE NO. 4177 AS IT WAS INCLUDED IN THE AGENDA PACKET AS PART OF ITEM 8.4, REVIEW AND RATIFICATION OF THE MAYOR'S STAY AT HOME ORDER.**

Councilmember Buckshnis said she was promised at Sunday's meeting that the Council would have an opportunity to review the ordinance since the Council only had an hour before the meeting to review it.

**Motion #2**

**COUNCILMEMBER PAINE MOVED, SECONDED BY COUNCILMEMBER DISTELHORST, TO AMEND TO BRING BACK EDMONDS CITY CODE 6.60 WITHIN THE NEXT 6-8 WEEKS TO ALLOW FOR GREATER PUBLIC COMMENT AND ADDITIONAL POLICY REVIEW BY THE COUNCIL AND TO INCLUDE OTHER DISCUSSION AS NEEDED.**

Councilmember Buckshnis asked if an ordinance took effect seven days after the Mayor signed it. Mr. Taraday advised an emergency ordinance takes effect immediately. Councilmember Buckshnis said the Council was only provided one hour to review the ordinance before Sunday's meeting and she has several amendments she would like to make. The Council was promised they could discuss it tonight.

Council President Fraley-Monillas said there may be opportunity to include some of the emergency response responsibilities in the order that were discussed including some that have been delegated to Snohomish County Department of Emergency Management. She referred to an emergency plan the Council approved in the first quarter of 2017. She wanted to ensure the plan was comprehensive. She was satisfied what the Council approved on Sunday covers enough of the territory that needs to be covered now. She did not want to have another rushed process and preferred to schedule it in the next 6-8 weeks.

Councilmember Olson recalled when Ordinance 4177 revising Chapter 6.60 was passed on Sunday, the Council was told it could be revised at tonight's meeting. She wanted to ensure the community was comfortable with components in the ordinance and that they were legal. Mr. Taraday said some research was done today on issues that have been raised and additional research could be done with more time. He was uncertain whether he would have a definitive answer with respect to Subsection G tonight; more time would allow him to explore that in more detail and provide the Council more options. It is entirely up to the Council whether to revisit the ordinance tonight or in a few weeks.

Council President Fraley-Monillas asked if 4-6 weeks would be enough time. Mr. Taraday said he would not need six weeks. Council President Fraley-Monillas asked if a month would be enough time, noting that would also provide time for citizens to provide input. Mr. Taraday answered a month would be more than plenty.

Councilmember K. Johnson commented she has received numerous emails about removing Subsection G, an order prohibiting the carrying or possession of a firearm or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm, provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties.

**Motion #3**

**COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO DELETE SUBSECTION G AS THE COUNCIL RATIFIES THIS.**

Councilmember K. Johnson said the Council could then take 6-8 weeks to evaluate it. She was confident this was a Second Amendment constitutional issue and did not think this was an appropriate vehicle in which to raise that issue.

City Clerk Scott Passey observed this was a third motion, the first was simply to add this topic to the agenda, the second was to delay this item for 6-8 weeks and this motion was getting into the merits of the item. Mr. Taraday agreed motions to amend were not appropriate unless the item was on the agenda.

Council President Fraley-Monillas asked Councilmember Buckshnis to clarify her motion (motion #1). Councilmember Buckshnis explained she was asking to add Ordinance No. 4177 to the agenda as Agenda Item 8.4 was originally Review and Ratification of the Mayor's Stay at Home Order. She was told at

Sunday's meeting that the Council would be able to revisit the ordinance at Tuesday's meeting. She has questions about 6.60.090 including Subsections C and G. She wanted to discuss it tonight because the Council had no time to review it prior to Sunday's meeting.

Councilmember Olson said she was willing to add it to the agenda but her vote whether to include Subsection G will be based on the constitutionality and whether it is legal to include it. If it is added to the agenda, she will make an amendment to table it until that input is provided by Mr. Taraday.

**Action on Motion #1**

**UPON ROLL CALL, MOTION FAILED (3-4), COUNCILMEMBERS K. JOHNSON, BUCKSHNIS AND OLSON VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS DISTELHORST, PAINE AND L. JOHNSON VOTING NO.**

**Restated Motion #2**

**COUNCILMEMBER PAINE MOVED, SECONDED BY COUNCILMEMBER OLSON, TO BRING BACK EMERGENCY ORDINANCE NO. 4177 THAT COVERS EDMONDS CITY CODE 6.60 TO BE DISCUSSED WITHIN THE NEXT 4-6 WEEKS. THIS WOULD ALLOW FOR PUBLIC COMMENT, GREATER POLICY REVIEW BY THE FULL COUNCIL AND BETTER CLARIFICATION OR RULES AND RESPONSIBILITIES.**

Councilmember K. Johnson recalled Mr. Taraday said he could have the review completed sooner than 6-8 weeks. Councilmember Paine said her motion was 4-6 weeks and she was open to discussing it sooner if that could be accomplished. She wanted to ensure the Council was not "jumping from one frying pan to another." Councilmember K. Johnson suggested stating it would be reviewed after the legal analysis is completed. Councilmember Paine said her intent was to do something broader than that. She wanted to ensure all the roles and responsibilities covered within the ordinance are also included.

Councilmember Buckshnis said it was awful what the Council did on Sunday. Councilmembers were given an hour to do a very important ordinance and they were promised they would be allowed to make changes tonight. That is now being pushed off due to the fact that legal analysis is required; that legal analysis should have been done before it was brought to Council. This is not a good example of how to pass very serious ordinances.

Mr. Taraday said attorneys can analyze things to death. If he had more time he would look at it harder, and if it is added to the agenda tonight, it could be discussed tonight. He did not want the Council to think he was not prepared to discuss it.

Council President Fraley-Monillas agreed with Councilmember Buckshnis that this had been a very klutzy approach, acknowledging that that sometimes happens in an emergency. She supported the motion, anticipating the analysis could be done more quickly. She also supported having more public input. With the number of future agenda items that are being delayed due to the Governor's order, she anticipated there would be time to discuss the ordinance sooner than six weeks.

**Vote on Motion #2**

**UPON ROLL CALL, MOTION CARRIED (5-1-1), COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS L. JOHNSON, PAINE, OLSON, AND DISTELHORST VOTING YES, COUNCILMEMBER K. JOHNSON VOTING NO, AND COUNCILMEMBER BUCKSHNIS ABSTAINING.**

**6. 2019 TRANSPORTATION BENEFIT DISTRICT REPORT**

Mayor Nelson asked whether this item was appropriate in view of City Attorney Jeff Taraday's interpretation of the Governor's order. Public Works Director Phil Williams said a portion of the report,

basically the revenue and expenses, is routine and necessary due to the deadline to file the report and publish it in the newspaper. The remainder of the presentation is related to the paving program and an update on I-976 which is critically important but unrelated to the coronavirus and does not have a deadline.

Mr. Taraday said in view of the statutory deadline, the TBD report meets the Governor’s order, but the information regarding I-976 likely does not.

Mr. Williams reviewed:

- TBD Overview
  - Edmonds City Council formed TBD on November 18, 2008
  - TBD Board enacts \$20/year fee with Ordinance No. 1 on February 17, 2009 limiting the use of funds collected to maintenance and preservation of streets and related traffic control assets
  - Funds collected
    - 2012 \$640,994
    - 2013 \$670,435
    - 2014 \$623,111
    - 2015 \$687,421
    - 2016 \$701,467
    - 2017 \$692,589
    - 2018 \$716,013 + \$43,181 in additional qualifying expenditures = \$759,194
    - 2019 \$689,668 + \$26,345 in additional qualifying expenditures = \$176,013
- Schedule of Revenues, Expenditures and Changes in Fund Balance 1/1/19-12/31/19

<b>Revenues</b>	
\$20 Vehicle Registration Fee	\$689,668
<b>Total Revenues</b>	689,668
<b>Expenditures</b>	
Road Maintenance (includes repairs, patching, crack sealing)	
Labor & Benefits	149,090
Supplies	36,089
Traffic Control	
Labor & Benefits	190,949
Supplies	170,895
<b>Total Expenditures</b>	\$689,668
<b>Net Charge in Fund Balance</b>	--
<b>Fund Balance - Beginning</b>	--
<b>Fund Balance - Ending</b>	--

[1] A additional \$26,345 in expenditures were eligible for reimbursement from this funding source, however, due to funding constraints, these expenditures were absorbed by Fund 111 – Street Fund

Mr. Williams relayed his intent to publish the information in the local newspaper, the Everett Herald, as soon as possible unless there were any objections from Council. He requested an opportunity to discuss the information regarding the paving program as soon as there was an opportunity to do so.

## 9. MAYOR'S COMMENTS

Mayor Nelson acknowledged these are challenging times and uncharted territory. Everyone is doing their best, City staff is doing their absolute best – above and beyond responding to this emergency, this pandemic, this virus that is infecting everything we do in our lives, our work and in government. He assured everything possible was being done to keep people safe, but he needed everyone’s help and patience, including Councilmembers’ patience. This is an emergency and we need to act like it is an

emergency. It is not business as usual; these are emergency conditions and reactions and decisions have to be made faster than ever because people's lives are at stake. He will continue to make those decisions, make requests and propose emergency ordinances and whatever he can to keep people safe. What Councilmembers did on Sunday was in response to an emergency. The packet was published Friday afternoon and was available for over 36 hours. Councilmembers had 36 hours to read the emergency ordinance that the Council voted on at Sunday's meeting. He will use the minimal amount of power necessary because at the end of the day he just wants to keep people safe. Those powers are not just for him but for any future mayors in any disaster or emergency.

#### **11. COUNCIL COMMENTS**

Councilmember L. Johnson thanked Mayor Nelson for his comments, for the work he is doing and his dedication. She thanked everyone who is following the Stay at Home Order and working to protect the community. She expressed appreciation to those on the frontline serving the community, especially healthcare workers, first responders, City staff and all essential service workers including sanitation, grocery, childcare, and more. She wished everyone "be well."

Councilmember Distelhorst echoed Mayor Nelson and Councilmember L. Johnson's comments. These are very difficult times for essential staff and people working at home. There will be difficult decisions for Council to make and he appreciated everyone's flexibility in making decisions and the ability to go back and revisit decisions in the future to ensure the best interests of citizens in the short term and the City in the long term. He thanked Council for their action on the ban on residential evictions as well as non-profit and small business evictions during this emergency.

Councilmember Olson assured that Councilmembers and the Mayor are thinking of and considering citizens in everything they do, losing sleep and giving conscious thought day and night about what they are doing to make this better. She thanked citizens for their creativity in making things work in a virtual environment and protecting the community via social distancing and following the City and the Governor's mandates. She wanted to ensure it was clear and understood that Ordinance 4177, Chapter 6.60, is related to emergency powers and not for daily use. Most of the Mayor's potential powers are only and exclusively if a specific emergency or disaster warranted them. It is not a blank intrusion on citizens' rights. She assured Councilmembers heard citizens' concerns and are investigating to ensure there are no violations of constitutional rights.

Councilmember Paine thanked the Mayor, Directors and Staff for all the work they have been doing in this rapid-fire, evolving situation. She appreciated everyone's thoughtfulness, patience and eagerness to do things the right way, recognizing it may not be as clean as we'd like it to be. The Council is working hard to do what is best for the City. She encouraged everyone to follow the Governor's orders and stay at home, to call and check on friends and loved ones living alone who may feel socially isolated. Mental health is just as important as physical health and it's a scary situation. She appreciated everyone's good work and promised to do her very best for the City.

Councilmember Buckshnis thanked everyone for their emails, phone calls and texts and assured she is listening. She referred to healthy calm, healthy concern and healthy fear versus fear and panic and urged the public to maintain healthy fear, stay healthy and maintain distances. There is a lot of misinformation and everyone needs to be cognizant that this is a crisis situation and need to stay strong, checking in on friends and neighbors, and having Zoom meetings.

Councilmember K. Johnson agreed these are very unusual times and she wanted to extend her appreciation to the community. About 25% of the Edmonds population is in the high risk age category and many people have underlying health problems. She thanked Teresa Whipple for her posting on My Edmonds News of all the cases in Snohomish County and the City of Edmonds. As of today, 39 people in

Edmonds have tested positive for COVID-19 and 547 in Snohomish County. This exponential growth rate is the reason all the extraordinary measures are necessary. The Council, Mayor and City employees are committed to doing their jobs and she assured citizens that they are here for them.

Council President Fraley-Monillas reassured the Council is willing to work with the Mayor to assist him. She thanked Mayor Nelson for his strong, clear leadership which has helped staff and the citizens of Edmonds to move forward, understanding where he is coming from and his direction. She received a call from a legislator over the weekend and spoke with Everett Mayor Cassie Franklin and both were very complimentary of what the Council has done as well as Mayor Nelson and his guidance. She has witnessed staff's amazing and detailed efforts and was appreciative of the Council's approval of a small increase for hazard pay. She advised there were 5 more deaths today in Washington State, bringing the total to 110. The death rate is climbing, but the more people stay apart and the cleaner areas are kept, the better it is. She wished everyone luck in the coming week and looked forward to working with Mayor Nelson.

**12. ADJOURN**

With no further business, the Council meeting was adjourned at 9:57 p.m.

**Public Comment for 3/23 – 3/24/20**

**3/23-3/24 Email from numerous members of the Public (listed here for brevity):** Jonathan Byerly, Cindy & Bryce Carpenter, Charles D Cripps, Mark (no last name included), Dan Moll, Tim Ehlers, Justin Everson, Charles Eakins, Dennis Glines, Valerie Sabado, Liz Capetillo, Unnamed, Keith Martin, Allen Terrell, Ralph Monis, Aidan Foxley, Robert Wallace, Matthew van Camp, Fredy Armani, Rolf Shumann, Jeff Clark, Betsy Patton, Robin E. Johansen, Leo Jacobs, Bobbie Piety, Rick Lapinski, Justin Seimears, Mary Walker, Bryan Stevens, Roger Peterson, David Wendt, Glenn Green, Tom Cox, Deven, Dan Jennings, Ken Manning, Myron & Shawna Feiock, Timothy Hemple, Blake Stedman, Jeff Scherrer, Travis Ries, Diane Jackstadt, Walter, Day, Ronald Utke, Jeff Pack, Lois Brown, Gary Coringly, Cory Shanahan, Craig Williams, Melissa Garrity, Rick Witkowski, Harry and Sally Parmer, Julia Fogassy, Craig (no last name), Stephen & Cristine Brown, Diana W., Dave Matz, Paul Werner, Michael Boyd, David Goff, Jet, V, Jacqueline Dawson, Mark Van Scoy, Ashley Moll, Bill Chandler, Gary (no last name included), Scott Semanko, Mike & Heather Earl, Mike Rose, Priscilla Turner, Michael O'Neal, Bob Locati, Jean-Michael Depena, Kimberly Glidewell, Stacey West, Ryan Hatch, Keith Evans, Meixter, BVT, Marty & Teri Munson, Joseph Taylor, Kristin Grose, Duane Dent, James Ashby, Brittany Thovsen, Kelly S., Linda Ader, Dennis Larsen, Sherijdv, Ric Cade, Carlo Marinaro, Frank Durham, Dave Avis

**Subject:** Do not attack our 2nd Amendment rights – remove section G from your emergency ordinance.

No government — certainly not a city — can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Your legislation is also illegal (KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park — <https://komonews.com/archive/bellingham-to-pay-15000-to-man-who-wore-gun-in-park>). After the council listens to public testimony during this open public meeting, all it takes to remove this anti-2A provision is for one councilmember to make a motion to amend the emergency ordinance, another councilmember to second it, discuss it, then the council will vote to remove it. There is absolutely no justification for this blatantly unconstitutional — and illegal — provision and your emergency ordinance should be modified to remove it. Please confirm you received my email message.

3/23 Heather Damron, Subject: Ordinance Amending Chpt. 6.60 of Edmonds City Code  
I know we are all stressed out right now, so I will try to keep this as short as possible. I am writing today to urge you to leave Section 6.60.090, G intact as written. It is absolutely imperative to the safety of the citizens of Edmonds that the Mayor has the ability to enact an order "prohibiting the carrying or possession of a firearm or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm, provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties." The sales of firearms and ammunition is through the roof right now. That, in and of itself, is terrifying. The last thing we need are people acting as vigilantes. Pulling weapons if supplies run low. Actively intimidating fellow citizens. This will protect citizens, make the police and other emergency responders safer. Simply put, allowing people to haphazardly and freely carry weapons around the city while everyone is under extreme stress is going to quickly devolve. Open carry during a regular time is totally about intimidation. During a time of collective anxiety, it's a recipe for disaster. This is not the time to bow to the gun lobby. Please, let's band together sensibly, look out for each other and

protect each other from escalated gun violence. Thank you all for your dedication and service, especially during these strange times. You are so appreciated.

3/23 Phil Lovell, Subject: Edmonds Waterfront Center

As most of you council members know, I have been a volunteer 'construction engineer' to the Senior Center going back as far as proposed repairs to the sinking slabs and leaking west wall sections of the old building since 2015 and earlier. I am grateful to be assisting by contributing my past experience and knowledge to the current process of building the new Waterfront Center. I have every intention of sticking with it to the grand opening this Fall and beyond with whatever help the Center requests of me. While it's unfortunate that the fundraising, capital funds availability, COVID-19, and cash flow are creating extra 'burden' to the project, we are confident that our City of Edmonds partners will step up to help with Council approval of the 2mm\$ CD and LOC worked out between ESC and COE. It seems that this review/approval has been drawn out timewise to a point now where construction progress could be severely impacted by inadequate cash flow. In the worst case scenario, both the building AND beachfront improvement components of the project could be temporarily stopped until funds become available and project component coordination are able to continue. Please assure that your membership approve this most important matter at your March 24th meeting. Thank you one and all.

3/23 Ken Smith, Subject: CPA Firm Essential Service

As Managing Partner TranerSmith & Co. 25 member CPA firm strongly urge you to Designate CPA firms as essential service we help individual receive tax refunds and businesses with conoravirus loans and disaster planning! We are being careful 50% of staff working from home!

3/23 Liz Morgan, Subject: City Ordinance Amendments – Urgent

My name is Liz Morgan and I'm a married mother of 2, who lives at 1053 B Ave S. in Edmonds. I understand that you'll be meeting this week to review the city ordinance for the emergency declaration and that council members are able to consider amendments. I also understand that there is a section which addresses gun and weapon possession, which i believe is 6.60.090, G. I ask that the Council do their due diligence in protecting our community by retaining this section of the ordinance. Please.

3/23 Laura Meyer, Subject: Gun Violence Prevention

As the council discusses, possibly amends and hopefully approve the ordinance "TO ENHANCE THE CITY'S ABILITY TO ACT SWIFTLY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE IN RESPONSE TO EMERGENCIES AND CIVIL EMERGENCIES," I am writing as a member of Mom's Demands Action to request that the following section remain in the ordinance for public safety: Upon the proclamation of an emergency or civil emergency, the mayor, or if absent or incapacitated, the president of the city council, during the existence of such emergency or civil emergency, may make and proclaim any or all of the following orders: G. An order prohibiting the carrying or possession of a firearm or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm, provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties. PLEASE continue to keep our town and our families safe!

3/23 Teresa Chilelli White and Armando and Sina Chilelli, Subject: Cannibis stores:

Hello, My parents live in Edmonds and I help care or them. I am also the owner of a cannabis retail store. I read the article about the council's discussion about closing cannabis stores. You should close them to all except for medically endorsed stores and they should be open to registered medical patients only and open times should be reduced. The struggle to keep employees safe is a battle we are losing. There is not enough PPE equipment to keep them safe. We cannot find gloves and masks. At the same time we are asked to donate these things to hospitals because there is a shortage. How can we keep our employees safe without PPE's? Not to mention the recent medical concerns with vaping and the WA department of health does not consider anything you smoke to be a medical product. So the argument that many people use it during these trying times is not valid and should not be used as an argument. The use of vaping and smoking marijuana is not a necessity and could add to the burden of the medical system with vaping lung concerns and driving while high. We have seen an influx in business because people are home, and people are coming in already high, and people are coming in coughing and sneezing and sick. If we do not have PPE's because there is a shortage, how do we stay safe? Keep your community safe and close cannabis retailers to all except registered medical patients. I know this will hurt my business, but if all of my employees are sick or dead, isn't that worse?

3/24 Dominic Suciu, Subject: Do not pass this stupid antigun bill you douchebags

3/24 Frank Trieu, Subject: Request: Remove section G from the Emergency Ordinance  
Hello my name is Frank Trieu and I have been a resident of Edmonds for the past 33 years. I am a property owner and my children are part of the Edmonds School District. Having cast my vote for the council and the mayor, I appreciate the work of the council in caring for our community. Respectfully, I would ask that a council member consider making a motion to amend the emergency ordinance, and another to second it to have the 2A provision removed. I recognize that the situation is volatile right now, but we need respect the our constitutional rights in working towards a solution. cNo government -- certainly not a city -- can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Thank you for taking time to read through my message and please confirm that you received my email.

3/24 Tim Matthes, Subject: Your oath

I am writing to remind you of the oath that you too on entering office, that was to protect and defend the US and the State of Washington's constitutions. I hope you will honor that oath and vote to remove section G of the proposed ordinance, because it is a direct attack on your citizen's second amendment's rights.

3/24 K Baker, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.

No government -- certainly not a city -- can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Your legislation is also illegal (KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park - After the council listens to public testimony during this open public

meeting, all it takes to remove this anti-2A provision is for one councilmember to make a motion to amend the emergency ordinance, another council member to second it, discuss it, then the council will vote to remove it. There is absolutely no justification for this blatantly unconstitutional -- and illegal -- provision and your emergency ordinance should be modified to remove it. Your blatant refusal to consider that you may be wrong is a sure sign that you are not listening to your voters and are oblivious to the situation you are creating with your actions. You have not been given carte blanche to change law and remove rights guaranteed by the Constitution. Tread lightly the pendulum swings both ways. Please confirm you received my email message.

3/24 Gordon Forguson, Subject: Do not attack our 2nd Amendment rights – remove section G from your emergency ordinance. Your attempt to abridge our God given rights to self protection, shall not only be your political undoing, But . . . May also be your Physical undoing! Max Conflass

3/24 Heather Damron, Subject: Re: Ordinance Amending Chpt. 6.60 of Edmonds City Code I am watching the now tabled City Council meeting, and I would like to reiterate all the points above, and think we just witnessed EXACTLY why it is imperative that 6.60.090 is left intact. That was a disgusting display of intimidation. Please, all of you, be safe. These people are not okay. That behavior is absolutely abhorrent and should not be rewarded.

3/24 Rick Morgan, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance  
City government does not have the right to violate the US Constitution and restrict 2nd Amendment gun rights. You might think you are helping and doing good by attempting to change and restrict gun laws. All you are doing is keeping guns out of the hands of honest law abiding citizens. Unfortunately, criminals will still get guns and use them to commit crimes. The difference is lawful citizens will not be able to protect themselves. Continue to ignore the rights of state citizens and you will awake a sleeping giant - do not attempt to restrict 2nd Amendment rights.

3/24 Earl Hufnagel, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.  
I understand that by including section G in your emergency ordinance reflects your concern that civil unrest might eventuate from the COVID-19 crisis. However, disarming the general public is not the way to prevent civil unrest. Such unrest, if it happens, will be initiated by people who pay no attention to local ordinances: criminals. Due to local policy permitting convicted criminals and low-level offenders like shoplifters and home burglars to walk free, there are those among us who will foment violence in hope of personal gain using whatever arms they have at their disposal, regardless of local arms bans. To prohibit "the carrying or possession of a firearm..." by a law-abiding citizen is a clear violation of the Second Amendment to the United States Constitution, and also the Washington State Constitution. It is also an illogical response to this crisis. To disarm the public at large is to leave them vulnerable to the criminal element. there are not enough "peace officers or military personnel" to protect every citizen at every location. As a law-abiding citizen who works in Edmonds, I urge the Edmonds City Council to reconsider this policy and remove this section from your emergency ordinance.

3/24 Bill Hirt, Subject: Why I'm a Candidate for Governor The 3/23/20 post on my blog <http://stopeastlinknow.blogspot.com> opines my candidacy for governor is the latest attempt to make up for the Seattle Times decade of abetting Sound Transit perpetrating a failed approach to the area's transportation problems. That billions and years have already been wasted on light rail extensions to East Link and Northgate that will increase congestion, lose access for current riders, and exacerbate fare-box revenue shortfall. Those problems will be dwarfed if Sound Transit is allowed to proceed with ST3 extensions to Lynnwood and beyond and Federal Way and beyond.

3/24 Steve Chancellor, Subject: Do not attack our 2nd Amendment rights – remove section G from your emergency ordinance.

I find it appalling that the Edmonds City Council would want to make criminals out of law abiding citizens. Your proposed order, section G, to prohibit law abiding citizens from carrying a firearm or any other undefined instrument is ludicrous. A law abiding citizen does not carry a firearm with the intent to use it to cause anyone any harm. The law abiding citizen only carries a firearm, or other undefined instrument, for self-defense. Elected government, no matter what level, isn't in place to oppress the law abiding citizenry. Section G only hurts the law abiding citizen and emboldens the true criminals visit Edmonds. Trying to burry the ill-conceived section G language in your emergency code and vote it in under the dark of night is criminal on your part. We live in a free society. You need to leave law abiding free citizens alone and worry about criminals and other non-law abiding people. Seems to me that is one of the things we elected you for.

3/24 Doug Lafferty, Subject: Edmonds municipal code 6.60.090 Orders during emergency

I am writing to you all to express my sincere disapproval concerning City of Edmonds municipal code 6.60.090, section G, regarding the carrying or possession of a firearm. This ordinance is an egregious violation of our constitutional rights.-United States Constitution, Bill of Rights, Second Amendment; A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. In District of Columbia v. Heller (2008), the Supreme Court affirmed that the right belongs to individuals-Washington State Constitution, Article I Section 24; RIGHT TO BEAR ARMS. The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired...As such, your restriction to carry and possess firearms is a violation of law abiding citizens right to protect themselves and others at a time when they most need to do so. It is my hope the council holds their oaths of office and to the constitutions and remove this section from the ordinance.

3/24 Carolyn Strong, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.

It disturbs me that in your ordinance you are voting to ratify tonight, that you have included language that infringes on the Right to Bear Arms.

No government -- certainly not a city -- can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired.").I believe this is illegal, sets the city up for multiple lawsuits and is tyrannical in its implication. At a time when people are fearful of government take-over, when our normal lives are disrupted, our work and income has been removed, I believe a threat that allows our Constitutional Rights to be trampled on is irresponsible and outrageous. This clause creates fear and anxiety, needlessly. As a US citizen we have an UNFRINGABLE Right to carry a weapon and to defend ourselves from harm. America was

based on freedoms, Rights and limited government power. I believe your actions including gun language in your ordinance is beyond your power, your responsibility and beyond the Constitution. 7 or 8 people do not get to override the Constitution. Please remove this language from the Ordinance.

3/24 Jim Simpson, Subject: Item for Discussion at Tonight's City Council Meeting  
I appreciate your responses. I appreciate your time dedication to the Community. I'm just very concerned that amount of power can be given in an Emergency Order given on a Sunday without Public Comment. Be Safe!

3/24 Jim Simpson, Subject: Item for Discussion at Tonight's City Council Meeting  
Just watched the section on 6.60 and it was extremely confusing. Is the Ordinance in effect or Not?

3/24 Jim Simpson, Subject: Item for Discussion at Tonight's City Council Meeting  
I Have grave concerns about the Emergency Powers that you are to vote on in tonight's Council Meeting. I do understand that we are going thru unprecedented times but you are asking for extraordinary powers that I do not believe are Constitutional. Of Biggest Concern 6.60.090 Section G: You say it is illegal "to have Possession of a Firearm". Could you please clarify this? Does this mean that anybody who has legally purchased and stores a Firearm is now considered Breaking the law? That's sure what it looks like. Please describe or clarify before it is put in to law. Also Part E CONCERNING Gasoline sales: How are you to fill your Generators or any other Equipment during an Emergency? Your proposed rules on shutting down business's and Bars are also much too restrictive and leave far too much power to you. Please reconsider the Power you are asking for.

Susan Shothtafer, Subject: Protect and Defend Our Second Amendment  
You possess no legal authority to deprive American citizens of their God-given, natural right to self-defense i.e. our right to protect our lives, liberty, and property. Our U.S. Constitution, specifically our Second Amendment, and our WA State Constitution protect our entitlement to self-defense. These Constitutions remain superior to any local government ordinances, laws, or edicts. In courtrooms, nationwide and in our U.S. Supreme Court, legal dense foundations such as Mountain States Legal Foundation and the NRA Legal Foundation win against such local edicts, proving over and over again, that these local provisions are entirely unconstitutional. Can you possibly be unaware of such rulings? Any attempt to use the covid19 virus lock-down as reason or excuse to violate our right to self-defense is senseless and foolishly irresponsible. As an elected official, you took and an oath to protect and defend our Constitution, and therefore—our constitutional rights. Think wisely. Do not violate your oath and our natural rights.

3/24 Katrin Sperry, Subject: Martial Law  
Is it true you are banning people from protecting themselves with their legal guns in this frightening time?

3/24 Kelly Swanty, Subject: Do not attack our 2nd Amendment rights – remove section G from your emergency ordinance.  
Please do not mess with anything doing with the 2nd Amendment.

3/24 Dan Moline, Subject: 2nd Amendment constitution rights  
We as people in your town or all across the state of Washington have the right to concealed carry, for those of us that are qualified and have the right to defend ourselves, our families and friends. You and council members do not have the right to abuse your elected office of power by

taking advantage of the coronavirus, over law abiding gun owners of Edmonds or any town in the state of Washington. No need to fear us, however you might want to rethink your agenda.  
Pro NRA ,Pro 2ndA and Pro CCRKBA

3/24 Rick Pratt, Subject: 2nd amendment attack

Our constitution and rights are NOT subject to the whims or desires of some small town mayor, or anyone else who would remove them! Please quit using this pandemic to strip people of their rights. You work for us and should be working to HELP us, not strip us of our rights.

3/24 Kreshenda Hughes, Subject: Edmonds City does not have the authority to pass Section G in Ordinance 4177.

How dare you take away the ability of self defence from residence of Edmonds. How dare you take away my ability to stay alive and without harm. I have someone in my past who has threatened me with bodily harm and death by his own hands. He still lives in Washington state and knows where I work. No, a protective order will not stop him, he doesn't care. No, my screams will not be loud enough to scare him away. No, me dialing emergency (if I even had the chance) will not stop him. No, me spraying him with pepper spray will just enrage him more. Maybe one of you will volunteer to be my personal bodyguard to protect me at all times? .. no takers? I didn't think so. I cannot let that person get within physical reach of me. Because if he can, he will carry out his promise to kill me with his bare hands. You are elected officials that are supposed to uphold the Washington State Constitution and the US Constitution. Who do you think you are to try and pass laws that blatantly go against them? Why would you do something so unlawful? I am a law abiding citizen. I lawfully follow the laws of the State and Country. I am outweighed by a particular violent, angry man by seventy pounds. A narcissistic, prone to outbursts, creepy individual who has threatened to kill me in no less than 74 texts and emails. This is why I have a firearm and carry it with me at all times. My life is worth protecting. How dare you declare it isn't.

3/24 Brett Bass, Subject: Testimony for the record of proposed emergency mayoral powers

My name is Brett Bass. I've lived in the beautiful city of Edmonds since 2016. By way of introduction, I was honorably discharged from the U.S. Marine Corps Reserve less than a year ago after two enlistments. I separated from the service as a Sergeant of Marines, having graduated near the top of my class from USMC Military Police School class 05-07. During my time in uniform, I was mobilized to active duty on three occasions and served overseas in four countries on two continents in two theaters of the Global War on Terrorism. I volunteered for each deployment and I volunteered to extend each deployment as well. I now work as a program manager for Forefront Suicide Prevention. I'm in charge of the Safer Homes, Suicide Aware program, which carries out the objectives of Washington state's Safer Homes Task Force. I had previously served as a volunteer for the Task Force since before day one. From 2018-2019, I drove over ten thousand miles across our state, distributing thousands of free lockboxes for medications and safes for firearms from Vancouver to Walla Walla to Lynden and Republic. Due to the nature of my normal work, I have not had the opportunity to attend a city council meeting before tonight. I am also a certified rifle and pistol marksmanship instructor for Bellevue Gun Club, where I have worked since shortly after returning from Afghanistan. I have trained thousands of students in the safe, legally-responsible, ethical, and responsible use of firearms. My clientele has consisted of civilian law enforcement & corrections officers, private security personnel, members of the armed forces, domestic violence survivors, women who have survived home invasions, new arrivals to our republic, and countless other peaceful citizens. Both of my professions require a heavy emphasis on data. How do rates of criminal activity influence suicide rates? What does a statistically-average home invasion scenario look

like? How effective are policies compared to culture change? As it pertains to the emergency powers proposed in section "G" there are a number of presumed assumptions that I would like to address. Implicit in empowering the mayor to ban the carry of possession of firearms is the belief that all persons who do so are a threat to the citizens of our community. This assumption cannot be supported by empirical data. In studies conducted by the Crime Research Prevention Center of arrest and carry license revocation data for all states who make such data public, it has been consistently found that those who have been issued licenses to carry are among both the most law-abiding and safest of demographics; even more so than police officers (who are already extremely law-abiding and safe). I say this with the utmost respect, having served as a military policeman and in partnership with numerous civilian police agencies and individual officers. There is no data to suggest that imposing penalties against citizens who are lawfully carrying firearms in order to see to their personal safety will in any way improve the public safety of Edmonds. In fact, it is my opinion that tasking our invaluable police officers to arrest lawfully-armed citizens is a wild misallocation of scarce emergency services during a time of real and genuine crisis. It is imperative that the public trust that their first responders are doing everything that they can to help our medical personnel and other emergency personnel and not arbitrarily persecuting our most law-abiding, many of whom have served in uniform. We must commit resources to protecting the community, not break the trust of the public by turning our public servants against the most vetted and law-abiding residents. The social fabric is frayed. Do not further tear it. Next, legality. It is simply a matter of both constitutional and longstanding, recently-reinforced law that subdivisions of government smaller than the state do not have the legal authority to pass firearm laws. I was a plaintiff in the case against the city last year on just these grounds. The superior court agreed. Again. This is to say nothing of Article 1, Section 24 of our state's constitution, which is even more explicit than our republic's second amendment. Mayors do not have the power—regardless of what city councils decide—to obviate emphatic constitutionally protected rights, even in times of significant duress. Our community has weathered dramatic crises without trampling on constitutional rights before. Our nation has also failed to live up to our founding ideals in trying times. In World War II, our government interred thousands of citizens in camps out of fear. Power delegated to the mayor to deprive citizens of their rights—especially of self-defense while in a time of crisis—is illegitimate and indefensible, philosophically or legally. It is a failure to live up to our shared founding principles. It is caving to fear when leadership is needed. This measure must be amended to remove provision "G". We can safeguard our neighbors and our community without entertaining provisions that unambiguously run into constitutional rights. I would also like to speak briefly of the disparity of risk between government and governed. In my previous suit against the city, I held to this problem: State preemption is a statutory law of Washington, codified in the RCWs for several decades. When the city passed an ordinance in violation of this statute, neither the council nor any member of it suffered any personal consequences. If I, as a private citizen, opted to make a statement by violating a state firearm statute, I would be arrested, prosecuted, and presumably convicted. I would personally bear the consequences of my action. If these extraordinary emergency powers are used, it is not the city that bears the risk. It's the individual citizen. The citizen doesn't have a legal right to—or reasonable demand of—police protection. Numerous court precedents have clearly established this. Addendum and conclusion: I learned of this proposed emergency ordinance at roughly five o'clock in the afternoon (a scant two hours prior to the council meeting). I prepared testimony, changed into more professional attire, and went to city hall to deliver my concerns to my local government. In my haste, I didn't observe any notification that public testimony would not be permitted either at city hall or the municipal building where the 'hearing' was conducted. All guidelines for public gatherings were observed (only ten individuals, including me, were in attendance, and all chairs were arranged very far apart in order to allow social distancing—they had been very carefully set up for the meeting by the facilities staff). Various attendees asked the very professional facilitators of the Zoom

meeting when we would have the opportunity to sign in or testify. I wondered when public comment would be read from the stated hundreds of emails from the public, but (understandably) no such time came. When repeated inquiries to the meeting facilitator(s) and—from what I gathered—text exchanges with one or more members of the council itself didn't allow an opportunity for those of us in attendance the opportunity to speak, a decision was made by others in attendance along with the employee managing the Zoom meeting that all we had left to petition our local government for redress of grievances was to stand on-camera behind the gentleman running the computer and ask to speak. The meeting went on recess and within minutes, a number of very polite and professional members of the Edmonds Police Department arrived on-scene. The sergeant in charge deserves greasy credit for tact, professionalism, and diplomacy. It was eventually explained to us that the Public Meetings Act has been suspended and that the municipal building was no longer open to the public. We left. I tidied up the chairs on my way out. This was the first time I had been able to directly engage with my local government. I care about our community and our inalienable civil rights enough to hazard a literal pandemic in order to make my voice heard. I left when armed agents of that government who were just doing their jobs advised me and nine other citizens that no accommodation would be made to facilitate our right to engage with our elected representatives over my concerns that the city was passing a poorly-worded ordinance with potential ramifications on our civil rights to keep and bear arms during a national emergency. Please understand that this was easily the most heartbroken I have ever been in all my years of engagement with government. The optics from my perspective are profoundly troubling. How we uphold our first principles and civil rights—even for out groups—in times of crisis reflects upon who we are as a people. They help share who we become when the crisis is passed. Stay safe and thank you for your time.

3/24 Joel Helle, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.

I have a right to carry a firearm to protect myself. This right doesn't apply just while I'm in my house or on my property. You need to worry about criminals with guns....not law abiding citizens who wish to defend themselves, and defend others.

3/24 Marc Nagel, Subject: Why are you trying to take away our rights?!

There is no good reason and it is unlawful for you to prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Please remove this language from your emergency ordinance. This would never stand up in a court of law and you are just asking for trouble by trying to sneak this into this ordinance. Be sensible and do the right thing!

3/24 Randy Garl, Subject: Please protect our rights

Below is what I understand that will be voted on tonight, please vote to protect our Constitutional Rights and not vote to pass something out of Fear. These type of items are when the true believers of our Constitution stand up for what we have always believed and not be persuaded to back down. The fear itself is much worse in the long run for our people than any obstacle we may face. Thanks for your time.

3/24 Ron Johnson, Subject: Anti 2A Agenda

Five out of five criminals surveyed support your measure to disarm law abiding citizens from being able to protect themselves and their families. Nice job

3/24 Andy Schwartz, Subject: RE: Don't vote against our second-amendment rights. What's wrong with you people in the Seattle area. Are there any real men in that neck of the woods any more? And what's up with all the women on the Council. That's a major, major problem. The ladies on the Council ought to be home taking care of their husbands, children and/or grandchildren, doing the hard work of making a good home for their families. They ought not to be governing because they are incapable of making the kinds of decisions that God Almighty equipped men to make. Accordingly, a vote on banning the carrying of a permitted concealed weapon. Are you kidding me? The very wisest thing all of you women could and should do is resign your positions immediately and go home. Then endorse a strong man for your position. And you men, surely the planned gun restriction cannot be a product of your manly minds. So in the name of all that's right, stand firm against the ladies. Be real men. Take off your nylons and go to work. Maybe watch a good John Wayne movie so you can have some idea of what manliness looks like. I suggest "The Sands of Iwo Jima". That's a good plan for the next City Council Meeting. Learn to be strong, even publicly strong so your strength can be seen by others. Your constituency, in their hearts of heart, male and female, is looking for real men who will stand firm for what is right. Be heroes for them. Be brave, strong and bold. Gun packers are the best of men, prepared to defend themselves from the worst of men, per the 2<sup>nd</sup> Amendment, while protecting law abiding citizens who are defenseless, weak, and afraid. And by all means, all of you, get a clue. We have the best governing document ever known to man. Abide by it instead of attempting to violate it. Our Constitution, including the Bill of Rights, is not to be trifled with! It is the right of every American to keep and bear arms and should remain so!

3/24 Kay Ahlburg, Subject: Please repeal unconstitutional Section 6.60.090.G of the Edmonds City Code

I respectfully request that you immediately repeal Section 6.60.090.G of the Edmonds City Code allowing "*An order prohibiting the carrying or possession of a firearm*". It is blatantly unconstitutional, violating the Second Amendment of the U.S. Constitution, Article I, Section 24 of the Washington State Constitution, and the state preemption statute in RCW 9.41.290. All it takes to remove this provision is for one councilmember to make a motion to amend, another councilmember to second it, discussion, and then a council vote. With this unconstitutional restriction you are opening yourselves and the City of Edmonds up to a multitude of lawsuits, invite civil disobedience on a massive scale, potentially place law enforcement officials in harm's way if they unconstitutionally try to take legally owned and carried guns from citizens, and contribute to unnecessarily spreading alarm and panic. Not currently planning to make use of this provision would be no reason for failing to remove it promptly. You can not bind future City Councils as to actions they might take. If there is no intention of ever using this illegal provision and it has never been used, surely no harm can be done by repealing it. If there is an intention to engage in a blatant violation of the constitutional and civil rights of the citizens of Edmonds by applying Section 6.60.090.G, all the more reason to take a step back and repeal this provision. Nor would the fact that some other cities may have similar illegal and unconstitutional provisions in their municipal codes be a valid reason not act. If the offending unconstitutional provision dealt with restricting voting rights or the rights of minorities, no one would consider it to be an acceptable answer to say: "Don't worry, we've never invoked it and have no current intention of doing so, and some other cities have the same antiquated provision in their codes, so let's just leave it in place." Thank you for your consideration.

3/24 Mason Chaussee, Subject: Please - Do not attack OUR 2nd Amendment rights – remove section G from your emergency ordinance.

Please do not pass this bill. Myself and other law abiding citizens that travel to or live in the City of Edmonds would be affected. This will not make Edmonds more safe. It will infringe on our individual rights and liberties. I am disgusted that you are taking advantage of your 2nd amendment supporting citizens who are distracted during a time of fear and uncertainty caused by the Corona Virus which has killed 110 Washingtonians. Actions made unjustly that use human suffering to hide or disguise them should not be allowed. I stand with Tim Eyman and ask that you make the motions necessary to amend and vote to remove section G from your emergency ordinance.

3/24 Jason Jacobs, Subject: Do not attack our 2nd Amendment rights – remove section G from your emergency ordinance

THIS IS WRONG!!!! You can not do this. I am a Seattle/ Edmonds native, 4th Generation. All my family and friends still live in the Edmonds/ Lynnwood area. If you pass this I will do everything in my power to ensure you are NOT REELECTED!!!!

3/24 Courtney Persson, Subject: Is now really the time to attack our rights?

I find it despicable that such an attempt to limit our right to defend ourselves is being proposed in such a time as this. Our state is already under enough stress without making people feel even more unsafe by denying them the right to defend themselves if they are out getting some much needed (and even encouraged by the Governor) fresh air and exercise.

3/24 Sandra Higgins, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.

I just heard you are voting on prohibiting firearms. Why? This is unconstitutional or very wrong. Please do not vote for this.

3/24 Joshua Freed, Subject: Public

You have a group in your chambers that would like to have public comment on your gun restriction Ordinance 4177.

3/24 Dave Robson Deming, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance. My high school teachers instilled in me a great interest in U.S. History and how our constitution anchored our freedoms. Watching our nation function as I grew older, a great respect for the constitution and its amendments solidified trust in its tenets. That foundation was a major factor in deciding to give four years to our military, honoring, respecting and protecting its tenets. No aspect of the constitution or its amendments are to be deluded or sacrificed for any crisis or emergency! I'd like to respond to what I hope to be just an unfounded rumor. Holding a public meeting but denying the public to voice their opinions and/or feelings is untenable! My history interest background equates such activity to third world dictators and despots. I certainly hope none of our current governing bodies anywhere in this state or nation fall into that description.

3/24 Bruce Guthrie, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.

I don't want women to be raped. I don't want gays and lesbians and trans folks to be lynched. I know that the police can not be everywhere and that our police resources will be stressed in

these difficult times. So I want women and the LGBT community to be armed to defend themselves. Your ordinance will make it harder for them to possess a firearm for self defense, but the rapists and murderers and homophobes and thieves will think nothing of violating your new ordinance. It will not help the problem, and will only hurt the vulnerable. I defend the rights of women and members of the LGBTQ community. Will you? No government -- certainly not a city -- can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Your legislation is also illegal (KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park -- <https://komonews.com/archive/bellingham-to-pay-15000-to-man-who-wore-gun-in-park>). After the council listens to public testimony during this open public meeting, all it takes to remove this anti-2A provision is for one councilmember to make a motion to amend the emergency ordinance, another councilmember to second it, discuss it, then the council will vote to remove it. There is absolutely no justification for this blatantly unconstitutional -- and illegal -- provision and your emergency ordinance should be modified to remove it. Please confirm you received my email message.

3/24 avid Smiles, Subject: Must Read

As a retired law enforcement officer I think your attempt to disarm citizens is wrong. I feel you are doing this during the crisis to get away with it. I want to let you know I will always conceal carry even in your town and I also have federal HR 218 for Law Enforcement Safety Act to carry anywhere in the US. I think it's wrong to play this game.

3/24 Paul Talbott, Subject: 2<sup>nd</sup> Amendment

I demand that the city council upholds my constitutional rights! The Constitution states "the right of the people to keep and bear Arms, shall not be infringed".

3/24 Gary Allen, Subject: Please Remove Section G from your Emergency Ordinance

Section G is a solution to a problem that does not exist within the context of the present health crisis. In addition, no city government has standing to prohibit citizens from carrying or possessing a firearm when otherwise legal under state law; such prohibition is not only proscribed by Washington State's preemption law, it also violates the US Constitution's Second Amendment and Washington State Constitution Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Court precedent has already established that your legislation is unsupported by law: *KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park* (see <https://komonews.com/archive/bellingham-to-pay-15000-to-man-who-wore-gun-in-park>). Now, before it is too late, the city council can avoid a losing stance in future litigation. Please remove Section G before your ordinance is enacted. Allow testimony from at least one person in opposition to Section G (this is being considered in an open public session, is it not?). Then it would take only one council member to move amending the emergency ordinance to remove Section G and another council member to second that motion. Following discussion, simply hold a council vote on removal. Failing to allow public testimony, failing to put this matter to a council vote, or failing a majority in favor of removing Section G, will open the city to lawsuit backed by Washington residents from all corners of the state. There is more at stake here than a mere quibble about misguided feel-good language copied from some other city's already-enacted ordinance. As it stands, your proposed ordinance

is an attack on the the right - and the means - of law-abiding citizens to defend themselves against criminal attack. That is an inalienable right, and a right that is protected by the Constitution of the State of Washington and the Second Amendment to the Constitution of the United States. I urge you to take a common-sense approach to the blatantly unconstitutional — and illegal — provisions of Section G. Avoid costly future repercussions by amending your emergency ordinance to remove Section G. The entire State of Washington is attentively following this matter.

3/24 Bill Schwartz, Subject: Don't vote against our second-amendment rights.

I understand that your agenda for tonight's meeting includes a proposed provision that would outlaw the carrying of a concealed weapon on one's person in your city. I want to strongly voice my disagreement with such an action, and with the notion that you have the authority to deny any citizen of the United States any of their constitutional rights. What's next? Will you be coming forward with a requirement that all city residents must belong to a "state religion?" Please think about the implications of what you are considering. Isn't it likely that Edmonds residents who legally carry guns currently will resist such an order? Furthermore, isn't it likely that residents who legally own guns, but don't usually "carry", will begin to pack a weapon, out of fear that their right-to-carry will be taken away? If you pass this, you can count on a huge rush by residents to buy guns. While your goal may be to reduce or eliminate the carrying of weapons, the passage of this measure would result in the opposite. This is not China or Cuba or Iran. This is the USA, and we Americans have certain unalienable rights. Please respect those rights.

3/24 Joe Fioretti, Subject: Unconstitutional Emergency Ordinance

We have every right to bear arms as the Constitution of the United States clearly states. Therefore, whoever drafted this ordinance is ignorant of the law if they believe poorly drafted municipal laws usurp federal law. Unless the Council wants to find itself embroiled in a lengthy and costly lawsuit, may I suggest you strike this illegal language from your playbook.

3/24 Ken Reidy, Subject: AUDIENCE COMMENTS (SUBMITTED VIA EMAIL) for March 24, 2020 City Council Meeting

As I have yet to receive a response confirming receipt of my Audience Comments, I am emailing them in a second time. The City has encouraged: THAT THE PUBLIC BE ENCOURAGED TO SUBMIT COMMENTS TO THE CITY COUNCIL IN WRITING; During the March 17, 2020 Council Meeting, Councilmember Buckshnis said comments could be emailed and read during the meeting. **Please read my Audience Comments out loud during tonight's meeting.** I'd also appreciate confirmation from somebody that my Audience Comments have been received. Thank you.

3/24 Ken Reidy, Subject: AUDIENCE COMMENTS (SUBMITTED VIA EMAIL) for March 24, 2020 City Council Meeting

Please read these comments into the minutes during tonight's City Council Meeting: The City Council has an opportunity tonight to ratify or modify the stay-at-home order issued Sunday night by Mayor Mike Nelson. I recommend City Council does neither, voiding the order. My Edmonds News is reporting that Governor Jay Inslee's statewide order, announced Monday, in effect does the same things that Mayor Nelson's order does. As the City's enforcement focus will be on education and the City is really seeking voluntary compliance, one can easily argue

that Mayor Nelson's stay-at-home order is no longer necessary. After voiding the order, I urge City Council to review what took place on Sunday afternoon and ask Mayor Nelson and City Attorney Taraday to explain why there was no discussion of the City of Edmonds Comprehensive Emergency Management Plan (CEMP), a Plan dated January 2017 recently approved on April 18, 2017. The City's CEMP is important to the City operationally and it is a legally required document. The CEMP describes the basic strategies, assumptions, objectives and operational protocols which will guide the City's emergency management efforts through preparedness, response, recovery, and mitigation. To facilitate effective operations, the City's CEMP utilizes an Emergency Support Function (ESF) approach. Each ESF identifies the City Department primarily responsible for organizing response actions related to that ESF, as well as support departments and agencies. The CEMP is a 265-page long document. The CEMP states on Page 39 that "This CEMP will be updated every four years". As such, I believe the CEMP needs to be updated later this year and it may make more sense to update E.C.C 6.60 at the same time. I didn't hear any discussion of the CEMP Sunday. I also don't see the CEMP discussed in the Agenda Packet for tonight's March 24, 2020 City Council Meeting. I don't see any discussion of the ESF in the Agenda Packet for tonight's City Council Meeting either. **Were all members of the City Council aware of the CEMP and the ESF prior to your vote Sunday?** Was there anything else you might not have been aware of before your vote on Sunday? The CEMP clearly states that City of Edmonds Ordinance 2224 and Municipal Code 6.60 are part of the authorities and references used in the completion of the 2017 version of the City's CEMP. **It appears this topic has been looked at in detail in recent years. In January of 2019, the City posted a job opening for the position of Safety and Disaster Coordinator that referenced the CEMP.** The CEMP clearly states that the Mayor or his/her successor may proclaim special emergency orders under Edmonds Municipal Code 6.60. As I believe City Council did not consider all details prior to voting to pass Ordinance 4177 on Sunday, March 22, 2020, I believe City Council should immediately **repeal Ordinance No. 4177**. Please do so and undertake a comprehensive review of this complex issue in the future. Please also allow citizens an opportunity to be involved in this very important legislative process. In addition, **new** Ordinance No. 4177 refers to something called the "Emergency services coordinating agency (ESCA)". I suspect such does not exist. If one clicks on the link to such on the City's website, it takes you to a website about getting a license to drive in the **state of Texas**. Had the Council reviewed and discussed the CEMP on Sunday, March 22<sup>nd</sup>, Council likely would have noted that page 8 of the document indicates that Al Compaan discussed removal of references to ESCA in October, 2016. **I think it best to start this process over by repealing Ordinance No. 4177.** Finally, I think it important to review whether former Mayor Earling and Mayor Nelson failed in their duty to see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city. Such is mandatory under E.C.C. 2.01.010 [Ord. 2349 § 2, 1983]. Specifically, a review of their enforcement of City of Edmonds Ordinance 2224 and E.C.C. 6.60 is called for. **Was the Emergency management organization required by E.C.C. 6.60.035 in place?** Specifically, were the following positions, required by E.C.C. 6.60.035 in place **prior** to City Council passing Ordinance No. 4177 on March 22, 2020?:

1. Disaster Coordinator
2. Emergency Operations Board
3. Emergency Management Committee

In conclusion, please do not ratify or modify the Mayor's stay-at-home order, voiding the order. Governor Inslee's order accomplishes essentially the same thing. Please also repeal Ordinance No. 4177 to allow a comprehensive review of this complex issue and to allow citizens

an opportunity to be involved in this very important legislative process. Please make sure any new code adopted is consistent with the CEMP. Please consider updating the code concurrently with the update to the CEMP. And please review whether our current and past Mayor had us prepared for this current situation by complying with E.C.C. 6.60.035. Thank you. Please know that your hard work on behalf of our citizens is greatly appreciated.

3/24 Wayne Howarth, Subject: What is the matter you people?

So now you are following Bellingham by preparing to vote on your emergency ordinance that includes language that is clearly in violation of both the Washington State and US Constitution. Why don't you understand the implications of such laws, they give the "bad guys" an open license to do what ever they want without any fear of people being able to defend themselves. It seems very clear you have no idea what this type of actions long term effect could be. It cab cause a breakdown in the freedoms Americas have enjoyed for 100s of years. I appeal to you to at least investigate the legality of this type of action with the State and Federal Department of Justice. Server your people and not you own policy agendas.

3/24 David Ford, Subject: Firearms restrictions

Please do not pass this restriction on possession of firearms by lawful citizens. This move will be the source of great contention during this delicate time in our nation. Many already feel our government leaders are exercising too much power as it is. Please do not attempt to limit lawful citizen's right to defend their life.

3/24 Michael Smith, Subject: please remove restriction on firearms

In these troubled times please do not prohibit the constitutional right of citizens to carry or possess firearms - your charter is unconstitutional where it talks about this -please remove this language today !!

3/24 Ty Rogel, Subject: Please reconsider infringing upon the 2nd amendment rights of Americans

I love Edmonds, it's a great town and delightful place to visit. I understand that i have no voting rights within the city of Edmonds however i do understand that actions taken by your city council may influence other city councils to follow your leadership. I wanted to be sure to encourage you to reconsider what the municipal government's role is in protecting the rights of it's citizens during a time of crisis which we are currently experiencing. I would strongly urge you all to remember that precisely during a time of uncertainty men and women MUST be allowed to the right to freely carry weapons for personal protections, and in order to protect the weak if necessary during a time when law enforcement, and even military could become easily overwhelmed. Please remember that each of us as citizens should be encouraged to be self-sufficient in the protection of our vulnerable neighbors and ourselves in order so as not to be a burden on law enforcement. No government -- certainly not a city -- can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Your legislation is also illegal (KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park --<https://komonews.com/archive/bellingham-to-pay-15000-to-man-who-wore-gun-in-park>). After the council listens to public testimony during this open public meeting, all it takes to remove this anti-2A provision is for one councilmember to make a motion to amend the emergency ordinance, another councilmember to second it, discuss it, then the council will vote to remove it. There is absolutely no justification for this blatantly unconstitutional -- and illegal -- provision and your emergency ordinance should be modified to remove it. Please confirm you received my email message.

3/24 Roberta Martin, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.  
I have been an Edmonds City citizen for 30 years. This is an outrageous grab for power! I will be in attendance at the meeting.

3/24 John Fannon, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.  
As a fellow American and legal resident of Washington, I am inquiring why you would even consider this? Have you ask yourself's if, you are still an American? Do you support and defend the Constitution of the United States and Washington State? If the response is you are not an American and don't support the stated constitutions then, you should remove yourselves from your respective offices. If you do support the before mentioned constitutions then remove section G from your emergency ordinance. No government and certainly not a city, can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Your legislation is also illegal (KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park -- <https://komonews.com/archive/bellingham-to-pay-15000-to-man-who-wore-gun-in-park>). After the council listens to public testimony during this open public meeting, all it takes to remove this anti-2A provision is for one council member to make a motion to amend the emergency ordinance, another council member to second it, discuss it, then the council will vote to remove it. There is absolutely no justification for this blatantly unconstitutional and illegal provision and your emergency ordinance should be modified to remove it. My recommendation is for you to remove it forthwith! Please confirm you received my email message.

3/24 Gregg Allyn, Subject: Please Revise ECC 6.60.090 List of Emergent Mayoral Orders  
Thank you for your public service in general and to the citizens of the city of Edmonds.  
**It is crucial that no law shall violate the constitutional rights of law-abiding citizens, even in a time of crisis...** especially when those very rights may be crucial to protecting and helping their own families and friends, such as during a crisis that warrants drastic Mayoral orders. Certain items in the list under ECC 6.60.090 would make it illegal for law-abiding citizens to protect themselves or help their families and friends during a crisis. In the event that the Mayor deems it necessary to order drastic action it may well be beyond the capabilities of government (at any level) to help most law-abiding citizens, and it would fall to citizens to protect and help themselves, their families, and their friends. **I respectfully request that the list of Mayoral orders under ECC 6.60.090 be revised such that it neither explicitly nor implicitly restricts the constitutional rights of law-abiding citizens to protect or help themselves, their families, and their friends.** Clearly one intent of such emergent Mayoral orders is to permit law enforcement to crack down on bands of roving thugs or vigilantes, but such orders must be carefully considered and worded such that they do not also prohibit a group of families or friends who are simply trying to protect themselves from said roving bands. **Please keep this intent, but please also preserve our constitutional rights to protect ourselves in a time of crisis.** Thank you in advance for your thoughtful consideration of my request.

3/24 Wayne Palmer, Subject: Second Amendment Rights  
What is this? You're copying word-for-word what Bellingham is attempting. Please note: the Second Amendment is not a suggestion, it is a God-given right enumerated in both the US and Washington State Constitution. Studies have all shown that Concealed-carry holders are some

of the most law-abiding people that you would ever see. A have to laugh at the language, too. Section G says "intent to use the same to cause ... harm" Because words mean things because I don't intend to cause harm, I'm perfectly within your law to carry. This is the same as "motive" in criminal cases. Is that what you want" Anyway, you are probably not aware of the flack caused by officials trying to confiscate weapons during Hurricane Katrina. These orders were found to be totally at odds with the Constitution. Here's a link to that:

<https://www.nraila.org/articles/20150821/a-decade-later-remember-new-orleans-gun-confiscation-can-and-has-happened-in-america>

By including section G, you're opening up a real can of worms. Now is the time to strike it. Thanks for reading this, and reviewing the link above.

3/24 Chris Jones, Subject: Please provide unifying Public Leadership

Thank you for taking a moment of your time to read my email. Please provide unifying Public Leadership tonight at a time when all of our communities need the example. Now is not the time to have on the table community-dividing issues with long histories of emotional and passionate debate. Help to bring us all together at an important moment of community definition. Thank you all for all that you have done well so far ... please continue to enact only inclusive policies.

3/24 Allan Vanderhamm, Subject: Your attack on law abiding citizens is wrong

Law abiding citizens have a federal and state constitutional right to protect themselves. With police overburdened and criminals on the streets this time of crisis is a perfect example of a time when carrying weapons by the law abiding reduces the risk for all. When criminals know the citizens are disarmed they are more prone to commit crimes and violence. You are breaking the law if you pass ordinances restricting our rights. You should then be arrested and prosecuted to the full extent of the law for your crimes. You certainly should not represent us in government with this attitude.

3/24 Don Armstrong, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance. Do not be the catalyst for a new revolution. Any restriction of our gun rights is exactly why we need those rights in the first place. When things go bad, you can not protect me or my family. I will protect my gun rights to the death. I hope you do not force me to prove that.

3/24 Ron Marlett, Subject: Section G of the proposed emergency ordinance violates the state constitution, article 1 section 24. The Edmonds city council does not have the authority to disregard the state constitution under any circumstances. Nothing in the code should imply that they do have that illegal authority...This right and state law pre-eminence has been upheld in court with the city of Bellingham losing its case after threatening action against the owner of a legally carried firearm in a city park. The city's ordinance forbidding this was found to be illegal...V/r Ron Marlett, concerned individual citizen of Washington state.

3/24 Eric Rohrbach, Subject: Protecting citizen safety

I am absolutely stunned that someone would propose a potential emergency order that would deny law-abiding citizens their constitutional right to defend themselves or their family, especially when the entire country is currently in the midst of a major public health emergency where government agencies are releasing jail occupants early and local police are announcing they will not act on "low level" crimes. Are you trying to scare people to death? Are not panic runs on toilet paper enough for you? You want to create runs on gun stores? Most of the country has already learned from Hurricane Katrina (and other such incidents), when you have

a community emergency you will need the law-abiding citizens in a community, with their constitutionally protected defense capabilities, to assist in maintaining public order and private safety. And citizens have certainly learned that when things get bad, they will likely be THE ONLY public safety capability standing between themselves and those who might potentially want to threaten them. Stand with the law-abiding citizens in Edmonds and remove this unconstitutional and inflammatory language from the proposed law.

3/24 Ken Reidy, Subject: AUDIENCE COMMENTS (SUBMITTED VIA EMAIL) for March 24, 2020 City Council Meeting

Thanks Diane, 65 comments is a lot. I understand that is far too many to read out loud. I hope all councilmembers will have time to read all public comments submitted and consider them fully. Thanks Diane. I'll cc Council so they know I have confirmation that my audience comments were received. Thanks. Best wishes during these trying times! One more request – if they can't be read out loud, please make sure Audience comments are documented in the meeting minutes. Thank you!

3/24 Benjamin Martin, Subject: I DO NOT Support the Ban on Sale of Liquor

I work at Scratch Distillery, an Edmonds-local business that produces and sells spirits. The business is already suffering due to the closure of our tasting room and the restaurants and bars that serve our spirits. My job is at stake since the business is suffering. Banning the sale of liquor in Edmonds puts unnecessary extra stress on an already dire situation. I have a newborn (1 month old today) at home that I'm trying to support. Do not ban the sale of liquor and put me out of a job. We have been able to survive this so far for three reasons:

1. We can ship products ordered online.
2. We can safely arrange curbside pickup for local online orders.
3. We can continue to supply our products locally at supermarkets that carry our line, such as QFC and PCC.

Please do not issue a ban on the sale of spirits in Edmonds. Doing so will only cause people to make their purchases outside of Edmonds (for instance at Total Wine and More in Lynnwood) - money that would have otherwise been spent supporting a local, small business inside of Edmonds. Our business is able to provide spirits safely to those who wish to purchase, much more so than a large market where many, many people gather. We have a local following that LOVES to support us! They would much prefer to buy from us directly to support a local business during these tough times for all. Please DO NOT force people to make their alcohol purchases outside of Edmonds with this prohibition-style amendment. They will absolutely do so, and by doing so bring their money to large corporations that will weather this economic malady just fine. A passing of this amendment is a DIRECT assault on Edmond's local businesses and constituents. Additionally, our business is supporting the fight against this coronavirus by providing ethanol for hand-sanitizer production. A ban would needlessly harm our healthcare workers, who desperately need sanitizer to remain safe and continue providing their services. Again, I DO NOT support the ban on liquor sale and am asking the Councilmembers to drop the amendment in its entirety. People will simply drive to a more public, larger, more risky purchasing location to buy their alcohol. You will not limit any alcohol purchases by Edmonds residents that wish to purchase. Do not put me out of a job and put my NEWBORN BABY at risk of going hungry with this needless, useless, and impotent amendment. The ban is unnecessarily draconian and directly and immediately hurts local, small, Edmonds business and individuals.

3/24 Joel Bergfalk, Subject: Constitutional violation

Your order prohibiting the carrying or possession of a firearm during a declared emergency is in direct violation of 42 U.S.C. 5207 written specifically to stop this type of government overreach and should be immediately removed. You took an Oath of Office to protect your citizens federal and state Constitutional Rights. Honor your Oath.

3/24 Russ Cooley, Subject: Edmonds City Council and vote this evening  
Adding provisions that give the government power to take away fire arms is unconstitutional and you know it! Testing the waters is a very skeptical strategy this sort of power grab will come back to be costly to you and your body and the city of Edmond's there will be groups that will file legal action and you will not win!

3/24 Joy Erickson, Subject: none  
No government - can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state.) Do not pass this! It is the citizens right to protect themselves that's why we have the constitution in the first place!

3/24 Vernon Tolson, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.  
Our 2nd Amendment rights are guaranteed under the U.S. Constitution. State mandates and rules and ordinances do not supercede those rights. Leave them alone!!! By the way, you are elected officials, and answer to the people. Keep that in mind!

3/24 Keith Keeton, Subject: Do not attack our 2nd Amendment rights – remove section G from your emergency ordinance  
I have just learned of your intent to pass an emergency ordinance this evening and want you to know I am opposed to several of its provisions, the most onerous being provision G. No government — certainly not a city — can (or should) prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired."). Your legislation is also illegal (KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park — <https://komonews.com/archive/bellingham-to-pay-15000-to-man-who-wore-gun-in-park>). After the council listens to public testimony during this open public meeting, all it takes to remove this anti-2A provision is for one councilmember to make a motion to amend the emergency ordinance, another councilmember to second it, discuss it, then the council will vote to remove it. There is absolutely no justification for this blatantly unconstitutional — and illegal — provision and your emergency ordinance should be modified to remove section G. Additionally, I implore you to also remove provisions B, D, E, F, K and M. These additional provisions, if enacted, will prevent the people from access to needed goods and services at the time when they are most needed, while at the same time preventing us from leaving without permission from the city. This equates to holding the citizens of Edmonds prisoner in their own homes, certainly leading to civil unrest and needless distress. This emergency order, as written, is a serious overreach of city government and needs to be amended. Please confirm you received my email message. Thank you very much for your consideration.

Ryan Bouts, Subject: CITIZENS' SAFETY IS PARAMOUNT!  
As a concerned citizen, I URGE you to please, PLEASE, remove section G from your emergency ordinance! There is no reason to fear your own community so much that you demand they be helpless against bullies and criminals, unless that is what you intend to be yourself! How in the world does such an OVERTLY UNCONSTITUTIONAL grasp for power help

this medical pandemic situation at all?? I'll answer for both of us, because we both know; it doesn't. This is a very poorly veiled attempt to ramrod an ideology behind the scenes while you hope everyone is distracted and the real heroes are addressing the actual problem. Don't be on the wrong side of this one. Don't become an anecdotal footnote in a major part of history by using subterfuge and underhanded means to achieve a personal goal that is very anti-citizen and borderline tyranny! *No government -- certainly not a city -- can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired.").* Your legislation is also illegal (KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park -- <https://komonews.com/archive/bellingham-to-pay-15000-to-man-who-wore-gun-in-park>). After the council listens to public testimony during this open public meeting, all it takes to remove this anti-2A provision is for one councilmember to make a motion to amend the emergency ordinance, another councilmember to second it, discuss it, then the council will vote to remove it. There is absolutely no justification for this blatantly unconstitutional -- and illegal -- provision and your emergency ordinance should be modified to remove it. Please confirm you received my email message. Sincerely, and hopeful of your respect for Freedom and Due Process

3/24 Scott Semans, Subject: Emergency ordinance section g  
You do not have the constitutional authority for this. Why buy an expensive lawsuit that you will lose? Why should Edmonds taxpayers be on the hook for your mistakes?

3/24 Jennifer Sanders, Subject: Remove Section G  
Please remove Section G from your emergency ordinance. It takes away the rights granted by the 2nd Amendment. Thanks for your attention to this important matter.

3/24 Finis Tupper, Subject: Public Comment  
Now that the Governor has declared a stay at home order. The Edmonds Mayor's order and code changes are unnecessary actions.

3/24 David Payne, Subject: Do not attack our 2nd Amendment rights - remove section G from your emergency ordinance.  
You are our representatives not our leaders and you have no right to draft any legislation that takes any of our rights 2<sup>nd</sup> or other. Shame on the local governments using this tragic time to do such things rather than look out for the people in the community. Let's get it right folks!

3/24 Ben Suave, Subject: Do not adopt anti-civil right section of emergency ordinance  
As found on your proposed emergency ordinance 4177, on page 9 of the ordinance, you appear to be adding a code that would allow you, the governing city council of Edmond, to restrict, limit, or encroach upon (infringe upon) the citizens' inalienable right to keep and bear Arms by adding subsection G. as shown, "An order prohibiting the carrying or possession of a firearm or any instrument which is capable of producing bodily harm..." Do you actually intend to add language to your city code that would allow someone to potentially infringe on the citizens right to armed self defense and defense of their community in the event of what the mayor and city council deems an emergency or disaster, when opportunistic people generally begin to victimize others and when not every single citizen can be escorted everywhere by armed government forces (police officers) during said time of increased danger? Is that really what you're proposing? I recently urge you do completely remove subsection G and not even make it an option for you to try to infringe on the citizens' second amendment rights, which are civil rights as important, if not more so, as any other enumerated Constitutional right, and are especially vital to our safety and

security, which is NOT derived from government protection, oversight, or regulation, during times of peace or chaos and panic. Do not adopt this resolution as presented with this gross trampling on the rights of the public. However you may feel personally about firearms ownership, it has been proven in the supreme court again and again to be an individual right which may not be limited, and has been the law of the land for 231 years, and we've done just fine in times of emergency ensuring our own security and freedom from intrusion or threat, foreign or domestic. Thank you.

3/24 Bruce & Susan, Subject: Knee jerk reaction

As a servant of the people, it should not be confused with a dictatorship. You have no right to over ride the constitution! A wise man once said to be careful that you will reap what you sow! You have not been able to control the criminal population and their gun violence so the only choice you think you have is to make law abiding citizens into criminals. Sounds like perfect normal sense to us from servants of the people that have sworn to uphold and protect the constitution of the USA. Thank you for your trust in the people that elected you may be they will rethink their choice in the future.

3/24 Margaret Hoover, Subject: Remove section G from your emergency ordinance immediately - DO NOT ATTACK OUR 2nd Amendment Rights!!!!

**NO GOVERNMENT** -- certainly not a city -- can prohibit citizens from carrying or possessing a firearm. It violates the US Constitution's 2nd Amendment and the Washington state Constitution's Article 1, Section 24 ("the right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired.").

Your legislation is also illegal (KOMO 4 NEWS: Bellingham to pay \$15,000 to a man who was threatened by a police officer for wearing a holstered gun in a city park -- <https://komonews.com/archive/bellingham-to-pay-15000-to-man-who-wore-gun-in-park>). After the council listens to public testimony during this open public meeting, all it takes to remove this anti-2A provision is for one councilmember to make a motion to amend the emergency ordinance, another councilmember to second it, discuss it, then the council will vote to remove it. **There is absolutely no justification for this blatantly unconstitutional -- and illegal -- provision and your emergency ordinance should be modified to remove it.** Please confirm you received my email message.