



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, May 17, 2022

7:00 PM

Hybrid Meeting - Council
Chambers/Online and Via Phone

Register to Attend Virtually:

https://us02web.zoom.us/webinar/register/WN_miYSDdTPQ9CsWrjI55gmsQ

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

- 2.A** [22-0512](#) Special Recognition - Proclamation Recognizing Asian, Native Hawaiian, and Pacific Islander American Heritage Month

Attachments: [Proclamation](#)

3. PUBLIC COMMENT

(Estimated Time: 0-30 Minutes) (Sign-up Sheets are provided in the Foyer.)

During this portion of the meeting, community members may address the City Council regarding items related to City business, including items on the Agenda. In order for the City Council to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Council in these three areas: (1) on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days, or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity, or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure.

Individual comments are limited to two (2) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.

COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

- 4.A** [22-0500](#) Approval of May 10, 2022, City Council Meeting Minutes

Attachments: [Minutes](#)

4. SECOND READINGS (Ordinances) - None

4. FIRST READINGS (Ordinances)

- 4.B [22-0486](#) Approval of an Ordinance Amending Olympia Municipal Code Section 18.82.040, Selection Process for the Olympia Hearing Examiner
Attachments: [Ordinance](#)
- 4.C [22-0490](#) Approval of an Ordinance Increasing Sales and Use Tax by One Tenth of One Percent for a Period of Seven Years to be Used for the Purpose of Funding Arts, Science, Cultural and Heritage Programs
Attachments: [Ordinance](#)
- 4.D [22-0491](#) Approval of an Ordinance Amending OMC Section 3.04.200 to Create a Cultural Access Program Fund
Attachments: [Ordinance](#)

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [22-0488](#) 2021 Year-End Funding Recommendation
Attachments: [2021 Year-End General Fund List](#)
- 6.B [22-0497](#) Olympia Police Department's Complaint Form, Policies and Procedures Briefing
Attachments: [OPD Complaint Form Link](#)

7. CONTINUED PUBLIC COMMENT

(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes)

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

9. CITY MANAGER'S REPORT AND REFERRALS

10. ADJOURNMENT

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Executive Assistant at 360.753.8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.



City Council

Special Recognition - Proclamation Recognizing Asian, Native Hawaiian, and Pacific Islander American Heritage Month

Agenda Date: 5/17/2022
Agenda Item Number: 2.A
File Number:22-0512

Type: recognition **Version:** 1 **Status:** Recognition

Title

Special Recognition - Proclamation Recognizing Asian, Native Hawaiian, and Pacific Islander American Heritage Month

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Proclaim the month of May A Asian, Native Hawaiian, and Pacific Islander American Heritage Month in the City of Olympia.

Report

Issue:

Whether to proclaim the month of May Asian, Native Hawaiian, and Pacific Islander American Heritage Month in the City of Olympia.

Staff Contact:

Susan Grisham, Assistant to the City Manager, 360-753-8244

Presenter(s):

Councilmembers

Background and Analysis:

Asian, Native Hawaiian, and Pacific Islander American Heritage Month is an annual celebration that recognizes the historical and cultural contributions of individuals and groups of Asian, Native Hawaiian, and Pacific Islander descent to the United States.

Attachments:

Proclamation

PROCLAMATION

WHEREAS, the City of Olympia is dedicated to the values of diversity, equity, and inclusion; and

WHEREAS, Asian, Native Hawaiian, and Pacific Islander Americans are a vital constituent of the Olympia community and the Olympia population continues to grow in diversity; and

WHEREAS, these communities are an integral part of the beautiful diversity, history, and culture of Olympia; and

WHEREAS, Asian, Native Hawaiian, and Pacific Islander Americans comprise many ethnicities and languages, and their many achievements embody the American experience; and

WHEREAS, Asian, Native Hawaiian, and Pacific Islander Americans Heritage Month is a time to celebrate and pay tribute to the contributions of Asian, Native Hawaiian, and Pacific Islander Americans to American history, society and culture; and

WHEREAS, Asian, Native Hawaiian, and Pacific Islander Americans community members are leaders in all aspects of American life: distinguished in science, medicine, and technology; innovative farmers and ranchers; distinguished lawyers, judges and government leaders; in the arts, literature, and sports; as war heroes who have defended our country; small business owners and healthcare heroes currently on the front lines of the pandemic; and

WHEREAS, while we celebrate the achievements and contributions of Asian and Pacific Islanders that enrich our history, society and culture, we must also acknowledge a darker aspect of the ANHPIA experience in America - structural discrimination, prejudice and injustice; and

WHEREAS, we recognize the perseverance of Asian, Native Hawaiian, and Pacific Islander communities that have withstood xenophobia and racism for generations with resilience and strength now and throughout history; and

WHEREAS, Asian, Native Hawaiian, and Pacific Islander American Heritage Month provides the opportunity to educate the public on the role of Asian, Native Hawaiian, and Pacific Islander Americans in American history, and is a time to celebrate the advancement of civil rights and equal opportunity for all people; and

NOW, THEREFORE, be it resolved that the Olympia City Council does hereby proclaim May 2022 as

**ASIAN, NATIVE HAWAIIAN, AND PACIFIC ISLANDER AMERICAN
HERITAGE MONTH**

And encourage all Olympians to observe, recognize, and celebrate the culture, heritage, and contributions of Asian, Native Hawaiian, and Pacific Islander Americans to our country, our state and our city.

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 17th DAY OF MAY, 2022.

OLYMPIA CITY COUNCIL

*Cheryl Selby
Mayor*



City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

City Council

Approval of May 10, 2022, City Council Meeting Minutes

Agenda Date: 5/17/2022
Agenda Item Number: 4.A
File Number:22-0500

Type: minutes **Version:** 1 **Status:** Consent Calendar

Title

Approval of May 10, 2022, City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, May 10, 2022

7:00 PM

Hybrid Meeting - Council
Chambers/Online and Via Phone

Register to Attend Virtually:

https://us02web.zoom.us/webinar/register/WN_meDNZBPYSM26i7V0-1GAKg

1. ROLL CALL

Present: 6 - Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Y  n Hu  nh, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Dontae Payne

Excused: 1 - Mayor Cheryl Selby

1.A ANNOUNCEMENTS

Councilmember Parshley shared a statement about the recent draft Supreme Court opinion regarding Roe vs Wade. She noted she, Councilmembers Hu  nh and Payne will bring forward a referral to determine any actions the City can take to protect abortion rights.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [22-0456](#) Special Recognition - Proclamation Recognizing Olympia Heritage Month and Review of 2022 Preservation Award Nominations

Mayor Pro Tem Gilman read a proclamation recognizing Heritage Month. Heritage Commission Staff Liaison Marygrace Goddu and Heritage Commission Vice Chair Garner Miller shared the 2022 Heritage Award Nominees.

The nominees are the Angelus Hotel, Howard Point Place Name Project, The Eastside Club Tavern, Jacks Shoe Repair and KGY Radio. The nominees are on the evening's consent calendar for approval.

The recognition was received.

3. PUBLIC COMMENT

The following people spoke: Timothy Leadingham, Holly Chisa, John Pettit, CeCe Coates, and Terry Ballard.

4. CONSENT CALENDAR

- 4.A** [22-0434](#) Approval of April 25, 2022 City Council Meeting Minutes

The minutes were adopted.

- 4.B** [22-0457](#) Approval of 2022 Heritage Award Nominations

The decision was adopted.

- 4.C** [22-0464](#) Approval of a Resolution Authorizing a Lease Agreement with Intercity Transit for a Portion of the Transit Center Located at 222 State Avenue NE for Use by the Crisis Response Unit and Familiar Faces

The resolution was adopted.

Approval of the Consent Agenda

Councilmember Parshley moved, seconded by Councilmember Huynh, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 6 - Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Payne

Excused: 1 - Mayor Selby

4. SECOND READINGS (Ordinances) - NONE**4. FIRST READINGS (Ordinances) - NONE****5. PUBLIC HEARING - NONE****6. OTHER BUSINESS**

- 6.A** [22-0454](#) Approval of a Resolution Authorizing the Olympia Police Department to Obtain and Use Body-Worn Cameras and In-Car Video Systems

Interim Police Chief Rich Allen gave an overview of the implementation of the use of body cameras by the Olympia Police Department.

Concilmembers asked clarifying questions.

Councilmember Payne moved, seconded by Councilmember Cooper, to approve a resolution authorizing the Olympia Police Department to obtain and use body-worn cameras and in-car video systems. The motion carried by the following vote:

Aye: 6 - Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Payne

Excused: 1 - Mayor Selby

6.B [22-0455](#) 2020 Public Demonstration Responses and Current Crowd Control Management Policies and Practices Briefing

Interim Chief Allen gave background on the 2020 Public Demonstration Responses and Current Crowd Control review. Police Auditor Tara Parker shared her methodology, findings and lessons learned during her review. Interim Chief Allen discussed next steps.

Councilmembers asked clarifying questions.

The report was received.

7. CONTINUED PUBLIC COMMENT - None

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

9. CITY MANAGER'S REPORT AND REFERRALS - None

10. ADJOURNMENT

The meeting adjourned at 9:03 p.m.



City Council

Approval of an Ordinance Amending Olympia Municipal Code Section 18.82.040, Selection Process for the Olympia Hearing Examiner

Agenda Date: 5/17/2022
Agenda Item Number: 4.B
File Number:22-0486

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of an Ordinance Amending Olympia Municipal Code Section 18.82.040, Selection Process for the Olympia Hearing Examiner

Recommended Action

Committee Recommendation:

The Land Use & Environment Committee recommends moving to approve an Ordinance amending Olympia Municipal Code (OMC) Section 18.82.040, requiring a selection process for the Olympia Hearing Examiner to occur at least once every four years

City Manager Recommendation:

Move to approve an Ordinance amending OMC Section 18.82.040, requiring a selection process for the Olympia Hearing Examiner to occur at least once every four years.

Report

Issue:

Whether to approve an Ordinance amending OMC Section 18.82.040, requiring a selection process for the Olympia Hearing Examiner to occur at least once every four years.

Staff Contact:

Tim Smith, Deputy Director, Community Planning and Development, 360.570.3915

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The position of Hearing Examiner is established in OMC Chapter 18.82. The purpose of this Chapter, as stated in OMC 18.82.020, is to:

1. Separate the land use regulatory function from the land use planning process.
2. Ensure procedural due process and appearance of fairness in land use regulatory hearings and decisions.
3. Provide an efficient and effective land use regulatory system which integrates the public

hearing and decision-making processes for land use matters.

4. Provide for consistency and predictability in land use decision making and the application of policies and regulations adopted by the City.
5. Establish clear and understandable rules governing the land use decision-making process.

The Land Use and Environment Committee (LUEC) conducted a selection process for the Olympia Hearing Examiner in February 2022, prior to the scheduled expiration of the existing Hearing Examiner's contract on April 30, 2022. Based on the LUEC recommendation, the City Council approved a new contract with Mark Scheibmeir on March 29, 2022, to serve as Hearing Examiner for two years, with an optional extension for an additional two years.

The LUEC also recommends that a Hearing Examiner selection process be codified to occur at least once every four years to ensure a regular review of the position.

Note: The LUEC's selection process also included recruitment for a Pro Tem Hearing Examiner to ensure land use matters can be heard if the Hearing Examiner has either a schedule conflict or is out due to illness. However, no candidate applied for the Pro Tem position during that process. Recruitment for the Pro Tem Hearing Examiner is on-going.

Neighborhood/Community Interests (if known):

The work of the Hearing Examiner has been a topic of interest to many community members as development continues throughout the City.

Options:

1. Move to approve an Ordinance amending Olympia Municipal Code (OMC) Section 18.82.040, requiring a selection process for the Olympia Hearing Examiner to occur at least once every four years.
2. Do not approve the Ordinance.
3. Approve the Ordinance with amendments.

Financial Impact:

The Hearing Examiner is paid on an hourly basis for required hearings. Permit fees are included in OMC 4.40 for staff costs to prepare and conduct Hearing Examiner hearings, and for appeals to the Examiner of administrative decisions.

Attachments:

Ordinance

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO THE SELECTION PROCESS FOR THE OLYMPIA HEARING EXAMINER, AND AMENDING SECTION 18.82.040 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, the position of Hearing Examiner is established in Olympia Municipal Code (OMC) Chapter 18.82; and

WHEREAS, OMC 18.82.040 states that the Hearing Examiner shall be selected by the Council and may be retained by a professional service contract for a term and on conditions determined appropriate by the City Council; and

WHEREAS, on February 17, 2022, following a selection process for the Hearing Examiner, the City Council's Land Use and Environment Committee (LUEC) forwarded a recommendation to the City Council that Attorney Mark Scheibmeir continue serving as the Olympia Hearing Examiner under a new contract for a two-year period, with an option to extend the contract for two years upon the mutual agreement of Mr. Scheibmeir and the City; and

WHEREAS, the LUEC also recommended that the City Council conduct a selection process for the Olympia Hearing Examiner at least once every four years; and

WHEREAS, the City Council wishes to amend OMC 18.82.040 to provide that a selection process for the Olympia Hearing Examiner be conducted by the Council at least once every four years;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 18.82.040. Olympia Municipal Code Section 18.82.040 is hereby amended to read as follows:

18.82.040 Hearing examiner selection

A. The Hearing Examiner shall be selected by the Council. At least once every four years, the City Council will conduct a selection process for the Olympia Hearing Examiner. The selection process will be conducted as deemed appropriate by the City Council

B. The Hearing Examiner may be retained on a professional service contract for a term and on conditions determined appropriate by the Council. ~~Such~~The Hearing Examiner contract may provide that the Examiner may retain the services of officials to hold hearings as are needed to render aid and advice regarding technical or specialized issues that may be presented to the Examiner. Said contract may also provide for Hearing Examiner(s) pro tem to serve in the absence of the Hearing Examiner on such terms and conditions deemed appropriate by the Council.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Increasing Sales and Use Tax by One Tenth of One Percent for a Period of Seven Years to be Used for the Purpose of Funding Arts, Science, Cultural and Heritage Programs

Agenda Date: 5/17/2022
Agenda Item Number: 4.C
File Number:22-0490

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of an Ordinance Increasing Sales and Use Tax by One Tenth of One Percent for a Period of Seven Years to be Used for the Purpose of Funding Arts, Science, Cultural and Heritage Programs

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on first reading and forward to second reading the Ordinance increasing the City's sales and use tax by one-tenth of one percent for a period of seven years to be used for the purpose of funding arts, science, cultural and heritage programs.

Report

Issue:

Whether to adopt an Ordinance increasing the City's sales and use tax by one-tenth of one percent consistent with the ballot proposition approved by the City's voters at the April 26, 2022, special election.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

Olympia residents voted to approve an increase in the City's sales and use tax by one-tenth of one percent for a period of seven years to be used for the purpose of funding arts, science, cultural and heritage programs as provided by RCW 82.14.525 at the April 26, 2022, special election, on a vote of 7,266 (for) and 5,244 (against). The election results were certified on May 6, 2022, by the Thurston

County Auditor. The Council must now adopt an Ordinance increasing the City's local sales and use tax.

Neighborhood/Community Interests (if known):

The tax proposal was supported by community groups and associations.

Options:

1. Approve the ordinance increasing the City's sales and use tax by one-tenth of one percent, consistent with the ballot proposition approved by voters and certified by the County Auditor.
2. Do not approve the ordinance to impose the tax approved by voters in the April 26, 2022, special election.

Financial Impact:

It is estimated that a sales tax of .01% will raise approximately \$2.3 million per year.

Attachments:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, IMPOSING THE MAXIMUM LOCAL SALES AND USE TAX PURSUANT TO RCW 82.14.525 AND CHAPTER 36.160 RCW, WHICH FUNDS ARE TO BE USED FOR A CULTURAL ACCESS PROGRAM; AND PROVIDING FOR OTHER MATTERS RELATING THERETO AND PROPERLY PERMITTED BY STATE LAW

THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON DOES ORDAIN as follows:

Section 1. Findings. The City Council (the "Council") of the City of Olympia, Washington (the "City"), makes the following findings and determinations:

1.1 RCW 82.14.525 and Chapter 36.160 RCW authorizes counties and cities to impose a sales and use tax of one-tenth of one percent (0.1%), provided that the sales and use tax increase is approved by voters. The City's proceeds from such a tax shall be used for a cultural access program as authorized and permitted by Chapter 36.160 RCW and RCW 82.14.525.

1.2 On December 14, 2021, the Council adopted Resolution No. M-2280 (the "Ballot Resolution") authorizing submission to the qualified voters of the City a proposition authorizing an additional sales and use tax of not more than one-tenth of one percent (0.1%) for the Olympia Cultural Access Program ("Proposition No. 1"), as authorized and permitted by RCW 82.14.525 and Chapter 36.160 RCW.

1.3 Proposition No. 1 was approved by the requisite number of City voters at the special election held on April 26, 2022, and its passage was certified by the County Auditor on May 6, 2022, with 7,266 votes for the ballot measure, and 5,244 votes against, to impose a sales and use tax for the purposes authorized under Chapter 36.160 RCW and as provided by RCW 82.14.525, for a period of seven (7) consecutive years. The funds shall be collected and used as set forth in RCW 82.14.525(4) ". . . only . . . for the purposes set forth in RCW 36.160.110 . . ." for the Olympia Cultural Access Program.

1.4 The Council finds that the City of Olympia has satisfied all prerequisites to impose the sales and use tax permitted by RCW 82.14.525 and Chapter 36.160 RCW for the Olympia Cultural Access Program.

Section 2. Sales and Use Tax Imposed.

2.1 Tax Imposed; Effective Date. The sales and use tax increase shall be imposed at a rate of one-tenth of one percent (0.1%) of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax, within the City of Olympia. The tax shall become effective on the earliest practicable date consistent with RCW 82.14.525 and RCW 82.14.055.

2.2 Use of Sales and Use Tax Receipts Pursuant to RCW 36.160.110. City proceeds shall be used as required by RCW 82.14.525(4) ". . . only . . . for the purposes set forth in RCW 36.160.110, including but not limited to, start-up funding provided to the program under RCW 36.160.040 with the expectation "that the funding will be repaid . . .;" that the funding forming such a program to be reserved for program costs, including direct administrative costs, and repaying any start-up funding provided under RCW 36.160.040; the percentage of total funds available annually to be reserved for a public school cultural access program established and managed by the City to increase access to cultural activities and programming for public school students, including transportation to off-site cultural experiences for all students at schools in the City that are located within a school district in which at least forty percent of the district's students are eligible for the federal free and reduced-price school meals program; and the City may limit its spending on the transportation benefit to no more than five percent of funds collected each year under RCW 36.160.080;

and remaining funds available annually, including all funds not initially reserved under RCW 36.160.110(1), (2), and (3), as well as funds not distributed by the City from the reserved funds, must be distributed by the City to entities designated by the legislative authority of the City creating the program, after creating guidelines and criteria for the award of funds to eligible cultural organizations, including designated entity administrative costs. In accord with RCW 36.160.110(5), the City in ". . . evaluating requests for funding authorized under this chapter, the designated entity responsible for the distribution of the funds must consider the public benefits that any cultural organizations represented will be derived from proposed projects. Funds distributed to cultural organizations may be used to support cultural and educational activities, programs, and initiatives, public benefits and communications, and basic operations. Funds may also be used for (a) capital expenditures or acquisitions including, but not limited to, the acquisition of or construction of improvements to real property and (b) technology, equipment, and supplies reasonably related to or necessary for a project otherwise eligible for funding under Chapter 36.160 RCW.

2.3 Expiration of Tax. The tax imposed by the City under RCW 82.14.525 and Chapter 36.160 RCW shall expire seven (7) years after the date on which the tax is first imposed.

Section 3. Administration. The City Clerk is directed to cause a certified copy of this Ordinance to be delivered to the State of Washington Department of Revenue, the State of Washington Department of Commerce, and any other public officers or agencies required by law. The City's Finance Director and other appropriate officers are authorized and directed to enter into such contracts with and provide such notices to the State Department of Revenue or Department of Commerce, and other appropriate state or local agencies, for the collection and distribution of receipts of the tax imposed by this Ordinance as may be necessary or convenient consistent with RCW 82.14. 525 and Chapter 36.160 RCW and other applicable law.

Section 4. Ratification. All actions taken in furtherance of and not inconsistent with this Ordinance are ratified and confirmed in all respects.

Section 5. Severability. If any provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be severable from the remaining provisions of this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance.

Section 6. Publication and Effective Date. Notification of passage of this Ordinance shall be published as provided by law and shall take effect and be in full force five (5) days after publication.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Amending OMC Section 3.04.200 to Create a Cultural Access Program Fund

Agenda Date: 5/17/2022
Agenda Item Number: 4.D
File Number:22-0491

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of an Ordinance Amending OMC Section 3.04.200 to Create a Cultural Access Program Fund

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on first reading and forward to second reading the Ordinance creating a special fund known as the Cultural Access Program Fund by amending OMC 3.04.200.

Report

Issue:

Whether to approve an ordinance creating a Cultural Access Program Fund.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Olympia residents voted at the April 26, 2022, special election to increase the City's sales and use tax by one-tenth of one percent for a period of seven years, on a vote of 7,266 (for) and 5,244 (against). The revenue from the tax is to be used for the purpose of funding arts, science, cultural, and heritage programs as provided by RCW 82.14.525 and RCW Chapter 36.160. The election results were certified by the Thurston County Auditor on May 6, 2022.

The increase in sales and use tax is estimated to generate \$2.3 million annually. In accordance with RCW 82.14.055, the sales and use tax takes effect 75 days after the State Department of Revenue receives notification and can only start on the first day of January, April, or July.

RCW 36.160.080(4) states that all revenue from taxes imposed under RCW Chapter 36.160 “. . . must be credited to a special fund in the treasury of the city imposing such tax and used solely for the purpose of paying all or any part of the cost of cultural access programs as provided in this chapter.” Staff is therefore proposing that OMC 3.04.200 be amended to create a special fund to be known as the Cultural Access Program Fund.

Neighborhood/Community Interests (if known):

On April 26, 2022, voters of the City approved a sales and use tax increase to support arts, science, cultural, and heritage programs.

Options:

1. Move to approve the Ordinance amending OMC 3.04.200 by creating a Cultural Access Program Fund on first reading and forward to second reading.
2. Direct staff to modify the Ordinance.
3. Consider the Ordinance at another time.

Financial Impact:

It is estimated that the sales and use tax increase of .01% will raise approximately \$2.3 million per year for cultural access programs.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 3.04.200, SPECIAL REVENUE FUNDS, TO ADD A SPECIAL FUND TO BE KNOWN AS THE CULTURAL ACCESS PROGRAM FUND TO RECEIVE SALES AND USE TAX MONIES PURSUANT TO RCW 82.14.525 AND AS AUTHORIZED BY RCW 36.160.110

WHEREAS, Proposition No. 1 to create a Cultural Access Program funded by an increase of the City's sales and use tax by one-tenth of one percent (0.01%) was approved by the requisite number of City voters at the special election held on April 26, 2022, and the vote was certified by the Thurston County Auditor on May 6, 2022; and

WHEREAS, the Olympia City Council has imposed the sales and use tax for the purposes authorized under Chapter 36.160 RCW and as provided by RCW 82.14.525, for a period of seven (7) consecutive years; and

WHEREAS, the funds collected shall be used as set forth in RCW 82.14.525(4) ". . . only . . . for the purposes set forth in RCW 36.160.110 . . ." for the Olympia Cultural Access Program, and that a restricted special fund must be created to receive deposits of said monies;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 3.04.200. Olympia Municipal Code Section 3.04.200 is hereby amended to read as follows:

3.04.200 Special Revenue Funds.

There is hereby created the following group of funds to be known as Special Revenue Funds:

A. HUD Fund

1. Created. There is hereby created a fund to be known as the HUD Fund.
2. Sources. There shall be deposited into the HUD Fund such monies as received from the U.S. Department of Housing and Urban Development, loan repayments and interest for loans made from the HUD fund, monies accumulated in the HUD fund, and other monies as may be deemed appropriate or designated by the City Council, and such funds shall be used exclusively for approved projects.
3. Uses. The HUD Fund may be used for any legal purpose as authorized by the City Council, subject to limitations or restrictions as may be prescribed by the U.S Department of Housing and Urban Development or its successor.
4. Transfer. The Finance Director shall transfer and adjust revenue estimates and appropriations as may be required for the administration of the HUD Fund.

B. Impact Fees Fund

1. Created. See OMC 15.04.100.B
2. Sources. See OMC 15.04.040 through 15.04.090, and 15.04.120.

3. Uses. See OMC 15.04.130
4. The following are impact fee accounts:
 - a. Parks and Transportation Impact Fee Accounts (See OMC 15.04.100)
 - b. School Impact Fee Account (See OMC 15.04.110)

(See also OMC Title 15 – Impact Fees)

C. SEPA Mitigation Fund

1. Created. There is hereby created a fund to be known as the SEPA Mitigation Fund.
2. Sources. Monies received under the State Environmental Policy Act (SEPA) authorization and mitigation fees, other than utility mitigation fees, shall be deposited in the SEPA Mitigation Fund. (See also OMC 14.04.190)
3. Uses. Mitigation fees deposited in the SEPA Mitigation Fund shall be used only for the purposes for which the fees were collected, plus administrative fees as approved by the City Council. Funds may be transferred out of the SEPA Mitigation Fund to finance projects, purchases, and improvements which meet the purpose for which the fees were collected.

(See also OMC 14.04 Environmental Policy)

D. Lodging Tax Fund

1. Created. There is hereby created a fund to be known as the Lodging Tax Fund.
2. Uses. All taxes collected under OMC 3.40 shall be placed in the Lodging Tax fund to be used solely for the purpose of OMC 3.40.

(See also OMC 3.40 – Lodging Tax)

E. Parks and Recreational Sidewalk Utility Tax Fund

1. Created. There is hereby created a fund to be known as the Parks and Recreational Sidewalk Utility Tax Fund.
2. Sources. There shall be deposited into the Parks and Recreational Sidewalk Utility Tax Fund the increase of three percent (3%) utility tax authorized by Ordinance No. 6314 and approved by a majority of electors voting in the September 2004 primary election, and other monies as may be deemed appropriate by the City Council.
3. Uses. Funds in the Parks and Recreational Sidewalk Utility Tax Fund may be used as follows:
 - a. Utility tax monies collected under Ordinance No. 6314 may be used for purposes as set forth and as allocated in Ordinance No. 6314 and as amended; and
 - b. Other monies deposited in the Parks and Recreational Sidewalk Utility Tax Fund under Section A above may be used for any purpose set forth in or consistent with Ordinance No. 6314 and as amended.

(See also OMC 5.84 Utility Services Tax)

F. Parking Business Improvement Area Fund

1. Created. There is hereby created a fund to be known as the Parking Business Improvement Area Fund.
2. Uses. All monies collected under OMC 3.62 shall be placed in Parking Business Improvement Area Fund to be used solely for the purpose of the OMC 3.62.

(See also OMC 3.62 Parking and Business Improvement Area)

G. Farmers Market Major Repair and Replacement Fund

1. Created. There is hereby created a fund to be known as the Farmers Market Major Repair and Replacement Fund.
2. Sources. There shall be deposited into the Farmers Market Major Repair and Replacement Fund monies received from the Olympia Farmers Market for major repair and maintenance of the farmers market facilities, capital donations to the City for the farmers market and/or the facilities, and other funds as may be determined by the City Council.
3. Uses. The Farmers Market Repair and Replacement Fund may be used for major repair and maintenance of the farmers market facilities owned by the City of Olympia.

H. Hands On Children’s Museum Fund

1. Created. There is hereby created a fund to be known as the Hands On Children’s Museum Fund.
2. Sources. There shall be deposited into Hands On Children’s Museum Fund shall receive funds from the Capital Area Regional Public Facilities District or other persons for the purposes related to the Hands On Children’s Museum.
3. Uses. The Hands On Children’s Museum Fund may be used for purposes related to the Hands On Children’s Museum, including but not limited to, pre-development, pre-acquisition, planning, design, acquisition, construction, improvements, operations, maintenance, debt service, and/or other costs associated directly or indirectly with the Hands On Children’s Museum.

I. Transportation Benefit District Fund

1. Created. There is hereby created a fund to be known as the Transportation Benefit District fund.
2. Sources. Pursuant to Chapter 36.73 RCW, there shall be deposited in the Transportation Benefit District Fund:
 - a. Proceeds from a vehicle tax of up to Forty and no/100 Dollars (\$40) per vehicle as provided for by RCW 82.80.140
 - b. When authorized by the voters pursuant to the requirements of Chapter 36.73 RCW, other taxes, fees, charges and tolls or increases in these revenue sources.
3. Uses. Funds in the Transportation Benefit District Fund shall be used for the preservation, maintenance, capacity, safety and operation of City streets in accordance with the provisions of a state or regional plan. See also OMC 12.14.040.

(See also OMC 12.14 Transportation Benefit District)

J. Grants Control Fund

1. Created. There is hereby created a fund to be known as the Grants Control Fund.

2. Uses. The fund shall be used as deemed necessary by the Finance Director for the purpose of accounting for grant revenue and activities.

K. Real Estate Excise Tax Fund

1. Created. There is hereby created a fund to be known as the Real Estate Excise Tax (REET) Fund. The REET Fund shall be used for the purpose of receiving REET funds authorized by RCW 82.46.

2. Uses. The REET Fund shall be used for purposes as authorized by law for the use of REET funds, as directed by the City Council.

(See also OMC 3.52 Real Estate Excise Tax)

L. Olympia Metropolitan Park District Fund

1. Created. There is hereby created a fund to be known as the Olympia Metropolitan Park District Fund.

2. Sources. Pursuant to Chapter 35.61 RCW, there shall be deposited in the Olympia Metropolitan Park District Fund proceeds from an annual property tax of up to a maximum of \$0.75 per thousand dollars of assessed value as approved by a majority of the voters on November 3, 2015.

3. Uses. Funds from the Olympia Metropolitan Park District Fund shall be used to acquire, construct, maintain, operate, and improve parks and recreational facilities and to supplement, not replace, existing City of Olympia parks and recreation funding.

M. Home Fund

1. Created. There is hereby created a fund to be known as the Home Fund.

2. Sources. There shall be deposited in the Home Fund, sales and use tax authorized by RCW 82.14.530 and interest thereon, and other funds as determined by the City Council to support the purposes of the Home Fund.

3. Uses. A maximum of forty (40) percent of the monies collected under RCW 82.14.530 shall be used for the operation, delivery, or evaluation of mental and behavioral health treatment. Other funds deposited in the Home Fund shall be used for purposes similar in nature to the above, as determined by the City Council. (Ord. 7300 §1, 2021).

N. Cultural Access Program Fund

1. Created. There is hereby created a fund to be known as the Cultural Access Program Fund.

2. Sources. There shall be deposited in the Cultural Access Program Fund, sales and use tax authorized by RCW 82.14.525 and interest thereon, and other funds as determined by the City Council to support the purposes of the Cultural Access Program Fund.

3. Uses. The monies collected under RCW 82.14.525 shall only be used for the purposes authorized as set forth in RCW 36.160.110. Other funds deposited in the Cultural Access Program Fund shall also be used as authorized by RCW 36.160.110, as determined by the City Council.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

2021 Year-End Funding Recommendation

Agenda Date: 5/17/2022
Agenda Item Number: 6.A
File Number:22-0488

Type: decision **Version:** 1 **Status:** Other Business

Title

2021 Year-End Funding Recommendation

Recommended Action

Committee Recommendation:

The Finance Committee recommends moving to direct staff to include the proposed 2021 year-end General Fund funding list for appropriation in an upcoming budget amendment Ordinance.

City Manager Recommendation:

Move to direct staff to include the proposed 2021 year-end General Fund funding list for appropriation in an upcoming budget amendment Ordinance.

Report

Issue:

Whether to review and approve the proposed 2021 year-end General Fund funding list for appropriation in 2022.

Staff Contact:

Aaron BeMiller, Finance Director, 360.753.8465

Presenter(s):

Jay Burney, City Manager

Aaron BeMiller, Finance Director

Background and Analysis:

After analysis of our General Fund financial position for the year ending December 31, 2021, the General Fund has a fund balance which is roughly \$10.2 million over policy requirements. City policy requires that fund balance be used for one-time items and the attached list meets that requirement. Further, the attached list addresses items that will reduce future liabilities of the City, provides funding for necessary maintenance needs, and delivers needed support to City funds.

The proposed list uses \$7.5 million of the available \$10.2 million. Roughly \$2.7 million is being held aside in fund balance to provide funding to help address the City's General Fund bow wave as discussed during the 2022 budget process. The list was brought before the Finance Committee at their April 20, 2022, meeting and was approved after discussion and with the inclusion of \$190K for

one-time funding in 2022 for climate policy and legal support.

Neighborhood/Community Interests (if known):

This topic may be of interest to community members as it pertains to the City of Olympia budget and how the City plans to spend its valuable resources.

Options:

1. Move to direct staff to include the proposed 2021 year-end General Fund list for appropriation in an upcoming budget amendment Ordinance.
2. Modify the proposed 2021 year-end General Fund list for appropriate and move to direct staff to include the proposed list, as amended, for appropriation in an upcoming budget amendment Ordinance.
3. Direct staff to return to a future meeting with additional options and/or recommendations related to the appropriation of these funds.
4. Do not use year-end funds for 2022 appropriations and retain the funds in the General Fund balance.

Financial Impact:

Action would appropriate \$7.5 million of available fund balance for one-time funding in 2022.

Attachments:

2021 Year-End General Fund List

Beginning Available Fund Balance Above Policy	\$ 10,615,850
Mandatory amount to balance funds in negative	412,000
Adjusted Available Fund Balance Above Policy	\$ 10,203,850

Consideration items for available fund balance use

1 Building Repair and Maintenance	\$ 500,000
2 Workers Compensation Fund	1,000,000
3 Emergent Homelessness Response	1,000,000
4 Home Fund Interfund Loan Payoff	730,000
5 FROGS	3,000,000
6 Fire Facilities Major Maintenance	200,000
7 Cultural Access Tax Special Election Costs	180,000
8 RMS (Records Management System)	250,000
9 OFD Leadership Training	100,000
10 Quince Street - 500K	350,000
11 Climate Policy and Legal Support	190,000
Subtotal of Items for Consideration	\$ 7,500,000

Available for Appropriations/Bow wave smoothing	\$ 2,703,850
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Other considerations not recommended for funding at this time:

11 Urban Agriculture	\$ 50,000
13 Fleet Electric Vehicles	200,000
14 Armory	250,000
Subtotal Other Considerations	\$ 500,000



City Council

Olympia Police Department's Complaint Form, Policies and Procedures Briefing

Agenda Date: 5/17/2022
Agenda Item Number: 6.B
File Number: 22-0497

Type: discussion **Version:** 1 **Status:** Other Business

Title

Olympia Police Department's Complaint Form, Policies and Procedures Briefing

Recommended Action

Committee Recommendation:

The Community Livability and Public Safety Committee recommends receiving a briefing on the Olympia Police Department's Complaint Form, Policies and Procedures.

City Manager Recommendation:

Receive a briefing on the Olympia Police Department's Complaint Form, Policies and Procedures.

Report

Issue:

Whether to Receive a briefing on the Olympia Police Department's Complaint Form, Policies and Procedures.

Staff Contact:

Rich Allen, Interim Chief, Olympia Police Department, 360.753.8147

Presenter(s):

Rich Allen, Interim Chief, Olympia Police Department

Background and Analysis:

On November 2, 2020, the Olympia City Council selected the law firm of Ogden Murphy Wallace, P.L.L.C. to serve as Police Auditor. The purpose of the Police Auditor is to increase public trust and confidence in the Police Department by providing an independent review and audit of the Police Department's internal investigations regarding complaints against the Olympia Police Department or its employees.

The Auditor has recommended the City and the Olympia Police Department continue monitoring and assessing the provision and efficacy of the Department's complaint process to ensure the Department meets the community's expectations of accountability and transparency.

Chief Allen will provide an update on what the City has done to improve the process for community

members to file complaints.

Neighborhood/Community Interests (if known):

The community has an expectation of police transparency and accountability.

Options:

1. Receive the briefing.
2. Do not receive the briefing.
3. Receive the briefing at another time.

Financial Impact:

None

Attachments:

OPD Complaint Form Link



Police Complaint Form

What is a Complaint?

A complaint is a written or verbal communication conveying dissatisfaction with the performance or conduct of the Department or one or more of its members

Who Can File a Complaint?

Any person, regardless of age, gender or nationality who witnesses or has direct knowledge of police misconduct or unlawful behavior may file a complaint with the Olympia Police Department. Although you can file a complaint anonymously, it is helpful if you provide a phone number or email address so an investigator can follow up to obtain additional information that may be crucial to the investigation. It also allows the OPD to notify you of the results and outcome of the investigation.

The Olympia Police Department views all complaints against its employees seriously. For this reason, complaints must be based on fact. Intentional false reporting in an attempt to unjustly subject a police employee to undeserved discipline or slander, or to place their employment in jeopardy, could result in criminal charges being filed and/or a civil suit by the employee involved.

How Do I File a Complaint?

- **Submit an Online Form:**
You can submit a complaint online using the located at this link <https://olympiawa.gov/opdcomplaints>
- **Send us an Email:** olympiapolice@ci.olympia.wa.us
- **Visit Us In-person:**
The Olympia Police Department lobby is open to receive walk-in complaints during regular business hours, Monday through Friday, at Olympia City Hall, 601 4th Ave. E
- **Send Us a Letter**
Olympia Police Department – Office of Professional Standards
601 4th Ave E
Olympia, WA 98501
- **Call Us**
During business hours, call the Olympia Police Department at 360.753.8300. After business hours, call the non-emergency dispatch number at 360.704.2740. A call taker will gather your information and an on-duty Supervisor will contact you.

Anonymous Complaints

OPD accepts anonymous complaints. A preliminary investigation will be conducted. However, the investigation will be closed if the Department does not have an opportunity to obtain sufficient information. As a public agency, records are subject to the Washington Public Records Act, which requires all records to be disclosed upon request, unless an exemption applies.

If you are a complainant, victim or witness of a crime and you ask at the time of your complaint that your identifying information not be released, the City will seek to honor that request to the extent allowed by law. PLEASE NOTE: The City can never guarantee confidentiality.



Police Complaint Form

Contact Information *(Leave blank if submitting anonymously)*

Name

Address *(City, State, Zip)*

Email

Phone

Complaint Details

Incident Date

Incident Time

Incident Location

Officer name(s) if known

Please describe your complaint and provide information that is important to understanding the incident or issue. You can attach supporting photos or documentation to this form. You can attach additional pages if you need more space to write.

I hereby certify that the information in this complaint is true and correct to the best of my knowledge.

I acknowledge that this information may be used by the City of Olympia to further investigate the complaint.