

February 13, 2015

Don Anderson  
Mayor

Jason Whalen  
Deputy Mayor

Mary Moss  
Councilmember

Michael D. Brandstetter  
Councilmember

John Simpson  
Councilmember

Marle Barth  
Councilmember

Paul Bocchi  
Councilmember

John J. Caulfield  
City Manager

## NOTICE

### LAKEWOOD CITY COUNCIL RETREAT

Notice is hereby given that the Lakewood City Council will be holding a Retreat on Saturday, February 21, 2015, at 8:30 a.m., at Lakewood City Hall, Conference Room 3A, 6000 Main Street SW, Lakewood, Washington.

The purpose of the Retreat is to review street and sidewalk improvements, rental housing inspections, City Council Rules of Procedure, Salary Commission and review of sanitary sewers agreement.

Alice M. Bush, MMC  
City Clerk

*Executive Conference Room 3A is accessible to persons with disabilities. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.*



## **LAKWOOD CITY COUNCIL RETREAT**

Saturday, February 21, 2015

8:30 A.M.

City of Lakewood

Conference Room 3A

6000 Main Street SW

Lakewood, WA 98499

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Page No.

### **Call to Order**

- ( 3) Review of Street and Sidewalk Improvements**
- (32) Review of Rental Housing Inspections**
- (49) Review of City Council Rules of Procedure**
- (73) Review of Salary Commission**
- (74) Review of Sanitary Sewers Agreement**

### **Adjournment**

*Conference Room 3A is accessible to persons with disabilities. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.*

<http://www.cityoflakewood.us>

*The Council Chambers will be closed 15 minutes after adjournment of the meeting.*



To: Mayor and City Councilmembers  
From: Heidi Ann Wachter, City Attorney  
Through: John J. Caulfield, City Manager   
Date: February 21, 2015  
Subject: Review of Street and Sidewalk Improvements

**Background:**

The City of Lakewood Six –Year Comprehensive Transportation Improvement Program 2015-2020 was adopted by resolution of the City Council on July 21, 2014. Cities are required to adopt such a program pursuant to state law.<sup>1</sup> The program projects traffic needs and responsive plans coordinated with the Comprehensive Plan for the City out six years.<sup>2</sup> This Program requires cities to specifically include projects and programs of regional significance to be included in the regional transportation improvement program.<sup>3</sup> The six year projection is maintained through annual review and update.<sup>4</sup>

Without filing an annually adopted Six-Year Comprehensive Improvement Program with the Washington State Department of Transportation (WSDOT), the City is not allowed to receive State and Federal funding. To qualify for such funding from the State, the projects in question must appear in the City’s current program. One of the objectives of the Program is to plan for desirable projects based on anticipated revenue.

The City has successfully produced revenue through a variety of sources including grant applications, motor vehicle fuel tax funds, Community Development Block Grants (CDBG), Real Estate Excise Tax (REET), General Fund money, WSDOT program funds, and Surface Water Management funds.

For the first time in a number of years, City’s budget increased resources to preserve and maintain the City’s road system, which is a key priority identified by the Lakewood City Council. The 2015-2016 Budget reflects the City’s commitment to providing quality services and amenities to residents while reestablishing Lakewood’s short- and long-term financial viability.

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<sup>1</sup> RCW 35.77.010

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

Beginning in 2015, revenue will also be generated by a \$20 Vehicle Licensing Fee to fund street and sidewalk improvement projects.

The result is a funded six-year capital improvement program totaling \$41 M, comprised of the Vehicle License Fee, General Fund money and grant or other funding:

Description	Years 2015 - 2020			% Unfunded Compared to Total
	Total Cost	Unfunded	% Unfunded by Funding Group	
<b>General Government, Grants, VLF</b>				
Pavement Preservation - Current Projects	\$ 4,319,000	\$ -	0%	0%
Pavement Preservation - New Projects	\$ 6,672,000	\$ -	0%	0%
New LED Streetlights	\$ 975,000	\$ -	0%	0%
Signal Projects	\$ 690,000	\$ -	0%	0%
Minor Capital Projects	\$ 300,000	\$ -	0%	0%
Neighborhood Traffic Safety	\$ 150,000	\$ -	0%	0%
Personnel, Engineering, Professional Services	\$ 2,913,000	\$ -	0%	0%
Street & Sidewalk Improvements - Current Project	\$ 6,185,000	\$ -	0%	0%
Street & Sidewalk Improvements - Grant Funded Opportunities	\$ 12,104,000	\$ -	0%	0%
New Projects Added - 2015/2016 Budget Process	\$ 3,772,000	\$ -	0%	0%
<b>Total General Government, Grants, VLF</b>	<b>\$ 38,080,000</b>	<b>\$ -</b>	<b>0%</b>	<b>0%</b>
<b>Excess Property Tax Levy</b>				
Street & Sidewalk Improvements - New Projects	\$ 37,235,000	\$ 34,019,000	91%	100%
<b>Total Excess Property Tax Levy</b>	<b>\$ 37,235,000</b>	<b>\$ 34,019,000</b>	<b>91%</b>	<b>100%</b>
<b>Total</b>	<b>\$ 75,315,000</b>	<b>\$ 34,019,000</b>	<b>45%</b>	

### Recommended Next Steps

1. Achieve 100% Council support for and commitment to additional funding source for capital infrastructure (bond measure).
2. Identify key stakeholders who understand and support the capital infrastructure needs of the City (Utilities, School District, Fire, Service groups, businesses).
3. Develop City of Lakewood Finance 101 Presentation.
4. Scientifically survey community for interest level in new development of projects (satisfaction with current level of service, perceptions, and priorities) including testing of viable funding options.
5. If the City decides to run a ballot measure, develop an appropriate chronology, allowing time for sufficient community education as well as necessary work directly related to the measure.

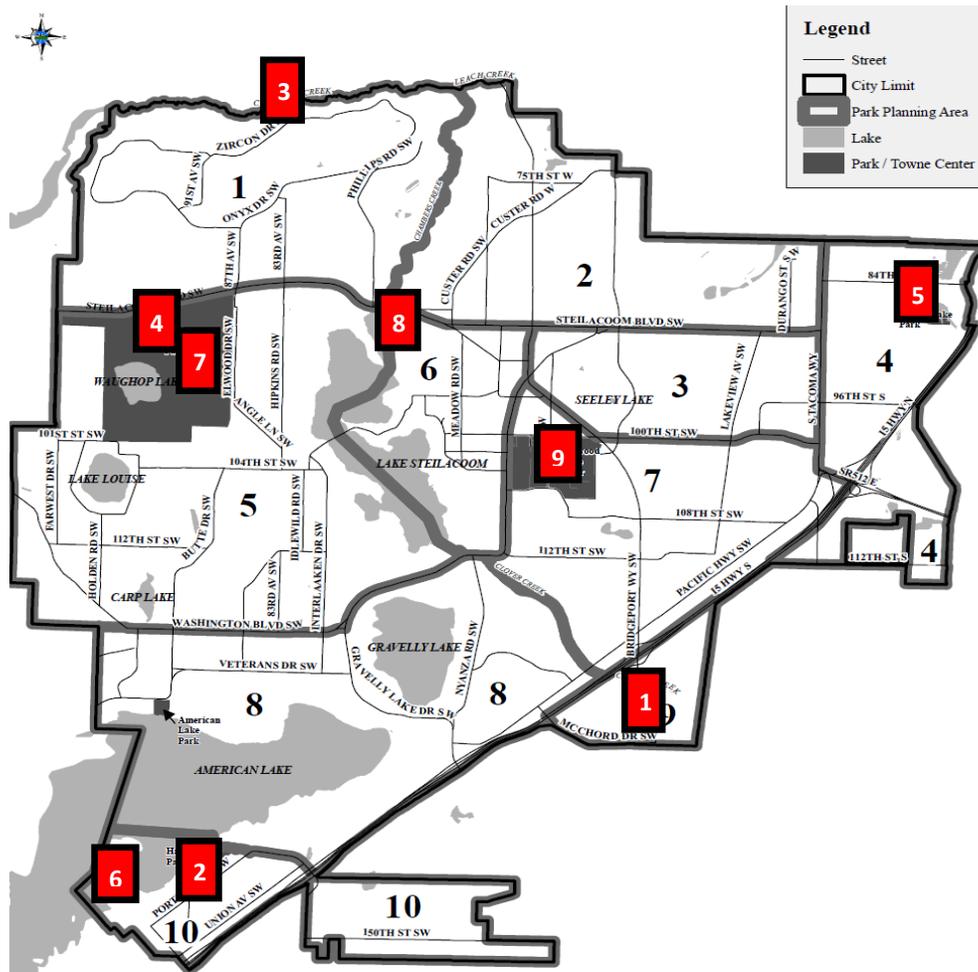
Attached for discussion are the following:

- Map of street and sidewalk projects
- Map of parks projects and list of same
- Alternative funding strategies memo
- Chart of ballot measures throughout the region, including the entity and time of the measure
- City Parks and Street Survey Summary
- Map of voter patterns in the City of Lakewood
- A summary of features common to passing and failing ballots
- Legal constraints on ballot measures



## Potential Park Bond Projects

	Project	Bond	Alternative Funding	Total Cost	Comments	Planning Area
1	Springbrook Park Expansion	\$300,000	\$250,000	\$550,000	Purchase from SWM fund /RCO grant	9
2	Harry Todd ADA access /docks	\$750,000	\$250,000	\$1,000,000	ALEA Grant / RCO Grant	10
3	Chambers Trail Development	\$300,000	\$1,700,000	\$2,000,000	City of UP / Pirece County / RCO grant	1/citywide
4	Lights at FSP / Baseball	\$250,000	\$250,000	\$500,000	YAF Grant / donations	1/5/citywide
5	Wards Lake Master Plan	\$300,000	\$300,000	\$600,000	Grants	4
6	Fishing Pier	\$850,000	\$500,000	\$1,350,000	Grants	8/10/citywide
7	FSP Stage	\$100,000	\$300,000	\$400,000	Rotary Contribution	5/citywide
8	Edgewater Park Dock	\$150,000		\$150,000		5/6
9	Towne Center Village Green	\$500,000	\$500,000	\$1,000,000	Public / Private partnership	7 / citywide
	<b>TOTAL</b>	<b>\$3,500,000</b>	<b>\$4,050,000</b>	<b>\$7,550,000</b>		



## City of Lakewood

## FINANCING OPTIONS

Excess Property Tax Bond Levy (Incremental Approach) - Scenarios							
Capital Financing					Property Tax Levy Rate w/Bond Levy	Annual Impact to Average Homeowner *	
Year	Property Tax Rate	Annual Revenue	Bond Levy 4%, 20 Years	Annual Debt Service		Increase in Property Tax	Net Increase After Federal Tax Deduction
<b>Scenario 1 - \$34M</b>							
Current Property Tax Rate					\$1.377		
2017	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.533	\$33.33	\$23.99
2018	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.690	\$33.33	\$23.99
2019	\$0.220	\$1,030,000	\$14,000,000	\$1,030,000	\$1.910	\$46.65	\$33.59
Total	\$0.533	\$2,502,000	\$24,000,000	\$1,766,000	\$1.910	\$113.31	\$81.58
<b>Scenario 2 - \$30M</b>							
Current Property Tax Rate					\$1.377		
2017	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.533	\$33.33	\$23.99
2018	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.690	\$33.33	\$23.99
2019	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.847	\$33.33	\$23.99
Total	\$0.470	\$2,208,000	\$30,000,000	\$2,208,000	\$1.847	\$99.96	\$71.97
<b>Scenario 3 - \$25M</b>							
Current Property Tax Rate					\$1.377		
2017	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.533	\$33.33	\$23.99
2018	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.690	\$33.33	\$23.99
2019	\$0.079	\$368,000	\$5,000,000	\$368,000	\$1.769	\$16.68	\$12.01
Total	\$0.392	\$1,840,000	\$25,000,000	\$1,840,000	\$1.769	\$83.34	\$60.00
<b>Scenario 4 - \$20M</b>							
Current Property Tax Rate					\$1.377		
2017	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.533	\$33.33	\$23.99
2018	\$0.157	\$736,000	\$10,000,000	\$736,000	\$1.690	\$33.33	\$23.99
Total	\$0.314	\$1,472,000	\$20,000,000	\$1,472,000	\$1.690	\$66.65	\$47.99
<b>Scenario 5 - \$15M</b>							
Current Property Tax Rate					\$1.377		
2017	\$0.118	\$552,000	\$7,500,000	\$552,000	\$1.494	\$24.99	\$18.00
2018	\$0.118	\$552,000	\$7,500,000	\$552,000	\$1.612	\$24.99	\$18.00
Total	\$0.235	\$1,104,000	\$15,000,000	\$1,104,000	\$1.612	\$49.99	\$35.99

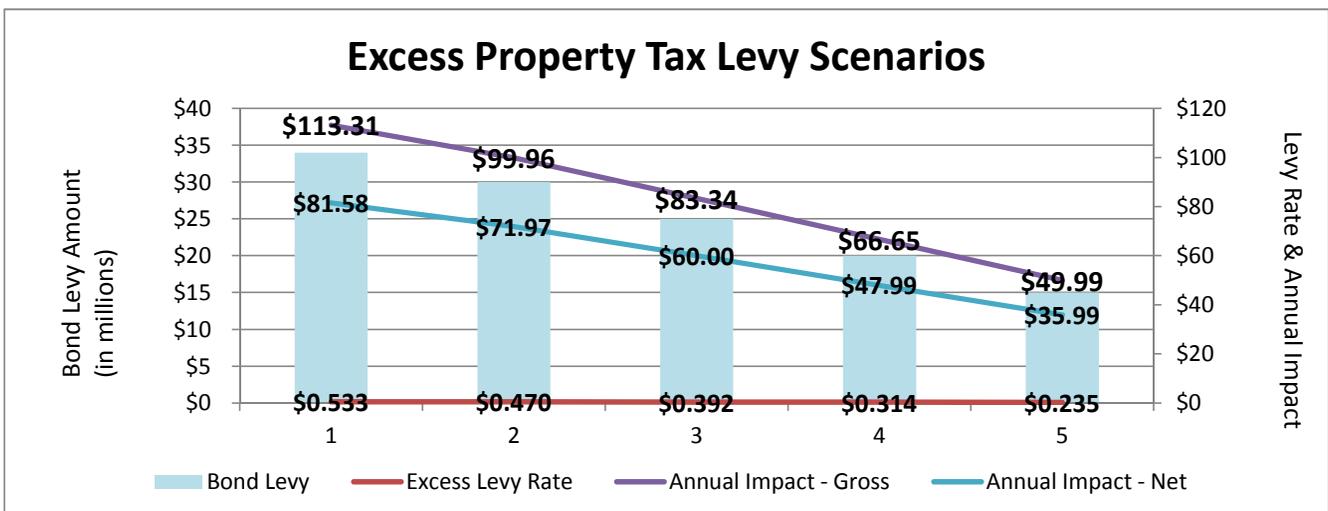
Property Tax Levy Lid Lift							
Capital Financing					Property Tax Levy Rate w/Bond Levy	Annual Impact to Average Homeowner *	
Year	Property Tax Rate	Annual Revenue	Bond Levy 4%, 9 Years	Annual Debt Service		Increase in Property Tax	Net Increase After Federal Tax Deduction
<b>Scenario - \$7.7M</b>							
Current Property Tax Rate					\$1.377		
2017	\$0.223	\$1,048,000	\$7,700,000	\$1,036,000	\$1.600	\$47.48	\$34.19

- **Average Home Value** in the City of Lakewood is \$212,540 (Source is Pierce County Assessor-Treasurer).

- **Federal Tax Deduction** is based on a 28% tax bracket.

**- Senior Citizens and Disabled Persons May Qualify for Property Tax Exemption:**

The program is available to citizens who are at least 61 years old on December 31 of the year they apply or retire from regular gainful employment by reason of a disability, with an income of \$35,000 or less. Exemptions must be renewed once every 6 years unless there is a change in status or income. The exemption freezes the value of the residence as of January 1 of the initial application year, exempts all excess levies and may exempt a portion of regular levies. The Assessor-Treasurer will continue to establish the market value of the property on an annual basis. The taxes will be calculated on the lesser or market value or frozen value. Additional information and application forms are available on the Pierce County Assessor-Treasurer's website @ <http://www.co.pierce.wa.us/index.aspx?nid=702>.



Lakewood Ballot Measures

Entity Name	Subject Issue	Ballot Measure	Election Results	Yes %	No %	Required Majority	Election Month	Election Year
Lakewood	Criminal Justice	The Lakewood City Council adopted Ordinance No. 355 concerning a proposition relating to a police facility. If passed, Proposition No. 1 would authorize the City to acquire, construct, improve and equip a new police station, issue up to \$7,000,000 of general bonds maturing within 20 years, and levy annual excess property taxes to pay and retire the bonds, all provided in Ordinance No. 355.	Failed	46.51%	53.49%	Super	General	2004
Lakewood	Parks & Recreation	The City proposes a comprehensive Parks improvement program that will span six years (2000-2005). This program will cost \$14,498,000 overall; of that, the City proposes \$9,890,000 in bonds to finance the program with the remainder coming from local general improvements. Shall the City of Lakewood develop and improve its park and recreation facilities and finance such improvements from general obligation bonds in the principal amount not to exceed \$9,890,000, maturing within a maximum term of 20 years, and payable out of annual property tax levies in excess of any constitutional or statutory limitations as more specifically provided in Ordinance No. 206?	Failed	46.59%	53.41%	Super	General	1999
Lakewood	Other	Lakewood Proposition No. 1. The Lakewood City Council adopted Ordinance No. 389 concerning an advisory ballot on the powers of Initiative and Referendum. The Council seeks citizen input regarding the exercise of the powers of Initiative and Referendum. Should the Lakewood City Council adopt the powers of Initiative and Referendum?	Passed	72.60%	27.40%	Simple	General	2004
Lakewood	Other	The Lakewood City Council submits the following question to the voters regarding the prohibition of cardrooms in the city: Should licensed gambling in the form of the conduct or operation of social card games as commercial stimulants (commonly known as "minicasinos") be prohibited in the City of Lakewood?	Failed	37.71%	62.29%	Simple	General	2008

Entity Name	Subject Issue	Ballot Measure	Election Results	Yes %	No %	Majority Required	Election	Year	Duration in Years Levy/Fee	Amount of Levy (Per \$1000 A/V)	Type of Tax	Statutory Reference
Carnation	Criminal Justice	Proposition No. 1, Levy for Criminal Justice Services and Cash Reserve Stabilization. The Carnation City Council has passed Resolution No. 366, placing funding for criminal justice services and stabilization of the City's monetary reserves before the voters. This six-year proposition would increase the regular property tax rate for collection in 2012 by \$0.61 to \$1.90 per \$1,000 of assessed valuation. The 2012 levy amount would become the base upon which levy increases would be computed for each of the five succeeding years. The revenue would be used to fund criminal justice services, including police, jail, prosecution, courts, public defender, and domestic violence advocacy, and to help stabilize the City's monetary reserves.	Failed	46.18%	53.82%	Simple	General	2011	1	\$0.61	Property Tax	Levy Lid Lift (RCW 84.55.050)
Seattle	Human Services	Proposition No. 1, Regular Tax Levy Including Families and Education. The City of Seattle's Proposition concerns renewing and enhancing Education -Support Services to improve academic achievement. This proposition would fund City services, including school readiness, academic achievement in elementary, middle and high school, college/career preparation, and student health and community partnerships as provided in Ordinance 123567. It authorizes regular property taxes above RCW 84.55 limits, allowing additional 2012 collection of up to \$32,101,000 (approximately \$0.27/\$1000 assessed value) and up to \$231,562,000 over seven years. In 2012, total City taxes collected would not exceed \$3.60 per \$1,000 of assessed value.	Passed	63.94%	36.06%	Simple	General	2011	7	\$0.27	Property Tax	Levy Lid Lift (RCW 84.55.050)
Castle Rock	Library	Proposition 1, Shall City of Castle Rock be authorized to levy an excess property tax in the year 2012 for collection in 2013 for \$0.50 per \$1,000 of full assessed value for a total assessment of \$56,079 for the purpose of providing public library services to the citizens of Castle Rock?	Passed	62.32%	37.68%	Simple	February	2012	1	\$0.50	Property Tax	Levy Lid Lift (RCW 84.55.050)
Ocean Shores	Library	The City Council of the City of Ocean Shores adopted Resolution No. 672 concerning property taxes to support the City library. This proposition would permit the City to increase its regular property tax levy by \$0.247 per \$1,000 of assessed valuation to replace an expiring library levy lid lift, resulting in a regular property tax levy of \$3.097 per \$1,000 for collection in 2013. This levy amount would also be used to compute the City's levy limits for 2014 as allowed by Chapter 84.55 RCW	Failed	48.81%	51.20%	Simple	April	2012	3	\$0.25	Property Tax	Levy Lid Lift (RCW 84.55.050)

Ocean Shores	Library	Ocean Shores Council Proposition No. 1, Replacement Levy To Support Ocean Shores Public Library. The City Council of the City of Ocean Shores adopted Resolution No. 710 concerning property taxes to support the City library. This proposition would permit the City to increase its regular property tax levy by \$0.277 per \$1,000 of assessed valuation to replace a \$0.247 per \$1,000 expiring library levy lid lift, resulting in a regular property tax levy of not-to-exceed \$3.221 per \$1,000 for collection in 2015. This levy amount would also be used to compute the City's levy limits for 2016 and 2017 as allowed by Chapter 84.55 RCW.	Passed	54.61%	45.39%	Simple	Primary	2014	3	\$3.22	Property Tax	Levy Lid Lift (RCW 84.55.050)
Des Moines	Other	Proposition No. 1, Utility Occupation Tax for Des Moines Beach Park and Streets. The Des Moines City Council adopted Resolution No. 1169 concerning a proposition to increase the City Utility Occupation Tax to restore Beach Park Historic District buildings and facilities; fund maintenance and operations; and for City street paving improvements. This proposition would restore Des Moines Beach Park Historic Buildings and facilities; fund maintenance and operations; and improve City streets to prevent their further deterioration. This proposition increases the current 6% utility occupation tax to 9% authorizing: (1) 1% for Beach Park capital projects for 20 years or until capital bonds are repaid and thereafter that 1% tax ends; (2) 0.5% for Beach Park maintenance and operations; and (3) 1.5% for City street paving improvements.	Failed	37.76%	62.24%	Simple	General	2014	20		Utility Tax	Utility Tax Increase (RCW 35.21.870)
Eatonville	Other	Town of Eatonville - Proposition 1 The Eatonville Town Council passed Ordinance 2012-9, concerning a proposition to finance maintenance and operation expenses. If approved, Proposition No. 1 would authorize the Town to levy the following excess tax on all taxable property within the Town, which would be used to cover the Town's general expenses, consistent with the adopted budget: Levy Year: 2012 Collection Year:2013 Approximate Levy Rate Per \$1,000 AV: \$1.00 Levy Amount: \$161,048.11	Failed	40.03%	59.97%	Super	General	2012	1	\$1.00	Property Tax	M&O Excess Levy (RCW 84.52.052, RCW 84.52.054)
Edmonds	Other	Proposition No. 1 Levy to Help Maintain Current Levels of Service in Public Safety, Parks, and Other City Services. The Edmonds City Council has passed Ordinance No. 3848 to place before the voters property taxes to help maintain current levels of service in public safety, parks, and other city services. To help maintain service levels in public safety, parks, and other city services, this proposition would authorize an increase in the regular property tax rate for collection in 2012 of 0.17256368 per \$1,000 of assessed valuation, for a total regular property tax rate (if only this proposition passes) of 1.82823515 per \$1,000 of assessed valuation. The 2012 levy amount would become the basis upon which levy increases would be computed for 2013 and 2014.	Failed	42.57%	57.43%	Simple	General	2011	1	\$0.17	Property Tax	Levy Lid Lift (RCW 84.55.050)

Kent	Other	Kent Proposition No. 1 Levy to Support Kent Parks and Streets. The City Council of the City of Kent adopted Ordinance No. 4042 concerning property taxes to support City parks and streets. This proposition permits the City to increase the regular property tax levy by \$0.37/\$1,000 assessed valuation, for a regular levy of approximately \$1.96/\$1,000, for collection in 2013, to use this levy to compute levies for collection in 2014 through 2018 (with a 101% limit factor), and to use the amount of the levy for collection in 2018 to compute subsequent levy limits, as permitted by chapter 84.55 RCW, to fund improvements to City parks and streets	Failed	43.62%	56.38%	Simple	General	2012	6, Permanent	\$1.96	Property Tax	Levy Lid Lift (RCW 84.55.050)
Normandy Park	Other	Normandy Park Proposition No. 1 Property Tax Rate The Normandy Park City Council passed Resolution No. 853 to place the funding of city services before the voters. This proposition authorizes an increase in the regular property tax rate for collection in 2013 of \$0.29246 per \$1,000 of assessed valuation, for a total tax rate (if this proposition passes) of \$1.60 per \$1,000 of assessed valuation. The 2013 levy amount would become the base upon which levy increases would be computed for future years	Passed	65.40%	34.60%	Simple	General	2012	Permanent	\$1.60	Property Tax	Levy Lid Lift (RCW 84.55.050)
Snoqualmie	Other	Proposition No. 1 Public Safety Operations, Streets and Parks Maintenance Levy. The City of Snoqualmie, Washington adopted Ordinance No. 1097 concerning public safety, and maintenance of streets, parks, and natural areas. This proposition would fund public safety, including operations affecting 911 emergency response times, police officers, firefighters, and emergency medical technicians for Basic Life Support; street maintenance and safety improvements; and preservation of parks, trails and natural areas. It increases the City's regular property tax rate by up to \$0.24/\$1,000 to a maximum rate of \$2.99/\$1,000 of assessed valuation for collection in 2013, as allowed by RCW 84.55. 2013 levy amount will be used to calculate subsequent levy limits.	Passed	52.37%	47.63%	Simple	General	2012	Permanent	\$2.99	Property Tax	Levy Lid Lift (RCW 84.55.050)
Bothell	Parks and Recreation	Parks and Public Space Bonds. The Bothell City Council passed Ordinance No. 2149 concerning funding for parks and public spaces. This proposition would authorize the City to acquire and develop new parks, parkways, recreational improvements, public spaces and pedestrian enhancements; issue general obligation bonds in the principal amount not to exceed \$42 million, maturing within a maximum of 25 years; and, levy property taxes annually in addition to regular tax levies to repay these bonds, all as provided in Ordinance No. 2149.	Failed	47.69%	52.31%		General	2014	25		Property Tax	Bond (RCW 84.52.056)

Edmonds	Parks and Recreation	Proposition No. 3, Levy for Building Maintenance and Park Improvements. The Edmonds City Council has passed Ordinance No. 3850 to place before the voters property taxes to fund building maintenance and park improvements. To fund building maintenance and park improvements, this proposition would authorize an increase in the regular property tax rate for collection in 2012 of 0.08628184 per \$1,000 of assessed valuation, for a total regular property tax rate (if only this proposition passes) of 1.74195331 per \$1,000 of assessed valuation. The 2012 levy amount would become the basis upon which levy increases would be computed	Failed	38.05%	61.95%	Simple	General	2011	1	\$0.09	Property Tax	M&O Excess Levy (RCW 84.52.052, RCW 84.52.054)
Endicott	Parks and Recreation	Town of Endicott - Proposition 2 Shall the Town of Endicott be authorized to impose a special tax levy in 2012 for collection in 2013 of \$7,000.00 an estimated \$ .61, or less per \$1,000.00 of assessed valuation for the city park maintenance?	Passed	66.07%	33.93%		General	2012	1	\$0.61	Property Tax	M&O Excess Levy (RCW 84.52.052, RCW 84.52.054)
Issaquah	Parks and Recreation	Proposition No. 1 Parks, Recreation, Pool and Open Space Bonds. The City Council of the City of Issaquah, Washington, adopted Ordinance No. 2680 concerning financing for parks, recreational facilities and open space. If approved, this proposition would authorize the City to improve its parks and recreation system, such as renovating Julius Boehm Pool; improving Central Park, Tibbetts Valley Park, Meerwood Park and Gibson Park; and preserving open space to protect creeks, natural areas and wildlife habitat. It would authorize issuance of no more than \$10,000,000 of general obligation bonds maturing within 20 years to be repaid by the annual levy of excess property taxes, all as provided in Ordinance No. 2680.	Passed	77.22%	22.78%	Super	General	2013	20		Property Tax	Bond (RCW 84.52.056)
Kirkland	Parks and Recreation	Kirkland Proposition No. 2 - Levy for City Parks Maintenance, Restoration and Enhancement. The Kirkland City Council adopted Ordinance No. 4365 concerning a proposition for a park levy rate increase. To restore and enhance funding for park maintenance and beach lifeguards, to maintain, renovate, and enhance docks, park facilities, trails and playfields and to acquire parkland and open space, the City's regular property tax levy base shall be increased permanently by \$.16 per \$1,000 of assessed value for collection beginning in 2013 and such amount shall be used for the purpose of computing the limitations for subsequent levies provided under RCW ch. 84.55.	Passed	57.87%	42.13%	Simple	General	2012	Permanent	\$0.16	Property Tax	Levy Lid Lift (RCW 84.55.050)

Mukilteo	Parks and Recreation	City of Mukilteo Proposition No. 1 Levy for Purchase of Japanese Gulch Park and Open Space. The Mukilteo City Council adopted Resolution No. 2012-11 concerning a proposition for a bond levy to pay the capital costs of acquiring lands within Japanese Gulch for park and open space. This proposition would authorize the City Council to issue unlimited tax general obligation bonds up to \$3,242,760 with a maximum term of five years and to levy annual excess property taxes necessary to pay and retire the bonds.	Failed	58.52%	41.48%	Super	General	2012	5	Property Tax	Bond (RCW 84.52.056)
Spokane	Parks and Recreation	Riverfront Park General Obligation Bonds -- \$64,300,000. The City Council of the City of Spokane passed Resolution No. 2014-0084 approving a plan to finance the renovation, improvement and modernization of the aging infrastructure of Riverfront Park, including the Loeff Carrousel building, U.S. Pavilion, Ice Rink, Skyride and Park facilities with no net increase in the current annual tax levy for Parks. This proposition authorizes the City to finance the renovation of Riverfront Park buildings, facilities and infrastructure; enhance security and safety facilities; improve parking, lighting, heating and cooling systems; and improve other capital facilities of Riverfront Park and the Parks system. General obligation bonds would be issued in a maximum principal amount of \$64,300,000, maturing within 20 years from date of issue, and repaid from an annual excess levy on real property, all as provided in the Resolution.	Passed	68.58%	31.42%		General	2014	20	Property Tax	Bond (RCW 84.52.056)
Yakima	Parks and Recreation	Adoption of Amendment to Charter of the City of Yakima. Proposition No. 1 concerns an amendment of the City of Yakima Charter. This measure amends City Charter Article VI adding new Section 9 creating a dedicated public parks and recreation capital construction and rehabilitation fund, funded annually in the amount of no less than Seven Hundred Fifty Thousand Dollars from the general fund budget, adjusted annually in accordance with consumer price index, and providing that expenditures from such fund be limited to public parks and recreation capital construction and rehabilitation.	Passed	68.69%	31.31%		General	2014		N/A	N/A
Yelm	Parks and Recreation	City of Yelm - Proposition No. 1 - Community Center and Park Bonds. The City Council of the City of Yelm has passed Ordinance No. 975 concerning financing the expansion of and improvements to Yelm City Park. If approved, this proposition would authorize issuance of general obligation bonds in an amount not more than \$5,742,000 (maturing within 25 years or less) to pay costs of constructing a community center and supporting facilities and carrying out other park improvements, and authorize the annual levy of excess property taxes to pay and retire such bonds, all as provided in Ordinance No. 975.	Failed	52.14%	47.86%	Super	General	2013		Property Tax	Bond (RCW 84.52.056)

Yelm	Parks and Recreation	City of Yelm Proposition No. 1 Community Center and Park Bonds. The City Council of the City of Yelm has passed Ordinance No. 970 concerning financing the expansion of and improvements to Yelm City Park. If approved, this proposition would authorize issuance of general obligation bonds in an amount not more than \$5,742,000 (maturing within 25 years or less) to pay costs of constructing a community center and supporting facilities and carrying out other park improvements, and authorize the annual levy of excess property taxes to pay and retire such bonds, all as provided in Ordinance No. 970.	Failed	54.48%	45.52%	Super	Primary	2013	25	Property Tax	Bond (RCW 84.52.056)
Auburn	Transportation	Proposition 1. The Board of the Auburn Transportation Benefit District adopted Resolution No. 2012-2 concerning a proposition to fund District transportation improvements and projects. If approved, this proposition would authorize the issuance of general obligation bonds to pay the costs of the transportation improvements and projects identified in the City of Auburn six-year Transportation Improvement Plan in an amount not more than \$59,000,000, each series of such bonds maturing within 25 years or less, and authorize the annual levy of excess property taxes to pay and retire such bonds, as provided in Resolution No. 2012-2.	Failed	50.25%	49.75%	Super		2012	25 years		Bond
College Place	Transportation	Proposition No. 1 City of College Place College Avenue/Rose Street Project Bonds The City of College Place, Washington passed Ordinance No. 1055 concerning the reconstruction of portions of College Avenue and Rose Street. This proposition would authorize the City to make capital improvements to College Avenue and Rose Streets, including utilities located within the roadbed and curbs, gutters and sidewalks along such streets; issue no more than \$7,000,000 of general obligation bonds maturing within 20 years; and levy annual excess property taxes to repay the bonds, all as provided in Ordinance No. 1055.	Passed	68.42%	31.58%		August	2012	20	Property Tax	Bond (RCW 84.52.056)
Des Moines	Transportation	Proposition No. 1 Utility Occupation Tax for Des Moines Streets. This proposition increases the City Utility Occupation Tax to pay for paving existing City streets. The Des Moines City Council proposes to improve City streets to prevent their further deterioration. This proposition increases the current 6% Utility Occupation Tax to 8% for twenty (20) years authorizing 2.0% for paving existing City streets.	Failed	46.20%	53.80%		Primary	2013	20	Utility Tax	Utility Tax Increase (RCW 35.21.870)

Edmonds	Transportation	Proposition No. 2, Levy for Street Pavement Overlays. The Edmonds City Council has passed Ordinance No. 3849 to place before the voters property taxes to fund street pavement overlays. To fund street pavement overlays, this proposition would authorize an increase in the regular property tax rate for collection in 2012 of 0.17256368 per \$1,000 of assessed valuation, for a total regular property tax rate if only this proposition passes) of 1.82823515 per \$1,000 of assessed valuation. The 2012 levy amount would become the basis upon which levy increases would be computed for 2013 and 2014.	Failed	41.00%	59.00%	Simple	General	2011	1	\$0.17	Property Tax	Levy Lid Lift (RCW 84.55.050)
Kirkland	Transportation	Kirkland Proposition No. 1 Levy for City Street Maintenance and Pedestrian Safety. The Kirkland City Council adopted Ordinance No. 4364 concerning a proposition for a street improvement levy rate increase. To fund street maintenance and safety improvements for neighborhood streets and arterials, including resurfacing, pothole repair, pedestrian safety improvements, traffic calming projects, school walk routes, sidewalks and crosswalks, the City's regular property tax levy shall be increased permanently by \$.204 per \$1,000 of assessed value for collection beginning in 2013 and such amount shall be used for the purpose of computing the limitations for subsequent levies provided under RCW ch. 84.55.	Passed	54.80%	45.20%	Simple	General	2012	Permanent	\$0.20	Property Tax	Levy Lid Lift (RCW 84.55.050)
Pacific	Transportation	Proposition No. 1 Levy Lid Lift for Street Improvements. The City Council of the City of Pacific, adopted Resolution No. 1076 concerning a property tax levy increase for street improvements. If approved, this proposition would 1) increase the regular property tax levy above the increase allowed under Ch. 84.55 RCW, to a total rate of \$1.66396/\$1,000 assessed value for collection in 2012; 2) increase the 2013-2017 maximum permitted levy amounts by inflation measured by CPI); and 3) dedicate the increase to purchasing street repair and improvement materials. This measure expires after 2017	Failed	23.47%	76.53%	Simple	General	2011	6	\$1.66	Property Tax	M&O Excess Levy (RCW 84.52.052, RCW 84.52.054)
Seattle	Transportation	Citizen Petition No. 1 Creation of a City Transportation Authority for Public Monorail Transportation Facilities. As provided in Seattle Citizen Petition No. 1, this proposition would create a citywide transportation authority to plan, construct, operate and maintain public monorail transportation facilities. The authority would have all powers set forth in chapter 35.95A RCW, including taxation authority; would be initially governed by a nine-member interim board; and would receive initial funding for planning, design, engineering and environmental review through imposition of a \$5.00 fee on vehicles subject to relicensing tab fees registered within the city. A twenty-one member advisory council would also be established.	Failed	19.49%	80.51%		General	2014			Vehicle Fee	Monorail Transportation Authority Vehicle Fees (RCW 35.95A.090)

Spokane	Transportation	Levy for Improved & Integrated Streets. The Spokane City Council adopted Resolution No. 2014-0085, approving a levy proposition to improve and repair the city's streets and terminate the use of the existing \$0.57 property tax assessment for repayment of the 2004 street bond. This proposition would authorize a property tax levy lid lift commencing in 2015 of \$0.57 per \$1,000 of assessed valuation, resulting in no net increase in the 2015 tax rate. The levy funds would be used to pay for street repairs and improvements and would be the basis for subsequent levies for 20 years, all as provided in the resolution.	Passed	77.56%	22.44%	Simple	General	2014	20	\$0.57	Property Tax	Levy Lid Lift (RCW 84.55.050)
Spokane Valley	Transportation	Proposition No. 1. City of Spokane Valley City Council Ordinance No. 11-011 authorizes a proposition to issue up to \$2,142,000 General Obligation Bonds to finance conversion of Sprague and Appleway to two-way streets between Argonne/Dishman-Mica and University Road; including striping, signalization, and Americans with Disabilities Act compliance; and to levy excess property taxes annually to repay the bonds within a maximum term of 20 years.	Failed	16.48%	83.52%		General	2011	20		Property Tax	Bond (RCW 84.52.056)
Tacoma	Transportation	Proposition 1 Tacoma Special 2% Utility Company earnings tax for Street Improvements. The City Council of the City of Tacoma adopted Substitute Resolution No. 38700 concerning an additional 2% earnings tax on utility companies for streets. If passed, Proposition No.1 would authorize the City to levy an additional 2% earnings tax on natural gas, electric, and phone companies for the sole purpose of funding basic maintenance and safety upgrades City-wide, for roads, arterials, and bridges; permanent pothole repairs; pedestrian safety improvement to crosswalks near schools, sidewalks and intersections; repaving neighborhood streets; and improved signal timing, all as provided in Substitute Resolution No. 38700.	Failed	42.60%	57.40%	Simple	General	2013			Utility Tax	Utility Tax Increase (RCW 35.21.870)
Yakima	Transportation	City of Yakima Proposition No. 1. Adoption of Amendment to Charter of the City of Yakima. Proposition No. 1 concerns an amendment of the City of Yakima Charter. This measure amends Charter Article VI adding new Section 8 creating a dedicated street overlay and reconstruction fund, funded annually in the amount of no less than Two Million Dollars from the general fund budget, adjusted annually in accordance with consumer price index, and providing that expenditures from such fund be limited to such street overlay and reconstruction.	Passed	72.39%	27.61%		Primary	2013			N/A	N/A

Transportation Benefit District Measures

City	Entity Name	Ballot Measure	Election Results	Yes %	No %	Month	Year	Duration in Years Levy/Fee	Sales Tax Increase	Type of Tax	Statutory Reference
Aberdeen	Aberdeen Transportation Benefit District	Sales And Use Tax For Transportation Improvements. The Board of the Aberdeen Transportation Benefit District, Aberdeen, Washington, adopted Resolution No. 2012-02 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of up to thirteen hundredths of one percent (0.0013) to be collected from all taxable retail sales within the District in accordance with RCW 82.14.0455 for a term of six (6) years for the purpose of paying or financing costs of the transportation improvement projects identified in the Aberdeen Transportation Benefit District's "Transportation Improvement Plan 2013-2019	Passed	62.83%	37.17%	February	2013	6	0.0013	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Airway Heights	Airway Heights Transportation Benefit District	Airway Heights Transportation Benefit District Prop 1. To finance a portion of the projects identified in the City of Airway Heights Transportation Plan plus the operation and maintenance of those projects, the Airway Heights Transportation Benefit District Board of Directors adopted Resolution No. 2013-001, concerning a proposition to authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected from all taxable sales within the District according to RCW 82.14.0455(1) for a term of ten years. The above sales tax will be used solely to fund the projects identified in the Transportation Improvement Plan.	Passed	52.27%	47.73%	General	2013		0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Arlington	Arlington Transportation Benefit District	Sales and Use Tax for Transportation Improvements. The Board of the Arlington Transportation Benefit District (TBD), Arlington, Washington, adopted Resolution No. 2013-002 TBD concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District in accordance with RCW 82.14.0455 for a term of ten years. Such revenues would be used for the sole purpose of paying for the costs of repairing and improving as many segments as possible of the 126 roads selected by the TBD as streets that are in failing or near failing condition as determined by the pavement preservation study by VPR Service, Inc.	Passed	64.81%	35.19%	Primary	2013		0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)

Auburn	Auburn Transportation Benefit District	<p>Proposition 1. The Board of the Auburn Transportation Benefit District adopted Resolution No. 2012-2 concerning a proposition to fund District transportation improvements and projects. If approved, this proposition would authorize the issuance of general obligation bonds to pay the costs of the transportation improvements and projects identified in the City of Auburn six-year Transportation Improvement Plan in an amount not more than \$59,000,000, each series of such bonds maturing within 25 years or less, and authorize the annual levy of excess property taxes to pay and retire such bonds, as provided in Resolution No. 2012-2.</p>	Failed	50.25%	49.75%	April	2012	6	Property	Bond (RCW 84.52.056)
Castle Rock	Castle Rock City Transportation Benefit District	<p>City of Castle Rock Proposition 1 Sales and Use Tax for Transportation Improvements The Castle Rock City Transportation Benefit District is authorized to request voter approval of and thereafter impose and collect a sales and use tax in accordance with RCW 82.14.0455 to fund transportation improvements. This proposition would authorize a sales and use tax of up to two tenths of one percent (0.002) to be collected from all taxable retail sales and uses within the district in accordance with RCW 82.14.0455 for a term of ten years or the time necessary to pay the debt servicing or financing as required by RCW 36.73.170, which ever period is longer, for the purpose of paying the costs of transportation improvements identified in section 2 of the resolution. Yes No</p>	Failed	59.28%	40.72%	General	2012	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Covington	Covington Transportation Benefit District	<p>Covington Transportation Benefit District Proposition No. 1 Sales and Use Tax for Transportation Improvements. The Board of Covington Transportation Benefit District, Covington, Washington, adopted Resolution No. 13-03 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax at a rate of two-tenths of one percent (0.2%) to be collected from all taxable retail sales within the District, in accordance with RCW 82.14.0455, for a period not exceeding ten years, for the purpose of paying for or financing the costs of transportation maintenance and improvement projects identified in Resolution No. 13-03.</p>	Failed	49.45%	50.55%	General	2013	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)

Ferndale	Ferndale Transportation Benefit District	<p>Proposition 1, The Board of Ferndale Transportation Benefit District, Ferndale, Washington, adopted Resolution No. 2011-01 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of two tenths of one percent (0.002) to be collected from all taxable retail sales within the District in accordance with RCW 82.14.0455 for a term of ten years for the purpose of paying or financing costs of the transportation improvement projects identified in the City of Ferndale Transportation Improvement Program (TIP):</p>	Passed	62.74%	37.26%	February	2012	10	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Friday Harbor	Friday Harbor Transportation Benefit District	<p>Sales and Use Tax for Transportation Improvements. The Board of the Friday Harbor Transportation Benefit District has adopted Resolution No. 05-14 concerning a proposition to finance transportation improvements. This proposition would authorize a sales and use tax at a rate of two-tenths of one percent (.2%) of the selling price in the case of a sales tax, or value of article used in the case of a use tax, for 10 years, or longer, if the proceeds are dedicated to the repayment of indebtedness incurred in accordance with the requirements of Chapter 36.73 RCW.</p>	Passed	56.92%	43.08%	General	2014	10	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
King County	King County Transportation District	<p>King County Transportation District Proposition No. 1 Sales and Use Tax and Vehicle Fee for Transportation Improvements. The Board of the King County Transportation District passed Resolution No. TD2014-03 concerning funding for Metro transit, roads and other transportation improvements. If approved, this proposition would fund, among other things, bus service, road safety and maintenance and other transportation improvements in King County cities and the unincorporated area. It would authorize the district to impose, for a period of ten years, a sales and use tax of 0.1% under RCW 82.14.0455 and an annual vehicle fee of sixty dollars (\$60) per registered vehicle under RCW 82.80.140 with a twenty dollar (\$20) rebate for low-income</p>	Failed	46.05%	53.95%	April	2014		0.001	Vehicle Fee	Transportation Benefit District (TBD) Vehicle Fee (RCW 82.80.140)

Lynden	Lynden Transportation Benefit District	<p>Lynden Transportation Benefit District                  Lynden, Washington Proposition No. 1 Sales and Use Tax for Transportation Improvements                  The Board of the Lynden Transportation Benefit District, Lynden, Washington, adopted Resolution No. 2012-1 concerning a sales and use tax to fund certain transportation improvements. This proposition would authorize a sales and use tax of two tenths of one percent (0.002) to be collected from all taxable retail sales within the Transportation Benefit District in accordance with RCW 82.14.0455 for a term of ten years, or until such District is dissolved, whichever is earlier, for the purpose of paying or financing costs of necessary transportation improvement projects listed in Resolution No. 2012-1 and identified in the City of Lynden Transportation Improvement Plan:</p>	Passed	54.75%	45.25%	General	2012	10	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Lynnwood	Lynnwood Transportation Benefit District	<p>Sales and Use Tax for Transportation Improvements. The Board of the Lynnwood Transportation Benefit District, Lynnwood, Washington, adopted Resolution 5 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District in accordance with RCW 82.14.0455 for a term of ten years. Such revenues would be used for the purpose of funding the following transportation improvements: preventative and routine pavement maintenance and reconstruction, street and traffic maintenance and operations, and other capital projects as identified in the City's Transportation Plan.</p>	Failed	47.15%	52.85%	General	2014	10	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)

Marysville	Marysville Transportation Benefit District	Marysville Transportation Benefit District. Proposition No. 1 Sales and Use Tax for Transportation Improvements. The Board of the Marysville Transportation Benefit District, Marysville, Washington, adopted Resolution 2014-01 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District in accordance with RCW 82.14.0455 for a term of ten years. Such revenues would be used for the purpose of funding the following transportation improvement projects: street preservation, including pavement repair, overlay, chip seal and patching and other capital projects as identified in the State and City's Transportation Plan.	Passed	54.98%	45.02%	April	2014	10	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Monroe	Monroe Transportation Benefit District	Monroe Transportation Benefit District Proposition No. 1. Sales and Use Tax for Transportation Improvements. The Board of the Monroe Transportation Benefit District adopted Resolution No. 002/2014 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District in accordance with RCW 36.73.040(3)(a) and RCW 82.14.0455 for a term of ten years. Such revenues would be used for the purpose of funding preservation of City of Monroe streets, including pavement repair, overlay, chip seal and patching, as identified in the Washington Transportation Plan for 2007-2026 and Ordinance No. 009/2012.	Passed	63.88%	36.12%	Primary	2014		0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
North Bend	North Bend Transportation Benefit District No. 1	Proposition No. 1 Sales and Use Tax for Transportation Improvements. The Board of North Bend Transportation Benefit District No. 1 has adopted Resolution No. 01-2011 concerning a proposition to finance transportation improvements. This proposition would authorize a sales and use tax at a rate of two-tenths of one percent (.2%) of the selling price in the case of a sales tax, or value of article used in the case of a use tax, for a period not exceeding 10 years, and dedicate that tax to repaying North Bend Transportation Benefit District No. 1 indebtedness incurred to finance street and related improvements specified in Resolution No. 01-2011.	Passed	60.53%	39.47%	General	2011	10	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)

Othello	City of Othello Transportation Benefit District	City of Othello Transportation Benefit District. The City of Othello Transportation Benefit District Board adopted Resolution TBD 2013-02 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.002) to be collected from all taxable retail sales and uses within the district in accordance with RCW 82.14.0455 for a term of ten (10) years for the purpose of paying the costs of transportation improvements identified in section 2 of the resolution. Sales and Use Tax for Transportation Improvements	Failed	48.87%	51.13%	General	2013	10 yr	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Seattle	Seattle Transportation Benefit District	Proposition No. 1 Increased Vehicle License Fee. The Seattle Transportation Benefit District's Proposition No. 1 concerns an increased Vehicle License Fee for transportation improvements. If approved, this proposition would fund transportation facilities and services benefitting the City of Seattle, including: transportation system repairs, maintenance and safety improvements; transit improvements to increase speed, reliability and access; and pedestrian, bicycle and freight mobility programs, all as provided in STBD Resolution No. 5. It would authorize a \$60 increase in the Vehicle License Fee beginning in 2012, allowing collection of approximately \$20.4 million annually for ten years.	Failed	43.88%	56.12%	General	2011	10		Vehicle Fee	Transportation Benefit District (TBD) Vehicle Fee (RCW 82.80.140)
Seattle	Seattle Transportation Benefit District	Transportation Funding. The Seattle Transportation Benefit District Board passed Resolution No. 12 concerning funding for Metro Transit service benefitting the City of Seattle. If approved, this proposition would fund preservation of transit service on existing routes primarily serving Seattle that are proposed to be cut beginning in 2015. A portion of the funds collected would support regional transit service and improved access for low-income transit riders. This proposition would authorize an additional annual vehicle license fee of \$60 per registered vehicle with a \$20 rebate for low-income individuals and authorize a 0.1% sales and use tax. Both the fee and the tax would expire by December 31, 2020.	Passed	62.43%	37.57%	General	2014	6		Vehicle Fee	Transportation Benefit District (TBD) Vehicle Fee (RCW 82.80.140)

Stanwood	Stanwood Transportation Benefit District	Stanwood Transportation Benefit District Proposition No. 1 Sales and Use Tax for Transportation Improvements. The Board of the Stanwood Transportation Benefit District adopted Resolution 2012-TBD02 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of two-tenths of one percent (0.2%) to be collected within the District in accordance with RCW 82.14.0455 for ten years. Such revenues would be used for the purpose of funding the following transportation improvement projects: street preservation, including: pavement repair, overlay, chip seal and patching and other projects identified in the State and City's Transportation Plan.	Passed	67.97%	32.03%	February	2013	10	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Waitsburg	Waitsburg Transportation Benefit District	City of Waitsburg Transportation Benefit District Proposition No. 1 City of Waitsburg Transportation Benefit District Sales and Use Tax for Transportation Improvements	Passed	74.47%	25.53%	April	2012		0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)
Walla Walla	Walla Walla City Transportation Benefit District	Proposition 1. The Walla Walla City Transportation Benefit District Board adopted Resolution TBD-2011-04 concerning a sales and use tax to fund transportation improvements. This proposition would authorize a sales and use tax of up to two tenths of one percent (0.002) to be collected from all taxable retail sales and uses within the district in accordance with RCW 82.14.0455 for a term of ten years for the purpose of paying the costs of transportation improvements identified in section 2 of the resolution.	Passed	61.70%	38.30%	February	2012	10	0.002	Sales	Transportation Benefit District (TBD) Sales Tax (RCW 82.14.0455)

## City Parks and Street Survey Summaries

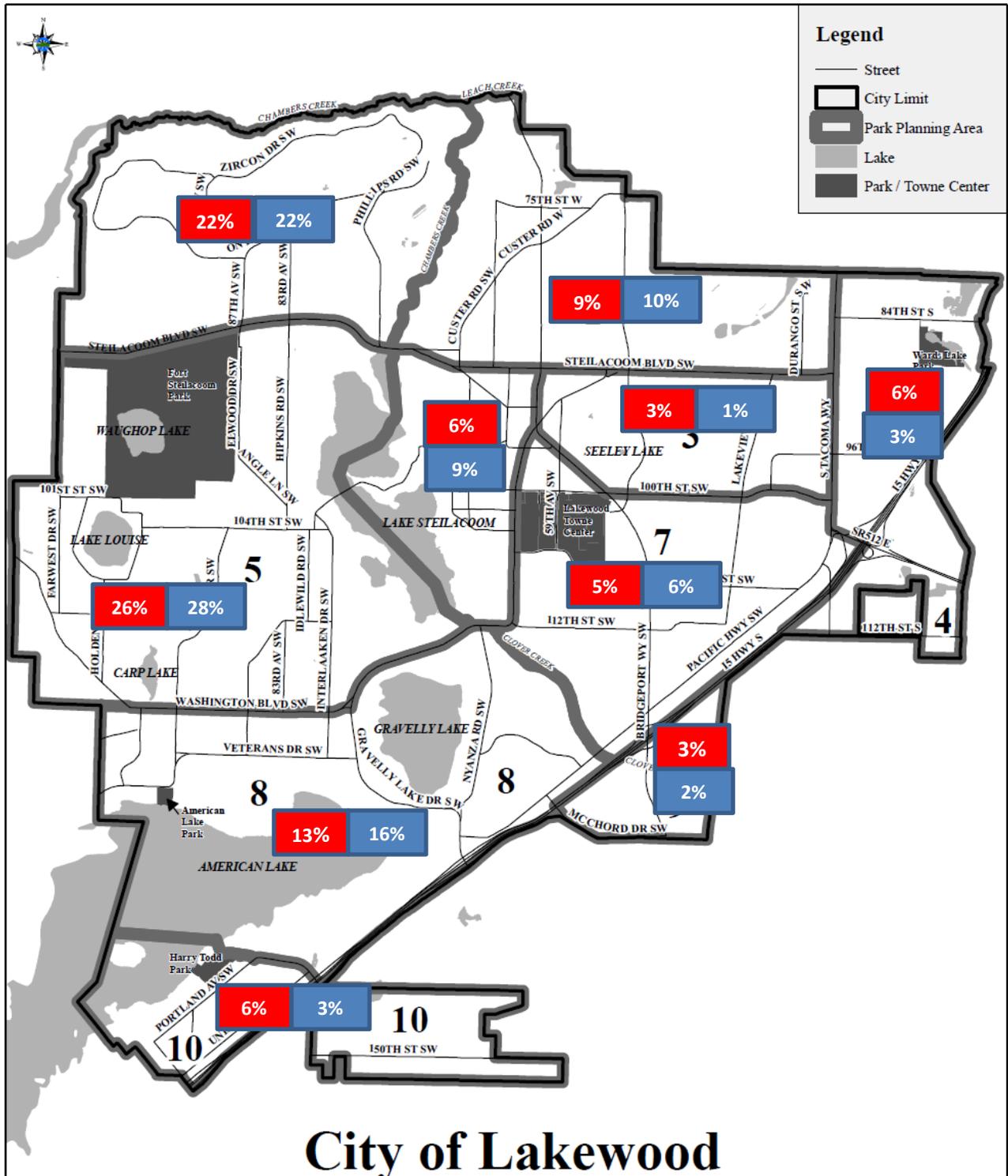
### Survey #1 – Legacy Plan Survey – February, 2011

**Summary:** The purpose of the survey was to gather data regarding parks and recreation needs, interests, opinions and behaviors of the people in Lakewood. This was achieved by developing a mailed survey tool based on information gathered at focus group meetings, by local park and recreation providers and from community and staff input. 421 surveys were returned by a more diverse demographic than 2013 survey, however respondents were from similar neighborhood areas (see map). Citizen top issues and priorities included neighborhood parks, safety and security of facilities, cleanliness of facilities, preservation of open space, family-based programs and special events, cooperation/partnerships with other entities including schools and businesses, raise funds through solicitation of sponsorships (to offset program costs), programming for younger children and better advertise locations of facilities and programs.

### Survey #2 - Parks and Street Survey - July, 2013

**Summary:** Purpose of this survey was to check assumptions noted in the Legacy Plan and determine community satisfaction and interest in parks and street projects, resident priorities and various funding options. 426 surveys were returned by older adults who own their homes and have lived more than 10 years in the community. Geographic location of respondents was very similar to 2011 respondents (see map). Lessons learned:

- Recreation top issues – farmers market, festivals and events, personal enrichment classes. Least favorite are indoor / outdoor sports. How do we pay for recreation? Charge non-residents more and neutral on increasing fees for all and reducing services.
- Parks top issues - passive open space, stewardship, trails and restrooms. Least favorite are outdoor sports and public art. How do we pay for parks? Favorite is bond or levy. Least favorite is increase property tax or lower standards. How much would they pay for a bond or levy: 15% would pay 0 per year - 55% would pay \$10 - \$50 and 30% would pay \$75 – \$100 per year.
- Existing street top issues – highest satisfaction with traffic signals, street signs, lights and road striping and pavement. Evenly split on satisfaction with curbs, sidewalks and gravel shoulders. How do we pay for streets? Least favorite is license tab fee, property tax lid lift or sales tax increase. Regarding paying for pavement preservation – over 70% of the survey respondents were not supportive of any of the finance methods noted above. How much would they annually pay for street for maintenance: 18% would pay \$0 per year - 68% would pay \$10 - \$50 and 14% would pay \$75-100 per year.
- Street improvement top interests – sidewalks on major roadways was highest priority. Neutral about sidewalks on collector roads and neighborhood roads. How much would they pay to exclusively finance sidewalk and street light improvements: 20% would pay \$0 per year 67% would pay \$10 – 50 and 13% would pay \$75 - \$100 per year.



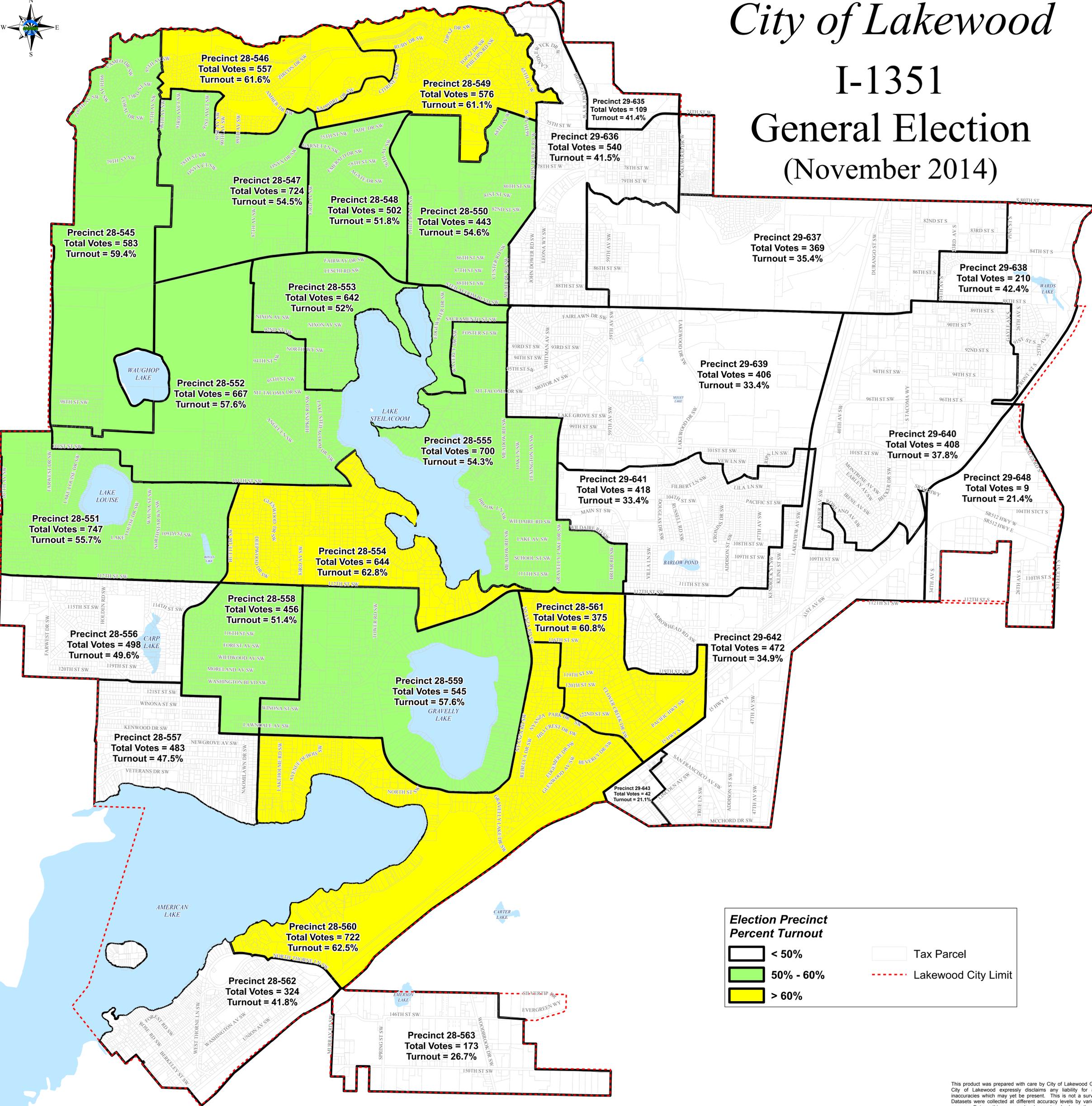
2011  
Survey  
respondents

2013  
Survey  
Respondents

# City of Lakewood

## I-1351

# General Election (November 2014)



**Precinct 28-546**  
Total Votes = 557  
Turnout = 61.6%

**Precinct 28-549**  
Total Votes = 576  
Turnout = 61.1%

**Precinct 29-635**  
Total Votes = 109  
Turnout = 41.4%

**Precinct 29-636**  
Total Votes = 540  
Turnout = 41.5%

**Precinct 28-547**  
Total Votes = 724  
Turnout = 54.5%

**Precinct 28-548**  
Total Votes = 502  
Turnout = 51.8%

**Precinct 28-550**  
Total Votes = 443  
Turnout = 54.6%

**Precinct 29-637**  
Total Votes = 369  
Turnout = 35.4%

**Precinct 29-638**  
Total Votes = 210  
Turnout = 42.4%

**Precinct 28-545**  
Total Votes = 583  
Turnout = 59.4%

**Precinct 28-553**  
Total Votes = 642  
Turnout = 52%

**Precinct 28-552**  
Total Votes = 667  
Turnout = 57.6%

**Precinct 28-555**  
Total Votes = 700  
Turnout = 54.3%

**Precinct 29-639**  
Total Votes = 406  
Turnout = 33.4%

**Precinct 29-640**  
Total Votes = 408  
Turnout = 37.8%

**Precinct 29-648**  
Total Votes = 9  
Turnout = 21.4%

**Precinct 28-551**  
Total Votes = 747  
Turnout = 55.7%

**Precinct 28-554**  
Total Votes = 644  
Turnout = 62.8%

**Precinct 29-641**  
Total Votes = 418  
Turnout = 33.4%

**Precinct 28-558**  
Total Votes = 456  
Turnout = 51.4%

**Precinct 28-561**  
Total Votes = 375  
Turnout = 60.8%

**Precinct 29-642**  
Total Votes = 472  
Turnout = 34.9%

**Precinct 28-556**  
Total Votes = 498  
Turnout = 49.6%

**Precinct 28-559**  
Total Votes = 545  
Turnout = 57.6%

**Precinct 28-557**  
Total Votes = 483  
Turnout = 47.5%

**Precinct 28-560**  
Total Votes = 722  
Turnout = 62.5%

**Precinct 28-562**  
Total Votes = 324  
Turnout = 41.8%

**Precinct 29-643**  
Total Votes = 42  
Turnout = 21.1%

**Precinct 28-563**  
Total Votes = 173  
Turnout = 26.7%

**Election Precinct Percent Turnout**

	< 50%		Tax Parcel
	50% - 60%		Lakewood City Limit
	> 60%		

This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-589-2489 for further information.  
Map Date: February 12, 2015 | projects/Executive/I-1351

## Passing a Bond 101

### **Keys to Success:**

- It is vital to have 100% agreement from Council (unified front) to run the bond.
- It needs to be citizen led! You need strong and positive support from civic groups, neighborhood groups and key business owners if you want the bond to pass. This should be ongoing and not “created” just to pass a bond.
- Focus on “yes” voters rather than trying to convert (with energy or \$) a “no” voter

### **Facts & information gathering:**

- Review Potential Capital Projects: develop a list of priority capital projects from capital asset inventory, capital improvement plan, community surveys, etc... You should be able to clearly state your need for each project. It's best if you engage the community to create the list. Combine and group projects for efficiencies.

### **Situational analysis and strategic research**

- Survey your community: Need a scientific survey to find out if residents are interested in future capital improvements and/or new development projects. What is there current satisfaction, perceptions and do they have priorities.
- Test viable project options (what's clear, what's confusing, does the public understand the current situation or perceived needs)
- Develop City of Lakewood Finance 101 Presentation

### **Decision-making and recommendation**

- Do you run this initiative? If yes, when and which projects do you promote?
- What are Pierce County election guidelines and deadlines? What else will be on the ballot? What time of year and what other issues are you competing with?

### **Communication and Public Outreach**

- Do you have a community group to take the lead? This group needs to be in agreement regarding the bond issue and have a solid plan including timing, finances, and the “get out and vote” campaign. Specific people should be asked and tasks should be given to each committee member according to their individual strengths.
- Who are your key stakeholders, what other agencies (water dist, utility companies, WPFR, school dist, realtors) can get behind this?
- Insure everyone understands the rules, laws, regulations and city policies around the ballot measure, campaigning, fundraising, etc.
- Need a simple ballot name and message. How will this group inform the community (presentation materials, letters to the editor, signage, FAQ sheet, speaker's bureau, display at community events, etc...)? How will they pay for the materials? Fundraising - City funds can't be used.
- Need a press strategy and schedule.
- A detailed campaign to reach ALL residents is important.
- What tools does the City have to communicate facts and information? City materials should be reviewed by the Public Disclosure Commission.
- How will you defend the bond (to anti – groups)? Focus on the positive – stay away from negative issues or what will happen if you don't vote or vote no.

- Citizen engagement is so important! We should use every meeting, presentation and special project happening now to plant “need seeds” for the future.

## **Why Campaigns Fail?**

Unsuccessful campaigns share these common characteristics:

- The leadership team was not unified regarding campaign, projects, and outcomes.
- The campaign started too late and too much material went out too fast. A minimum of six months lead time is recommended. Some agencies spend over a year preparing for a bond campaign.
- The campaign was not based on research – just a bunch of great ideas!
- The campaign was geared to the City at large and not to neighborhoods and targeted voter groups.
- The information presented was too complex and too dollar-oriented. Make it simple so people can easily understand.
- The campaign didn't have vigorous citizen leadership.
- Campaign activities were not prioritized or were not completed by the volunteers.
- The wrong information channels were used to reach voters.
- The campaign did not have a robust and modern marketing and public outreach plan.



To: Mayor and City Councilmembers  
From: Heidi Ann Wachter, City Attorney  
Through: John J. Caulfield, City Manager  
Date: February 21, 2015  
Subject: Legal Constraints on Ballot Measures

This is in answer to a question paraphrased as follows:

Whether a City can put forward a legal ballot measure for a levy lid lift intended to raise revenue for both parks and streets?

### **Brief answer**

While a strict legal analysis might suggest that such a ballot measure impermissibly connects two unrelated matters, several cities have run such measures to include revenue generation for both streets and parks. It should be noted that the only such effort to successfully pass also included public safety.

### **Analysis**

1. A strict legal analysis suggests that such a ballot measure impermissibly connects two unrelated matters.

The purpose of what is known as the “single subject rule” is to ensure that each measure put before the people passes on its own merits. In Washington State the legal requirement that measures deal with one subject is found in the state constitution.<sup>1</sup> What constitutes “one subject” is not defined and there is some inconsistency around defining this concept using strictly legal doctrine. The Washington State Supreme Court frequently cites to the concern with “logrolling” (pairing unpopular measures with popular ones) as a concern to inform an analysis of whether a measure meets the single subject requirement.<sup>2</sup> In one case, the King County Superior Court found a

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<sup>1</sup> Article II section 19, Washington State Constitution.

<sup>2</sup> See, generally, *Yelle* 32 Wash 2d 13, 25 (1948)

violation of the single subject rule using the following logic, “If the standard permitted these two topics to be considered as one, one could link almost any combination of otherwise disparate concepts by using a broad generalized term...”<sup>3</sup>

Thus the question of whether a ballot measure concerning “infrastructure” is a single subject when the revenue sought will fund both streets and parks infrastructure. Some attorneys would say no, and the City of Kirkland simultaneously ran levy lid lifts as separate measures for parks and streets respectively. There is support for this position in case law, where the Washington State Supreme Court ruled a measure to finance toll bridges and ferries, couched as “transportation system” to be in violation of the single subject rule.<sup>4</sup>

2. Several cities have run ballot measures to fund infrastructure which have included both parks and streets.

As indicated, what constitutes “one subject” is not defined and there is some inconsistency around defining this concept using strictly legal doctrine. The Cities of Des Moines in 2011 and Kent and Snoqualmie in 2012 each ran tax initiatives to fund parks and streets.<sup>5</sup> None have been challenged in court; typically, though not always, a court challenge comes after the measure passes, which did not happen in either Des Moines or Kent. In Snoqualmie the ballot measure also tied in public safety and passed and was not challenged.

Legal authority would better support these ballot measures to run as Kirkland did side-by-side in a single campaign but as separate questions for the voters. That these measures were not found illegal by a court may have more to do with having not been challenged than having been legally supported.

## Options

1. If the City seeks funding parks and streets, a single ballot measure can be run which funds each. If challenged under the “single subject rule”, the defense would be that funding “infrastructure” is a single subject with the risk that the Court deems “infrastructure” to be a broad term designed to sweep in multiple subjects.
2. The City can run the measures entirely separately, risking competition between the measures and thus jeopardizing each. This will not likely draw legal challenge under the “single subject rule” but also is more challenging to manage successfully.
3. The City can run side-by-side ballot measures under one cohesive campaign. This harmonizes the City’s interest in educating the citizens about the city’s infrastructure as a whole with the State’s interest in citizens knowing exactly what they are voting for in any given ballot measure. The “single subject rule” is specifically with regard to the ballot and not the campaign and thus this approach should not result in a challenge under the rule.

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<sup>3</sup> *Amalgamated Transit Union Local 587 v. State of Washington* 27 P.3d 608 (2001)

<sup>4</sup> *Toll Bridge Auth. v. Yelle*, 32 Wn2d 13, (1948)

<sup>5</sup> In each city, the ballot measure was intended to fund operations and maintenance and it should be noted that the projects currently under discussion in the City of Lakewood are capital projects.

## **Recommendation**

Option 3 is preferred because it is less susceptible to legal challenge and combines both measures under one message. Option 1 is the most susceptible to legal challenge under the “single subject rule” and Option 2 risks diluting the message of either or both messages by keeping them entirely separate.

This conclusion is based on the potential downside of having to defend a ballot measure as much as whether the City might prevail. While even a highly defensible measure can be challenged, the more susceptible the measure is to a challenge, the more drawn out defending it will be. Along with a more protracted challenge is the attendant publicity, citizen concerns and City credibility. While Option 3 requires separate ballot measures, they can run within a single campaign.



To: Mayor and City Councilmembers

From: Heidi Ann Wachter, City Attorney

Through: John J. Caulfield, City Manager 

Date: February 21, 2015

Subject: Proposed Rental Housing Inspection Code Revisions

The City of Lakewood has dedicated significant resources to creating and maintaining a quality of life in neighborhoods throughout the City. This includes efforts made through Code Enforcement, right of way maintenance and parks programs to name a few. While these efforts have made significant strides in the right direction, some of the more challenging examples of poor property maintenance are inhibiting the City's efforts in the areas of Economic Development and development of new housing stock with particular focus on affordable housing for families. Specifically, there are numerous examples of property maintenance in residential rental housing which fall below the standard the City expects for its citizens.

The City Code includes language that is intended to facilitate enforcement efforts in substandard residential rental property. Many cities have programs of similar nature and some of these efforts have resulted in litigation by landlords and property owners against cities, most notably two lawsuits, one involving the City of Seattle<sup>1</sup> in 1994 and the other the City of Pasco<sup>2</sup> in 2007.

Each of these cities was separately sued for attempting to implement similar provisions around inspection of rental properties. Seattle's program failed constitutional scrutiny, but Pasco's Code succeeded. The critical distinction between the two programs is that Seattle mandated that landlords use municipal employees to perform the required inspection while Pasco allowed the landlord to independently certify compliance by having an approved class of inspectors conduct the required inspection. This difference, requiring municipal access to

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<sup>1</sup> *City of Seattle v. McCreedy*, 124 Wn.2d 300, 877 P.2d 686 (1994).

<sup>2</sup> *City of Pasco v. Shaw*, 161 Wn.2d 450, 166 P.3d 1157 (2007).

private property versus accepting independent certification, is the difference between an unconstitutional intrusion and a defensible program.<sup>3</sup>

State legislation passed in the wake of these cases which has been compared with the Lakewood Municipal Code. State law regarding entry onto rental housing property is clearly aimed at keeping governmental authorities out of private property absent proper grounds to justify entry. The rental housing inspection program creates a regular inspection process that allows the landlord to comply without admitting the governmental entity onto the property and the warrant process allows governmental entities to gain access when circumstances warrant it. Divergence from this clear statutory intent will be challenging to defend and the proposed Code amendments bring the City more in line with that intent.

Attached is a draft Ordinance revising provisions of Title 5 Lakewood Municipal Code relative to Rental Housing inspections. Below is a summary of the features of a rental housing inspection program consistent with state law, a summary of state law providing for entry onto rental housing pursuant to warrant and a description of proposed changes to City Code.

### **Rental Housing Inspection as part of business licensing.**

Local governments may provide for a rental housing inspection program as a condition of business licensing.<sup>4</sup> The key provision in state law is the requirement that landlords obtain a “certificate of inspection once every three years.”<sup>5</sup> This requirement may be, but is not required to be, attached to business licensing.<sup>6</sup>

A certificate of inspection is defined as “an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085<sup>7</sup> by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.”<sup>8</sup>

Noteworthy in the definition is the requirement that the certificate of inspection be a statement from a “qualified inspector”. The burden on the landlord is to provide the certificate of inspection, which does not necessarily permit the City entry onto the property

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<sup>3</sup> Article I, section 7 of the Washington State Constitution

<sup>4</sup> RCW 59.18.125

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> RCW 9A.72.085 Unsworn statements, certification – Standards for subscribing to an unsworn statement.

<sup>8</sup> RCW 59.18.030(1)

(although the landlord can provide permission to that effect). “‘Qualified inspector’ means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.”<sup>9</sup> The law proscribes notice requirements between landlord and tenant for purposes of conducting the inspection but there is no provision for entry by the government.<sup>10</sup>

### **Rental Housing Inspection pursuant to warrant.**

Independent of a routine housing inspection program, state law allows a local government to request a search warrant to be issued by a judge, including one from a municipal court, for the purpose of allowing a code enforcement official to inspect any specified dwelling unit and premises to determine the presence of an unsafe building condition or a violation of any building regulation, statute, or ordinance.<sup>11</sup> The search warrant may only be issued if sufficient evidence has been set forth by affidavit or declaration establishing probable cause for the inspection.<sup>12</sup> Provisions within that statute address the information that must be contained in the warrant and when an inspection to a warrant may be conducted.<sup>13</sup>

Any person who willfully refuses to permit inspection, obstructs inspection, or aids in the obstruction of property authorized by the warrant is subject to remedial and punitive sanctions for contempt of court and may be subject to a civil penalty imposed by local ordinance.<sup>14</sup>

## **SUMMARY OF PROPOSED LEGISLATION**

The attached draft Ordinance proposes revisions to chapter 5.60 LMC to more closely reflect the letter and intent of state law regarding health and safety of residential rental housing. Sections creating an Advisory Council on Rental Housing and an enforcement process are repealed.<sup>15</sup> New language is added to more closely follow state law, including the following:

- Certificate of inspection is defined as in state law. Both the requirement and process mirror state law. In addition to those requirements imposed by state law, compliance with the International Building Code, International Fire Code, the City’s garbage code and as it relates to boarding houses, compliance with the zoning requirements is also required.

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<sup>9</sup> RCW 59.18.030 (17)

<sup>10</sup> This law is intended to harmonize the governmental interest in safe housing with privacy interests of tenants.

<sup>11</sup> RCW Chapter 59.18

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> LMC 5.60.030, 040 and 070.

- Exemptions - All residential rental housing units are subject to inspection however, certain arrangements may be exempt. Noteworthy exemptions include hotels, motels and condominiums (assuming no stays in excess of thirty days), government-owned rental units and units for which another governmental entity already performs inspections. This means that landlords over mobile homes are required to comply.
- Appeals - The City is required to offer an appeals process for rental property owners who do not agree with the findings of an inspection. Appeals will follow the process proscribed by the Business License and Regulations chapter of the municipal code, where all appeals (excepting those related to fines) proceed to the Hearing Examiner.
- Penalties – The local municipality may assess criminal penalties for noncompliance. Any person who knowingly submits or assists in the submission of a falsified certificate of inspection, or knowingly submits falsified information upon which a certificate of inspection is issued, is guilty of a gross misdemeanor and must be punished by a fine of not more than \$5,000.
- Fine Structure - Fines imposed for all other violations are infractions, and thus, may be pursued in municipal court. For the first 10 days, the fine is \$150/day and \$500/day thereafter. The fine may not be reduced except upon a showing that the condition has been remedied. The City’s authority to utilize other remedies is not impaired.
- Provisions Deleted. Sections relative to the Rental Housing Advisory Board and detailing enforcement strategies are deleted.

### **Consideration of Organizational Capacity**

Governmental access to private property creates potential liability. It is recommended that in any instance of City access to private property the City is entirely within legal parameters and best practices. What the legal analysis does not account for is the impact on the City of Lakewood of implementing a program which fully complies with the current state of the law.

Almost half of the housing in the City of Lakewood is renter occupied. Without an effective program for addressing the quality of rental properties, almost half of the residential properties are out of the City’s reach for purposes of maintaining a standard for the community. The following information has been assembled by the Assistant City Manager, Community Development, based on the most recent available census data.

<b>Table 1</b> <b>Number of Housing Units</b> American Communities Survey 2008-2012 Data		
<b>Description</b>	<b>Unit Count</b>	<b>Percentage</b>
Total Housing Units	27,046	100%
1-unit, Detached	12,408	45.88%
1-unit, Attached	1,492	5.52%
2 Units	1,410	5.21%
3 or 4 Units	1,604	5.93%
5 to 9 Units	2,589	9.57%
10 or More Units	5,964	22.05%
<i>Mobile Home</i> , Boat, RV, Van, etc.	<b>1,579</b>	<b>5.84%</b>

<b>Table 2</b> <b>Number of Housing Units &amp; Type of Occupancy</b> U.S. Census 2010 Data		
<b>City of Lakewood</b>	<b>Unit Count</b>	<b>Percentage</b>
Total Housing Units	26,548	100%
Occupied Housing Units	24,069	90.66%
Owner Occupied	11,181	42.12%
<b><i>Renter Occupied</i></b>	<b>12,888</b>	<b>48.55%</b>
Vacant Housing Units	2,479	9.34%
For Rent	1,514	5.70%
For Sale Only	293	1.10%
Rented or Sold, Not Occupied	104	0.39%
For Seasonal, Recreational, or Occasional Use	136	0.51%
For Migrant Workers	1	0.00%
Other Vacant	431	1.62%

<b>Table 3</b> <b>Average &amp; Family Household Size</b> U.S. Census 2010 Data	
Total number of households	24,069
Average household size	2.36
Family households	14,412
Average family size	2.98

While this provides some assurance that improved enforcement in rental properties will result in overall improvement in the community, it also suggests that a program providing regular inspections of these properties will surface more violations than are currently formally coming to the attention of the City. The current City Code is not actively enforced

for reasons ranging from concerns with liability arising from recent changes in the law to resources available for consistent and sustained enforcement.

The proposed Code changes result in a routine obligation for each and every landlord to provide certification of inspection. Based on the experience among inspectors and City officials, many rental units will fail inspection and/or fail to remedy identified problems. This raises the question of what the City will do with properties formally inspected and identified as substandard. While there will be many cases of property improvement resulting from this process, it will also formally put the City on notice of those landlords who either will not or cannot comply. Attached is a flow chart which shows the steps in the inspection certification. Ultimately, the City will face difficult enforcement decisions in cases where landlords/property owners are not going to voluntarily comply and this may mean significant time and money to resolve.

### **Options<sup>16</sup>**

1. Leave current Code language in place and not using it, given inconsistency with existing state law.
2. Begin enforcement consistent with existing Code language. This is not recommended based on experiences of other Cities using Codes that differ from Pasco's approach coupled with the fact that it is inconsistent with existing state law.
3. Repeal current Code language and do not replace it. This will have the same result as Option 1 except that there will be no risk of acting on a potentially illegal Code. It also means that if the City wants to begin enforcement on substandard residential rental properties, time would be needed to enact Code language to provide for it.
4. Repeal current Code language and enact proposed Code language consistent with State law. This is a legally sound option but may ultimately require investment of significant resources when problematic landlords/property owners fail to comply and refuse to correct.

### **Recommendation**

Option 4 is recommended. Economic development and development of new housing stock with particular focus on affordable housing for families is a priority for the City of Lakewood and the City is steadily implementing systems and removing barriers to reach goals in these areas. Substandard residential rental housing is regularly cited as an impediment to reaching goals in these areas. Adoption of Code language will not change this. Implementing an effective enforcement mechanism to hold landlords/property owners to a standard will help. An effective program will require adequate resources and a thorough analysis should be conducted to determine what will be needed and how to fund it.

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<sup>16</sup> These options strictly address a routine property inspection program. The City currently has the ability to enter property and conduct enforcement activity pursuant to warrant or sufficient showing of concern for health and safety. There is a gap between this standard and the standard the City could maintain using a routine inspection program.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 5.60 Lakewood Municipal Code; creating a residential housing inspection program.

WHEREAS, some rental housing units with substandard conditions exist within the City of Lakewood; and

WHEREAS, improving residential housing and providing for neighborhood stability throughout the City requires periodic inspection of rental housing units in the City to determine if such premises endanger or impair the health, safety or welfare of a tenant or affect neighborhood stability; and

WHEREAS, RCW 59.18.125 authorizes local governments to require that landlords provide a certificate of inspection as a business license condition; and

WHEREAS, in order to provide for such periodic inspection of residential housing programs, a residential rental inspection program, as a business license condition is appropriate.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1: Chapter 05.60 of the Lakewood Municipal Code entitled, “Rental-Housing Complex License Crime-Free Strategies,” is retitled, “Rental Housing Licensing.”

Section 2: A new section, 05.60.005 of the Lakewood Municipal Code, entitled, Declaration of Purpose,” is created to read as follows:

The City of Lakewood finds that the imposition of a residential rental inspection program will protect the public health, safety, and welfare of tenants by encouraging the proper maintenance of residential rental housing, by identifying and requiring correction of substandard housing conditions, and by preventing conditions of deterioration and blight that could adversely impact the quality of life in Lakewood.

Section 3: Section 05.60.010 Lakewood Municipal Code entitled “Definitions,” is amended to read as follows:

For the purposes of this chapter, the following words or phrases have the meaning proscribed below:

“Accessory dwelling unit” or “ADU” means a housing unit that is accessory to a single-household dwelling and meets the requirements of LMC 18A.70.313 for accessory dwellings.

“Certificate of compliance” means means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085 by a qualified inspector attesting to the compliance with the requirements of LMC 05.60.080.

“Director” means the City Manager or designee assigned with the enforcement of this chapter.

“Owner” means any person who, alone or with others, has title or interest in any building, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building. This definition includes, without limitation, the owner, lessor, or sublessor of the rental unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

“Qualified rental housing inspector” means: a United States housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

“Rental unit” means a residential housing unit occupied or rented by a tenant or available for rent by a tenant.

“Residential housing unit” means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex. This definition includes, but is not limited to any structure or part of a structure in the City of Lakewood that is used or may be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

“Shelter” means a facility with overnight sleeping accommodations, owned, operated, or managed by a nonprofit agency or governmental entity, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

“Tenant” means a person occupying or holding possession of a building or premises pursuant to a rental agreement.

“Transitional housing” means residential housing units owned, operated, or managed by a nonprofit agency or governmental entity in which supportive services are provided to individuals or families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months.

“Unit unavailable for rent” means a residential housing unit that is not offered or available for rent as a rental unit, and that prior to offering or making the unit available as a rental unit, the owner is required to obtain a residential rental business license for the building in which the unit

is located and comply with applicable administrative regulations adopted pursuant to this chapter.

"Rental-housing Complex" as used in this Chapter, means any complex of five (5) or more residential units on one property or on adjacent property owned by the same person or persons, or business entity, or multiples thereof ~~and/or~~ combinations thereof, or five (5) or more residential rental properties located within the City of Lakewood not on adjacent properties but owned, in whole or in part, by the same owner(s).

"Rental-housing Complex Owners" as used in this Chapter, means the individual or individuals, partnership(s), corporation(s) or any combination thereof owning or having an ownership interest in any ~~rental-housing complex or complexes~~ Residential housing unit within the City of Lakewood.

"Non-owner Managers" as used in this Chapter, means any person(s) hired or engaged for the purpose of providing management services for any ~~rental-housing complex(es)~~ Residential housing unit within the City of Lakewood, where the Manager(s) has/have no ownership in the ~~rental-housing complex~~ Residential housing unit being managed.

Section 4: A new section, 05.60.025 of the Lakewood Municipal Code, entitled, "Scope," is created to read as follows:

The provisions of this chapter apply to all residential housing units, with the exception of:

- A. Owner-occupied rental units;
- B. Units unavailable for rent;
- C. Any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than thirty days, provided that if any guest resides for a period of thirty days or more, then such facility shall be subject to this chapter.
- D. Housing accommodations in retirement or nursing homes;
- E. Housing accommodations in any hospital, State-licensed community care facility, convent, monastery or other facility occupied exclusively by members of a religious order, or an extended medical care facility;
- F. Rental units that a government unit, agency or authority owns, operates or manages, or that are specifically exempted from municipal regulation by State or federal law or administrative regulation. This exception does not apply once the governmental ownership, operation or management is discontinued;
- G. Rental units:

1. That receive funding or subsidies from the federal, state or a local government;
2. That are inspected at least every three years as a requirement of the funding or subsidy;
3. That provide a copy of the inspection to the City; and
4. For which the Director determines that the inspection is substantially equivalent to the inspection required by this chapter;

H. Accessory dwelling units;

I. Shelters and transitional housing.

J. Housing units which may be exempt from inspection as may otherwise be provided by law.

Section 5: A new section, 05.60.080 of the Lakewood Municipal Code, entitled, "Inspection and certificate of compliance required," is created to read as follows:

A. Beginning January 1, 2016, as a condition to the issuance or renewal of a business license by an entity subject to this chapter, an applicant shall provide a valid certificate of compliance stating that the applicant's residential housing units that were inspected comply with the requirements of this chapter, and that the owner has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

B. In addition to those conditions set forth in Subsection A, a qualified rental housing inspector inspecting a rental unit for a certificate of compliance under this chapter shall also inspect for and certify compliance with the following:

1. Compliance with the minimum standards requirements of International Building Code as adopted in chapter 15A.08 LMC as it relates to the following areas: floor area, sanitation, structural, occupancy, heating, ventilation, emergency escape window and doors;

2. Compliance with the requirements for garbage, recyclables, and debris removal as contained in chapter 13.06 LMC;

3. Compliance with the requirement to provide and test smoke detectors as contained in the International Fire Code, as adopted in chapter 15A.14 LMC; and

4. In the instance of those properties which constitute boarding houses as defined in LMC 18A.2.200, compliance with LMC 18A.20.323.

C. A certificate of compliance shall be issued by a qualified rental housing inspector and be based upon the physical inspection by the qualified rental housing inspector of the residential housing units conducted not more than 90 days prior to the date of the certificate of compliance.

D The certificate of compliance shall include, but not be limited to, the following:

1. List and show compliance with the standards contained in subsections A and B of this section for each residential housing unit that was inspected;
2. State the date of the inspection and the name and address of the qualified rental housing inspector who performed the inspection; and
3. State the name, address and phone number of the building's owner/licensee or the agent designated by the owner/licensee.

E. Inspection of Units for Certificate of Compliance.

1. In buildings that contain more than one rental unit, an applicant may choose to have all of the rental units inspected or, if the building has not had conditions reported to the City that endanger or impair the health or safety of a tenant since the last inspection required by this chapter, the applicant may choose to have only a sample of the rental units inspected. If the applicant chooses to have only a sample of the rental units inspected, the owner shall have the number of units set forth in RCW 59.18.125(6)(a) and (b) inspected.

2. If an applicant chooses sampling and a rental unit randomly selected by the City fails the inspection or a property has had conditions that endanger or impair the health or safety of a tenant, the City may require that 100 percent of the rental units be inspected.

F. Notice to Tenants.

1. Before the City selects the rental units to be inspected or, if all of the units are to be inspected, before the inspection, the landlord shall provide at least two days' advance written notice to all rental units in the building advising tenants:

- a. That some or all of the rental units will be inspected;
- b. That an inspector intends to enter the rental unit for purposes of performing the inspection;
- c. Of the date and approximate time of the proposed inspection and the name of the company or person performing the inspection;
- d. That the tenant has the right to see the inspector's identification before the inspector enters the rental unit;

e. That a tenant whose rental unit needs repairs or maintenance should send a written notice to the landlord or the person who collects the rent specifying the address of the rental unit, the name of the owner, if known, and the defective condition, repair or maintenance that is needed;

f. That if the landlord fails to adequately respond to the request for repairs or maintenance, the tenant may contact the City about the conditions without reprisal; and

g. The address at which the tenant may contact the City.

2. Upon request the landlord shall provide a copy of the notice to the inspector on the day of the inspection.

G. A certificate of compliance is valid and may be used for license applications and renewals for a period of three years from the date it is issued.

H. If the City determines that violations of this Code exist in any of the units listed in a certificate of compliance, the applicant may be required to obtain an inspection and submit a new certificate of compliance with the annual application for license renewal for the subsequent two years for those units for which violations were found.

I. A residential housing unit that has received a certificate of occupancy within the last four years and has had no code violations reported on the property during that period is exempt from inspection under this chapter.

J. Other Inspections. Nothing in this section precludes additional inspections conducted at the request or consent of a tenant, pursuant to a warrant, or pursuant to the tenant remedy provided by RCW 59.18.115 of the Residential Landlord-Tenant Act.

Section 6: A new section, 05.60.100 of the Lakewood Municipal Code, entitled, “Unlawful to Rent Noncompliant Rental Units,” is created to read as follows:

Upon receipt of a report that a rental unit does not satisfy the requirements of LMC 5.60.080 the Director may notify the owner that until a certificate of compliance is provided, it is unlawful to rent or to allow a tenant to continue to occupy a rental unit. Upon receipt of such notice, it shall be unlawful to rent or to allow a tenant to continue to occupy a rental unit.

Section 7: A new section, 05.60.110 of the Lakewood Municipal Code, entitled, “Rule Making,” is created to read as follows:

The Director is authorized to adopt, publish and enforce rules, regulations and forms consistent with this chapter for the purpose of carrying out the provisions of this chapter.

Section 8: A new section, 05.60.120 of the Lakewood Municipal Code, entitled, “License Denial, Suspension or revocation,” is created to read as follows:

A. If an application for a business license by an entity subject to regulation under this chapter is denied, suspended or revoked, no reapplication for a license will be considered by the City until correction of any and all deficiencies on which the denial, suspension, or revocation was based.

B. In the event that a property subject to regulation under this chapter is closed by the City or any agency acting on behalf of or in coordination with the City stemming from enforcement of the provisions of this Chapter or any applicable health, building, fire, housing or life-safety code, or other serious violations, it shall be a prerequisite condition for the license to be reinstated or the property to be allowed to re-open that the operator of the property reimburse the City for any transitional costs or tenant re-location costs incurred by the City that are directly attributable to such closure. For the purposes hereof, "transitional costs and/or tenant re-location costs" include but are not limited to those items set forth in RCW 59.18.085, tenant travel costs and temporary hotel vouchers or other expenses incurred to procure alternate housing following tenant displacement for a reasonable time to alleviate the impacts of displacement, whether incurred by the tenant, the City or third-parties.

C. All such license application denials, suspensions or revocations shall be in writing. Appeals of actions taken under this chapter, except for those actions governed by LMC 5.60.130, shall be governed by the provisions of chapter 5.02 LMC.

Section 9: A new section, 05.60.130 of the Lakewood Municipal Code, entitled, "Immediate Health and Safety Threats," is created to read as follows:

Nothing in this chapter shall limit the City's remedies as allowed by this Code or law nor shall anything in this chapter be construed as a limitation on the City's ability to inspect properties, obtain warrants and take any other such proper action, whether criminal, civil, administrative or otherwise for property-related conditions that may constitute an immediate health or safety threat.

Section 10: A new section, 05.60.140 of the Lakewood Municipal Code, entitled, "No Warranty by City," is created to read as follows:

By enacting and undertaking to enforce this chapter, neither the City, its agents or employees, nor the City Council warrant or guarantee the safety, fitness or suitability of any dwelling in the City or any unit inspected under this chapter. Owners and occupants shall take whatever steps they deem appropriate to protect their interest, health, safety and welfare.

Section 11: A new section, 05.60.150 of the Lakewood Municipal Code, entitled, "Penalties," is created to read as follows:

A. Any person violating any of the provisions or failing to comply with any of the requirements of this chapter or any rules or regulations adopted by the Director pursuant to this chapter may be punished by an infraction of \$150.00 per day for the first ten days that the violation or failure to comply exists and \$500.00 per day for each day thereafter. Each person is guilty of a separate violation for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person. No part of this fine may be

reduced, modified or suspended except upon a showing that the violation has been remedied or with the consent of the Director.

B. Any person who knowingly submits or assists in the submission of a falsified certificate of compliance, or knowingly submits falsified information upon which a certificate of compliance is issued, in addition to the penalties provided in subsection A of this section shall be guilty of a gross misdemeanor and must be punished by a fine of not more than five thousand dollars..

Section 12: A new section, 05.60.160 of the Lakewood Municipal Code, entitled, "Consistency with RCW 59.18," is created to read as follows:

The provisions of this chapter shall be interpreted in a manner that is consistent with the provision of chapter 59.18 RCW, and in particular, RCW 59.18.125.

Section 13: The following section within chapter 05.60 LMC is repealed:

~~**05.60.030—Advisory Council on Rental Housing.**~~

~~There is hereby established as an advisory board to the City, to be known as the Advisory Council on Rental Housing. The Advisory Council shall be comprised of interested owners and manager of rental housing complexes and other interested persons to serve on an as-needed basis, and the Police Chief or designee as an ex-officio member, to meet not less than quarterly, created to assist and advise the City in connection Rental housing related issues in the City and regionally, including:~~

- ~~A. Facilitate cooperation and coordination with the Police Department on Rental housing issues,~~
- ~~B. Recommend to the City, programs and strategies to enhance awareness of Police— Rental housing related issues,~~
- ~~C. Recommend approaches for Rental housing training programs, including City/ Police sponsored no-cost training,~~
- ~~D. Develop networking and strategies for Police/ Rental housing partnership & support programs, educational programs, consistent city wide crime free approaches, "no-tolerance for crime," property protection and preparation programs,~~
- ~~E. Coordinate, develop and disseminate procedures for tenant screening, rental agreements (including language to include enforcement of rules and protection of facilities and neighborhoods), eviction techniques, strategies,~~
- ~~F. Provide on-going management resources, including regular, periodic meetings, telephone and other response strategies,~~
- ~~G. Promote strong ties and building mutually beneficial relationships between Police and Rental housing operators, including methods for recognizing illegal activity, identifying, reporting crimes, knowing police functions, roles, exchange information with police and other agencies,~~
- ~~H. Develop linkages to other agencies and resources, including the Fire District, HUD and Section 8 Programs, Safe Streets, Neighborhood Watch, etc.~~
- ~~I. Develop and/or identify Dispute Resolution Alternatives, and similar resources (Pierce County Community Services Housing Program, State Programs, Court alternatives),~~

- ~~J. Recognize and incorporate programs and procedures that identify and reflect cultural influences, sensitivities, understanding differences in the tenant/community population,~~
- ~~K. Act as an unofficial liaison between the Rental housing community and the Police Department, and~~
- ~~L. Participate in such other and related roles and functions as requested by the City.~~

Section 14: The following section within chapter 05.60 LMC is repealed:

**~~05.60.040 – Rental housing Crime/Violation Enforcement Criteria.~~**

~~The City shall identify and communicate with the managers and operators Rental housing Complex businesses in the City generally predictable/identifiable enforcement criteria, and shall establish forums for information sharing and enforcement review. The City Police Force shall promote a licensing enforcement strategy generally based on the following priority:~~

- ~~A. Crime free housing training programs.~~
- ~~B. Mutually derived crime prevention strategies.~~
- ~~C. City directed crime prevention strategies. Strategies will be consistent with “best practices” taught in cost free City training and industry standards.~~
- ~~D. Inspection of the residential units of the Rental housing Complex. It is provided, however, that except in the case of emergencies or other exigent circumstances, or in instances where it is impracticable or unreasonable to provide advance notice, such inspections shall be preceded by not less than forty eight (48) hours advance notice to the tenant.~~
- ~~E. Manager operator selected security officers.~~
- ~~F. City directed off duty police security.~~
- ~~G. License revocation — ultimate resort.~~

~~It is envisioned that most problems can be resolved by participation in Crime Free Housing training and implementation of its recommended practices. Failure to participate in strategies A through D may subject the Licensee to revocation. Any expense incurred in connection with paragraphs B through E above will be borne by the Licensee. Provided that this priority shall be a guide, with actual requirements for licensees reflecting measured, appropriate determinations based on the level of seriousness of violations, the enforcement history and other relevant factors. It is further provided that the “inspection of the residential units of the Rental housing Complex,” item D above, includes inspection of residential units in the complex for any applicable health, building, fire, housing or life safety code violations, or other serious violations.~~

Section 15: The following section within chapter 05.60 LMC is repealed:

**~~05.60.70 – Reimbursement for Transitional Costs.~~**

~~In the event that a Rental housing Complex is closed by the City or any agency acting on behalf of or in coordination with the City stemming from enforcement of the provisions of this Chapter or any applicable health, building, fire, housing or life safety code, or other serious violations, it shall be a prerequisite condition for the license to be reinstated and/or the Rental housing~~

~~Complex to be allowed to re-open that the operator of the Rental housing Complex reimburse the City for any transitional costs and/or tenant re-location costs incurred by the City that are directly attributable to such closure. For the purposes hereof, "transitional costs and/or tenant re-location costs" include but are not limited to tenant travel costs and temporary hotel vouchers or other expenses incurred to procure alternate housing following tenant displacement for a reasonable time to alleviate the impacts of displacement, the amounts of which costs shall be as determined in the discretion of the City Manager or Designee.~~

Section 16: If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of component jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 17: This Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF LAKEWOOD

\_\_\_\_\_  
Don Anderson, Mayor

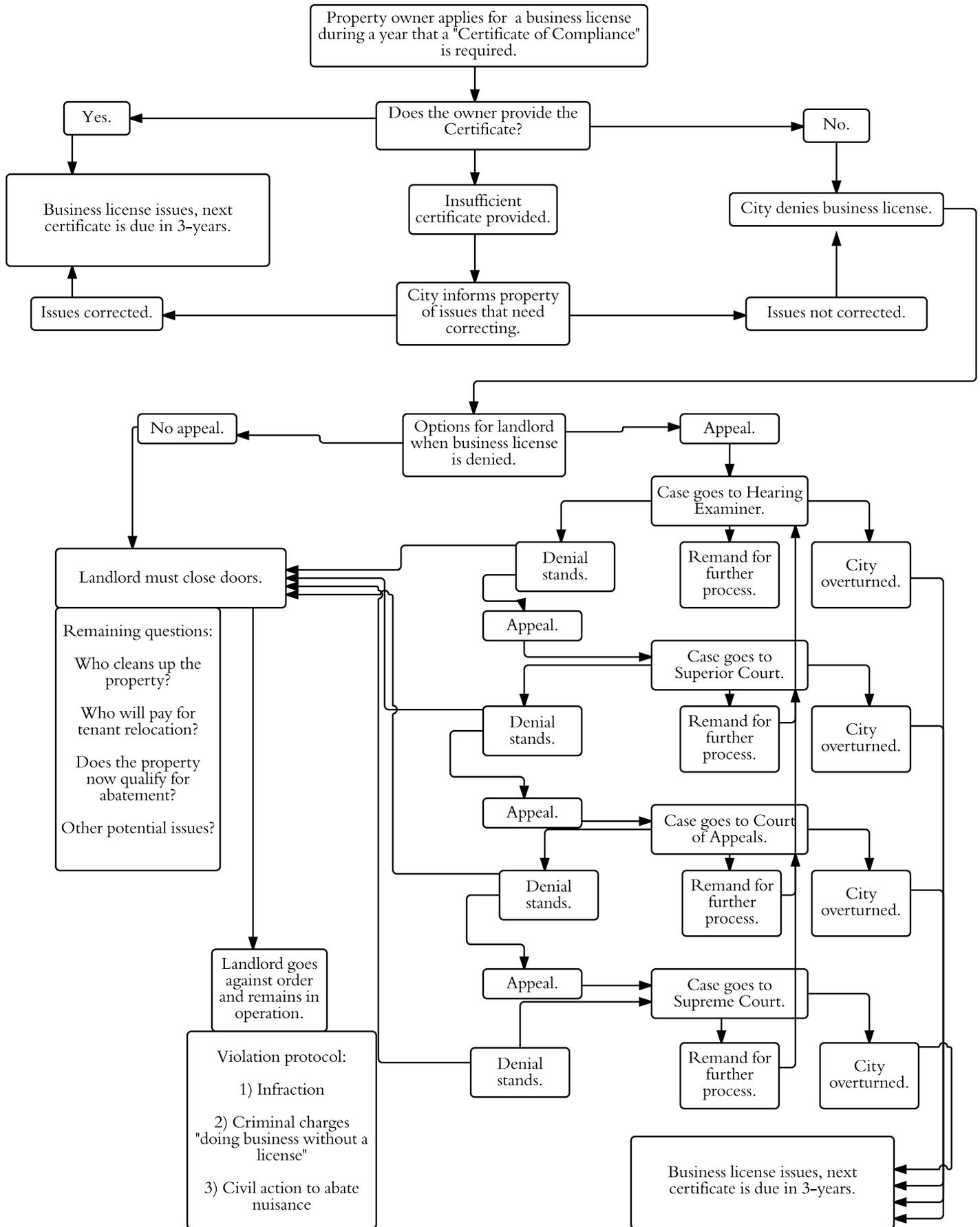
Attest:

\_\_\_\_\_  
Alice M. Bush, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Heidi A. Wachter City Attorney

# Scenarios for Compliance Challenges with Rental Housing Inspection





To: Mayor and City Councilmembers  
From: Heidi Ann Wachter, City Attorney  
Through: John J. Caulfield, City Manager *John J. Caulfield*  
Date: February 21, 2015  
Subject: Review of City Council Rules of Procedure

The City Council for the City of Lakewood currently operates under a formal set of “Rules of Procedure” for the interaction of the City Council. The Rules were initially adopted in 1995 and most recently amended in 2012, with amendments in between in 1996, 2004, 2007 and 2008. It has been noted that there is some repetition along with some detail which appears designed to address particular circumstances no longer present, and some language which is inconsistent with current Council practice.

Given these observations, the time since the most recent review and amendments and the changes which have taken place in the City, it is appropriate at this time to review the Rules of Procedure. Attached is a proposed document reflecting input, consideration of rules from other jurisdictions and streamlining existing language.



## CITY COUNCIL RULES OF PROCEDURE

Adopted December 18, 1995  
Amended July 15, 1996  
Amended October 4, 2004  
Amended March 5, 2007  
Amended February 19, 2008  
Amended July 16, 2012  
[Amended \(month/date\), 2015](#)

**CITY OF LAKEWOOD  
COUNCIL RULES OF PROCEDURE**

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**Comment [HW1]:** The Table of Contents have been expanded to show subsection headings

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- 2.4 Emergency Meetings
- 2.5 Executive Sessions
- 2.6 Cancellation of Meetings

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COUNCIL AGENDA

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~~AND TESTIMONY TO COUNCIL PUBLIC~~  
~~HEARINGS AND APPEALS~~

**Comment [HW2]:** The Table of Contents have been adjusted to match the content – explanation specific to those sections will be found there.

SECTION 12 ~~PUBLIC HEARINGS AND APPEALS~~  
~~MAYOR/DEPUTY MAYOR/COUNCILMEMBER PRO TEMPORE~~  
~~SELECTION PROCESS~~

SECTION 13 ~~MAYOR/DEPUTY MAYOR/~~  
~~COUNCILMEMBER~~  
~~PRO TEMPORE SELECTION PROCESS COUNCIL~~  
~~POSITION VACANCY~~

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~~MEETING STAFFING~~

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14.2 City Attorney

14.3 City Clerk

~~SECTION 15 COUNCIL MEETING STAFFING~~ COUNCIL  
RELATIONS WITH STAFF

~~SECTION 16 COUNCIL RELATIONS WITH STAFF~~ COUNCIL  
REPRESENTATION

~~SECTION 17 COUNCIL COMMITTEES AND  
CITIZEN ADVISORY COMMITTEES~~ CONFIDENTIALITY

~~SECTION 18 COUNCIL REPRESENTATION~~ ELECTRONIC  
MEDIA AND COMMUNICATION

~~SECTION 19 TRAVEL AUTHORIZATION~~

~~SECTION 20 CONFIDENTIALITY~~

~~SECTION 21 EMAIL~~

# **RULES OF PROCEDURE** **CITY COUNCIL OF LAKEWOOD**

## **SECTION 1 - AUTHORITY**

The Lakewood City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by resolution of Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

## **SECTION 2 - COUNCIL MEETINGS**

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.<sup>1</sup>

The City Clerk shall be responsible for preparing agendas for all City Council meetings.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

### **2.1 Regular Meetings**

The regular meetings of the City Council shall be held on the first and third Mondays of every month at sites designated by action of the City Council, in Lakewood, Washington. Regular meetings are the formal meeting of the City Council held for the purpose of conducting business, passing legislation and authorizing action by the City.

**Comment [HW3]:** Regular Meetings and Study Sessions have been streamlined to reduce duplication.

### **2.2 Study Sessions**

Study Sessions shall constitute regular meetings pursuant to the Open Meetings Act, but shall not be considered regular meetings for the

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1. RCW 42.30.140 sets out four situations where a governing body may meet and not be subject to the OPMA. The most common is 42.30.140(a) Collective Bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the implementation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

purposes of RCW 35A.12.060. Study Sessions shall be held on the second and fourth Mondays of every month at sites designated by action of the City Council. Study Sessions will be informal meetings for the purpose of discussing, investigating, reviewing or studying matters of City business with City staff for informational purposes.

Regular Council meetings and Study Sessions will begin at the hour of 7:00 p.m.

If any Monday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at 7:00 p.m. on the first business day following the holiday, ~~or on another day designated by a majority vote of a quorum of the Council.~~

A quorum shall constitute four or more Councilmembers ~~physically~~ present for the transaction of business. Attendance and/or voting by telephone or video conference may be allowed by request in extenuating circumstances including but not limited to physical incapacity or travel.

No ~~voting final action~~ can be conducted at a Study Session.<sup>2</sup> Decisions on those issues requiring a vote will be scheduled for a Regular or Special Council meeting. The Council can, in a Study Session, provide feedback and direction to the City Manager, as needed for staff to implement properly the will of the Council. Matters requiring a vote after consideration at a Study Session may be placed on the Consent Agenda.

The seating arrangement for the Council shall be by position number beginning with the lowest number from right to left as viewed from behind the dais except for the positions of Mayor and Deputy Mayor. The Mayor will be seated in the center with the Deputy Mayor seated to the Mayor's left.

Verbatim transcripts of any part or portion of the proceedings shall be made a part of the written minutes only when authorized by a majority vote of the entire Council made at the meeting or study session wherein such request for a verbatim report is made.

~~The seating arrangement for the Council shall be by position number beginning with the lowest number from right to left as viewed from behind the dais except for the positions of Mayor and Deputy Mayor. The Mayor will be seated in the~~

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2. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. 'The Open Public Meetings Act- How it Applies to Washington Cities, Counties, and Special Purpose Districts', citing RCW 42.30.020 (3) at page 6, MRSC Report No. 60, revised, June 2014.

center with the Deputy Mayor seated to the Mayor's left.

~~2.2~~ **Study Sessions** ~~Study Sessions shall constitute regular meetings pursuant to the Open Meetings Act, but shall not be considered regular meetings for the purposes of RCW 35A.12.060. Council Study Sessions will be held when needed, as follows:~~

- ~~a. From the hour of 7:00 p.m., on the second and fourth Monday of each month.~~
- ~~b. In the event that a scheduled study session falls on a legal holiday, the meeting shall be held at 7:00 p.m. on the first business day following the holiday, or on another day by a majority vote of a quorum of the Council.~~
- ~~c. Study Sessions will be informal meetings for the purpose of discussing, investigating, reviewing or studying matters of City business with City staff for informational purposes. For those items requiring deliberation, the topic will first be introduced at a Study Session with a complete staff report including any visual aids, documents and/or input from invited and relevant persons along with options from which the Council can choose. Whenever possible and reasonable, presentations should include maps and other important exhibits that are visible throughout the room. The matter shall then have a public hearing, as deemed necessary by the Council and action, should such be desired, shall be taken at the next Regular Meeting of the Council.~~
- ~~d. No voting can be conducted at a Study Session. Decisions on those issues requiring a vote will be scheduled for a Regular or Special Council meeting. The Council can, in a Study Session, provide feedback and direction to the City.~~
- ~~e. Special Study Sessions may be called by the City Manager, Mayor or by request of a majority of the Councilmembers.~~

### 2.3 **Special Meetings**

A Special Meeting is any Council meeting other than the Regular Council meetings or Study Sessions. ~~Proper notice shall be given at least 24 hours in advance by the City Clerk.~~ A Special Council meeting may be scheduled by the City Manager or Mayor at the request of a majority of the Councilmembers upon notification to the City Manager or City Clerk.

Notice of special meetings shall comply with the law of the State of Washington in effect at the time of the meeting.

#### 2.4 **Emergency Meetings**

~~An Emergency Meeting is a Special Council meeting called without the 24-hour notice.~~ An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Manager or the Mayor without the minimum 24 hours advance notice that would otherwise apply.

#### 2.5 **Executive Sessions**

An Executive Session is ~~a that part of a~~ Council meeting that is closed except to the City Council, City Manager, and authorized staff members and/or consultants authorized by the City Manager. The public is restricted from attendance. Executive sessions may be held during Regular, Study Sessions, or Special Council meetings and will be announced by the Mayor. Executive session subjects are limited to State law.

Before convening an Executive Session, the Mayor or Chair shall announce the purpose of the meeting, cite and announce the exemption to which the purpose applies and the anticipated time when the session will be concluded. Should the session require more time, a public announcement shall be made that the meeting is being extended.<sup>3</sup>

All matters discussed in an Executive Session are strictly confidential. RCW 42.23.070 prohibits disclosure of confidential information learned by reason of the official position of a City officer.

#### 2.6 **Cancellation of Meetings**

Meetings may be canceled by the Mayor or a majority vote of the Council and proper notice given by the City Clerk.

### **SECTION 3 - ORDER OF BUSINESS OF REGULAR MEETING COUNCIL AGENDA**

All items to be included on the Council's agenda for consideration should be

3. RCW 42.30.110 Executive Sessions.

submitted to the City Clerk, in full by 3:00 p.m. on the Tuesday preceding each regular Council meeting. The City Clerk and City Manager shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

An item may be placed on a Council meeting agenda by any of the following methods:

1. Council consensus is defined to be general agreement as determined by the Mayor.
2. By the City Manager.
3. By the Mayor.
4. By any two (2) Councilmembers.

The agenda format of the Regular City Council meeting shall be as follows except that if an agenda section contains no scheduled items, that section will be deleted from a particular agenda.

### 3.1 **Call to order**

The Mayor shall call the meeting to order. Councilmembers may request to be excused from a meeting for bonafide reasons, by requesting the same of the Mayor and so notifying the City Clerk.

### 3.2 **Roll call**

The City Clerk will call the roll.

### 3.3 **Flag salute, Pledge of Allegiance**

Councilmembers and, at times, invited guests will lead the ~~flag salute~~Pledge of Allegiance to the Flag.

### 3.4 **Reports by the City Manager, Meeting Agenda Approval**

A simple majority of Councilmembers present may vote to consider items on the Agenda in a different order.

**Comment [HW4]:** Providing for Agenda Approval allows items on the agenda to be rearranged as circumstances require.

### 3.5 **Proclamations and Presentations**

A proclamation is defined as an official announcement made by the Mayor or the City Council.

City Council proclamations are ~~defined as those non-controversial events~~

which have a major citywide impact made for the purpose of recognition of an individual, group or event. City Council Proclamations shall be publicly read at a City Council meeting and presented to a representative(s) of the event during the Council meeting.

Mayor's Proclamations are ~~defined as those non-controversial events made for the purpose of recognition of an individual, group or event and~~ which are typically requested by and for a special interest group within the City. Mayor's Proclamations are signed by the Mayor and forwarded to a representative of the event.

The Mayor and City Manager shall determine if the Proclamation request is for a City Council Proclamation or a Mayor's Proclamation.

A presentation is defined as an official report ~~addressed presented~~ by an individual(s) and/ or special interest group at a City Council meeting. This may also include specific items brought forward at the request of the City Manager in order to properly brief the City Council and public about City business and/or matters of public concern.

### 3.6 Public Comments

Members of the audience may comment on items relating to any matter related to City business under the "Public Comments" period. Comments are limited to three (3) minutes per person. Groups who have at least three members present at the meeting may designate a speaker who may have a total of ten (10) minutes to speak on behalf of the group. The Mayor shall determine the overall amount of time set for "Public Comments." Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper.

In addressing the Council, each person should stand, and after recognition, move to the podium, give his/her name and address, and unless further time is given by the presiding officer, shall limit his/her comments to three minutes. All remarks shall be made to the Council as a body and not to any individual member.

No person shall be permitted to enter into any discussion from the floor without first being recognized by the presiding officer.

### 3.7 Consent Agenda

Approval of the Consent Agenda is considered to be routine and non-controversial, may be approved by a majority vote after a motion and a

second. Items on the Consent Agenda include but are not limited to the following:

- a. Approval of minutes.
- b. Fixing dates for public hearings.
- c. Fixing dates for hearings on appeals.
- d. Approval of claims and vouchers, bid awards and contracts.
- e. Approval of final plats.
- f. Items Filed in the Office of the City Clerk (minutes and/or reports of Committees, Boards and Commissions) Passage of resolutions and/or ordinances which the City Council has given direction to place on the consent agenda.
- g. Items Filed in the Office of the City Clerk (minutes and/or reports of Committees, Boards and Commissions).
- h. Appointments of individuals to committees, boards and commissions.
- Gi. Other items designated by the City Council.

Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

### 3.8 Regular Agenda

### 3.9 Public Hearings and Appeals

### ~~3.10 Appointments~~

~~Appointing individuals to various committees, boards and commissions.~~

### 3.140 Ordinances

All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council, unless requested by a majority of the Council, or requested by the City Manager or City Attorney.

Ordinances will be introduced and enacted by an Ordinance Number.

The City Clerk or designee shall read the title of the ordinance prior to voting unless the ordinance is on the Consent Agenda.

Upon enactment of the ordinance, the City Clerk shall obtain the signature of the City Attorney and the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.

Ordinances, or ordinance summaries, shall be published in the official newspaper as provided by law.

### 3.11 Resolutions

Introduction, reading by agenda title and voting upon resolutions. A resolution is adoption of a City policy or decision.

### 3.4312 Unfinished Business

Motions and other unfinished business of a general nature.

### 3.441-3 New Business

Motions and business which has not previously been before the City Council.

### 3.4514 Briefing Reports by the City Manager

The City Manager may update Councilmembers on current issues or items of Council interest.

### 3.156 City Council Comments

The Mayor and Councilmembers may take this opportunity to make comments, extend compliments, express concerns, report to the Council as Board, Committee and Commission liaisons, or make announcements concerning any topic they wish to share. ~~report on significant activities since the last regular meeting, to inquire on matters of general City business, or to initiate investigation or action on a matter of concern.~~

### 3.176 Adjournment

Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

## **SECTION 4 – ORDER OF BUSINESS OF COUNCIL STUDY SESSION AGENDA**

- 4.1 **Call to Order.**
- 4.2 **Items for Discussion.**
- 4.3 **Reports by the City Manager.**
- 4.4 **City Council Comments.**
- 4.5 **Adjournment.**

## **SECTION 5 - COUNCILMEMBER ATTENDANCE AT MEETINGS**

Councilmembers will inform the Mayor, City Manager or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence. Attendance at Council Study Sessions are not mandatory and will not be considered for purposes of RCW 35A.12.060.

## **SECTION 6 - PRESIDING OFFICER - DUTIES**

### **6.1 Conduct of Meetings**

The Presiding Officer at all meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. In the absence of the Mayor appointing a temporary Presiding Officer, if both the Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

### **6.2 The Presiding Officer:**

- a. Shall preserve order and decorum at all meetings of the Council and to cause the removal of any person from any meeting for disorderly conduct;
- b. Shall observe and enforce all rules adopted by the Council;
- c. Shall decide all questions on order, in accordance with Roberts Rules of Order or, if not applicable, with these rules, subject to appeal by any Councilmember;

- d. Shall recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers;
- e. May affix approximate time limit for each agenda item;
- f. When matters on the agenda are placed under more than one classification, as defined by "Order of Business," and involve or are closely related to the same subject matter, then and in that event, the Presiding Officer may, within the presiding officer's discretion, without the necessity of any vote thereon, consider and vote on all of such matters, notwithstanding their different places on the agenda.

## **SECTION 7 - COUNCILMEMBERS**

### **7.1 ~~Remarks.~~ Speaking**

Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine him/herself to the question under debate and avoid repetitive discussion or arguments.

### **7.2 Questioning**

Any member of the Council, including the Presiding Officer, shall have the right to question an individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual.

### **7.3 Conflict of Interest**

Councilmembers are subject to the provisions of the City of Lakewood's Code of Ethics and should refer to that document in questions of Conflict of Interest.

## **SECTION 8 - DEBATES**

### **8.1 Interruption**

No member of the Council, including the Presiding Officer, shall interrupt

or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Section 6.2a of these rules.

## 8.2 **Courtesy**

All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge with insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.

## 8.3 **Transgression**

If a member of the Council shall transgress these rules on debates, the Presiding Officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the Presiding Officer shall transgress these rules on debate or fail to call such member to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other member to order, in which case the Presiding Officer or such member, as the case may be, shall be silent except to explain or continue in order.

## 8.4 **Challenge to Ruling**

Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

## 8.5 **City Manager**

The City Manager shall have the right to enter into a discussion of any matter coming before the City Council.

## **SECTION 9 - PARLIAMENTARY PROCEDURES AND MOTIONS**

All City Council meeting discussions shall be governed by ROBERTS RULES OF ORDER, NEWLY REVISED (latest edition). Questions of parliamentary procedure, not covered by these rules, shall be governed by Robert's Rules of Order.

## SECTION 10 - VOTING

### 10.1 Voice Vote

A generalized verbal indication by the Council as a whole of “yea” or “nay” vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side. ~~except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness in accordance with the Code of Ethics.~~ Each member present must vote on all questions before the Council and may abstain only for reasons acceptable to a majority of the Council such as stated conflict of interest of an issue of appearance of fairness.

#### ~~Roll call vote~~

~~A roll call vote may be requested by the Mayor or any Councilmember.~~

### ~~10.2 Abstentions~~

~~It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.~~

### ~~10.3 Voting~~

~~During Council Meetings, Council Members may participate and vote by telephone or video conference.~~

## SECTION 11 - COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL

Comment [HW5]: Duplicative.

~~11.1 Pursuant to Section 3.6, of the Council Rules, persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes at regular meetings, in addition to filling out the speaker sign-in sheet available at the City Clerk's desk. Groups who have at least three members present at the meeting may designate a speaker who may have a total of ten (10) minutes to speak on behalf of the group. The Mayor shall determine the overall amount of time set for "Public Comments." All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper.~~

~~11.2—All speakers shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge with insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.~~

## **SECTION 112 - PUBLIC HEARINGS AND APPEALS**

~~The purpose of the public hearing process is to obtain public input on matters of public policy, budget, land use and other issues and matters, as required by law. All public hearings will be announced and notified.~~

Although a public hearing is also a public meeting, or occurs in the context of a public meeting, the main purpose of most public hearings is to obtain public testimony or comment. Comment may be taken by live testimony or in writing as provided in the public notice. A public hearing must be held when specifically required by law. A public hearing may also be held when the City desires public input on a particular matter.

## **SECTION 123 - MAYOR/DEPUTY MAYOR/COUNCILMEMBER PRO TEMPORE SELECTION PROCESS**

Biennially at the first regularly scheduled meeting in January, the Councilmembers shall choose by majority vote, a chairperson from among themselves, and such person shall be titled Mayor. The Mayor shall continue to have all rights, privileges and immunities of a member of the Council and shall serve for a two-year term.

Biennially at the first regularly scheduled meeting in January, the Councilmembers shall choose a Deputy Mayor from the members thereof, by majority vote. The Deputy Mayor shall serve in the absence or temporary disability of the Mayor.

In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

## **SECTION 134 - COUNCIL POSITION VACANCY**

In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety day period, the Mayor may make the appointment from

among the persons nominated by members of the Council.

## **SECTION 145 - COUNCIL MEETING STAFFING**

### **145.1 City Manager**

The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting. The City Manager shall notify Council who will be the Acting City Manager in his/her absence.

### **145.2 City Attorney**

The City Attorney shall attend all meetings of the Council unless excused, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Acting City Attorney shall attend meetings when the City Attorney has been excused.

### **145.3 City Clerk**

The City Clerk, or designee, shall attend all meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

## **SECTION 156 - COUNCIL RELATIONS WITH STAFF<sup>4</sup>**

~~16.1~~—There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.

~~16.2~~—City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.

~~16.3~~—All written informational material requested by individual Councilmembers shall be transmitted after approval of the City Manager, to all Councilmembers. RCW 35A.13.120 prohibits any Councilmember from directing staff in any way.

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<sup>4</sup> [RCW 35A.13.120 City Manager – Interference by councilmembers.](#)

**Comment [HW6]:** Some question about the line between courtesies and rules.

- 16.4 Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- 16.5 Councilmembers shall not attempt to change or interfere with the operating rules and practices of any City department.
- 16.6 No Councilmember shall direct the City Manager to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council.
- 16.7 Individual requests for information can be made to the City Manager with a copy to the appropriate Department Director. If the request has any potential to create a change in work assignments or City staffing levels, the City Manager may refer the individual Councilmember to the full Council.
- 16.8 Council shall direct citizen inquiries to the City Manager for referral to the appropriate department(s) for a response. The City Manager shall keep the Council informed on the disposition of citizen inquiries.

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**SECTION 17 - COUNCIL COMMITTEES AND CITIZEN ADVISORY COMMITTEES**

- ~~17.1 The Mayor or a majority of the City Council may establish such ad hoc committees as may be appropriate to consider special matters that require special approach or emphasis. Such ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees, including such ad hoc committees.~~
- ~~17.2 Ad hoc council committees shall consider all matters referred to them. The Committee Chair shall report to the Council the findings of the committee. Committees may refer items to the Council with no committee recommendation.~~
- ~~17.3 Advisory Boards, Committees and Commissions established by ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and serving in the capacity and for the purposes indicated in The Ordinance, shall act as an advisory committee to the City Council.~~

Comment [HW7]: This area has been studied, considered and is addressed in City Code under selected chapters of Title 2 – Administration and Personnel.

- Sections:
- 2.2 Public Safety Advisory Committee
  - 2.26 Community Services Advisory Board
  - 2.36 Parks and Recreation Advisory Board
  - 2.38 Lakewood’s Promise Advisory Board
  - 2.48 Landmarks and Heritage Advisory Board
  - 2.66 Lakewood Arts Commission
  - 2.67 Ad hoc Committees
  - 2.68 Annual Work Plans for Community Boards, Commissions and Ad hoc Committees
  - 2.90 Planning Commission

**SECTION 168 - COUNCIL REPRESENTATION**

If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember must state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position.

Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.

#### **SECTION 19 – TRAVEL AUTHORIZATION**

~~19.1 – Councilmembers shall follow the City's travel and purchasing policies for which the public officials and employees of the City may qualify for payment or reimbursement.~~

**Comment [HW8]:** This is addressed in City Travel Policy #002.

#### **SECTION ~~20-17~~ - CONFIDENTIALITY**

Councilmembers must keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington. Any and all requests for public disclosure must be reviewed by the City Attorney.

#### **SECTION ~~1821~~ – EMAIL/ELECTRONIC MEDIA AND COMMUNICATION**

Councilmembers shall use their assigned City email address/account for receiving and sending email on City business matters and use their personal email address for personal mail.

Councilmembers shall not use their email accounts to deliberate, discuss, consider, review, evaluate and take final actions, as amongst themselves, on any official business of the City.

Emails which request a Councilmember's attendance at a public event, or which may be potentially deliberative shall be forwarded to the City Manager's Office for distribution to the Council and/or placed on the Council's agenda, as appropriate.

City Council Rules of Procedure:

Adopted December 18, 1995	Resolution No. 1995-26
Amended July 15, 1996	Resolution No. 1996-24
Amended October 4, 2004	Resolution No. 2004-22
Amended March 5, 2007	Resolution No. 2007-04
Amended February 19, 2008	Resolution No. 2008-06
Amended July 16, 2012	Resolution No. 2012-24
<u>Amended (Month/Date), 2015</u>	<u>Resolution No. 2015-</u>

## **Principles of Parliamentary Law**

1. The votes of all voting members are counted equally.
2. Absent members and members holding minority opinions have rights.
3. All members have the right of free and fair debate.
4. The majority has the right to decide.
5. The purpose is to facilitate the transaction of business.

## **Reminders for the Presiding Officer**

1. Correct procedure should always be your goal.
2. In dealing with motions or amendments, always state the exact wording. Ask the secretary to read it if you forgot how it was phrased.
3. Discussion is not in order until you have stated the motion.
4. Do not enter discussion while presiding. As a member of the assembly you are entitled to vote.
5. Always indicate clearly how a vote is to be taken – never call for “the usual sign.”
6. Always call for the negative vote, saying, “Those opposed say ‘No’.”
7. Adoption of an amendment does not mean adoption of the main motion. Remember to state the main motion as amended.
8. Say “The motion is out of order” rather than “The speaker is out of order.”

## **Motions**

A MAIN MOTION brings questions before the assembly for consideration.

SUBSIDIARY MOTIONS modify or dispense of the Main Motion under consideration.

PRIVILEGED MOTIONS have no connection with the Main Motion but demand immediate consideration.

INCIDENTAL MOTIONS are those miscellaneous motions which cannot be placed in any of the three groups listed above.

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# Chart of Motions

*First 13 motions in order of precedence – no order of precedence among remaining 10 motions*

	TYPE OF MOTION	INTERRUPT SPEAKER	REQUIRE SECOND	AMENDABLE	DEBATABLE	REQUIRED VOTE	PURPOSE
1. Fix the Time to Which to Adjourn	Privileged	No	Yes	Yes	Yes	Majority	to set time for continuation of meeting
2. Adjourn	Privileged	No	Yes	No	No	Majority	to close the meeting
3. Take a Recess	Privileged	No	Yes	Yes	No	Majority	to interrupt the meeting
4. Raise a Question of Privilege	Privileged	Yes	No	No	No	—	to request a personal privilege
5. Call for the Orders of the Day	Privileged	Yes	No	No	No	—	to require adherence to agenda
6. Lay on the Table	Subsidiary	No	Yes	No	No	Majority	to interrupt business for some urgent reason
7. Previous Question (Close Debate)	Subsidiary	No	Yes	No	No	2/3	to close debate on pending motion
8. Limit or Extend Limits of Debate	Subsidiary	No	Yes	Yes	No	2/3	to limit or extend debate
9. Postpone to a Certain Time (Postpone Definitely)	Subsidiary	No	Yes	Yes	Yes	Majority	to postpone to another, specified time
10. Refer to Committee	Subsidiary	No	Yes	Yes	Yes	Majority	to send to a committee for further study
11. Amend	Subsidiary	No	Yes	Yes	Yes	Majority	to alter or modify the wording of a motion
12. Postpone Indefinitely	Subsidiary	No	Yes	No	Yes	Majority	to avoid a direct vote on a motion
13. Original Main Motion	Main	No	Yes	Yes	Yes	Majority	to introduce new business
14. Point of Order	Incidental	Yes	No	No	No	—	to enforce rules and orders
15. Appeal	Incidental	Yes	Yes	No	Yes	Majority	try to reverse ruling
16. Questions or Points of Information	Incidental	Yes	No	No	No	—	obtain answers to questions and seek information
17. Suspend the Rules	Incidental	No	Yes	No	No	2/3	set aside rules that interfere with action desired
18. Object to Consideration	Incidental	Yes	No	No	No	2/3	to avoid unprofitable questions
19. Division of a Question	Incidental	No	Yes	Yes	No	Majority	to divide a question
20. Consideration by Paragraph – Seriatim	Incidental	No	Yes	Yes	No	Majority	to consider by sections
21. Division of the Assembly	Incidental	Yes	No	No	No	—	to provide for a more accurate count of the vote
22. Rescind	Bring back before assembly	No	Yes	Yes	Yes	2/3	to nullify a motion previously adopted
23. Reconsider	Bring back before assembly	Yes	Yes	No	Yes	Majority	to bring back for review



To: Mayor and City Councilmembers  
From: Heidi Ann Wachter, City Attorney  
Through: John J. Caulfield, City Manager  
Date: February 21, 2015  
Subject: Salary Commission

A handwritten signature in black ink that reads "John J. Caulfield".

The purpose of this memorandum is to inform a conversation regarding whether a salary commission will be beneficial to the City of Lakewood and, if so, what is required to implement one.

A salary commission would be created by Ordinance and, once established, sets the salary for all elected officials of that City. This would provide an independent authority to set compensation for elected officials and separate officials from compensation. State law specifically identifies salaries as within the jurisdiction of the commission; benefits would not be addressed by the Commission. Members are appointed by the mayor with approval of the City Council.<sup>1</sup> Size of Commission is not proscribed in state law and varies between three to seven members.<sup>2</sup>

Terms are limited to two years and members cannot be an "officer, official, or employee of the city or town or any of their immediate family members."<sup>3</sup> The City of Lakewood defines "employee" to include all volunteers, including those who sit on Community Advisory Boards and Commissions, individuals would be ineligible to sit on the Salary Commission while serving the City in another capacity.<sup>4</sup>

In cities with salary commissions no action of the City Council is required to change salaries. The Commission files salary changes directly with the City Clerk and the salary becomes effective and part of the City budget without further action by either the City Council or the Commission. In the City of Lakewood, having initiative and referenda subjects action of the salary commission to referendum. An adequate petition puts the issue to the voters.

Because the state law is direct and other cities have salary commissions, an ordinance can be ready for the City Council with little lead time.

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<sup>1</sup> The Mayor is authorized to make a number of appointments for the City and practice is to seek Council approval. Here Council approval is statutorily required. RCW 35.21.015(a).

<sup>2</sup> Bainbridge Island (7), Federal Way (5), Fife (7), Kenmore (3), Kirkland (3) are the cities considered for this analysis.

<sup>3</sup> RCW 35.21.015(d).

<sup>4</sup> See, generally, the Ethics Code for the City of Lakewood, which defines employee as well as City official.



To: Mayor and City Councilmembers  
From: Heidi Ann Wachter, City Attorney  
Through: John J. Caulfield, City Manager *John J. Caulfield*  
Date: February 21, 2015  
Subject: Overview of Sanitary Sewer Agreement

This is to provide an overview of the history of sewer service in the City of Lakewood and the agreement currently in place between the City of Lakewood and Pierce County which grants to Pierce County a nonexclusive franchise for purposes of sanitary sewer. The City of Lakewood has the statutory authority to assume that portion of the system within City boundaries.<sup>1</sup> The franchise agreement expires in 2031.

### **Background and History<sup>2</sup>**

Concern about surface and groundwater pollution in the Chambers Creek - Clover Creek Drainage Basin (Basin) was first reported by the Washington State Department of Health in 1939. The report attributed the pollution to population density and use of on-site sewer systems (septic tanks using leach fields for effluent disposal to the ground). During the early 1940s, many contaminated shallow groundwater wells were abandoned and deeper wells isolated from the upper contaminated aquifers were constructed.

In 1967, the Washington State Legislature adopted the County Services Act, RCW 36.94. This action by the Legislature authorized counties in Washington State to provide sanitary sewer services and facilities. Prior to this action, counties could not provide sanitary sewer service.

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<sup>1</sup> RCW Chapter 35.13A

<sup>2</sup> This section is largely based on (predominantly verbatim) Pierce County Public Works and Utilities – Sewer Utility Unified Sewer Plan Update, section 1.6. Additions specific to the City of Lakewood have been inserted.

In 1969 Pierce County adopted the Chambers Creek - Clover Creek Basin Sewerage General Plan. The plan called for staged construction of conventional collection sewer lines, trunk lines, interceptors and a single centralized 12MGD<sup>3</sup> secondary treatment plant with an outfall for discharge of treated effluent to Puget Sound. The designated service area was the central portion of the Chambers Creek – Clover Creek Basin, including Lakewood, (not including the communities of American Lake Gardens and Tillicum), Parkland, and Spanaway. In 1973, this service area became Utility Local Improvement District (ULID) 73-1, the core of Pierce County’s sewer service area.

Development of the Pierce County sewer system was spurred throughout the 1970s, 1980s and early 1990s, by a 1969 Department of Ecology (DOE) compliance order, which required the County to build a treatment plant and operate a sewer system to address the historical ground water problems in the Chambers Creek - Clover Creek Basin attributed to failing on-site sewer systems.

In 1974, Pierce County developed the Chambers Creek Basin Water Quality Management Plan. The Chambers Creek Basin Plan replaced the existing 1969 Plan; added the Town of Fircrest and the Westside Sewer District to the Chambers Creek Regional Wastewater Treatment Plant (WWTP) service area; and recommended the treatment plant to be constructed to provide secondary treatment.

In 1986, Pierce County adopted the Chambers Creek - Clover Creek Sewerage General Plan Update. The update amended the 1974 Chambers Creek - Clover Creek Basin Water Quality Management Plan. The 1986 Update recommended re-routing certain area flows (University Place North and Midland) from the Tacoma Central WWTP to the Chambers Creek Regional WWTP, extending sewer service to American Lake Gardens and Tillicum, and increasing the capacity of the WWTP from 18MGD to 24MGD.

Shortly after the adoption of the 1986 Update, Pierce County adopted the Sludge Management Program for the WWTP, which examined methods for disposal of the biosolids (sludge), a by-product of the wastewater treatment process.

In December 1992, Pierce County completed the acquisition of 610 acres adjacent to the WWTP. The purchase provided for expansion of the wastewater treatment facilities and public uses compatible with the treatment plant and adjacent uses. Compatible public uses include an arboretum, beach access, boat launch, golf course and other active and passive recreation areas as set out in the Chambers Creek Properties

Master Site Plan adopted in 1997.

Adopted in November 1993, the 1991 General Sewerage Plan Update for the Chambers Creek – Clover Creek Basin Update amended the existing 1986 Update and the Chambers Creek - Clover Creek Basin Water Quality Management Plan. The 1991 plan recommended

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<sup>3</sup> MGD stands for Millions of Gallons per Day. MGD is the standard unit of measurement to represent the capacity of a sewer system.

the continued expansion of the Chambers Creek Regional WWTP to a possible 48MGD and general upgrade of the plant to provide advanced wastewater treatment (tertiary treatment). Plant capacities were further upgraded in 1992-1995 and 1998-1999 to the present 28.7MGD capacity.

Northern South Hill was added to the service area in 1995.

In 1996 the City of Lakewood incorporated as an Optional Code City operating under the Council-Manager form of government. Upon incorporation Lakewood assumed control of the public streets and rights-of-way within the area of incorporation pursuant to authority granted under state law.<sup>4</sup> In 1997 Lakewood and the County began negotiating for a franchise for continued use by the County of the City's rights-of-way.

During the same year that Lakewood and Pierce County began franchise negotiations, the system again expanded, connecting the South Hill Sewer District to the WWTP collection system. The boundary between the Chambers Creek – Clover Creek basin and the Puyallup River basin has been amended six times over the past 30 years to allow properties originally located within the Puyallup River Basin to be transferred to the Chambers Creek –Clover Creek Basin.

In 1998, litigation between the City of Lakewood and Pierce County commenced in Thurston County Superior Court. The central question was whether the City has the authority to require a franchise and franchise fee. The Court of Appeals determined that the “county may not be compelled to enter into a franchise agreement and the city may collect as a franchise fee only the direct costs of administering the franchise.”<sup>5</sup>

The City of Lakewood and Pierce County did enter into an agreement in 2005 which required the City to grant, subject to mutually acceptable terms, a franchise for sewer operations in the City.<sup>6</sup> This agreement resulted from the City's investment in sewers in Tillicum. Also related to this project is new language in City Code, passed in 2011, assessing a “sewer availability fee” for residents who do not connect to the new system.<sup>7</sup> The Lakewood-Pierce County franchise, and resultant franchise fee was unsuccessfully challenged in Thurston County Superior Court with no appeal.<sup>8</sup> The City and County cooperatively defended the case.<sup>9</sup>

Today the WWTP occupies 49 acres of a 200 acre reserve and currently serves more than 252,000 Pierce County residential, commercial, and industrial customers with an average daily flow of 18.6MGD from a 117 square mile Sewer Service Basin.

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<sup>4</sup> RCW 35.02.180

<sup>5</sup> *Lakewood v. Pierce County*, 106 Wn. App. 63 (2001).

<sup>6</sup> Joint Agreement for Sewer Extension Project to American Lake Gardens and Tillicum Neighborhoods, June 29, 2005.

<sup>7</sup> LMC 12A.15

<sup>8</sup> *Miller v. Pierce County and City of Lakewood*, Thurston Co. Superior Ct. Case No. 11-2-00650-3 (2011).

<sup>9</sup> *Id.*

The WWTP is a regional facility with the primary responsibility to treat sewage flows from the approved sewer service basin. This flow is transported through a network of interceptor pipelines (typically 15” or larger) constructed by the Utility throughout the sewer service area, allowing new development to connect to the WWTP collection system. Construction of collector pipelines, typically 8-12 inches in diameter, are the responsibility of local city governments, property developers, or individual landowners wishing to connect to the system.

The system is funded solely through payments made to the Utility by the users or ratepayers. No funds are derived from Pierce County’s General Fund. This makes the Utility a wholly self- supporting entity within Pierce County government with the individual commercial, industrial, and residential ratepayers as the Utility’s primary stakeholders.

### **Status and Options**

There is a franchise agreement in place between the City of Lakewood and Pierce County for the “right, privilege and authority to construct, operate, maintain, remove, replace and repair all necessary facilities for a sanitary sewer system in, under, on, across, over, through, along or below the public rights-of-way located in the City,”<sup>10</sup> The term of the franchise is twenty years from the effective date of the Ordinance, which was March of 2011, meaning that the term runs through 2031.

The franchise features what is commonly referred to a “non-compete” clause, which amounts to the County paying the City an additional fee in exchange for the City’s agreement not to assume the sewer system or create its own. The City receives six percent of the regular rates and charges on all sewer accounts located within the City in “consideration for the City’s agreement not to establish a City-owned sewer utility in competition with the County system, and the City’s promise not to exercise its statutory authority under Chapter 36.94.180, as currently written or as may be hereafter modified, to assume jurisdiction over that portion of the County’s sanitary sewer system lying within the City’s corporate boundaries and provide services to properties within said boundaries or any part thereof during the term of this franchise.”<sup>11</sup>

Should the City be interested in ending the agreement earlier than the current term, the franchise provides for this if (1) the County and City reach agreement to that effect; or (2) there is material breach of the agreement by the County. Language in the franchise also appears to contemplate assumption pursuant to state law:<sup>12</sup> “Provided, further, that a successful citizen initiative that results in an assumption of the County sewerage system and facilities within the City or the creation of a City sewerage utility in competition with the County’s sewerage system will terminate the City’s obligation to forbear as provided herein.”<sup>13</sup>

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<sup>10</sup> Franchise adopted by the City of Lakewood as Ordinance 529.

<sup>11</sup> Id, section 12.

<sup>12</sup> RCW 35.13A.050

<sup>13</sup> Franchise adopted by the City of Lakewood as Ordinance 529, section 12.2.

Option 1: Continue to operate pursuant to the terms of the existing franchise.

Option 2: Negotiate termination of the franchise on mutually agreeable terms. If this option is desirable, research is necessary to determine what the City would require in terms of transition time based on available resources, expected revenue, and goals to be achieved through assumption.

Option 3: Review the franchise and performance for potential breach and proceed to terminate on that basis. In the event there is a breach, the best course is to allow the County an opportunity to correct it before terminating the contract. Termination on this basis may become contentious and deprive the City the opportunity for any smooth transition.

Option 4: Explore the potential for assumption by citizen initiative. The starting point for this is for the City to be able to articulate the need for the assumption to the voters. As with other options listed here, research is necessary to determine what the City would provide to citizens as an alternative to current service based on available resources, expected revenue, and goals to be achieved through assumption.

### **Recommendation**

With the completion of the sewer project in Tillicum, most of the City of Lakewood receives sanitary sewer service thus it is recommended that the City continue to operate pursuant to the terms of the existing franchise.

The investment in Tillicum to add this service is approximately \$18M. Community Development is experiencing fewer delays as a result of coordination with the County around sewer issues, but the process is not perfect and continues to evolve. Provided an applicant fills out the county application properly, the sewer permit can be approved in less than two weeks. The approval time is on par with the City's planning and building permit review times. Connection charges for redevelopment projects appear to be high. In a recent project, even though the new use used less water than the previous use, the property owner was charged for additional sewer connection charges. Pierce County also requires sewer pretreatment onsite before the effluent arrives at the sewer plant. Food service businesses, both existing and new, are required to install and/or upgrade grease interceptors. The cost for a restaurant is about \$50,000. There are roughly 100 restaurants located in Lakewood. An internal cursory review suggests that, despite delays in the current process, assumption does not provide an adequate benefit to warrant the investment of time and resources that would be necessary.

However, if the City Council wishes to pursue other options, the recommended course is to conduct an analysis of what the transition away from County service looks like in terms of time, resources and potential legal challenges. This analysis should incorporate both cost of transition and cost inherent in running a sanitary sewer system, in terms of capital investment as well as maintenance and operations.